

Response

Sarah Keenan*

The many questions that drove me to embark on the project of writing *Subversive Property* were often messy, overlapping and seemingly unanswerable. How does property continue to define not only what we have and where we live, but also who we are? Where does the subject end and space begin? Is it possible not to belong anywhere? While the book does not neatly resolve all of these questions, reading the insightful and inspiring responses to the book by Davina Cooper, Emma Patchett and Nadine El-Enany assures me that it was worthwhile to ask them.

Davina Cooper has provided me with crucial guidance and feedback on this project since its inception, and her thinking continues to help me better understand my own work. Davina's reflections here along with her and Didi Herman's work on the property logic of equality law (Cooper and Herman 2013) remind me of why I was moved to engage with concepts such as space and belonging – namely in an attempt to create a tool to think through the ways in which property ownership is constitutive of the self, not just in regards to refugee law and the Northern Territory Intervention (which were the issues I was most engaged with at the time of writing the book), but also in regards to other political issues and struggles. It was through Davina's work on property practices at Summerhill school (Cooper 2007, 2014) that I first came to think about property as belonging, and the ways in which ownership and membership not only condition each other but also overlap. In exploring the idea of subversive property, I was interested in how this overlap works in regards to subjects whose membership of particular social groups means they are deemed 'out of place'. Can property *unsettle* spaces too?

One recent political struggle which demonstrates that it can, is that of the Dale Farm Traveller community's fight to stay at their Essex encampment in 2011. As Emma Patchett points out, the Travellers at Dale Farm were legally in possession of the land, but were pushed out through the operation of a combination of factors operative in and through Dale Farm space, most significantly through planning laws and racism. This particular racism is one that has been built up in England over a long period of time through historical events such as the enclosures, anti-vagrancy laws and the representation of Roma and Traveller communities as infestations – as not belonging 'here' and as threatening 'our' way of life. On the day of the evictions, the Essex caravan sites became a battlefield where what was at stake was not just the homes and lives of the Dale Farm travellers, but also the broader physical, social and conceptual shaping of Essex and of England. The subversive property of the Dale Farm travellers was too unsettling for the local Basildon Council, which used the ultimate physical violence of law to remove that property and displace them. The Travellers' legal right to possess the land was not enough to make them belong there. The space – as it had been shaped by the various legal instruments and social understandings that Emma describes – did not recognise, accept and support them being there; the space

* Lecturer in Law, SOAS, University of London, UK. In 2015 Sarah will move to the School of Law, Birkbeck, University of London. keenansj@gmail.com.

did not *hold them up*. The Dale Farm evictions are a good example of why it is imperative to analyse the power and violence of property beyond that which ‘owners’ exert through exclusive possession.

Emma asks a series of provocative questions that I am not able to answer here, but which I am happy that the book has inspired. In particular, Emma’s question of how we might radically redefine what ‘dispossession’ might mean in the context of spatial critiques, is an important one. What does it mean to be dis-possessed when ‘possession’ was not an accurate way of describing a subject’s relationship with land in the first place? As indigenous writers have long shown (see for example Moreton-Robinson 2004), possession is itself a white patriarchal way of relating to land (and also to women, see Naffine 1994). Geographers such as Doreen Massey (2006) and Nicholas Blomley (2003) demonstrate that space is not an object that can simply be possessed; rather, space is dynamic and diverse – it can provide safety and perpetuate violence, determine living standards and shape subjectivities, but it cannot be fenced off, frozen in time and unilaterally dominated. This is not to argue for an understanding of dispossession that risks foregrounding performativity at the expense of materiality (Butler and Athanasiou 2013), but rather for analyses of issues of migration, evictions, homelessness, colonialism and imprisonment that are attentive to the complex relations and structures that produce the contested spaces of belonging through which these issues occur. How is it that societies continue to produce spaces where the question of whether or not a particular subject belongs, can be a matter of life or death?

Being attentive to the production of spaces of belonging means not only analyzing the violent consequences of such spaces, but also paying attention to the work and struggle that subjects deemed out of place undertake collectively, politically, legally and culturally, to create a world that holds them up. Nadine El-Enany’s narrative of her own experiences as a second-generation migrant in Britain gives a poignant glimpse into this work and struggle, and is indeed a more powerful personal engagement with the book than I thought possible. It occurred to me at various points in writing the manuscript that my asking of the intellectual question of how it is that particular subjects appear to belong nowhere (and yet nevertheless survive) was probably connected to my own feelings and experiences of being out of place everywhere. Reading Nadine’s piece confirms for me that this was indeed true, and I am honoured that my work resonated with Nadine in this way and inspired this beautiful piece of writing.

Finally I’d like to express my deep gratitude to Davina, Emma and Nadine for reading my book and writing such thoughtful responses; and to Len of [FAGGOT.](#), whose modern day classic queer punk song ‘It Gets Worse’ [I have written about before](#) in a political and academic context. Len’s performance of this song and Nadine’s personal narrative response were, I hope, just out of place enough in a university theatre, that those of us in attendance could for that evening feel we belonged there.

References

Blomley, Nicholas. "Law, Property, and the Geography of Violence: The Frontier, the Survey and the Grid." *Annals of the Association of American Geographers* 93, no. 1 (2003): 121-141.

Butler, Judith and Athena Athanasiou. *Dispossession: The Performative in the Political*. Oxford: Polity Press, 2013.

Cooper, Davina. "Opening Up Ownership: Community Belonging, Belongings, and the Productive Life of Property." *Law & Social Inquiry* 32, no. 3 (2007): 625-664.

Cooper, Davina. *Everyday Utopias: The Conceptual Life of Promising Spaces*. Durham, NC: Duke University Press, 2014.

Cooper, Davina, and Didi Herman. "Up Against the Property Logic of Equality Law: Conservative Christian Accommodation Claims and Gay Rights." *Feminist Legal Studies* 21, no. 1 (2013): 61-80.

Massey, Doreen. *For Space*. London: Sage, 2006.

Moreton-Robinson, Aileen. "The Possessive Logic of Patriarchal White Sovereignty: The High Court and the Yorta Yorta Decision." *borderlands e-journal* 3, no. 2 (2004).

Naffine, Ngaire. "Possession: Erotic Love in the Law of Rape." *The Modern Law Review* 57, no. 1 (1994): 10-37.