The boundaries of property: lessons from Beatrix Potter

Beatrix Potter's classic children's book, The Tale of Peter Rabbit, offers an example of a well-entrenched view of property and its geographies. Drawing on this, and current scholarship on law and geography, I explore the ways in which the spatial boundaries of property are formally conceived. I then compare this model with the findings of a qualitative research project on people's everyday practices and understandings of their garden boundaries in inner city Vancouver. While this provides partial support for the formal model, I find more pervasive evidence for a very different view of the boundaries of property. While the dominant account assumes a determinate, individualistic and ordered view of the boundary, my findings suggest a more relational, porous and ambiguous alternative. The gap, however, proves instructive. In conclusion, therefore, I return to law and geography to reflect on the importance of thinking through the ways legal forms, such as property, are materially and spatially enacted within particular places. Finally, the study alerts us to the multivalent political possibilities of property. While property can, indeed, be individualistic and reified, it also contains more collective and fluid meanings.
Introduction: Law and Geography

The focus of my paper is the boundary. I want to use boundaries, especially those relating to real property (property in land), to reflect more generally on law and geography. In this paper, I offer an example of the workings of boundaries in the real world. Boundaries, of course, have long been of interest to political geographers (Newman and Paasi 1998; Paasi 1999). However, geographers had a lot less to say about the boundaries of property, although they have considered property more generally (see, e.g., Pratt et al. 1989; Choko and Harris 1990; Delaney 1997). A study of property’s boundaries is of interest to me to the extent that it contributes to a broader intellectual project—the analysis of law and space. The past decade has seen a growing body of scholarship in this area (Blomley et al. 2001; Holder and Harrison 2003).

My interest, along with a growing number of fellow travellers, has been in trying to think through the geographies of law at both a conceptual, political and empirical level. Canadian scholars have played a creative role here (see, e.g., Chouinard 1994; Bakan and Kobayashi 2000; Razack 2002). In part, this paper is an attempt to demonstrate the importance and potential of this project.

Simply put, legal geographers argue that there is an important and understudied relation between law and space. Space matters. Law matters. When combined, interesting things happen (Blomley 2003a). Now, as geographers, the argument that space matters is axiomatic. If we are interested in economic transformation, gender relations, globalisation, political processes, the environment and so on, an attention to space and place offers something important and new, we argue. However, this is news to many people interested in law. If anything, legal theory has privileged time, not space. Meanwhile, geographers have returned the insult. We are adept at recognising the influence of social, cultural and political processes on the spaces and places with which we are familiar, but we have not always acknowledged the significance of law (Blomley 1994). Yet, sociolegal scholarship has argued persuasively for the importance of law in the constitution and ordering of social reality (Ewick and Silbey 1998). Law, as Austin Sarat has put it, is ‘all over’ (1990). Put another way, many of the processes that human geographers are interested in are influenced by law, whether directly, through regulation or more indirectly, to the extent that legal forms, such as contract or private property, enter into those relations. Space is partly legal—the spaces we move within are legally saturated, influenced by sovereignty, property, rights, citizenship and so on. If we are interested in making sense of those spaces, their production and effects, we need to recognise their consequential legalities. Law is also partially constitutive of social identities—to be a husband, an employee or a citizen is to draw, in part, on legal categories. In that sense, law has been said to be constitutive of one’s consciousness. For example, since the creation of the Charter of Rights and Freedoms, Canadians have been said to think of themselves increasingly through the prism of rights. This is consequential given that the legal constitution of social life can have political effects. Rights-talk, for example, can serve to close down certain political possibilities given its individualistic and anti-statist emphasis (Blomley 1992; Bakan 1997). However, rights discourse can also provide an immensely powerful and transformative vehicle for social change (Blomley and Pratt 2001).

Similarly, though law, in its abstractions, appears a-spatial, closer examination reveals that it frequently invokes, depends upon and produces spatial forms and discourses. A concept like jurisdiction, for example, is meaningless without some space in which law can ‘speak’ (Ford 1999). The architecture of these legal spaces is consequential. Violence that occurs in the space designated as ‘private’ is treated differently from public violence. Such spaces also offer a materialisation of law’s violences, without which power cannot be realised (Blomley 2003b).

