Property, Pluralism and the Gentrification Frontier

Nick Blomley*

Department of Geography
Simon Fraser University

Abstract — The author seeks to make sense of the political and ethical cleavages associated with inner city gentrification in Vancouver, by an examination of the differing perspectives on real property deployed by the opposing constituencies. He identifies a marked division between dominant and community-based readings of property as an economic, political and legal category, associated with opposed visions of space, place and history. Conclusions are drawn relating to the significance of a geographically informed theorisation of decentred legalities, and the complex politics of power, resistance and domination.

Résumé — L’auteur tente de comprendre les conflits politique et éthique que provoque l’embourgeoisement des quartiers pauvres de Vancouver en examinant les conceptions du droit de propriété foncière de leurs habitants. Selon l’auteur, il y a opposition flagrante entre la conception largement répandue de la propriété, vue comme un droit économique, politique et juridique, et celle des habitants défavorisés du quartier. Le conflit nait de conceptions opposées du droit de propriété étayées par une théorisation géographique des droits ainsi que des rapports de force entre les deux classes.

This successful landmark residential development heralds the city's next evolutionary step: the shifting of Vancouver's heart to False Creek ... The final touches are touches of class”¹

The basic issue ... is who owns the land. By “own” I mean in the very real sense, morally. And we believe that land belongs to the poor, literally, in

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¹ In the Tradition of Excellence: Station Place at Citygat Promotional material (Vancouver: Bosa Developments, 1995). Copy with author [emphasis in the original].
Introduction

In a provocative series of essays, Neil Smith has revealed the significance of the "frontier" metaphor to American gentrification, noting the manner in which the inner city has become discursively constituted as an urban wilderness of savagery and chaos, awaiting the urban homesteaders who can forge a renaissance of hope and civility. At the same time, Smith reveals the material politics of the frontier, as the shifting margins of profitability and revalorisation map out the physical process of gentrification on the ground. In other words, the mythic frontier of gentrification is "undergirded" by an economic frontier.

But colonial frontiers, of course, are also borders: despite ideological appearances, they are not simply imposed in "empty space," but entail the forcible creation of two contesting spaces. To that extent, frontiers can be sites of struggle and violence. There are, of course, two sides to every frontier and it is necessary to map both. If the border zones of gentrification are mythic and economic, they are also intensely normative. Few areas of urban research, I think, have become such a nexus of contesting moral positions. Who has the right to live in gentrifying neighbourhood? What does that right derive from? This is a complex question that begs other queries. What is the geography of the right: where, in other words, is the neighbourhood? How and where are boundaries (ethical, spatial, conceptual) drawn? What is it about a poor neighbourhood that renders it morally different, either as an appropriate site for

3. Interview with Barb Daniel, Executive Director, Downtown Eastside Residents Association (2 July 1996)
"revitalisation," or as justifiably resisting "invasion"? These arguments receive very different moral inflexions in the literature and on the ground.

For one constituency, gentrification must be seen for what it is: class warfare, and the extermination and erasure of the marginalised. Concealed by the optimistic language of "revitalisation," gentrification in fact constitutes an unjustified "invasion" of viable, working-class neighbourhoods. Those "pioneer" artists, attracted to life on the cultural margins, for example, are criticised as failing to recognise their pivotal role as agents of change. As one New York activist suggested, "the best thing the artists of this city can do for the people of the Lower East Side is to go elsewhere." There are many examples of low-income areas that have contested gentrification, arguing for the rights of community members to remain within their neighbourhood. The moral vision is clear: "moving people involuntarily from their homes or neighbourhoods is wrong." Conversely, others have a more sanguine reading of gentrification, celebrating the agency and creativity of the urban "pioneer." One commentator condemns the "unsentimental ideological vigor" of those who would have "pioneers" "read their Gramsci and mend their ways." Rather than being engaged in the "class project of keeping the workers down," they should be celebrated as agents of a critical urban movement, engaged in an emancipatory project that carves out a "space of freedom and critical spirit." Both long-term residents have much to gain from new arrivals, on this account. Non-academic discourse contains many examples of explicitly pro-gentrification arguments or, at best, assertions that such a "natural evolution" is ultimately for the good, despite the "social cost."
Given the brief of this special issue, I will not attempt to provide a reasoned ethical argument one way or the other, except to flag my partiality to those who would seek to resist gentrification. This is not an entirely appealing evasion for me, it must be admitted, and is something I am actively trying to remedy. While there is a good deal of heat and light in the literature on gentrification, I have seen precious few extended moral arguments, for and against. For opponents of gentrification, the rights of low-income residents to remain in an area is frequently taken as a given. While I would support their right to do so, should they so choose, it is not sufficient simply to make that assertion without careful argument. As a prerequisite for this, it seems essential to map out the terrain of the gentrification frontier—mythic, economic and ethical. My suspicion has always been that the best place to seek that ethical position is within the places where it is deployed. What I aim to do, in line with a pluralist approach, is to try and make some sense of how the ethical frontier is drawn by area residents, activists, developers, politicians and others engaged in debates over gentrification in inner-city Vancouver.

In so doing, I will try and suggest at least three points relating to time, space and property. The historic frontier of American settlement in the West was very much about real property, as Smith notes. With the covered wagon came the land survey and the quarter section. Property figured both as a mode of sociolegal ordering, where an“untamed wilderness” could be measured into settled land, and as an economic nexus, allowing for speculative development. Despite the images of anarchy and lawlessness, scholarship has revealed the striking degree with which the early pioneers held fast to central principles of private property and possessive individualism. This, of course, did not necessarily slow the process by which the original “owners” were dispossessed; indeed, it may have hastened it, given the presumption that native peoples could not be considered as property owners given their “failure” to signal their dominion in ways legible to those versed in the liberal property regime. The

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are implicated in gentrification. See R. Deustche, “Krzysztof Wodiczko’s Homeless Projection and the Site of Urban ‘Revitalisation’” (1986) 38 October 63. See also the extended discussion reproduced in J. Barry & J. Devevlny, Yuppies Invade My House at Dinnertime (Hoboken: Big River, 1987).


significance of real property, and the contested manner in which property relations are construed also seem profoundly important in the contemporary border zones of the gentrifying inner city. In Vancouver, at least, opposing constituencies in the gentrification 'wars' have a very different reading of real property. This will be my central point.

Second, I will argue that these readings are intrinsically geographic, in several important ways. At its extreme, they entail the mapping of a frontier that is simultaneously ethical and spatial. Different "geographies of property"—contesting readings of space, occupation and entitlement—are very much at issue here. Not only does a property regime entail a specific set of spatial assertions, but contending property narratives are inseparable from the places in which they are deployed. They both speak to the designation and characterisation of certain places (as "skid rows," for example, or as "vibrant communities") and are formed within localised material conditions. Those places, moreover, must be situated within networks of globalised relations.

But borders are not just spatial, they also have histories. Smith decries the nostalgic and partial invocation of American frontier mythology in contemporary bouts of inner city colonisation and dispossession, identifying its often oppressive consequences. My third concern will similarly be with the way in which the histories of property are evoked, both through narratives of the past and projections of the future. However, I will also seek to recover alternative and oppositional "histories of property." As with space, different histories can serve contending social purposes. As we shall see, dominant property discourse in Vancouver relies upon certain assumptions of the "natural evolution" of the land market; this contrasts with a denaturalised and politicised reading of the histories of property advanced by opponents of gentrification.15

In so doing, I hope to think of property in "decentred" terms, and to sort out whether and how localised readings of property serve to constitute social identities and cleavages in inner-city Vancouver. My exploration of real property seeks to think of property not as either an abstract realm of legal knowledge, nor as a purely economic site ("the property market") but as a bundle of decentred ways of speaking about the world, of mapping it, and of telling stories about it.16 We know the social world, in part, through the


categories of real property. Social identities such as homeowner, tenant, citizen, or worker are, in part, constituted by the legalised categories of property.

