

# Governing the Belongings of the Precariously Housed: A Critical Legal Geography

Nicholas Blomley,<sup>1</sup> Alexandra Flynn,<sup>2</sup>  
and Marie-Eve Sylvestre<sup>3</sup>

<sup>1</sup>Department of Geography, Simon Fraser University, Burnaby, British Columbia V5A 1S6, Canada; email: blomley@sfu.ca

<sup>2</sup>Allard School of Law, University of British Columbia, Vancouver, British Columbia V6T 1ZT, Canada

<sup>3</sup>Civil Law Section, Faculty of Law, University of Ottawa, Ottawa, Ontario K1N 6N5, Canada

ANNUAL  
REVIEWS **CONNECT**

[www.annualreviews.org](http://www.annualreviews.org)

- Download figures
- Navigate cited references
- Keyword search
- Explore related articles
- Share via email or social media

Annu. Rev. Law Soc. Sci. 2020. 16:165–81

First published as a Review in Advance on  
May 15, 2020

The *Annual Review of Law and Social Science* is online  
at [lawsocsci.annualreviews.org](http://lawsocsci.annualreviews.org)

<https://doi.org/10.1146/annurev-lawsocsci-021020-105357>

Copyright © 2020 by Annual Reviews.  
All rights reserved

## Keywords

personal property, critical legal geography, property, evaluation

## Abstract

Precariously housed people face serious challenges in securing their personal possessions from the actions of both private and public actors. This is despite evidence of widespread destruction, seizure, and theft; associated violations of equality and dignity rights; the significance of the belongings to their owners; and the heightened vulnerability that the loss of their belongings may place people in. Law seems to provide minimal recognition and protection of precariously housed people's possessions. There is a significant lack of scholarly and policy attention given to the issue. We lay out some preliminary concepts for the analysis of this important topic, focusing on critical legal geography, evaluation, governance, and personhood, before introducing our own research project.

## INTRODUCTION

It was winter in British Columbia, Canada, and raining, and Ken was sleeping rough. Waking up in a leaky tent, he faced a brutal choice: He could leave the tent out and hope it dried, but face its possible seizure or destruction by the authorities, or pack it up wet, thus keeping it secure but risking hypothermia the following night.

I set up my tent. . . it was just getting into winter so it would rain, and once the tent and gear absorbs water, you now have to, in the morning, pack that up. . . When you go to bed now, everything is already wet. So when I set up again, when all my stuff was [already] soaked through, I went to bed with everything wet and it was uncomfortable. . . Luckily, I woke up in the morning and I didn't freeze that night. . . . And so I packed up and biked to town, *and I knew that day that, when I go home tonight I am going to die. . . not because I want to. And my only option, to leave my things set up, wasn't an acceptable one either because if people [state officials] see it, they'll destroy it.* (Pivot Legal Soc. 2018, p. 24, emphasis added)

Fortunately, a friend helped him find a bed: "So I didn't die that day," he noted.

Meanwhile, in Milwaukee, an eviction team knocked at a rental apartment:

. . . a Hispanic woman in her early forties answered the door holding a wooden spoon.

"Can I have until Wednesday?" she asked.

The deputies shook their heads no. She nodded with forced resolve or submission.

Dave [the mover] stepped into the porch. "Ma'am," he said. "we can place your things in our truck or on the curb. Which would you prefer?"

She opted for the curb. "Curbside service, baby!" Dave hollered back to his crew.

Dave stepped into the house and tripped over a Dora the Explorer chair. He reached over an older man sitting at the table and flipped on more lights. The house was warm and smelled of garlic and spices. (Desmond 2016, p. 124)

Although both moments are spatially and situationally different, they each speak to the important and understudied ways in which the possessions of the poor are seized, destroyed, and devalued by powerful private and public actors.

Poor people tend to be precariously housed, moving between a continuum of public and private spaces, such as insecure rental housing, rooming houses, shelters, transitional housing, or state-owned land like city parks. Because many precariously housed people do not have fee simple tenure, their belongings are located on the land (and thus under the control) of private and public agents, such as landlords, churches, not-for-profits, corporations, and the state (Amster 2008). As they move between these spaces, their possessions become subject to the will of others, such as police officers, private landlords, transit authority personnel, employees of business improvement districts, bylaw officers, debt collectors, and other precariously housed people, affirming Wexler's (1970, p. 1050) argument that "poor people are always bumping into sharp legal things." Personal possessions are of practical and affective significance to all, and perhaps even more so to the vulnerable. Although there is a substantial literature on the governance of poor people who use public spaces, particularly the homeless, there is no systematic research that addresses the manner in which poor people's belongings are governed and, in turn, how people are also governed through their things. In this article, we lay out the importance of the topic, offer some conceptual tools to frame the analysis, and outline our own proposed research project on this question. We focus on the Canadian experience, although noting the broader significance of the question.