The dispossession of First Nations in British Columbia was clearly reliant upon the creation of legally constituted and policed spaces, such as the reserve and the cadastral grid (Harris 1997).

1 One important spatialisation of law, beyond the scope of this present paper but relevant in a Canadian context, is the degree to which common law or civil law principles are operative. I focus here on the former.
Property and Its Boundaries

The boundary, precisely because it is simultaneously a legal and spatial construct, is one useful place to think through these dialectic geographies of law. Boundaries occupy an important role in Western conceptions of legal order. Metaphorical boundaries are central to legal liberalism, which has been described as turning on the ‘art of separation’. Liberalism has been described as ‘a world of walls’ reliant on the drawing of lines and the separation of different realms (Walzer 1984, p. 314). Boundaries are also vital to formal understandings of property. Although property, formally speaking, is concerned with relations between people, the ability to delineate a bounded property is essential. The boundary, moreover, has legal effects. Trespass, for example, often turns on whether a boundary has been crossed.²

How, then, does law imagine the boundary? What is it supposed to do? When I teach property to geography students, I have found one resource to be invaluable in answering these questions: the children’s story The Tale of Peter Rabbit.³ Written by the English writer Beatrix Potter (1866–1943), the book in particular and Potter more generally have spawned an extensive industry, encompassing astute commercial marketing, tourism and fandom.⁴ While there is much in Potter’s work for scholars interested in Englishness, rurality or human relations with nature, perhaps, I want to consider Peter Rabbit as a treatise in legal geography, for the book provides a wonderfully accessible introduction to the way property in general, and the boundary in particular, is supposed to work. In so doing, Beatrix Potter introduces something else that will be important to my story—the garden. ‘Once upon a time’, it begins:

…there were four little Rabbits, and their names were Flopsy, Mopsy, Cotton-tail, and Peter. They lived with their Mother in a sand-bank, underneath the root of a very big fir-tree. ‘Now, my dears’, said old Mrs Rabbit one morning, ‘you may go into the fields or down the lane, but don’t go into Mr McGregor’s garden. Your father had an accident there: he was put in a pie by Mrs. McGregor… Flopsy, Mopsy and Cotton-tail, who were good little bunnies, went down the lane to gather blackberries. But Peter, who was very naughty, ran straight away to Mr. McGregor’s garden, and squeezed under the gate!’ (Potter [1902] 1986, p. 9, 10, 17, 18).

Peter then enjoys some vegetables until Mr McGregor discovers him and chases him from the garden. Peter, who loses his coat in the ensuing furor, returns home, where he is sent to bed in disgrace. Peter Rabbit is partly a moral tale, which teaches children to obey their parents. It also teaches children to obey the boundary. Peter Rabbit, in that sense, is a didactic tale of law, property and space. Legally speaking, Mr McGregor’s garden is clearly propertied. Following Locke, Mr McGregor has clearly mixed his labour with the soil by intensively gardening the site and thus made it his own in a way that John Locke ([1690] 1980) would have approved of. He appears as the autonomous masculine self (Mrs McGregor hardly appears in the book). Peter Rabbit engages in wanton trespass and theft. Mr McGregor exercises his right to exclude, central to property. Indeed, Mr McGregor is supposed to act in defence of his boundaries. Peter Rabbit, who is ‘very naughty’, is appropriately punished for his transgression. The boundary also plays a central role, made even clearer by the illustrations. We know that Peter Rabbit is trespassing because he has crossed a boundary. The boundary is clearly marked with fences, gates and so on. Not only does the boundary delineate Mr McGregor’s garden, but it also separates it from the great commons populated by anarchistic and threatening rabbits.

In this sense, Peter Rabbit offers us a clear example of what Joseph Singer (2000) has identified as the privileged understanding of property, which assumes a single owner, entitled to a consolidated bundle of rights (use, exclusion and alienation). The boundary is clearly important to this dominant model—which, in honour of Beatrix Potter, I will name the McGregor model—and seems to have a number of distinguishing characteristics:

• A determinate location and meaning: Both rabbits and gardeners are supposed to know where the boundary is and what it means. This lack of

² Hannabalson v Sessions, 116 Iowa 457, 90 NW 93 (1902).
³ The study of children’s literature by geographers is not unprecedented (see, e.g., Llwyd 1968). The Canadian legal scholar, Desmond Manderson, has argued that children’s literature allows us to explore ‘the meaning, function, and interpretation of law’ (2003, 9).
⁴ See, for example, www.peterrabbit.com or www.beatrixpotter society.org.uk.
ambiguity is said to be one of the advantages of the boundary as a communicator (cf. Sack 1986).

