

Joyce Bolton- Nicholas Blomley Article

In “Law, Property, and the Geography of Violence” Nicholas Blomley examines the role that violence has played in legitimizing, establishing and enforcing regimes of private property. He argues that it is important to critically explore the distinctions between legal and non-legal violence as a way to understand the interaction between law and society generally. Since law is social in its effects, it is important to critically analyze what this means in reality; for some this means increased benefits, while for others it continues to marginalize through the inequalities the law maintains. In this article Blomley focuses on the physical spaces in which space, property and violence interact, using the frontier, the survey and the grid as examples.

He begins his analysis by examining how the construction of the idea of a frontier was used by colonial powers as a means through which to justify establishing a private property regime. The mechanism for resettlement revolved around the dichotomy between rational ordered law and savage, uncivilized wilderness. This construction of an ‘other’ was used to define and justify the use of violence to legitimize the imposition of private property. Blomley argues that these justifications continue into modern times, pointing to the conflict over gentrification in the Downtown Eastside of Vancouver as an example.

Blomley then looks to the use of surveys in sixteenth and seventeenth century England, and in late nineteenth century British Columbia as examples of the “geographic expression” of the relationship between law and violence. He argues that the use of surveys and mapping helped to locate individuals within a physical space, but in a de-socialized and depoliticized way. By removing the social or personal relationships to land, it was easy for the regime of private property to expand. Often times the expression of this was materially violent, both in its implementation and opposition to it. Whereas the frontier provided a justification for violence, the survey was the primary tool of implementing a new social order in the New World; by re-organizing space to facilitate expansion, previously dense and active spaces were deemed empty and therefore open to settlement in accordance with a private property regime.

Although force may have been used to create the grid, once it was in place it became a force of its own by defining where people could go and what rights attached to specific places. Blomley uses the concept of self-policing to demonstrate how as people navigate through the physical grid on a daily basis they begin to internalize the every day divisions of property, which in turn become an important means for controlling social relationships. As a result, property is imagined in more abstract terms, between property owner and a plot of land, rather than recognizing the complex set of relations that might exist between an owner and ‘other.’ This reduces the necessity for explicit violence but works to exclude those who are off the grid. He uses the example of homelessness and sex-trade workers to demonstrate how the lack of access to property pushes those on the edge of the grid into a frontier-

like space (ie. the Downtown Eastside) where the use of violence is justified in order to restore order and civility.

The survey, grid and frontier are ultimately interrelated in the ways in which legal violence is both implicitly and explicitly exercised. The ideology behind a frontier facilitates the use of surveys and grids to re-imagine wild and savage spaces into ordered communities with distinct boundaries and associated rights, which in turn become internalized and subtly perpetuated as the grid. As the case of Pamela George demonstrates, space, property and violence often work together with seriously harmful results.