The legal governance of the personal belongings of the poor appears to be widespread. For many, the loss or destruction of possessions is endemic. As noted, precarious tenants in the private rental sector may experience eviction, in which both themselves and their possessions are expelled from a space (Blomley & Pérez 2018, Desmond 2016, Sutter 2015, Weiser & Treu 2008). In the event a tenant defaults in the payment of rent, the landlord may exercise a common law right to seize the tenant's personal property located within the leased premises in satisfaction of the tenant's rent arrears (Egan 2018). The accumulation of possessions in private rentals may also be a pretext for evictions (Fleming et al. 2019). Rough sleepers may find their possessions confiscated by bylaw officers, who regard them as garbage, obstructions, or stolen goods (Coulter 2018, Feinberg 2017). The police may harass car campers. Municipal laws may prevent bottle scavenging at the curb (CTV Ottawa 2016). Although encampments of houseless people may provide a limited measure of security for people, this very concentration of material objects may incite regulatory or police action (Pauly & Gagnon 2018), including wholesale sweeps, with the attendant destruction of tents, clothing, and sleeping bags (Bourgois & Schonberg 2009). As people are often forced to store possessions in private storage lockers, due to uncertain living conditions, poverty or foreclosure may lead to liens and, ultimately, the forced sale of their possessions (Streitfeld 2008). Compelled to live in insecure conditions, people's property is often stolen by other marginalized people.<sup>1</sup> Criminalized people may confront aggressive civil forfeiture law, with the seizure of property that is used in relation to crime, or be caught up in bail and probation restrictions, or police harassment, that target or threaten their personal possessions (Honchariw 2017, Ingraham 2015). Police in many inner-city areas frequently seize personal property, presuming it is stolen (Kerr 2018).

This comes into focus when we direct our attention to particular spaces and objects. Take, for example, the case of animals owned by precariously housed people. In common law jurisdictions, these are deemed objects of property and regulated accordingly (Rock & Degeling 2013). Although there is relatively little literature on the topic, evidence suggests that companion animals provide many benefits to precariously housed people, including "solace, emotional support, unconditional love, and acceptance" (Labrecque & Walsh 2011, p. 83), and that there may be a stronger human-animal bond than among the housed (Taylor et al. 2004). Yet companion animals may bring liabilities as well as benefits for their owners (Kidd & Kidd 1994). Houseless people with animals often encounter hostility from the housed, for example, assuming that they are poorly placed to care for animals, despite evidence to the contrary (Irvine 2013). Their animals are often at risk of seizure by regulators. Dog licensing, for example, may require a fixed address. Accessing shelter may be difficult, given restrictive policies. Coded as a burden or risk by shelter managers, animals are regarded as companions or family by their owners. Labrecque & Walsh (2011) reported that 67% of their Canadian female houseless respondents had to relinquish animals to access shelter.<sup>2</sup>

I felt terrible, I felt like I was some kind of terrorist or something taking my cats in. . . [A]ll of a sudden they took over that end of things and they got put down. For no reason except for that they couldn't afford to keep them there. . . It took me a long time to get over that. (Vancouver respondent; Labrecque & Walsh 2011, p. 90)

---

<sup>1</sup>We regard the prevalence of theft as a regulatory failure.

<sup>2</sup>See the "My Dog is My Home" US activist art project dedicated to sharing testimonies about houseless people's relationships with their canine companions, and Gillespie & Lawson's (2017) associated paper. Drawing from a feminist ethic of care, they argue that these testimonies challenge prevailing norms that frame houseless people as disposable and ungrievable, but also challenge norms of propertied citizenship—challenging both the idea of the home as the house ("my dog is my home") and the legal framing of dogs as property.

Similarly, restrictive pet policies impact renters or older adults seeking affordable independent living facilities (Toohey & Krahn 2018). Animal owners in the private rental sector in Sydney, Australia, reported high levels of stress associated with accessing and securing housing. They experienced high levels of forced animal relinquishment when moving homes and often felt forced to conceal their pets, deferring property repairs to avoid landlord visits and accepting lower-quality housing as a consequence (Power 2017).

Particular spaces also become highly contested and regulated sites. Take, for example, storage sites. Vulnerable people often use private storage lockers to secure their possessions, following eviction, during homelessness, or while incarcerated. Nonpayment of rent, however, can lead to the seizure of goods (resulting in the upsurge of “dispossession TV” in the United States, in which goods are repossessed and auctioned off for profit while cameras roll; Ouellette 2017).

The storage of the possessions of houseless people can also become a site of regulation. The City of Los Angeles currently limits street storage to a 60-gallon container (Chiland 2019). Although other jurisdictions, such as the Canadian city of Victoria, provide storage lockers for houseless people, this is partly motivated by the concerns of local businesses regarding “chattels that are on the sidewalk or in parks” (Cleverley 2018). Shelter policies can be restrictive, with limited and often insecure storage space and limited recognition of the value that belongings may have for their owners (Pable 2013; Ranasinghe 2018, pp. 46–49)

Although people and their possessions are clearly entangled, the brutal consequences of housing precarity mean that the challenges of protecting the latter are often entwined in securing shelter for the former. Private storage lockers may thus become de facto housing for people (Laanela 2017). Online, locker owners are counseled on how to prevent spaces for goods from becoming spaces for unwanted people (Daniels 2018), with recommendations that they be compassionate but firm: The tenant and their possessions must be expelled (Haecherl 2017).