- **Spatially defined rights**: Mr McGregor's rights are imagined as effectively absolute within the boundaries and non-existent beyond the boundary. There are similarities to notions of state sovereignty, where the state is assumed to have absolute, indivisible authority over the territory within its boundaries (Whitaker 1999).

- **The boundary as separator**: The boundary divides Mr McGregor from other owners or the state. These others are viewed as potentially threatening; thus, Mr McGregor is charged with defending his boundaries.

- **A 'separative self'** (Nedelsky 1990): This celebrates the individual autonomy of Mr McGregor and views relations with others as secondary, even a threat to the formation of the self. Owner's activities are self-regarding; they legitimately concern only Mr McGregor.

It is interesting to note the prevalence of the McGregor model of the boundary. Our very language reflects some of its assumptions. Peaceful relations with others depend on the 'mending of fences'. 'Good fences' (understood as clearly marked and maintained boundaries) are said to produce 'good neighbours'. It can also play an important role in judicial deliberations. The law imagines its role as a guardian of the boundary: Thus, a judge in an early eighteenth-century case in England offered the comforting maxim that 'the law bounds everyman's property and is his fence'.

Boundaries can play a more practical role in policing property. Take, for example, the curious yet still extant common law doctrine of adverse possession. If the owner of a piece of land ceases to use it, and someone else openly and continuously encroaches on that land, title can shift to the encroacher. Not surprisingly, this is often litigated; the courts then apply common law principles to determine entitlements. Gardening matters here: the cultivation of land by an encroacher, for an extended period, is seen as grounds to sustain a claim of title by adverse possession. However, the protection of land by a 'substantial enclosure' is also seen as determinative—a fence signals that the hostile possessor is affirmatively acting to exclude others. An unfinished fence, or one in disrepair, will not serve, as it does not 'unequivocally exclude the true owner from possession' (Kelly 1997, p. 25).

Not surprisingly, one observer describes the doctrine of adverse possession as an acknowledgement of the exclusionary principles of property. Land ownership 'burdens an owner with the responsibility of maintaining his land and defending his boundaries. An owner is expected to exercise that degree of dominion and control over his land which will serve to exclude all others from wrongfully possessing it' (Kelly 1997, p. 23).

Warrant-less police searches of properties have been struck down when a fence is transgressed, given the notion that the fence signals a claim against the world. For example, the conviction of a New York State marijuana grower was reversed on the grounds that the police search of his home—before the issuance of a search warrant—was unconstitutional. Although he had not posted any 'No Trespassing' signs, he had a 'reasonable expectation of privacy' given the fact that he had fenced and gardened his property. The court noted that his cottage was substantially enclosed on all four sides and was well mown and landscaped, requiring officers to pass a pond, gazebo and patio before reaching the cottage (Spencer 1994).

When we move beyond legal practice to ethical and political theory, the McGregor model still seems paradigmatic. Both critics and supporters of the prevailing arrangements of property take the McGregor model as a given, for example, while differing in their ethical evaluation of its effects. For supporters, property's clear boundaries are essential to personal liberty, marking off a realm of individual autonomy, free from collective interference (Pipes 1999). For critics, these self-same boundaries lead to the formation of an impoverished self and encourage a reified and exclusionary view of property (Nedelsky 1990). Despite their differences, both, however, seem to agree that the McGregor model offers an accurate depiction of the real world.

Law thus offers us a powerful and pervasive boundary model. I want to take the analysis to the next step, however, and ask whether this model works in the real world. How do spatially and socially situated actors think and act relative to

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5 Star v Rookesby, 1 Salk 336, 91 Eng Rep 295, 3 BI Comm. 309 (1711). The media periodically reports disputes between neighbours over property boundaries: one tragic case involved two neighbouring seniors in Lincolnshire, England, one of whom died following an argument (Wainwright 2003).
the boundaries of property? Singer argues that the dominant conception of property, while immensely powerful, ‘misdescribes the way private property systems normally function’ (1996, p. 1454). I also suggest that the McGregor model does not perform well. The gap, however, is instructive.