At the same time, I do not want to decentre property to such an extent that we can think of it merely as a set of more or less significant discourses, in endless local circulation. Understandings of property can have some very real and material consequences, facilitating dispossession or, indeed, resisting it. Property must be situated in a material context; moreover, representations of property are dialectically linked to grounded property practices, such as valorisation, that are themselves inseparable from capitalist class relations. Moreover, it is impossible to disentangle property discourse from a liberalism that can serve to constitute property in some very specific and, arguably, often oppressive ways. However, I shall suggest that, if we think of real property as simply a medium of oppression, we miss the manner in which property—as a set of historico-geographic practices and representations—can also be reconfigured to serve as a basis for resistance; for the construction of the other side of the ethical frontier.

In that sense, I want to move between a recognition of legal practice and discourse relating to a reading of property as both instrumental and as constitutive. When a thick reading of property discourse is undertaken, I will suggest, property emerges as a site of oppression and of resistance, as having undeniable material consequences (evictions, wealth generation, speculation, and so on) and as shaping subject positions ("renters" versus "property owners"), but in often complex ways. Property in part underwrites the gentrification frontier—in other words, yet also generates ambiguities and border-crossings.

Gentrification in Vancouver

The political struggles over gentrification in Vancouver are not as violent as many urban conflicts elsewhere. So far, the poor and the homeless do not face the forms of revanchism found in the favelas of Rio or the streets of New York.

and Los Angeles. However, this should not allow us to underestimate the intensity and polarisation of the conflict. Gentrification's charged border zones are very much in evidence.

The physical process of gentrification in Vancouver's inner city is a process that has been unfolding for many years. The Downtown Eastside presently contains a large, low-income population, that struggles to secure often substandard housing in the many residential hotels in the area. Years of underinvestment and capital flight have depressed land values in the area. The area contains the city's most depressed land values—at around $70 per square foot, compared to values of around $600-$900 per square foot for central downtown property. However, this cheap land, zoned for high densities, in combination with the central city location, an overheated property market, planning policy that encourages the “densification” of downtown space, and the changing function of the central city within the international division of labour, has begun to attract development capital. In the past few years, a number of developments on the periphery of the area—most notably, on the former Expo site to the south and west—combined with more recent incursions by loft developers into the neighbourhood have occurred. The threat to the residential hotels is also raising concern: for example, a recent City report reveals a significant increase in the proportion of downtown hotels and rooming houses that charge more than the basic welfare shelter allowance rate of $325 a month. While realtors begin to salivate over one of their “hotter markets,” area activists call for a policy of “zero displacement.”

The political and ethical battlelines have also become clearly drawn in Vancouver's gentrification frontier. Developers, merchants and residential “pioneers” call increasingly for the need to “clean-up” the area, responding to

18. F. Bula, “Real Estate Boom Looms for Hastings Street” Vancouver Sun (5 March 1997) A10 [hereinafter “Real Estate Boom”].
20. Alex Yuen, real estate agent, quoted in “Real Estate Boom”, supra note 18; Sarti, ibid.
21. There are few examples of the uses of the frontier metaphor in Vancouver, however, presumably reflecting the differing historical context of Canadian colonisation. Loo notes that the British Columbia frontier was not Turnerian, but imperial and metropolitan. T. Loo, Making Law, Order and Authority in British Columbia: 1821-1871 (Toronto: University of Toronto Press, 1994). However, it is ironic to note that many of the businesses in the area—including the defunct Woodward's department store, or the logging outfitting stores—have played an historic role in the opening up of the province's “resource frontier.” Woodward's, for example, got its start as an outfitter for the Yukon Goldrush. Now, ironically, it is the Downtown Eastside that has become a capitalist frontier in its own right.
and helping to constitute relentless media images of “Skid Row’s” welfare dependency, transience and crime. For those contesting displacement, developers are cast as predatory, and those taking up residence in the new lofts are frequently labelled yuppie outsiders. Conversely, proponents of gentrification cast area activists opposing new condo developments as exclusionary and as willing rather to see “the Downtown Eastside continue its descent than become a market area for newcomers.”

Many concerns are at issue in this struggle which, of course, entails posturing from both sides. One central theme that seems to emerge, of necessity, is this: Who has the right to live in the Downtown Eastside? In turn, this begs some important questions about the moral basis for that right. I shall suggest that certain understandings of property—as both an economic, political and social form—play a very important role. At the same time, the question presupposes some conception of exactly where the “Downtown Eastside” is. Moreover, this entails exploring its histories and its futures. Differing readings of rights, property, time and space intersect to create opposing constellations of arguments relating to gentrification and residency. I shall try and map out the geographies of property that underpin both sides of Vancouver’s gentrification frontier, before going on to explore some of the ambiguities that underlie what appears, at first, to be a bright line.


23. Collins, ibid. at 1. A frequent accusation is that such community groups oppose new developments not because of a higher ethical objection to displacement but due to a fear that gentrification will upset the local status quo: “[T]his elite’s main goal is to maintain poverty and a perceived state of crisis so they continue to justify their existence—and state funding—as front line troops in the war against poverty.” Collins, ibid. at 14. It is interesting to speculate on whether this is simply a cynical accusation, or whether it reflects a fundamental failure to make sense of opposition to “obvious improvements.” Perhaps the only rationale for possible opposition, given a market-oriented mindset, is to assume that community groups are rational, entrepreneurial actors.
The Highest and Best Use: Pro-development Interests
and the Property Frontier

For some commentators, the answer to the question “Who has the right to live in the Downtown Eastside?” would appear, at an extreme, irrelevant. The Downtown Eastside, for some developers, appears to be largely empty space, devoid of people who could have any claim to that space. In describing his loft project in the heart of the neighbourhood, one developer averred that the new residents would revitalise the area, given that there was presently “no population down there.”24 Similar assertions, often somewhat more implicit, have been made by other commentators.

To characterise a dense, inner city neighbourhood—containing several thousand people—as “empty” seems a striking trope. This argument can take a number of forms. One version is to argue that if there is a population in the area, it is a highly mobile, transient one, geared to the rhythms of the resource economy. A mobile population, by definition, is a rootless population. As such, they could not be thought of as having any attachment to the place. One local commentator described the historical geography of the area in those terms:

So a lot of guys down here were in that sort of revolving door thing: they were down here drinking off their paycheques. Then they'd leave and they'd go back upcountry and work for four months and then they'd be back for four months. And it was quite different, there was no tensions that I'm aware of... [T]he guys coming down and drinking off their paycheques, they didn't have any pretensions about where they were living... they were living down here because it's where they could afford to live... Again there was no pretensions about the thing being a neighbourhood and all this jazz.25

Another extension of this “mapping” is to suggest that, while perhaps the neighbourhood contained a relatively stable population of retired resource workers in the past, they have given way to a socially marginal and criminalised population made up of sex-trade workers, criminals on the lam, mentally ill people “released into the community,” and substance abusers of all types. Again, these stigmatised populations are deemed mobile, attracted only to the neighbourhood by virtue of its concentration of social services or with the acquiescence of the police.26 However, they are also characterised as “outsiders” with little stake in the neighbourhood:

24. Interview with Brad Holme, President, Pacific City Land Corp. (16 May 1996).
25. Interview with Jon Ellis, Gastown activist (14 May 1996).
26. The legal significance of this was made evident in a recent hearing before the rentalsman concerning the proposed eviction of tenants from the Dominion Hotel, whose owner seeks to convert a long-term residential hotel into a short-term tourist
[T]here are a whole bunch of people now living down here who weren't living here ten years ago. This is primarily the Riverview crowd [a mental hospital]. And the drug dealers and whatnot ... And I to this day resist considering them part of the community. I mean they're either out and out criminals or they need serious help ... They should be somewhere else as far as I'm concerned. Either help them or put them in the clink. One or the other. They don't deserve to live down here, they do not have the God given right to live down here ... In ten years they don't become indigenous species as far as I'm concerned.27

To that extent, displacement would be not only relatively benign (given the presumption that area residents have no real identification with the place), but it would mark the “improvement” and “revitalisation” of the area, as property owners with an “obvious” stake in the quality of life of the neighbourhood move in and the marginal and dangerous move out.