## SIGNIFICANCE AND ANALYSIS

Why does this matter? Firstly, the governance of their possessions by others often places vulnerable people in situations of enhanced precarity. Interviews with houseless people in British Columbia demonstrate that health problems may be exacerbated by property seizure, if people’s medication is lost or if tarps and tents are seized and people are forced to sleep rough, for example. Some houseless respondents noted that they felt obliged to not seek much-needed medical care because of a fear that officials would seize their possessions while they were in the hospital. Other houseless people like Ken, noted above, realized they were forced into a brutal trade-off between accumulating more possessions to protect themselves from risky environments, but then becoming more visible to regulators, or living with less and facing heightened bodily risk: As one houseless person noted, “[A] solid structure will get you into shit. . . If you can keep it to a tent and tarp, you can stay hidden” (Pivot Legal Soc. 2018, p. 26). Fear of having belongings stolen also ranks among the main reasons why the houseless sometimes prefer the streets to shelters, even in the most extreme weather conditions (Duneier 1999). “When you accumulate stuff, you’re trying to establish something, and you keep it in your cart,” said Rollo, 52, a recovering opioid addict who also suffers from bipolar disorder and other mental health issues. “The clothes that you saved up, the shelter, the bedding. It takes me time to accumulate that stuff. So, once I have it accumulated, I don’t want to lose it again. Going to a shelter, I would have to hide my stuff because other homeless people will steal it” (Wilhelm 2019).<sup>3</sup> Further, policing practices that result in the seizure

<sup>3</sup>The risk of theft is largely a function of the governance regimes in which precariously housed people find themselves. Shelters and supportive housing are often highly insecure spaces, for example.

of drug paraphernalia and evictions directly undermine the right to health for people who inject drugs, including increased risks of overdoses, relapses, and disease (Damon et al. 2018, Shannon et al. 2008, Werb et al. 2008).

Secondly, principles of equality are violated. The personal possessions of comfortably housed people are protected to a far greater degree than those of vulnerably housed people. Such differences are hard to justify in many cases. Moreover, uncovering the governance regimes that control poor people's possessions reveals discriminatory practices that fall heavily on particular groups, such as women or Indigenous people, who tend to be overrepresented among the precariously housed (Desmond 2016).

Thirdly, the seizure or destruction of personal property risks underplaying the significance of certain objects to their owners, denying their dignity as human beings (Atuahene 2016). It is in this context that they are better described as "belongings." The photographs destroyed in an eviction or municipal sweep of houseless encampments may be the last tangible link that a person has to a child or family. The effects of these forms of legal governance would thus appear to be problematic on many levels, enhancing already-existing forms of precarity. We can assume that this unfolds in intersectional ways, implicating class, gender, and race.

Fourthly, such an analysis is important in developing a fuller understanding of the manner in which marginalized people are regulated by law. Although an extensive literature recognizes many aspects of this topic, touching on municipal and criminal law (Blomley 2010; Crocker & Johnson 2010; Herbert 1997; Herbert & Beckett 2010; Mitchell 1997; Sylvestre et al. 2015, 2020), the manner in which marginalized people's possessions are legally governed, and its effects, are understudied, as is the manner in which this regulation intersects with other forms of governance. In particular, the literature fails to consider how the regulation of people's belongings intersects with the regulation of their physical presence in the precarious spaces they are forced into. As individuals carry things and depend on those things for their survival, exclusionary rules that apply to their belongings will directly impact their own ability to occupy certain spaces.

Scholarship is thus urgently needed on this important and understudied topic. Yet although advocacy and research have focused on particular sites of precarity, such as houselessness, or specific possessions, such as animals, there has been little systematic research on the issue. This is, perhaps, reflective of a social bias within property research in two important ways.

One bias is the tendency to focus property analysis on those with the most secure property entitlements. But this is a partial and problematic place from which to begin. Only a relatively small proportion of people have secure title. A growing proportion rent in the private sector, many "homeowners" are highly indebted, and a growing number of people are precariously housed. In that sense, property's margins (Peñalver & Katyal 2007, Roark 2017, van der Walt 2010) are, in fact, more central than is recognized. Such a focus offers us valuable lessons, precisely because those on the social margins experience law through conflicts with privileged property positions (Honoré 1982, Matsuda 1987, O'Mahoney 2014, van der Walt 2009).

In addition, such a perspective overlooks the importance of propertied assets other than land, notably personal property, which remains poorly researched (Brady 2016, Findlay & Blomley 2020). Clearly, there is a specificity and significance to personal property that needs analysis. It is an expression of material culture (Miller 2010). Unlike land, it is mobile. As such, it can be lost, hidden, stolen, or moved. It is also prone to damage or decay. Ownership is not obvious: If not visibly marked as belonging to someone and separated from an identifying location, it is often impossible to identify an object with its owner. Defined as "[a]ny movable or intangible thing that is subject to ownership and not classified as real property" (Garner 1999), it entails a wide array of materials that serve purposes that are functional, affective, and practical. Its legal status is also often unclear. Brady (2016, p. 949) notes that in the US context, the law regulating personal possessions in public

space is “at best unclear and at worse incoherent.” Compelling evidence from empirical psychology research also suggests that law provides protections for residential property that overemphasize its personal psychological significance, providing less consistent protection for personal property, despite evidence of the strong attachments that people have to it (Stern & Lewinsohn-Zamir 2020).