In 2000, with the help of several research assistants (Lorraine Gibson, Milo Wu, Aurian Haller and Kathleen Yan), I conducted a series of interviews in an inner city neighbourhood in Vancouver called Strathcona (Atkin 1994). In all, we conducted 36 interviews with 42 respondents. Interviewees were initially selected based on personal contacts of the research assistants or mine, with some additional contacts made through ‘snowballing’. The intent was not to construct a representative sample but rather to interview as diverse a sample as possible. Respondents included renters and owners, white and Asians, and men and women, with interviews conducted in English, Cantonese and Mandarin. The sample also included a number of gay and lesbian respondents. I was also a resident of Strathcona from 1994 to 1999. This project sought to explore resident’s practices and understandings concerning their gardens. In so doing, I wanted to explore how people ‘do’ and ‘think’ property in the space of the everyday. Like Ackerman (1980, p. 351), rather than asking ‘what is property?’ I wanted to ask ‘how people used property talk’. The interviews yielded an incredibly rich and nuanced set of responses. With Ewick and Silbey (1998, p. 38), I found remarkable ‘the rich interpretive work, the ideological penetrations, and the inventive strategies’ of my informants. That said, it is also clear that individuals were capable of holding diverse, even contradictory positions, depending on the context within which they spoke. While there were some repeated patterns in these responses—as I shall partly document below—these did not easily conform to social categories such as tenure, gender, sexuality or ethnicity. For example, some renters (but not all) expressed attitudes that appeared supportive of private ownership, while some owners appeared to adopt a remarkably relaxed attitude to similar questions. Some Asian respondents appeared to treat property in a non-individualistic manner, yet others valued private property rights.

Gardening, because of its practical, embodied geographical qualities, seemed a useful and accessible way to get at everyday understandings of property. However, gardening is also said to have a particular relation to property. As both a metaphor and practice, gardening is closely linked to Anglo-American conceptions of property (Seed 1995; Williamson 1995). This research hopes to explore a number of questions, including people’s attitudes and practices to more public forms of gardening, including encroachments. However, I will report here on private boundaries—that is, those between neighbours and between owners and the state.6

For several reasons, one might think that such boundaries would be important in Strathcona and perhaps would tend towards the McGregor model.

- **Built form**: Much of Strathcona was laid out in the late nineteenth and early twentieth century, before the development of zoning. Houses are built on narrow 25-foot lots and closely abut.
- **Diversity and change**: Strathcona is a socially and ethnically diverse neighbourhood, undergoing change. Historically, it served as something of a zone in transition, housing Russian, Jewish, Japanese and Anglo residents, for example. The neighbourhood is now predominantly Chinese-Canadian: as of 1996, 61 percent of the population recorded Chinese as a mother tongue. Overall, the population is poor (with an average household income of $29,761 in 1996, the city average being $48,087) and predominately consists of renters. Nearly 75 percent of the dwellings were rented in 1996, compared to a city average of 58 percent. However, there is evidence of gentrification. Mostly in the form of incipient upgrading, there have been a number of smaller speculative infills built in the past several years.
- **Public disorder**: Part of Vancouver’s Downtown Eastside, residents of Strathcona experience various forms of street crime and disorder, especially relating to sex and drug trade.

This combination of urban density, diversity, change and anxieties around street crime might suggest that residents would place considerable importance upon maintaining McGregor-like boundaries between themselves and others. Indeed, the comments of some respondents did mirror the

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6 To my knowledge, there is very little similar research. One U.S. project (which comes to very different conclusions) is that of Sally Engle Merry (1993). See also the collection on boundaries edited by Pellow (1996).
McGregor model. Some respondents saw marked boundaries as quieting title and reducing the chance of conflict. When asked if he had had any misunderstandings about boundaries with his neighbours, Jack, an Asian owner replied: ‘Nope, it’s all fenced. The lots are all fenced’.7

For some, this carried over to practice. For example, a few respondents were willing to pick fruit hanging on a neighbour’s tree if it extended into their property (two, in fact, claimed legal authority) or, conversely, responded by saying that they would not as the fruit belonged to their neighbour. In either case, a fixed boundary was determinative. I also found evidence of people who were willing to cross a boundary if a neighbour’s weeds were threatening their garden. In self-regarding form, they did not see themselves crossing into a neighbour’s space, as they were going outside their own boundaries to better defend their own turf.