The similarities with the ideologies that undergirded the colonial dispossession of native peoples are striking. Deemed mobile, native peoples could not be seen as enjoying any legitimate entitlement given the supposed conjunction of permanence and possession.28 This does not mean, of course, that native peoples did not—and do not—claim forms of entitlement. However, those property claims were not communicated in a language that was legible to the dominant society. Paul Carter documents that manner in which early European explorers into the Australian “wilderness” complained that indigenous cultures seemed to lack either the language or the mental constructs to classify and name the landscape. To the dominant society, such a “spatial deficiency” was quickly seen as a “legal deficiency”:

hotel. Identifying the tenants as “guests,” the landlord aimed to evict them at short notice. These eviction notices were deemed illegal, with the rentalsman finding that the tenants were, in fact, “residents,” and this entitled to at least two months notice before eviction. Many of the tenants, it should be noted, had lived in the hotel long term—one for 30 years. As one commented: “This is my home, not some one-night stand.” Quoted in R. Sarti, “Gastown Hotel Tenants Wait for Ruling on Eviction” Vancouver Sun (31 May 1997) A17. See also F. Bula, “Bid to Evict Hotel Tenants Rules Illegal” Vancouver Sun (6 June 1997) B1.

27. Interview with Ellis, supra note 25 [emphasis added]. One source refers to area residents as “social service clients who frequent the area.” “We’re the block busters!!” Carnegie Newsletter (15 November 1997) 3.

Seeing that [the Aborigine] did not classify it, did not distinguish it from other places, seeing that he [sic] did not seem to know “it” as a “place,” could he be said to understand the notion of possession at all? And, if his grasp of it were so tenuous, then it was hardly a crime to take possession of it. The Whites did not, in this sense, possess the Aborigine’s country ... They possessed a country of which the Aborigine was unaware ... Logically then, possession could go ahead without consultation.29

The ability to appropriately map a space, then, seems to go hand in glove with the conceptual and material possession of that space. If the space of the Downtown Eastside appears empty and unnamed, it becomes easy to imagine it as empty and to impose namings and draw maps. To even present it as a “space” implies that it can be alienated and subdivided, conceptually and cadastrally. Hence, we need to be alert to the dominant mappings of the Downtown Eastside. For it is clear that developers and civic officials have mapped, divided and named the area in consequential ways.

As the area has become redeveloped, so realtors and developers have triangulated the space in relational terms, celebrating its locational merits (adjacent to downtown, with view lots, and related amenities). Or the “heritage” qualities of the building stock—emptied of its existing population—are commodified and celebrated. Where that population does figure, it is as an excitingly marginal and aestheticised commodity, that adds frisson to life on the urban frontier. The advertising copy for one new artist’s loft project (entitled “The Edge”) makes much of the link between aesthetics, margins and authentic urban living (“Your life is here. On the edge of everything...”), while allowing pre-purchasers to visually take possession of the view from their as yet unbuilt unit through an interactive video display.30

It is not just developers who remap the area: state officials have engaged in boundary moving and renaming in ways that many “Downtown Eastsiders” find provocative. For example, the western half of the area that many termed the Downtown Eastside has been officially renamed “Victory Square,” and is undergoing an extensive planning exercise. More striking has been the complete obliteration of the Downtown Eastside name from official maps and nomenclature. One recent housing review, for example, referred to the “East Downtown” area. At the same time, areas such as Gastown and Chinatown, which many regard as constituent parts of the Downtown Eastside, are sometimes mapped as separate areas. While such cartographic elisions and oversights might seem politically neutral, there are those, as we shall see, who

regard them with suspicion, noting that renaming and remapping have historically been closely allied with dispossession and domination.\(^{31}\)

Given that, in fact, a very significant portion of the area's population is native, and that part of the land base is disputed native territory, an imperial echo is more than ironic. It is hard to imagine legitimate entitlements to a space deemed "empty" or contingently occupied by a mobile and marginal population. But the post-colonial geographies of property are evident in other ways. The Victorian assertion of moral improvement through property is still with us. Commentators on colonial land policy took it as a given that the acquisition of landed property was a prerequisite for stability, progress and prosperity. Indigenous populations were to be civilised through principles of private property, in distinction to primitive forms of land acquisition.\(^{32}\) However, there was a simultaneous recognition that too much property—particularly in a land extensive colony such as Canada—was dangerous to the maintenance of social hierarchies. Herman Merivale's influential theory of "systematic colonization" preached the necessity of the cautious dispersal of Crown lands to ensure the continued proletarianization of a segment of the population and thus guarantee economic advance.\(^{33}\)

The class politics are not quite as naked in relation to the gentrification of the Downtown Eastside. However, powerful assertions about class, property and the constitution of the self are deployed. For many, the in-movement of more affluent and propertied residents are to be encouraged, to the extent that they will provide both a moral example—a form of uplift through osmosis—and given that they will bring about physical improvements in the neighbourhood in that, as property owners, they have a particular interest in their surroundings. The flip-side of this is to argue, of course, that poor tenants do not, or cannot, provide either. A recent newspaper article maps this divide starkly:

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There's a world of difference between the inside and the outside of Alison Harry's world. Inside, the walls are painted deep teal. The high-gloss wood furniture gleams in reflected lamp and candlelight. Music hums from the CD player ... Outside, at the corner of Princess and Hastings, the night life is just beginning ... The dazed, drugged and drunk are walking slowly in and out of the bars. Harry can hardly wait for the middle class to invade her neighbourhood. "My choice is gentrification or ghettoization ... The area is being left to rot ... We need to show them there's a better way. They need to see people in action."

However, these views are not just articulated by the affluent. At a particularly confrontational civic hearing relating to the conversion of the empty Woodward's store into market condominiums, area activists found themselves undercut by residents who supported the proposal. A political refugee from Zimbabwe, Ntombi Mayaba, was quoted as arguing that more social housing will only promote what are called ghettoes and that will breed ugliness. We want to be mixed with other people. These could be rich people or middle income people, but we want to be mixed with them. They have a right to choose where they want to be without us standing in their way ... Our area will improve because people who have money have the power to improve areas ... And if we live together we may rub shoulders and it may rub onto us.

Such narratives decry the past, and project an optimistic future through the redemptive power of property and class relations. Such melioristic historical geographies are invoked in relation to more general narratives of change. The story—and it is a familiar one—is that of the progression to "highest and best use," the inexorable telos of the land market. Progress is inevitable (and usually beneficial), and entails the valorisation and intensification of the land.


35. Quoted in Collins supra note 22 at 14. Her comments reflect both a pragmatic realisation of the class privileges of gentrifiers, as well as an almost alchemical faith in the power of money. The irony in all this is that many who occupy any new first wave market housing in the area are not likely to be the rich, but those at the bottom of the end of the real estate food chain, given the relative affordability of new condos and lofts in the area compared to housing elsewhere.
property market. To seek to prevent change is to spit in the wind of “natural” inevitability.

If gentrification entails progress, it follows that urban space that has not been “improved” is somehow nonprogressive. Interestingly, several characterisations of the Downtown Eastside and its residents position them as “outside” the time of progress. For example, one account compares the gentrifying “pioneers of the new urban frontier” with those that are “just killing time.” Another commentator, after describing the inexorable encroachment of gentrification as a process of “natural urban evolution” imagined the day when “the future will arrive” for the Downtown Eastside.