## LEGAL ANALYSIS

Law does not provide many protections for the possessions of the precariously housed. Although the common law of property suggests a right of control of one’s things or to set an agenda for their use (Hamill 2015, Katz 2017), the truth is different when it comes to the judicial protection of poor people’s things. Generally, in case law, decisions turn on the minutiae of definition. For example, personal property is considered to be lost if an owner parted with it by accident and does not know its location, whereas mislaid property happens when an owner intentionally places something somewhere with the plan to find it again, but he or she subsequently forgets where it has been placed (Ziff 2018). Abandoned property, by contrast, is property for which the owner has intentionally relinquished all rights. When it comes to poor people, definitions are critical (Leonetti 2019), and in regard to laws and cases that concern poor people’s things, this includes whether their belongings are deemed to have been “abandoned,” “lost,” or “misplaced” (Parizeau & Lepawsky 2015), or whether tents are “personal property” or a “home” [*R v. Picard* (2018)].

Few cases consider the legal rights of poor people, especially those who are unhoused, to their belongings. In 2012, the US Court of Appeals, Ninth Circuit, in California considered the rights of houseless people on Skid Row to have their possessions seized. In *Lavan v. City of Los Angeles* (2012), the court determined that personal possessions could not be considered abandoned when they were left unattended (Dozier 2019, Kassis 2013). The city was barred from seizing property in Skid Row without an objectively reasonable belief that it was abandoned, or from destroying personal possessions within 90 days, unless there was an immediate threat to public health or safety. The appeal court focused the question on the rights of Skid Row residents to their belongings, including family photographs and identification papers. The court stated, rather emphatically,

The City has . . . asked us to declare that the unattended property of homeless persons is uniquely beyond the reach of the Constitution, so that the government may seize and destroy with impunity the worldly possessions of a vulnerable group in our society. Because even the most basic reading of our Constitution prohibits such a result, the City’s appeal is DENIED.

No similar Canadian cases have considered the rights of the precariously housed to their belongings, perhaps because of the differing approaches to including “property” in each of the country’s constitutions (Metcalf 2015). In the United States, the Fourteenth Amendment forbids the state from depriving “any person of life, liberty, or property, without due process of law.” In Canada, section 7 of the Charter of Rights and Freedoms (1982) protects “life, liberty and security of the person,” expressly omitting property as a protected ground. Such constitutional nuances have differently decided whether a tent located on public land can be considered a home and, therefore, protected from search and seizure. In *Connecticut v. Mooney* (1991), a US court considered whether the possessions of a houseless man living under a highway overpass are protected by the same constitutional rights as the belongings of any house or apartment dweller. The case centered on the legal meaning of “house,” as the tent was located in a public place anyone could enter. The majority of judges decided that denying Mooney’s space as constitutionally protected would create a double standard under the law, whereby those with sufficient funds to live in a home would have their possessions protected, whereas those without would be left vulnerable (Eisenberg 1993).

The bulk of recent cases that tangentially concern poor people's things in Canada focus on what are called tent cities, or collections of semi-permanent structures, often located in city parks. Following a series of cases in which municipalities were given the power to enforce city bylaws that blocked activities like sleeping in parks and loitering [*Vancouver Board of Parks & Recreation v. Mickelson* (2003)], the British Columbia Court of Appeal made an important decision in 2009. In *Victoria (City) v. Adams* (2009), the court considered city bylaws that prohibited sleeping in parks overnight. The court ruled that the bylaws were unconstitutional, as those sleeping in parks had nowhere else to go, given the lack of available shelter beds. The court limited its decision to nighttime hours, meaning that the city could not ban sleeping in parks at night but could do so during the day.

Since *Victoria (City) v. Adams*, courts have asked that cities balance the interests of the public for recreation and cleanliness [*Saanich (District) v. Brett* (2018)] alongside accommodations for those that are houseless, including in relation to their things [*Abbotsford (City) v. Shantz* (2015)]. For example, the court let a bylaw prohibiting tent cities stand when many steps were taken to minimize the hardship on houseless populations by, for example, providing storage containers for their belongings during the day when they were required to leave the park [*Saanich (District) v. Brett*].

Cases about people's things play out in the criminal context as well. In 2018, a Canadian court considered whether a tent could be protected from search without a warrant because it had been used as a home for two years, even though it was located on public land, contrary to a city bylaw. The judge in *R v. Picard* ruled that Picard did not have the legal right to erect a tent on the city sidewalk, and therefore, the structure could not be considered a home. The judge stated, "In my view, it is too simplistic to say that any residence or place which a person calls home is automatically a 'home' in the legal sense, so as to entitle Mr. Picard to protection from a warrantless search save for exceptional circumstances." This case is currently under appeal, with implications for how one's things, in this case narcotics, are differently protected when one resides in a tent.

Although the constitutional protection of poor people's things has not yet been recognized in Canada, two recent cases have at least acknowledged the relationship between tents and belongings. In *Vancouver (City) v. Wallstam* (2017), the court considered whether the city could force a tent on vacant city land to be removed. The court acknowledged that the tent's occupants are "speaking about more than shelter: they are relying on what they say is their safety and survival, which they submit can only come from having a stable place to sleep and live," which included the safety and security of their belongings. In *Nanaimo (City) v. Courtoreille* (2018), the court noted the great importance that occupants place on tent cities as providing a secure place to keep their belongings. These judicial pronouncements may help advance a future argument that personal possessions are critical to the life, liberty, and security of the person and that tent cities are one means by which possessions may be protected. Until then, the courts are not the forum in which the rights of poor people to their belongings are protected, at least not in Canada.