However, these claims were the exception. More prevalent was a view of boundaries that saw them as porous, relational and ambiguous. While the McGregor model was in evidence, so were other understandings of the boundary. Sometimes the two collided. Overall, the boundary appeared as porous and as both the site for and medium of communication.

**Porous Boundaries**

For many respondents, the boundary did not appear as a sharp separator but as porous, over which flows could and should occur. Take municipal bylaws, for example. As is typical, there are several in Vancouver, regulating such things as the cutting of trees on private property or requiring owners to keep their gardens reasonably tidy. Liberal theory tells us that this is a particularly significant form of boundary relationship. Policing and protecting the public/private division has long been central to jurisprudence. However, most respondents seemed willing to allow the state to cross into their garden, even justifying this by arguing that such bylaws provided the structure that prevented anarchy.

Interestingly, Jeffrey, one of a pair of male roommates, saw state regulation as a threat, not to private space, but to the wider neighbourhood. What he termed ‘aesthetic’ regulation—notably relating to garden upkeep—was seen to compromise the ‘individual touches’ that ‘makes a neighbourhood’. Bylaws were problematic not because they were an illegitimate ‘taking’ of private space, but because they compromised the public enjoyment of ‘private’ space.

One respondent had an even more striking response. Sam, a white owner, had no real problem with state regulation. However, this was because ownership was an absurd concept:

Sam: …Because when you own land, you don’t own it. You can’t own land. It’s myth, it’s like time, it’s a convention. You can never really own it. What are you going to do, take it away, hold onto it? It’s like time is man-made, it’s an idea, a construction. What do you call that when you can’t actually do anything with it?

Q: An abstraction?

Sam: It’s an abstraction! It’s the same with land. You can’t own land, you might think you own land, there might be laws written and everything else, but it’s like the 49th parallel. There is no 49th parallel, it’s just an idea.

It is not just the state that crosses into the garden. Many noted the presence of theft and vandalism. That said, many seemed relaxed at the possibility of theft from the garden. Asked about the possibility of someone picking flowers from her garden, Jenny, an Asian renter commented:

Jenny: No didn’t mind. If they want to, just let them.

Q: You didn’t feel that they were violating your private… your own possessions?

A: No I didn’t feel like that. Let them if they wanted to pick. Sometimes people told me that so and so picked some of your flowers. I would reply, let them pick them.

Although some did express a concern at theft and vandalism, it was often interestingly tempered. Thus, some noted that, if people asked, they were happy to give them a flower. Others were less concerned with theft and vandalism as a form of boundary crossing in which private space was violated. What was objectionable was the wanton destruction of beauty. Denise and Nora, a couple who rented, argued that vandalism was driven by drugs and despair: for Denise, ‘people who feel so

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7 All names are fictitious.
much pain in their heart, they’re just desperate and want to kill anything that represents life’. However, they then went on to complain about attempts to protect private space from such acts:

Nora: When I see people’s signs saying “don’t pick the flowers” it kind of ruins the garden.
Q: Like “keep off the grass”?
Denise: I can’t stand that.
Nora: As if it’s yours. That’s the whole thing about ownership, it shouldn’t just be mine, even though I put the work into it.
Denise: That would egg me on, if I saw “keep off the grass” or “don’t pick the flowers”, I’d be like, pick all their flowers and just plant some really ugly flowers.

However, there were several examples of more welcome boundary crossings, in which neighbours willingly shared private garden space through the creation of a sort of horticultural commons. Tom, a young Asian respondent, who lived in his parents’ house, described his mother’s practice that he dubbed ‘neighbour sharing’:

Often what would happen is my mom sometimes on certain years, she won’t even attend the [back] garden. Actually one of our neighbours will attend the garden to grow food. In our block, there’s a few neighbours that she is very good friends with. They do that. It is not for selling or anything. It’s just for...you know...being good neighbours...They would grow stuff like bok choi, other greens like little tomatoes. They harvest together and give them to friends.