Another spin on this, repeated to me several times in interviews, was to see change as not only inevitable, but as equitable. One former city councillor saw any social housing in the DES as “merely putting off the inevitable,”

Neighbourhoods change over time and land values change ... In Dunbar, I would have trouble buying in there if I had to; certainly my kids can't. So middle-class people have to commute. They go to Tsawwassen or Surrey [suburban areas]. Why shouldn't the poor? Why should the poor be guaranteed to live downtown right in the middle of what is becoming a high rent district ... [If displaced, the poor will] move around, just like everyone else does.

But similar narratives of advance—playing more particularly on the quest for “world class” city status—are expressed by local developers. One striking example is offered by Concord Pacific, developers of a massive condominium development on the site of Vancouver's 1986 Expo fair, that abuts the Downtown Eastside. Their advertising copy is, of course, dense with purple prose. However, its invocations of place and history, situated within a narrative of telological unfolding, echo many other pro-development narratives.

For centuries, Native villages had existed on these shores. In 1863, Queen Victoria's Royal Engineers surveyed this sheltered Pacific inlet. Over a century later, the pavilions of a hundred nations at Expo 86 drew the world's attention to Vancouver. It was a turning point for the city—the beginning of a new Vancouver ... Occupying the former site of Expo 86, Concord Pacific Place is rapidly taking shape as Canada's most ambitious and exciting downtown waterfront community, but it is also something more. It is the fulfillment of the promise of our great World Exposition: a landmark event in the history of Vancouver and British Columbia. Expo introduced the world to a city and a province on the rise. A place of shining

new developments in the midst of scenic majesty ... of a lifestyle which those from other lands admired and even envied. It was a joyous human event which inspired a sense of optimism ... Let’s all invite the world to see how well Vancouver has fulfilled the spirit and promise of Expo! “THE SPIRIT OF EXPO IS LIVING. WHERE VANCOUVER IS GOING!”

Highest and Best Use for Whom? Bad Property and Good Property

For those resisting gentrification, a very different reading of the historical geographies of property rights emerges. The rights of low-income residents to remain within the neighbourhood, it is argued, relies upon the simultaneous celebration of a localised collective entitlement to a space, and the moral condemnation of a predatory, profit-driven property regime. A moral boundary—between the poor and the “yuppies”—and a propertied boundary—between positive forms of collective entitlement and negative forms of individualised speculation—presuppose a geographic boundary—between the space of the neighbourhood, and predations from “outside.”

As with the external constructions of the Downtown Eastside, considerable emphasis is placed on the degree to which the area and its occupants are different. However, that difference is not construed as one of an “un-propertied,” empty space. Rather, there has been a long-standing emphasis on providing alternative historical geographies of the area that consciously map it out as both occupied and, more importantly, as settled by a viable community of residents with an historic stake in the neighbourhood. Considerable emphasis has been placed by area activists on countering claims of mobility with an emphasis on the remarkable stability of the area’s residents, many of whom have occupied the same hotel rooms for many years. Organisations like the Downtown Eastside Residents Association (DERA) played a formative role here, struggling to remap “skid road” as the “Downtown Eastside,” reminding outsiders: “of the district’s stability, of the loyalty of many elderly men to it, of the small minority who were transients and alcoholics.”

In that first remapping of the frontier, which still has some political purchase, the iconic figure of the retired resource worker plays a central role. However, rather than a mobile sojourner, the “old timer” is now seen as a long-

40. Concord Pacific promotional material, Concord Pacific Place: The Ultimate Waterfront Community: Living! Vancouver’s New Waterfront Lifestyle, at 3 [copies with author].
41. S. Hassan & D. Ley, Neighbourhood Organization and the Welfare State (Toronto: University of Toronto Press, 1994) at 190. For one resident, “[t]hey think that everybody down here is just a transient. But this is a community. It is a neighbourhood. There are actual people living down here.” Quoted in S. Steele, “Letter from East Vancouver: Worlds colliding” Macleans (21 April 1997) 18.
term occupant and, moreover, one with a particular attachment to his locale, rather than rootless. The narrative here celebrates the dignity of masculine labour, and the pioneer spirit that underpins the province's resource economy. “Frontier” mythology is at play here, but in a reconfigured form. Devoting his life to pushing back the provincial resource frontier, the resource worker is now cast as settled quietly in the neighbourhood, organically connected to his hotel and his neighbourhood. Perhaps implicit here is not only the claim of dignified rest, after an active life, but that of Lockean entitlement. By mixing his labour with the land, he has made the province “ours”; it is only appropriate that we respect his modest claim to his home.

Prevailing property relations, not surprisingly, have come under frequent criticism, particularly given the precarious tenurial status of many of the hotel residents, and concerns at the actions of “slum landlords” and, more recently, unscrupulous developers. Groups like DERA have long sought to defend the rights of marginalised hotel residents to secure, clean and safe accommodation. For some observers, this reflects “a socialism with a pragmatic face, confronting real issues oppressing real people and offering real strategies to resolve them.”

That pragmatic socialism, given the material realities of the neighbourhood, is necessarily entangled with deeply charged moral visions of class and property rights, including a critique of the contradictions of prevailing relations. A mural in the area painted by an early neighbourhood organiser has been recently repainted, reproducing Anatole France's ironic dictum: “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, beg in the streets and to steal bread.”

Community activists contest the material inequities of dominant property relations, and prevailing narratives of “revitalisation” and highest and best use. Assertions at the inevitability and naturalness of prevailing property relations, and the unfolding logic of highest and best use are directly challenged. As Barb Daniel, then the Executive Director of DERA noted: “Well, murder happens everywhere too, so does this mean we should support it? Displacement isn't like the weather. It's not a force of nature. It's done for very specific reasons.” Along with many others in the neighbourhood, she also savages benign assumptions of neighbourhood “improvement” and “revitalisation” through the logic of highest and best use:

Highest and best use for who? Highest and best use for who? ... People in this neighbourhood want the neighbourhood cleaned up. We'd like some help with that. But we don't consider getting rid of the whole stinkin' lot of us as cleaning up the neighbourhood. We could always bring in the neutron bomb, I guess, and it would be pretty clean in the end.43

42. Hassan & Ley, *ibid.* at 185.
The essential point, argued many community activists and commentators, is that hegemonic geographies of property configure the neighbourhood as an empty, speculative site, rather than a viable community space. The two are fundamentally incompatible.

When people come up with an argument like that [highest and best use], what they're doing is they're not looking at human beings. Clearly what they're looking at is a product, a product called housing ... The thing is that housing is an aspect of a community, and is an aspect of a human being ... And all these people who have the attitude that poor people can live in a little box anywhere are people who obviously ... have two standards. One for themselves and one for the rest of society ... Community networks ... are as valuable as the housing.44

Well, I think this is, this is the main argument, is that a neighbourhood isn't just buildings ... Is that what you call a neighbourhood, a collection of houses? That is a very warped perception of human life, I'd say. Is this what you call a community? The real estate? Whose definition is that? ... It certainly isn't a traditional definition of community. And it certainly isn't even a traditional definition of heritage to say save the buildings and get rid of all the real heritage, the history and the culture and the actual human beings who live that history and that culture.45

In this sense, property rights are seen as relational. They do not reside in the narrow nexus between owner and thing owned; rather they must be seen as contextual and potentially inequitable. Any property developments that would "get rid of the real heritage" is deemed an immoral act of violence given the historical and spatial embedness of those "actual human beings."

There's a huge human cost to relocating or fracturing any community, and I think we need to recognise that as a social value if we want to have a better place to live ... I don't think it's right to displace people from their land base, even if it's rental units ...