## CRITICAL LEGAL GEOGRAPHY

How, then, might this topic be analyzed? We suggest that it may be useful to begin from a critical legal geographic perspective, focused on the manner in which law both shapes and is shaped by the geographic dimensions of social life, in so doing constituting and legitimating unequal social relations (Blomley 1994; Braverman et al. 2014; Chesnay et al. 2014; Flynn 2016, 2018; Sylvestre et al. 2011, 2015, 2018, 2019). Most immediately, we can begin from the basic principle that everything has to happen somewhere. As such, access to land is a prerequisite for human freedom (Waldron 1990). Access is not spatially fixed for precariously housed people, who may

find themselves moving between publicly and privately owned legal spaces, or in hybrid spaces, such as shelters, each with distinct governance regimes.

Property law is one crucial means by which access is organized. Given that we access land through and in relation to others, a recognition of property law's relational work in structuring the relational geographies in which we all live becomes fundamental. For most people, access to and use of land for shelter depends on privileged others, who grant access under legally framed terms. Property is not an inside/outside condition, either within which one is located or from which one is exiled. Rather, it is a series of relationships and rights that entangle us all. The highly differentiated terms under which we do so are a matter of profound significance, shaping a social order through patterned forms of dependency and privilege (Blomley 2020).

One way to think of these relations is through the lens of precariousness. The word precarious is of legal origin, its first use in English pertaining to a right or tenancy held at the favor of and at the pleasure of another person, signifying a vulnerability to the will or decision of others (Vasudevan 2015, p. 351). Following Hohfeld (1913), we can characterize a precarious property relation as entailing a power/liability pairing, in which one party has the power to change a particular set of relations, whereas the other lacks immunity to such changes (Blomley 2020). Legal precariousness is thus not a condition but a relationship. All property is, in some sense, precarious. However, marginalized people clearly find themselves in legal relationships of heightened precariousness, threatening their ability to benefit from valued resources (Blomley 2009, van der Walt 2009). Although this clearly includes land (renters have relatively insecure tenures compared with fee simple title holders; shelter residents may not be protected by landlord-tenant law; and houseless people are highly vulnerable to the actions of private and state actors), it also includes personal possessions. The legal determinants of vulnerability are further compounded by intersecting patterns of racialization, indigeneity, gender, and class, producing conditions of generalized precarity (Gear 2013, Lovey 2015).

This is why an exclusive and singular focus on houseless people, for example, is insufficient. We need to avoid a static and singular analysis, but embrace one that traces the manner in which regulation moves across fields. People and things become different legal objects as they traverse governable spaces. Chattel property, like a tent, can become a legal "obstruction" if erected on a sidewalk or a park (Walby & Lippert 2011), or a "private" home, subject to privacy protection. In many jurisdictions, a privately owned "pet" may become deemed a stray, subject to impoundment if it is in public and does not have a license or is "running at large" and, after 72 hours, may be destroyed or sold (compare with India, where ownerless dogs are legally framed as "street dogs" and thus not killable; Srinivasan 2013).

## LEGAL GOVERNANCE

Conceptually, the process of legal regulation can be thought of as a composite form of governance, defined as "any attempt to control or manage any known object" (Hunt & Wickham 1994), involving both conduct and things. The governance of precariously housed people's possessions is practiced by both state and private actors. Governance is constitutive, bringing its agents and targets into being as it acts (Hunt & Wickham 1994), and draws from a variety of forms of knowledge, including law (Rose & Valverde 1998). Legal governance—particularly in regard to personal possessions—often operates in a distinctive way. Rather than targeting people, certain forms of legal governance, such as municipal law, govern objects, specifying appropriate "uses" and "activities" to control spaces (Blomley 2010, Valverde 2011). As such, personal property can become legally consequential. Thus, although it is not necessarily illegal for a person to sleep in many



Canadian parks at night, it is illegal to erect a tent in daytime [*Victoria (City) v. Adams*]. Although these forms of legal governance do not use the more typical category of “person” that traditionally attracts rights scrutiny, the governance of personal possessions often becomes a form of governance of people through things. When combined, the governance of people and their things often makes it impossible for individuals to occupy any public spaces.

To understand the process of legal governance, it is vital to trace the manner in which it produces space (Merry 2001, Rose & Valverde 1998), including the constitution of “governable spaces.” These entail not only the obvious, but important, creation of public and private spaces but also more hybrid forms of overlapping and intersecting governable geographies. The evaluation of personal possessions is framed, in part, by geographic conceptions, such that, for example, certain items, much like their vulnerable owners, are deemed “out of place” (Cresswell 1996). Legal actors, for example, may rely on sharp public/private distinctions or more contextual criteria in evaluating personal property (Brady 2016).

## EVALUATION

Governance necessarily entails forms of evaluation (of people, of possessions, and their mutual relationship) on the principle that governmental schemes act as grids for the perception and evaluation of things (Evans 2012, Foucault 1991). Thus, one useful frame for thinking of the manner in which the governance of precariously housed people is assessed is through the lens of valuation, defined as “any social practice where the value or values of something is established, assessed, negotiated, provoked, maintained, constructed and/or contested” (<https://valuationstudies.liu.se>).