Communications across Boundaries

The boundary also appeared to be a site for communication, both verbal and non-verbal. Self-regarding behaviour gave way to relationality. Most respondents, when asked if they would pick fruit if it crossed into their yard, for example, responded by saying ‘it depends’—had they talked to the neighbour, did they get on with them, could they reciprocate? Take, for example, Linda, an Asian owner:

Q: Would you pick the fruit?
Linda: I think I’ll...No I don't think so, I don't think I should, but it's hard to say. [laughs]

Linda: Would you ask first?
Q: I don’t think so. Yeah. I think, probably, yeah, I might ask. But probably I might not even ask. I think if the neighbour is nice enough then they would like share. Because if we have one [i.e. our own fruit tree], then we would like to have shared that with the neighbours.

The effects of the boundary were contextual and contingent. Even Jane, a white owner who felt that she had been 'within her rights' to pick some encroaching plums, did acknowledge an ethical ambivalence:

Jane: I kind of knew they weren’t really mine, but they kind of were, and I didn’t feel like I had to ask, I didn’t feel it was such a big deal.
Q: Did you feel slightly guilty?
Jane: I wouldn’t say guilty but I was aware that I was sort of picking plums from his tree, but they were really on my property.

Many people acknowledged other forms of communication or concern that transcended the boundary. John noted that while he would not ask his neighbour if he could jump the fence to cut back encroaching weeds, this was because ‘there is sort of an understanding that our yards are overgrown and we can hack back as we need to’. Others noted that if the neighbour's garden appeared neglected, it signalled a relaxation of the boundary rule (an implicit communication from their neighbour that they did not care). Conversely, Norm, a white owner, claimed:

...if it is somebody who really takes care of the garden and spends a lot of time there, and has it a certain way because they want it that way then you wouldn’t just go start hacking it off, right?

Communication with Boundaries

However, the boundary was not just a site for communication, but itself a medium. It communicated certain ideas to others. To some extent, echoing the McGregor model, this was seen as a good thing, although there was ambivalence. For Marcia, an Asian renter, a fence was:

...sort of, like, a sign to others...you know, like the drug users and people like that. Maybe it could be a...
sign to them saying, “yes, this is our own private property. Please... keep out, kind a thing, right?”
... I mean, given the choice, we didn’t... if our
neighbourhood is not so... unsafe, in a way, I don’t think
we would have put the fence up, but it’s sort of, like, we put it up to protect ourselves, right?... I guess
unintentionally, ... it was done as a signal to others
that this is our property...

But many others claimed that such signals could
be a bad thing. An Asian woman owner resisting
building a higher fence because ‘that’s almost like
you want to isolate from other people, you want to
block other people away and ... I don’t want that to
happen.’

Sam, a white owner, worried about the commu-
nicative effects of fences at the cultural divide. He
had wanted to build a high fence at the rear of his
property, bordering the home of an Asian woman
who had been in residence for many years. How-
ever, he claimed to have found out that building a
solid fence is understood within Chinese culture to
be ‘like shutting your neighbour out...it’s shutting
the energy up between the neighbours’. Conse-
quently, he built a lattice fence, with vines. He
was trying to communicate with his fence, given
an anxiety that he could give out the wrong signal.

For boundaries were also often sites of miscom-
unication. Not only was their location an issue
but their meaning. Denise and Nora recounted how
they had established good relations with a neigh-
bouring Asian family, renting a basement. How-
ever, the owner of the property had built a large
fence between the properties, without advance
warning. Denise described this as ‘like putting a
fence right in front of your glasses. Like painting
it directly on your eyes, and we couldn’t under-
stand it’. The boundary, for the owner, was a de-
fensive edge, while for Denise, it was a connector or
a liminal zone. The supposed determinacy of mean-
ing of the boundary was absent: indeed, its multiple
meanings were grounds for conflict. Boundaries
are, as Sibley (1995, p. 183) notes, ‘simultaneously
zones of uncertainty and security’.

Conclusions

Was the McGregor model upheld? Not really: at
best, partially. Boundaries were occasionally seen
as separators. The world outside the boundary was
occasionally seen as a threat. However, the bound-
ary was not exclusively an edge but was rather a
point of connection. It was not simply a line but
also a liminal zone. People also crossed boundaries
and tolerated boundary crossing by the state.