Q: What's important here? Why is that something worth defending?
A: I think that we relate to our environment and to our history together as a community, and to places ... it's only the poor who are ever dislocated.46

Oppositional property narratives reject the individualisation and reification of property that would cast property as the benign relation between persona and res. Property relations are individualised, however, but are done so in a much more politically charged manner. Thus, a long-standing tactic of local activists is to personalise the development process. In other words, the target of community

44. Interview with Jim Green, Downtown Eastside activist (27 June 1996).
45. Interview with Barb Daniel, supra note 3.
46. Interview with Marg Green, Downtown Eastside activist (18 June 1996).
organising against a condo proposal is never the legally fictional corporate individual, but is always the chief executive of that corporation. This refusal to mystify the individualised corporation also serves to make the point that property development not only entails the displacement of real people but is caused by real people. This was taken to an extreme in one community campaign that juxtaposed a photograph of a developer's tony West Vancouver home with his condos in the Downtown Eastside. Another effect is to juxtapose the collective entitlements of the Downtown Eastside with the individual property claims of the developer. Similarly, a flyer advertising a protest to prevent the development of market housing in the abandoned Woodward's department store by Fama Holdings holds that

Woodwards belongs to us ... Not to Kassem Aghtai [the CEO of the development company] ... It is true that Kassem Aghtai has money. But no one developer has the right to determine Woodward's future. We have given Woodward's its history. Now we are coming together to reclaim that history not only for the entire Downtown Eastside, but for the entire city.47

Note the “bad property/good property” distinction here. To the degree that “Woodward's belongs to us,” certain forms of property right—such as those of the hotel resident, or the area resident who own their own home—are acceptable, even morally valuable, as long as they are localised and noninvasive:

I think property rights are important ... if they're associated with your, you know, a place to live and feed and clothe yourself and, but then, they are limited where they impinge on your neighbour's right to do the same thing. So I don't see how you can say anyone has the right to acquire money, or acquire more money when they already have a lot of money and by taking away other, other people's lives, their right to do whatever with private property does impinge on other people and they don't recognise that.48

This relational and localised reading of property receives another twist, with the argument that local material conditions of deprivation and disadvantage have bred a local “property” tradition of inclusivity and sharing, which contrasts with that of “outsiders”:

The Downtown Eastside is tolerant and quite inclusive, and I think that's why they rail against the private developer who's saying “this is my sandbox and I'm going to do anything I want here,” where people will say “I don't have much to offer, but do you want a share of it?” You see it with cigarettes, you see it with lots of things in the community, where people are social, and they meet and share things, and it might be a bottle, it might be

47. Protest (19 April 1997) [copy with author].
48. Interview with Marg Green, supra note 46.
anything ... It's their area, it's where they live. And I think that's why private property and the rights of private property are as foolish to them as it is to me. Because it does not make any sense, because it's exclusive ... I don't think it's even necessarily a politic; it's a philosophy of life that has meaning with people.49

The purportedly individualised and exclusionary property claims of developers ("bad property") are here juxtaposed with the collective and inclusionary property regime of the Downtown Eastside ("good property"). As I shall suggest below, that sense of collective property is also extended to the neighbourhood itself: residents have a legitimate entitlement to the physical space of the neighbourhood, based on histories of shared occupation, struggle and production.

The collision between this localised claim right of the poor and the manifest inequality of prevailing capitalist property relations-between good and bad property-was most visible during the run-up to the Expo 86 fair. As far as many local activists were concerned, it was not the "joyous human event which inspired a sense of optimism," as Concord Pacific would have it. However, it did certainly mark the unfolding of property relations as noted in this celebratory narrative. The immanent logic of highest and best use, however, was locally recast as one of dispossession and immoral commodification, as hotel owners kicked nearly 1,000 long-term residents out of their hotel rooms. For the then leader of DERA, it was an attempt to "annihilate [community] history, to annihilate that talent, it was like ethnic cleansing ... It was perverted, incorrect, economically wrong."50

That event, and its human costs, figure centrally in local narratives, and are routinely invoked in the gentrification wars. One figure—Olaf Sollheim—plays a central role in local collective memories. A retired logger, he had lived in the same hotel room for 30 years, only to be displaced in preparation for Expo. Although he found new accommodation, he died soon after, grieving for his lost home. Sollheim's story—combining the retired resource worker, the heartless landlord, and attachment to place—is a powerful and oft-repeated one.

But the entitlement of area residents—and the threat to that entitlement from outsiders—extends beyond the individual units that they occupy. This is a central point, and one that is easily misunderstood by those who might otherwise tolerate the "movement" of residents. For it is also argued that the neighbourhood itself is imbued with local meanings that speak to a collective entitlement. "History," as Hassan and Ley astutely note, "hangs heavily over the Downtown Eastside ... It is a place of shared sentiment and symbols, of

49. Interview with John Shayler, Downtown Eastside activist (16 March 1996) [emphasis added].
50. Interview with Jim Green, supra note 44.
collective memories." 51 Those shared memories are constantly evoked by area leaders and local commentators, in the creation of an "imagined community" that speaks to past struggles and future aspirations. Many stories are intertwined in this imagined community (and some neglected, as I shall suggest below).

The symbolic effect is to map a border—both real and metaphorical—between an inside and an outside. That border line is built around a number of dualities that speak to class divisions, moral fractures, and community differences. Different readings of property, I think, are also a basis for this mapping. This takes a number of forms. As we have seen, one distinction is that between the entitlements of individual residents—particularly, long-time residents—to their hotel rooms, as compared to the predations of unscrupulous landlords. The argument that is made for this individual entitlement is that long-term occupancy should provide some secure legal entitlement, and that eviction constitutes not only an economic hardship but a morally indefensible social and cultural dislocation. 52

But the entitlement of working-class residents extends beyond the individual hotel units. The neighbourhood itself is constituted as in some ways "owned" by area residents. In part, this relates to the argument that the neighbourhood has been physically produced through local struggle and collective agency, and that the community therefore has some claim to that space. Moreover, the physical landscape—the community centres, hotels, service agencies, co-ops and streets—itself speaks of successful working class resistance to attempts at community erasure through displacement.

This a complicated argument, that I consider elsewhere. 53 One example will have to suffice, for the present. Community groups—notably DERA—have played a central role in the production of non-profit housing in the area, as a conscious and politicised bulwark against gentrification. The existence, and the naming of this housing speaks to local narratives of resistance, marginality and pride. Thus Olaf Sollheim, martyred during Expo, is commemorated in Sollheim Place, a DERA co-op adjacent to Chinatown. Past histories of dispossession and unjust property relations are not only commemorated, but are repositioned as defiant statements of continuity and collective entitlement. 54

However, this landscape is seen as legible only to those versed in local understandings. All this makes the threat of gentrification all the more pressing. For not only will those moving into the neighbourhood contribute to the physical displacement of many residents, but it is feared they will facilitate their cultural

51. Hassan & Ley, supra note 41 at 202.
52. See Radin, supra note 16.
53. N. Blomley "Remapping Property: Power, Space and History in the Inner City" [paper in review, copy with author].
54. The very location of Sollheim Place as well as other DERA co-ops, like Pendera, appears important. They are defensively positioned on the "edges" of the Downtown Eastside, juxtaposed with neighbouring private mega-projects.
dispossession. As one activist noted, “there is more than one way to lose a neighbourhood. You can lose it through homelessness, but you can also lose it by just outnumbering people, just pouring in.”

The concern is that “outsiders” will simply not read the landscape appropriately, and will fail to acknowledge the property claim that it embodies. For some commentators, if the area continues to gentrify, “it’ll be the lucky ones at least [that will] have decent housing but no community.” This point is made powerfully in a cartoon in a community newsletter, showing DERA’s Four Sisters Co-op, built in response to the Expo evictions, renamed as the “Four Winds Condo Apts—Under new management; enjoy our narrow view. Lofts for sale starting at $190,000” with former residents shown being bused out to suburban Surrey. It is not only the physical displacement that is objectionable, in other words, but the cultural effacement of a collective and locally embedded entitlement.