The focus here is not on values, as such, but on the practice whereby values are assessed. For Dewey (1939), it is not useful to ask, “What is value?” but more productive to look at the practices through which objects are made valuable. Assuming value to be an essential quality of an object would be like calling the ball struck in baseball a hit or a foul:

It is not the ball, however, that is valued as a hit or a foul in itself. Rather, it is the apparatus around it that makes it one or the other. It is the players, referees, coaches, spectators, sponsors, media, and myriad other actors as well as the material and symbolic elements, such as the lines drawn on the playing field, conventions, rules, league performance tables, tournaments, etc. . . . [Dewey’s] flank movement shifts attention from the ball to the network of elements, the evaluative infrastructure, that makes it valuable. The emphasis is on the process of making things valuable: through which practices, technologies, and devices are objects evaluated? How are things commensurated, compared, categorized, and classified? What accounts make some things count more than others? (Kornberger et al. 2015, p. 9, emphasis in original)

Lamont (2012, p. 205) argues that evaluation is not something that simply happens inside the head of an individual “but in practices and experiences, in what people spend their time doing, through latent or explicit dialogues with specific or generalized others (often made available through cultural repertoires).” We understand evaluation in this sense as based on a constructivist understanding of value (Dewey 1939). Disputes over evaluation can thus be understood as forms of ontological politics (Mol 1999), that is, as disputes concerning reality. At work here are complex grammars of worth, relative discernments of value, and related processes of *devaluation* between regulators and the precariously housed. Understanding how (de)valuation occurs in the context of the regulation of personal possessions, in a society that notionally values private property, and related rights to dignity and security, is thus a pressing question (Brady 2016). As such, evaluative practices need to be made visible to facilitate informed critique. It is also crucial to understand the evaluations made

by vulnerably housed people of their possessions (Dittmar 1992). Personal objects, an expression of material culture (Miller 2010), may be fundamental to personhood, security, privacy, identity, and autonomy (Davidson 2018, Radin 1993): “[N]ot only does it help them to live, but it can be part of who they are as persons” (Zimmerman & Welch 2011, p. 70). Consequently, their loss may threaten a particular “economy of relationships” (Miller 2010), making precarious people all the more vulnerable (Dickson 2018).

We note above the importance of evaluation in the courts. For both owners and regulators, we might anticipate at least two evaluative logics at work. First, borrowing from Entman (2004) and Metzger & Wiberg (2018), we might anticipate that evaluation will be “framed” by a set of organizing principles. Possible evaluative frames may include the affective (“I love my dog”), the practical (“the tent keeps me dry”), the therapeutic (“hoarding is a personal failure that must be remedied”), the social/moral (“poor people are not entitled to own ‘nice’ or expensive things”), the political (“hands off my stuff!”), the legal-technical (“an object is an obstruction”), and the extractive (“a tenant’s possessions can be used to derive lost rental value”).

Second, we might anticipate that the evaluation of things is wedded to the evaluation of persons, tied in turn to the evaluation of the places that both find themselves in (Dewey 1939, Metzger & Wiberg 2018), for example, by coding certain public spaces as of high value and thus deeming the presence of houseless people’s tents to be particularly objectionable. We might term these thing–person–space composites “chain evaluations.” Chain evaluations seem evident in logics of reduction [in which people are reduced to things—e.g., “trailer trash” (Sullivan 2018), or the houseless and their possessions, when in the “wrong place” as “broken-windows” (Dozier 2019)], forms of reification (people and things are interchangeable; tenants and their stuff are problems or are commercial assets from which wealth can be derived), and forms of assimilation (people’s sense of self is entangled with things, e.g., “this is my stuff”) (Stanger-Ross et al. 2017).

One example of such chain evaluations relates to a recent proposal by the City of Vernon, British Columbia, to ban shopping carts on public property within a designated business improvement area after a safety task force noted that carts are an obstruction and “add to a sense of urban decay” (Turcato 2018). One city councillor was supportive of the ban not only because it would improve the built environment but also because he felt that it could benefit houseless individuals who “have trouble determining what is actually valuable to them and what is something that they need as opposed to things they just like to collect” (Grauer 2018).

## PERSONHOOD

To think of the relation between property and personhood in this context is to invite at least two related questions. Firstly, what sort of lived subjectivity does the loss of property constitute? How is property experienced in a space of dispossession? Secondly, how is the subject of property imagined by others, and with what effect? Both of these questions are worth asking in the context of endemic precariousness. Firstly, how do precariously housed people evaluate not only their belongings, and their relative worth, but also the political and legal framings in which they are situated? If property rights are imagined as a means of buttressing the possessive individual, secure in their entitlements, the experience of inescapable and pervasive loss in this context perhaps produces the “dispossessive subject,” a self that expects loss. They live in what one of our informants described as the endemic “hum” of loss:

It’s the same story, over and over again by different people, but it’s the same story: “Oh, my God, they took my stuff. . . Oh, my God, they stole my stuff. . . That fucking goof stole my stuff. . . Can you believe it! They took my stuff.” (Interview, May 2, 2019)

It is clear that we are far from the “separative self” imagined by dominant property framings (Nedelsky 1990). Here, boundaries are permeable, exposure continual, and expectations of security laughable. How, then, is the dispossessive subject experienced? Do the precarious perform a form of possessive individualism, reenacting liberal logics of illegitimate takings, or do they frame loss through other vocabularies, such as human dignity and equality? Might they contest dominant property framings altogether, given legacies of dispossession and the denial of essential humanity? [Compare, for example, Roy’s (2017) invocation of dis/possessive collectivism among racialized evictees and foreclosed populations.]

