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Keenan, Sarah (2021) Space and belonging. In: Valverde, M. and Clarke, K.M. and Darian Smith, E. and Kotiswaran, P. (eds.) The Routledge Handbook of Law and Society. Routledge. ISBN 9780367234249.

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Space and Belonging

For many activists and sociolegal scholars, a key challenge is how to plan and think outside of liberalism and its focus on the rights and freedoms of individual subjects, and their formal equality before the law. One way of not only revealing liberalism's failures, but also building a constructive counter analysis of law and society is to shift the focus away from the legal subject and on to the broader spaces in which that subject exists. Doing so reveals how political issues usually considered as unrelated (for example, private property law and immigration law) are both practically and conceptually connected.

Law focuses on the actions of subjects – the obligations they have to each other, the harm they cause each other, their relationship to the state, their rights of access and movement – while paying relatively little attention to the physical and social spaces in which those actions occur. By paying little attention to the spatial contexts of persons and their acts, law adopts an implicit understanding that space is something pre-existing, inert and singular in meaning. Legal judgments, executive powers, legislation and legal commentaries tend to treat space as something to be planned over, built on, cultivated, bought, sold and/or protected; a blank canvas or platform to be acted upon. This understanding of space also assumed that it is cleanly separate the subjects who occupy and move through it.

Legal geography challenges the implicit legal conception of space as the background to law, and is concerned with revealing the active role of the uneven spaces that law operates through and produces. This approach necessarily adopts an understanding of space as something which is not only socially meaningful, but also active rather than static. Geographer Doreen Massey offers a useful conceptualisation of space as 'the simultaneity of stories so far' – the simultaneity of multiple and very different stories of subjects, streets, mountains, communities and empires; stories which are, importantly, unfinished. These stories are practised, embodied and relational – to understand space as 'the simultaneity of stories so far' is not to reduce space to narrative, but to capture its multiplicity, its vitality and its interconnectedness. So space is not fixed because it is the constantly shifting set of processes that both physically and conceptually constitutes the world, whether that be 'the whole world' or the different worlds that attach to particular individuals, groups or networks. Space is constantly being (re)produced, in no fixed direction.

Massey's understanding of space challenges not only the idea of space as a static surface upon which law evenly operates, but also the related idea that the legal subject is a whole, discrete individual moving through the world, powered simply by their own agency and essentially disconnected from the space around them. Subjects not only exist in space, but are partly constituted by their relationships with space. For example, subjects can only be owners, citizens, and students in relation to particular spaces.

A particularly significant relation between subjects and spaces is that of belonging, which manifests in many ways both legally and socially. As legal theorist Davina Cooper has explored, belonging can signify property ownership, membership of a community, a relationship to place, an emotional attachment, and/or a behaviour or identity that 'fits', or is 'at home'. Cooper shows how questions of belonging are relevant not only to ownership of land and resources but also to community membership. Relations of belonging help to

structure the identity and status of 'insiders' and 'outsiders', and to thereby determine who can represent the past and present of particular locations. Belonging thus connotes a sense of propriety, of the proper. To belong is to fit smoothly, or without trouble, into either a conceptual category or a material position. It is necessarily a relational term; an object/subject/practice/part that belongs cannot exist in a vacuum, it must belong *to* or *with* something else.

Cooper uses belonging as a way to understand property relations. She argues that property practices involve a number of intersecting dimensions of both ownership and membership, but that belonging is the most important part of property practices. Cooper considers belonging in two ways: firstly the relationship whereby an object, space, or rights over it belong to a subject ('subject-object'), and secondly the constitutive relationship of part to whole whereby attributes, qualities or characteristics belong to a thing or a subject ('part-whole'). Both types of belonging implicate social relations and networks that extend beyond the immediate subject and object of property; property is instead understood as a network of belonging in which the subject is embedded. The first understanding of belonging (subject-object) fits with legal and conventional understandings of property as ownership, which tend to revolve around the subject's right to exclude the world from the subject's object (eg. the car (object) belongs to the owner (subject), who has the right to exclude the rest of the world from that car).

The second understanding of belonging that Cooper describes (part-whole) is a departure from traditional and legal understandings of property, but resonates strongly with feminist and critical race theories of identity. Critical race theorist Cheryl Harris, for example, has made the influential argument that whiteness is property. Analyzing centuries of American law since British colonization, Harris argues that whiteness is an exclusive, protected legal category which confers on those who have it an array of benefits including, historically, protection from being enslaved and colonized. Although slavery and colonialism are no longer facilitated by law (or at least, not in the explicit ways that they were prior to abolition), the argument is that law continues to protect the expectations of the descendants of those who benefited from these processes (ie white people). In the US and the UK today, white people descended from those engaged in colonization and the slave trade are protected from deportation through immigration and nationality laws, and their land and financial wealth are protected by private property laws.