This, in large part, underpins the extreme anxiety that is occasioned by the more self-conscious remappings of the neighbourhood. When that space is remapped by “yuppies” the effect is to deny a neighbourhood claim, and to assert an alternative reading.

There’s an old saying that the best way to make people powerless is to make them invisible. Maps are a good way of doing this. When Europeans first came to North America, they made Indians invisible by leaving large blank spaces on maps ... That way they were able to rationalise stealing other people’s land ... the City insists that the Downtown Eastside must be gentrified ... One way they can do it is by eliminating the Downtown Eastside from city maps. By leaving a community off a map, they erase the people who live there and make them invisible. That way, the neighbourhood is left open for whatever changes they have ... in store.

56. Interview with Muggs Sigurgeirson, Downtown Eastside activist (23 March 1996).
58. One interesting example of the struggles over physical and symbolic spaces related to the successful application of one developer to close off a section of street adjacent to his condominium development. For community opponents, not only did this entail the unjustified loss of public space to a private developer, but it also entailed a clash over the meanings of that space, where an area deemed active, community space is regarded as threatening by new residents.
59. “Can you find the Downtown Eastside on These Maps??” Carnegie Newsletter, supra note 57 at 2. An inability on the part of the dominant society to register this sense of informal collective ownership is frequent. Only formal ownership seems to count. As one journalist noted: “The downtown eastside is home to militant
However, this erasure is constantly challenged. This can occur both through the medium of the Cartesian map projection or through other, more corporealized media (such as graffiti, banners, art performances, marches to commemorate violence against neighbourhood women, and so on). At one Planning Department “open house,” held in the Downtown Eastside, activists physically relabelled the “Victory Square” maps with “Downtown Eastside”: “We won’t be rendered invisible by being ignored.”

The Ambiguities of Frontier Living

The effect of these two narratives is to map out what appears to be a rigid ethical frontier; not surprisingly, given that each defines itself, in part, in terms of the other. Given the intensity of the struggle, this entails essentialisation on both sides as certain iconic figures are constructed. For pro-gentrification interests, the developer is celebrated as is the urban pioneer. Conversely, for some area activists, developers are seen as class warriors, and the pioneers are recast as “yuppie outsiders,” directly threatening the well-being of local “old-timers.”

Rights-talk also is configured by the frontier. While developers talk of their property rights, they also suggest that “rights” are inappropriate when talking of area residents.

[T]he guys who’ve lived down here forever, they don’t consider themselves to have rights. They live here out of choice. Maybe a very diminished choice, but it is nonetheless their choice. But they don’t have the right to stay here simply because they’ve chosen at one point in their life, any more than I have the right to stay in Dunbar [a middle class neighbourhood] for the rest of my life.

Conversely, area activists talk of their rights of occupation, while suggesting that any property rights that developers may claim are an American (hence suspect) import, and very much part of the globalisation process:

We’re hearing that argument more because of the influence of, the higher American influence, through NAFTA and the whole swing to the right in recent years. The whole globalization, Americanization of the notion of community activists who view the district as their own, despite the fact that few of them own property,” J. Collins, “Given the Bum’s Rush by Bureaucrats” (1997) 8:44 British Columbia Report 16.


61. Interview with Jon Ellis, supra note 35.
capitalism ... It's not Canadian. It doesn't go very far back in Canadian history. Canada has always exercised the communal element of existence.62

But any border is a constructed one, creating an imagined community that necessarily raises some ambiguous questions concerning inclusion and exclusion.63 For those opposed to gentrification, “strategic essentialism” is an acknowledged tactic. However, images of neighbourhood stability and the retired resource worker are increasingly under strain in the face of evident instability and changes in the demographic profile of the area. While that need not prove a problem, the criminalisation of some of that population—particularly those engaged in the closely allied drug and sex trades—can. For some area activists, this is dodged by a redrawing of the ethical boundaries so as to exclude these groups. This is justified by the oft-repeated argument that those excluded are not, in fact, residents.

[W]e have some real scumbags in this neighbourhood, right. So if you wanna take them and lock them away for the rest of their lives, feel free, right ... but that is a small percentage of the people here. It's just miniscule. And most of the people who are in here doing that kind of stuff, they don't even live here, they're here because they can exploit the poor in the neighbourhood, right.64

However, while recognising the tactical validity of the “Sollheim syndrome,” some commentators fear other forms of exclusion from this “imagined community,” including the gendered and racialised image that is constructed.65 Certainly, there is something appealing about invoking the dignity of masculine labour, and the implicit Lockean landscape that the resource worker created in his prime; yet, the disposessions and property claim of First Nations, of which the Downtown Eastside contains a large number, are surprisingly absent in these community narratives of “good property/bad property.”

There are others, therefore, who argue that every poor resident—whatever his standing, must be included. To divide according to the worthy and the unworthy poor is to invite conquest. Residency and poverty are all that are required to merit inclusion. However, this can also be challenged by residents who do not consider themselves poor, and accuse opponents of gentrification of

62. Interview with Marg Green, supra note 46.
64. Interview with Barb Daniel, supra note 3.
exclusionary tactics. One Gastown resident filed a “dispatch from the “gentrification” wars,” as he put it, claiming to be “a casualty of the politics of exclusion. Not because of the color of my skin. Nor my religious affiliation. Nor my sex. But because of my (relative) affluence. I am a homeowner.”

But at the same time, it is dangerous to think of the frontier as necessarily fixed and naturalised. To the extent that the frontier is necessarily a border, both conceptual and material, it can be a zone of crossing, a contact zone where transculturation, relationality and hybridity can occur. Again, the terrain of property discourse and rights is no exception. However, as the crossings at so many political borders—like that between the U.S. and Canada, for example—are predicated upon certain power relations, so is this crossing. Movements across the property border, I shall suggest, often presuppose and reproduce the dominant property regime.

One striking example is that of the former Woodward’s store site, that has been standing vacant for several years. This space is of considerable importance within community narratives, reflecting its importance to the city as a whole, and to many low-income residents. Earlier attempts to convert the site into low-income housing had failed. However, matters again came to a head with a proposal in 1995 to build market housing in the shell. Not only did this constitute a physical threat of displacement, but the cultural politics of the proposed development was seen as significant, given a deeply rooted sense of collectivised ownership of the building: “[T]here is a sense that Woodward’s belongs to the neighbourhood ... the symbolic significance of Woodward’s helps people to combat [negativity] in themselves ... Like, if it were 400 condos in a parking lot I don’t think you’d be able to get the same feeling.” A series of innovative protests were held to “reclaim” Woodward’s, including the painting of murals on the windows, and a human chain. This pressure, combined with provincial funding, made possible a revised proposal—a public/private development, including both 200 condos and 200 units of social housing with a retail development at floor level.

The original Woodward’s development was greeted with considerable enthusiasm by local development interests, who saw its potential in “stabilising” the neighbourhood. Even with the presence of low-income housing, many developers have begun to acquire and flip properties immediately adjacent to the site in expectation of “revitalisation.” Yet, with the public-private proposal, local community activists found themselves in the rather uneasy position of, on

68. Interview with Marg Green, supra note 46.
69. “Real Estate Boom”, supra note 18.
the one hand, decrying speculation and the influx of the affluent while potentially promoting that very process, given that the nonmarket component is contingent upon the success of the market housing. Not surprisingly, there are also many who saw this as a sell-out and a betrayal of community principles; an illegitimate transgression of the property border. In spring of 1997, however the Woodward's deal unravelled, when Fama walked away from the negotiating table: they now propose to redevelop the site with 400 market value condos. Along with the anger from those community members who had been involved in the negotiation, I also sense a degree of relief from some quarters. The battlelines have again been clearly drawn in less contradictory ways.