Secondly, how do regulators evaluate the legal subjectivity of the precariously housed? Lamont (2012) notes that evaluative practices can entail devaluations of people (Cockburn 2018; Lamont et al. 2014, pp. 593–95; Metzger & Wiberg 2018, p. 2304). The fact that personal possessions can so easily be seized, damaged, or destroyed would seem to suggest a systematic devaluation of some people and their belongings. Their stuff is characterized as useless, a problem, or a resource for others. The interest and rights that poor people have in relation to their possessions are also diminished. A “differential allocation of precarity” is thus sustained, in part, by a set of valuation practices, in which certain lives are not regarded “as potentially grievable, and hence valuable” (Butler 2009, pp. 22, 24). The high proportion of racialized people among precarious populations, including Indigenous people, also should alert us to the racial logics of devaluation that subtend racial capitalism and colonial settlement (Bhandar 2018). Following Roy (2017, p. A3), the critical question here is, “Who can count as the subject who can claim home and land?”

## A RESEARCH AGENDA

Given the importance of the topic, and its significance to essential questions of social justice, we (a team of geographers and legal scholars) have initiated a research project, with funding from the Canadian Social Sciences and Humanities Research Council and support from several community partners. We frame personal possessions in relation to the status of precarious property, described above, with a focus on the manner in which regulators, both public and private, and the vulnerably housed evaluate those possessions. We use a legal geographic lens, alert to the manner in which vulnerably housed people’s possessions move between hybrid and overlapping public and private regulatory spaces. The overarching objective of our project is to document the public and private governance of the personal property of the poor in Canadian cities, as well as the consequences of such forms of regulation in enhancing precariousness. This entails four research objectives:

1. Determine how the personal property of poor people is governed, and by whom;
2. Specify how personal property is evaluated in this process, both by regulators and by its owners, and how evaluation shapes governance outcomes;
3. Investigate how governance enhances or mitigates against legal precariousness; and
4. Develop conceptual and policy tools for the systematic analysis of the governance of poor people’s possessions.

A crucial aspect of this research includes mapping the extensive web of regulations at different levels that play out, overlapping, reinforcing, or sometimes contradicting each other in the regulation of poor people’s possessions and belongings. Recognizing that property precarity is not a fixed condition but a changing relationship through which the provisional use and access of space is granted, our focus is not simply on houseless people. Given that the precariously housed often cycle between private and public shelters, private rental housing, mobile home parks, prisons/remand, and living outside, we need to recognize that there are multiple legal regimes at play, such

as municipal law, property law, and criminal law. Those who govern people's possessions are state, private, and quasi-public actors.

Given the diversity of personal property, and the likelihood that different objects will trigger different regulatory regimes, we plan to focus on particular sets of objects, notably, camping material [sleeping bags, tents, or tarps (Amster 2003, Wasserman & Clair 2011)]; animals (Gillespie & Lawson 2017, Irvine 2013, Toohey & Krahn 2018); recycled items (bottles, furniture); forms of transport [bikes, shopping carts, camper vans (Langegger & Koester 2017)]; drug paraphernalia [syringes and small spoons, pipes, roach clips, paper (Pivot Legal Soc. 2018, Werb et al. 2008)]; creative artifacts, given that many artists are poor/houseless (Abbing 2018, Boucher 2018); and objects of memory, such as family photographs, keepsakes, or cultural artefacts, drawing from Peñalver's (2011) discussion of "memory in property."

We aspire to a mobile and nimble methodological framing, in which we aim to "follow the things" (Hawkins et al. 2011, Marcus 1995), tracing regulatory objects, such as pets or recycled items, as they move through particular research sites, such as from private rental housing to the street, hence avoiding a static and singular governance analysis but tracing the manner in which governance moves across regulatory fields.

## CONCLUSION

Our conviction is that this is research worth doing, at several levels, and we encourage others to pursue related work. Precarious folks elsewhere seem to agree [see the Stolen Property Project in San Francisco, for example (<https://www.stolenbelonging.org/project>); see also Dozier (2019) on Los Angeles]. Understanding how this happens is thus important work, allowing us—we hope—to also provide informed, evidence-based research to shape policy and legal reform. The particular case of the legal governance of poor people's possessions also offers a fertile terrain for the advancement of scholarship on legal precarity, with particular attention to property and power, while also contributing to the limited scholarship on personal property itself. It also expands critical legal geographic scholarship, moving away from a static lens, focused on particular regulatory sites (such as homelessness within public space), toward a more dynamic, mobile analysis alert to the movement of people and their possessions as they traverse and occupy multiple governance spaces.

## DISCLOSURE STATEMENT

The authors are not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

## ACKNOWLEDGMENTS

This article has benefited from audience feedback at Universidade Federal de Minas Gerais Law School, Belo Horizonte, Brazil; the Property Works in Progress conference at Northeastern University School of Law; Kent Law School; and Drexel University.