Applying this analysis of property as a network of belonging, whiteness can be understood as property because the property-holder is embedded in certain social relations and networks of belonging. A white person can enjoy the privileges of whiteness because he or she *belongs to* the various social relations and networks that constitute whiteness. As sociologists have shown, those relations and networks are complex and far-reaching. Whiteness, like all identity categories, is socially constructed through historically specific fusions of political, economic and other forces. And whiteness in turn constructs daily practices and worldviews. That is, whiteness is productive of subjectivities. So while whiteness can be understood as belonging to the white subject as Harris argues (whiteness as property in the sense of subject-object belonging), the white subject also belongs to the complex relations and networks that form whiteness (whiteness as property in the sense of part-whole belonging). This analysis suggests that in order to understand the varied social

powers of property, both subject-object and part-whole belonging must be considered. Ownership and membership are always intertwined. Having is always linked to being, property to identity. In policy terms, this analysis means that if the normative goal is to challenge the way whiteness (or another identity category) operates as a structure of exploitation and oppression, then it is the relations and networks that form whiteness which must be undermined rather than the narrower project of giving rights to the individual subjects who belong to them (eg. liberal measures such as anti-discrimination law and hate crime law).

Drawing on critical geography, we can analyse the spatiality of embedded relations of belonging. If we accept, as Massey argues, that space is an active agent of material life rather than its backdrop, then the space in which those relations of belonging are embedded must also be a constitutive part of what makes them into property. In order to constitute property, the set of networked relations that Cooper describes must form a space that holds up relations of belonging: conceptually, socially and physically supporting them. Relations of belonging are held up when the wider social processes, structures and networks that constitute space give force to those relations. By this I mean that they are recognised, accepted and supported in ways that have a range of effects and consequences. In policy and strategy terms, this means that there must be a multiplicity of tactics and demands, going beyond legal recognition of particular relations of belonging as property. As has been pointed out by many indigenous scholars such as Glen Coulthard and Irene Watson, recognition fails to acknowledge or address the violence inherent in colonial orders. Instead, recognition brings new relations of belonging into those orders and thereby depoliticises them. Because the concept of 'holding up' is about the multiplicity of processes, structures and networks that constitute space, it is directly concerned with these orders.

In the aftermath of the Brexit and Trump victories, understanding these electoral victories through the framework of space and belonging can provide useful insights. In trying to piece together why people voted for Brexit and Trump, many on the left were quick to blame 'identity politics' for taking attention away from material inequalities and thus leaving behind the 'white working class'. This analysis relies on a false opposition between questions of identity, which is seen as trivial, self-interested and individualistic, and those of materiality, which is seen as class-based and transformative. If we understand identity not as the fixed end product of seemingly unbreakable social structures, but rather as a relation of belonging between a part and a whole which occurs not in the abstract but rather in relation to particular spaces, then identity is necessarily material. 'Identity', and whiteness in particular, must not be seen as a distraction from issues of material inequality, but rather as an essential aspect of those issues. To belong to national spaces is a material relation, one which involves questions of physical safety from both street harassment and state deportation, and resource allocation in terms of access to a living wage and essential services. Analyses of Trump and Brexit which see these electoral victories as being about two groups of individuals: the 'haves' and the 'have nots', are not useful unless they acknowledge that whiteness is something to be had – a relation of belonging that functions as property - in the US and in Britain. The appeal of Trump and Brexit was not only about the material promises each campaign made to improve imbalance in the distribution of wealth, but also the promises made to reshape national space such that white men in

particular would feel a sense of unbridled ownership and membership reminiscent of eras when both nations were more explicitly white supremacist. Both campaigns used language that made it clear who would belong in the national space and who would not.

The Trump and Brexit victories did not occur because white people are 'bad' or uniformly racist in mindset, but because they are embedded in spaces that have been shaped by the white supremacist practices of colonialism and slavery, which are still today the material and social basis of the US and Britain (and Australia and Canada and elsewhere in a world shaped by European colonialism). There has never been a formal redistribution of property by way of reparations from that which was violently taken through these practices - instead it has held up as the property of those who have inherited or bought it from those who acquired it through slavery and colonialism. Both the Trump and Brexit campaigns were able to succeed because they occurred in spaces that, despite gains in formal equality terms (eg anti-discrimination laws) and a level of cultural shift, continue to hold up exclusive relations of belonging between white people (men in particular) and the national space.

Focussing on space and belonging requires us to broaden the focus of analysis away from the individual subject and onto the broader networks of relations in which the subject exists. Rather than understand law as operating on individual subjects with space in the background, as liberal discourse requires, law becomes one of the many active forces which constitute any particular space, and the subject becomes a networked figure, constituted by material and social relations. Social and legal questions become less straightforward, as shifting spaces and relations is more difficult than disciplining individuals, but this complexity matches that of the world, and makes for rich research.

Further Reading

Davina Cooper. *Governing Out of Order: Space, Law and the Politics of Belonging* (London: Rivers Oram Press 1998).

Sarah Keenan. *Subversive Property: Law and the Production of Spaces of Belonging* (London: Routledge 2015).

Doreen Massey. *For Space* (London: Sage 2006).