But property figures in other ways, too. This is hinted at by the language used during the Woodward dispute. In what has become a familiar lexicon, various interests were described as “stakeholders” who had the option of “buying in” to the process. Similar discourse is used on many occasions, when community members are invited to support (or at least, tolerate) a private development in return for certain off-site benefits, such as units of affordable housing. Arguably, this “horse-trading” process is an expression of a hegemonically dominant “distributive” paradigm, noted by Iris Marion Young, which restricts the meaning of social justice to the “morally proper distribution of benefits and burdens among society's members.” Justice resides in the appropriateness of the final distribution, rather than the allocative mechanisms that underlie that distribution. While one should note summarily dismiss the importance of just “distributions,” there is a danger of foreclosing a collective analysis of power and systemic inequality in favour of a somewhat “thinner” interrogation of the dispersal of resources amongst individualised subjects.

A distributive model of justice and social interaction, it could be argued, presupposes a “propertied” view of social life in which subjects are constituted

This raises the vexed question of the material geographies of property in an immediate way. In an attempt at “out-developing the developer,” community groups in the Downtown Eastside have played an active role in producing their own social housing. Although actively positioned as a bulwark against gentrification, as noted, one inevitable side-effect, perhaps, is to encourage it. These entanglements occur in other contexts. For example, community activists now find themselves struggling to preserve SRO housing, given its critical importance in the provision of shelter, whilst condemning the deprivations of “slum landlords.” Some of these contradictions surfaced in a recent community coup d’etat, where a group of dissidents sought to overthrow the DERA Board on the grounds that they had become “service providers,” and had lost their original political mandate in relation to the politics of property and poverty.

70. This raises the vexed question of the material geographies of property in an immediate way. In an attempt at “out-developing the developer,” community groups in the Downtown Eastside have played an active role in producing their own social housing. Although actively positioned as a bulwark against gentrification, as noted, one inevitable side-effect, perhaps, is to encourage it. These entanglements occur in other contexts. For example, community activists now find themselves struggling to preserve SRO housing, given its critical importance in the provision of shelter, whilst condemning the deprivations of “slum landlords.” Some of these contradictions surfaced in a recent community coup d’etat, where a group of dissidents sought to overthrow the DERA Board on the grounds that they had become “service providers,” and had lost their original political mandate in relation to the politics of property and poverty.


as individualised bearers of resources, engaged in market-like transactions in a form akin to the reading provided by Pashukanis, where "the relation between economic actors [is coded] ... as relations between 'legal subjects,' a fetishised form of the real or concrete human agents. Legal subjects are conceived as the possessory bearers of rights, analogous to the commodities as the bearers of value. Law, as relations between legal subjects, is thus the form through which abstract equivalence is established between atomised economic subjects." The contradictions of Woodward's in other words, are not just worked out in struggles over property (private versus public; individualised versus collective). Property itself constitutes the terrain of this struggle.

This is not to say that distributive justice and the social theory that underwrites it are accepted uncritically. Indeed, there are many who refuse to be cast as atomised subjects, insisting for a collectivised and locally embedded reading of their "stake": "The residents are not just another 'stakeholder' to be outvoted by all the other special interest groups—the developers and speculators, the merchants, the offshore property owners, the rich new settlers. The residents are the people who actually live here, long-term." Even those who engage in negotiations with developers do so reluctantly, and with considerable caution, yet with a recognition that few other options are available.

Conclusion

Maclean's magazine recently published a "letter from East Vancouver," written following the decision of Fama Holdings to revert to its original plan. It is a fairly familiar narrative, although sympathetic to "a poor but close-knit community." It cites the case of Sonny Kenich, a 67 year old former construction supply salesman, who has lived in the same SRO room for 14 years. His hotel, the Dodson, is up for sale. His view of the harbour and the North Shore mountains has been obscured by a new condo development ("surrounded by surveillance cameras and a security fence—whose marketers invite buyers to 'Get aloft in the real world'"). Sonny is quoted as being indignant that the "newcomers" have begun to complain about the Dodson: "'Let the close their drapes,' he says. 'We were here first.'"

As this vignette reminds us, the gentrification frontier is a propertied one. Not only does it express the shifting landscape of valorisation and property development on the ground, but it also speaks to very different conceptions of the historical geographies of property. Those conceptions are not reducible to

75. Steele, supra note 41.
(although, no doubt, partly shaped by) formal, common law understandings of property. However, neither are they simply inchoate and free-floating.

In thinking through the relation between property and the gentrification frontier, moreover, practices and representations that relate to space and time seem central. This seems an important point. The literature related to legal pluralism is replete with geographic metaphors such as marginality, decentring and mapping. There are, moreover, a number of self-conscious attempts at directly thinking through the geographies (and historical geographies) of law. However, much more needs to be done. To the extent that legal pluralists are interested in power, space matters. A growing body of scholarship attests to the fundamentally important and often overlooked intersection of space and power. Space is not seen simply as a Kantian surface, a-social and a-political, upon which history unfolds itself; rather space is seen as socially constituted, and intensely implicated in the complex politics of everyday life. A concept such as property, for example, is meaningless if divorced from spatial practices and representations. At its root, the liberal property regime entails a specific categorisation of space. As Barthes notes, “ownership depends on a certain dividing of things: to appropriate is to fragment the world, to divide it into finite objects subject to man in proportion to their very discontinuity; for we cannot separate without finally naming and classifying, and at that very moment, property is born.” But that mapping is not disinterested. Not only is the history of Cartesian mapping as a technical enterprise closely implicated in the birth of a modern liberal property system, but it can be argued that mapping itself encourages us to think of real property as if it were a space rather than a web of


hierarchical power relations, implicated with a specific space. The ideological implications of such a spatialisation were noted many years ago.\(^79\)

But such mappings are also geographically embedded. For example, the meanings attached to property—both positive and negative—by community activists in the Downtown Eastside, are powerfully shaped by the specific material conditions found in that place. Past narratives of dispossession (such as Expo), localised political conditions (a generally hostile local state culture, and a rich history of community organising), successful resistance (the creation of co-op housing), and specific patterns of proletarianisation (the BC First Nations experience, the nature of the local resource economy) all play a part. Similarly, research would likely reveal the locally specific, materially grounded nature of dominant property discourses. The historical geography of the space we now call Vancouver, for example, is particularly caught up with property speculation and the spatial logics of real estate.\(^80\)

However, we must be cautious of construing places “as areas with boundaries around”; better, perhaps, to think of them as “articulated moments in networks of social relations and understandings ... [E]ach place is the focus of a distinct mixture of wider and more local social relations.”\(^81\) The “stretching” of those local social relations to encompass extra-local processes is clearly evident in local property-talk and the gentrification process. Local activists, as we have seen, condemn American style importations of “property rights-discourse,” while fearing the increasing incorporation of the local property market into globalised capital networks. Conversely, pro-development narratives take as given the need for Vancouver to compete in the global economy in order to maintain its status.\(^82\) Pacific Rim capital has also played an important role in

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79. “Whatever technical definition of property we may prefer, we must recognise that a property right is a relation not between an owner and a thing, but between the owner and other individuals in reference to things ... The classical view of property as a right over things resolves itself into component rights such as the \textit{jus utendi}, \textit{jus disponendi}, etc. But the essence of private property is always the right to exclude others ... [D]ominium over things is also \textit{imperium} over our fellow human beings.” M. R. Cohen, “Property and Sovereignty” (1927) 13 Cornell Law Quarterly 8 at 12, 13.