Property rights were not confined within the
boundary. The meaning of boundaries was not
fixed but contextual: when asked if they would
take fruit that grew over their property line, people
frequently noted that it would depend. Selfhood
was not separative but contingent on relations
with others outside the boundary. So, what does
this tell us? What does a legal geography offer
here, both analytically and politically?

Analytically, it tells us that the legal geographies
of property enter into social life in rather more
complex ways than dominant models presuppose.
Legal boundaries are clearly important—they shape
the way people behave, interact and think. How-
ever, practices and representations associated
with garden boundaries do not always appear as
they should, formally speaking. For example, the
boundary appears less as a line, than a liminal
zone. Flows across boundaries, rather than con-
strained interactions within spaces, seem to be
operative. How to make sense of this? One possible
way to think about this is to recognise, as does
Gibson-Graham (1997) in her discussion of capi-
talism, that property is not a fact but an aspiration,
albeit a very powerful one. Property has to be put
to work for it to have any purchase in the social
world (Rose 1994). This requires, in part, that
spaces have to be created, sustained and enacted—
like the boundary (Gregson and Rose 2000). These
spaces, in that sense, are also part of the enact-
ment of property. However, to the extent that
they are socially produced and embedded, these
legal spaces can be reworked and complicated
(Blomley 2002). Put another way, we need to think
not only about the effects of law upon space but
also about the ways social spaces affect law.

This relates to a second issue: Law pretends to be
aspatial by effacing place. Property is supposed to
be transcendental. However, it is necessarily
enacted in particular places—thus, the geography
of law is often a differentiated and localised one.
The boundary can be usefully emplaced, given the
particular ways in which a place such as Strathcona
affects the workings of the boundary. Indeed,
many respondents noted that Strathcona and its
gardens were distinctive. Some people explicitly
identified a more relaxed attitude towards boundaries.
The boundaries of property

as part of the distinctive appeal of Strathcona. Perhaps, the countercultural ethic of the place shaped people’s responses. In turn, maybe the nature of the landscape—diverse gardens and close houses—also fostered a relaxed boundary ethic. The boundary was mediated by place but also served to constitute that place. The local mediations of law can prove consequential.

But, there is also a third insight that comes from a spatialisation of law. In recognising the local contingency and performative qualities of property, and law more generally, one must not lose sight of the power of property. Property matters. It shapes entitlements and affects social distributions and hierarchies. It is a vector of power. It is also inescapable—we live in a world in which everything is claimed. So what do we make of it? Traditionally, property has been viewed in either/or terms—it is either theft or class rule; or it is an unproblematic source of liberty. A careful analysis of the ways the geographies of law work themselves out on the ground reveals the presence of dominant understandings. However, they are not the only possibilities. Strathcona reveals intriguing departures from the model. Property owners were not simply acting as self-regarding possessive individualists. The separative self of the McGregor model was in evidence, as was a more contextual legal subjectivity. Property on the ground reveals itself to be politically more diverse and complicated than the binary supposes. Property can be a site for exclusion and inclusion. People can speak of property in reified terms but also are capable of critiquing those reifications (Blomley 1998, 2002). Property, as a form of practical knowledge, is multivalent. Yes, Peter Rabbit is a naughty boy, and Mr McGregor is in the right. Property, in the end, is preserved. How- ever, Peter Rabbit is also the hero of the story, while Mr McGregor appears as a parsimonious old Scot. Boundaries are preserved and transgressed. The lived knowledges and geographies of property, enacted in practical terms, speak to both Peter Rabbit and Mr McGregor. An array of writers has alerted us to the fact that the classical conception of property, while institutionally powerful, is not the final word (e.g., MacPherson 1978; Rose 1994; Geisler and Daneker 2000; Singer 2000). Property can be reified, violent and individualistic. Property can also be relational, communicative and social. Property need not be synonymous with private property. Even the latter is open to diverse and often contradictory possibilities. This is important: If we cannot step outside property, or law more generally, the challenge becomes that of exploring its potential, as well as its oppressions. An exploration of the lived understandings and practices of property and their geographies seems critical here (Blomley 1998, 2004).

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