80. One early commentator on Vancouver described it as “a purely business town ... This is a land of speculation, in mining properties, lumber lands, fruit lands, and, above all, in city lots, the price of which has doubled in the last two years.” J. A. Hobson, quoted in G. Woodcock, \textit{British Columbia: A History of the Province} (Vancouver: Douglas & McIntyre, 1990) at 159.

81. D. Massey, \textit{Space, Place and Gender} (Minneapolis: University of Minnesota Press, 1994) at 154-56.

82. An academic position paper, in laying out the preconditions for “global city status” for Vancouver, makes explicit the need to reconfigure urban space, where it is argued that “policy should be designed to promote an outward looking global world view in Vancouver ... Policy should also be developed to promote flexible
inner-city development in Vancouver; for example, the Concord Pacific development adjacent to the Downtown Eastside is financed by Hong Kong capital.\(^3\)

In this light, it is tempting to reduce the spatial politics of place and globalisation to "local=good/global=bad." For example, local activists have drawn upon the New York experience of gentrification, particularly in relation to the Lower East Side. An extensive academic literature has served to make this case well-known world wide. Not only does the New York experience serve as a useful template for local activists who seek to make sense of events in Vancouver, but reference to the \textit{American} case also allows for some coded warnings about globalisation, Canadian nationalism, and the perils of \textit{laissez faire} capitalism. For example, an analogy was drawn between the development of the Van Horne, a condo development in the centre of the Downtown Eastside, and the Lower East Side's "Christadora" development, which served as a catalyst both for resistance and valorisation.\(^4\)

However, the ethical frontier of local versus global property development is also somewhat ambiguous. Whatever the validity of the Christadora comparison, for example, the developer of the Van Horne is not a representative of global capitalism, but is a locally born, Vancouver-based mid-sized developer, deploying locally raised capital. Meanwhile, community activists have been urban land use controls to accommodate the changing economic and population base of an emerging international city. The link is seldom made between the operation of an urban land market and national and regional economic policy such as that being proposed here. However, it is essential that this link be made explicit ... [this] implies that urban land use and development controls and policies should not only allow such an occurrence, but help to promote its smooth occurrence ... needed diverse and suitable housing supplies should be built and land use controls put in place that encourage housing innovation." M. A. Goldberg & H. C. Davis, \textit{Global Cities and Public Policy: The Case of Vancouver, British Columbia} (Vancouver: UBC Planning Papers #17, 1988) at 15-17. In response to this sort of argument, consider the comments of one activist: "The city has changed, it's becoming world class. But is it world class, or world ass? Are we becoming world class assholes, or are we really becoming world class? And, if we're world class, we got room for poor people" Interview with Don Larson (18 April 1996).

\(^3\) K. Olds, \textit{Pacific Rim Megaprojects and the Global Cultural Economy: Tales from Vancouver and Shanghai} (PhD thesis in Geography, University of Bristol. 1995).
\(^4\) S. Millar, "Is the Van Horne the Christadora of Vancouver?" \textit{Carnegie Newsletter}, supra note 27 at 15. Interestingly, a community meeting in August 1997 featured Neil Smith as an invited speaker. Comparisons between the U.S. experience and Vancouver were drawn.
engaged in negotiations with a Hong Kong-based developer, who planned to build affordable SRO units in the area.  

If it is analytically difficult to construe the local as an area with a boundary around it, given these complex flows, it is also ethically somewhat tricky. As noted, the construction of community in relation to property claims is not without its perils. The potential exclusion of certain peoples and alternative narratives is possible. Whether this entails recent middle-class residents speaking for the “community,” and relegating long term, poor residents to the category of “welfare clients,” or community activists within the Downtown Eastside facing the dissent of area residents, the creation of place is an evolving process, caught up in the property regime. Clear battle lines are established between poor tenants and unscrupulous developers, only to be dissolved as the exigencies of the land market oblige community representatives to negotiate and compromise. The inner-city property frontier is an ambiguous and somewhat fluid one.  

Crouch and Matless similarly note the degree to which places are fluid and multiple: “A place does not build through time in neat sedimentary strata. Times flow, grounds rupture. Local history, far from being a secure base or bolstering heritage, can be more sodden and metamorphic.” Yet, despite Massey’s injunction to think of places not as bounded spaces, but as nets of social relations, “firm topographies continue to be held by many people, often in response to perceived threatening change. Competing place identities may take the shape less of merging and turbulent flows than of solid grounds rubbing against one another in a local plate tectonics.” Similarly, the gentrification frontier, with its contesting constructions of place and history, seems to subsume many of those more fluid positions into a rigidly policed line.  

Property is not the only cleavage line in the Downtown Eastside. Issues relating to governance, gender and racialisation all play an important role. However, if one wishes to make sense of the ethical and political divisions that gentrification seem to be associated with, the contested terrain of property discourse seems one important site. I have tried to suggest that dominant property narratives engage in a complex set of moves, including the erasure of an existent population (via renaming, presumptions of mobility and so on), subjectification (casting gentrifiers as moral “improvers”) and teleology (through the logic of highest and best use). At an extreme, the effect is to render displacement natural, inevitable and beneficial. Conversely, those opposed to

85. For an insightful discussion of the intersections between globalisation, property development and power relations in Vancouver, see K. Mitchell, “Multiculturalism, or the United Colors of Capitalism” (1993) 25:4 Antipode 263.
gentrification engage in a denaturalisation and immoralisation of gentrification, through a conscious attempt at rendering property as potentially inequitable. Drawing upon bittersweet local histories of dispossession and successful resistance, a distinction is drawn between the rapacious, individualised property claim of the developer, and the collective, embedded entitlements of local residents.

There are two sides to every frontier; opposing historical geographies of property create a sharp moral and political cleavage between two dialectically related encampments. However, this division is not un consequential. It has been noted that the maps we make of the social world are not disinterested. Rather, they shape the way in which we are invited to constitute that world, and the actions that we take therein. Similarly, dominant “property maps” of the inner city—as empty, as unnamed, as “undeveloped”—play a critical role in making possible (making invisible, even) material dispossessions. Conversely, community maps of space, entitlement and property can serve to crystallise and mobilise resistance.

Recognising the material contexts and consequences of these “decentred” narratives of property is critical, I would argue. There is a danger in assuming that narratives and discourses are somehow all there is, and that the analysis of such deconstructed representations is in itself sufficient. I would argue that such an analysis is necessary, but insufficient: A legal pluralist perspective can easily suffer from the potential lacunae of pluralist political theory. However, if we are to take seriously the hegemonies of racism, patriarchy and capitalism, we need to be alert to the direct implication of such social structures in the “everyday” life of law, recognising their instrumental and constitutive potential. Even when we decentre law, in other words, we find that the reproduction of some powerfully “centralizing” processes. It is hard to deny the saliency of oppressive property relations in the Downtown Eastside.

However, this does not excuse a reductionist or instrumental reading of power. It is through the complex dialectical interplays of domination and resistance that power relations are constituted. I have suggested that dominant property narratives can exert an overarching effect is such power relations. As Cohen and Hutchinson note: “The taxonomic categories of law ... stake out the venue, weapons and strategies for political struggle. As such, law is a formidable obstacle to any real social change; the way people think about themselves and their limitations is an integral component of any engaged attempt to change the

87. See, for example, Wood, supra note 78.
world." However, a decentred analysis as I have attempted here, reveals the degree to which such taxonomic categories have their limits; or rather, the way in which materially and spatially grounded groups can refashion those categories in oppositional ways. If we wish to make sense of the hegemonic power of law, and the potential for resistance, we urgently need more extended studies "on the ground," as well as an attention to the mandarin legalities of the judicial decision.


91. "We'll never understand the power that legal forms hold over our minds unless we see them at work up close, in the most ordinary settings ...” D. Gordon, "Critical Legal Histories" (1984) 36 Stanford L. Rev. 57 at 122.