## LITERATURE CITED

- Abbing H. 2018. *Why Are Artists Poor?: The Exceptional Economy of the Arts*. Amsterdam: Amsterdam Univ. Press
- Abbotsford (City) v. Shantz*, [2015] BCSC 1909
- Amster R. 2003. Patterns of exclusion: sanitizing space, criminalizing homelessness. *Soc. Justice* 30(1):195–221
- Amster R. 2008. *Lost in Space: The Criminalization, Globalization, and Urban Ecology of Homelessness*. New York: LFB Sch. Publ.

- Atuahene B. 2016. Dignity takings and dignity restoration: creating a new theoretical framework for understanding involuntary property loss and the remedies required. *Law Soc. Inq.* 41(4):796–823
- Bhandar B. 2018. *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. Durham, NC: Duke Univ. Press
- Blomley N. 1994. *Law, Space, and the Geographies of Power*. New York: Guilford
- Blomley N. 2009. Homelessness, rights and the delusions of property. *Urban Geogr.* 30(6):577–90
- Blomley N. 2010. *Rights of Passage—Sidewalks and the Regulation of Public Flow*. London: Routledge
- Blomley N. 2020. Precarious territory: Property law, housing and the socio-spatial order. *Antipode* 52(1):26–57
- Blomley N, Pérez N. 2018. Precarious property: access and territory. In *Access to Land*, ed. Y Emerich, L St-Pierre Harvey, pp. 1–20. Montréal, Can.: Thémis Univ. Montr.
- Boucher B. 2018. The homeless man in the driveway is a brilliant artist? How three stars of the outsider art fair were discovered. *Artnet News*, Jan. 19. <https://news.artnet.com/market/outsider-art-fair-2018-backstories-1202201>
- Bourgeois P, Schonberg J. 2009. *Righteous Dopefiend*. Berkeley: Univ. Calif. Press
- Brady M. 2016. The lost effects of the Fourth Amendment: giving personal property due protection. *Yale Law J.* 125:946–1017
- Braverman I, Blomley N, Delaney D, Kedar A, eds. 2014. *The Expanding Spaces of Law: A Timely Legal Geography*. Stanford, CA: Stanford Univ. Press
- Butler J. 2009. *Frames of War: When Is Life Grievable?* New York: Verso
- Canadian Charter of Rights and Freedoms*. 1982. S 2, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act, c 11 (UK)
- Chesnay C, Bellot C, Sylvestre M-E. 2014. Judicialisation des personnes itinérantes à Québec: une géographie des pratiques policières répressives au service de la revitalisation. *ÉchoGéo* 28:2–17
- Chiland E. 2019. LA settles homeless property rights case. *Curbed Los Angeles*, Mar. 6. <https://la.curbed.com/2019/3/6/18253888/mitchell-settlement-los-angeles-homeless-property>
- Cleverley B. 2018. City of Victoria to pay \$130,000 for storage lockers for homeless. *Times Colonist*, Oct. 10. <https://www.timescolonist.com/news/local/city-of-victoria-to-pay-130-000-for-storage-lockers-for-homeless-1.23457998>
- Cockburn P.J.L. 2018. *The Politics of Dependence: Economic Parasites and Vulnerable Lives*. London: Palgrave Macmillan
- Connecticut v. Mooney*, 218 Conn. 85 (1991)
- Coulter C. 2018. Vernon votes to rein in homeless by banning shopping carts in all public spaces. *CBC*, July 25. <http://www.cbc.ca/news/canada/british-columbia/vernon-votes-to-rein-in-homeless-by-banning-shopping-carts-in-all-public-spaces-1.4761169>
- Cresswell T. 1996. In *Place/Out of Place: Geography, Ideology and Transgression*. Minneapolis: Univ. Minn. Press
- Crocker D, Johnson VM. 2010. *Poverty, Regulation & Social Justice: Readings on the Criminalization of Poverty*. Winnipeg, Can.: Fernwood Publ.
- CTV Ottawa. 2016. The great bottle scavenging debate. *CTV News*, April 26. <https://ottawa.ctvnews.ca/the-great-bottle-scavenging-debate-1.2875935>
- Damon W, McNeil R, Milloy M-J. 2018. Residential eviction predicts initiation of or relapse of crystal methamphetamine use among people who inject drugs: a prospective cohort study. *J. Public Health* 41:36–45
- Daniels A. 2018. *How (and why) to prevent live-in renters*. *storEDGE*, Aug. 5. <https://www.storedge.com/how-and-why-to-prevent-live-in-renters>
- Davidson N. 2018. Property, well-being, and home: positive psychology and property law's foundations. In *Law and the Precarious Home: Socio-Legal Perspectives on the Home in Insecure Times*, ed. H Carr, B Edgeworth, C Hunter, pp. 47–62. Oxford, UK: Hart Publ.
- Desmond M. 2016. *Evicted: Poverty and Profit in the American City*. New York: Broadway Books
- Dewey J. 1939. Theory of valuation. *Int. Encycl. Unified Sci.* 2(4):7–67
- Dickson C. 2018. Storage solution for homeless people on the way in Kamloops. *CBC News*, March 24. <https://www.cbc.ca/news/canada/british-columbia/kamloops-homeless-storage-1.4590259>
- Dittmar H. 1992. *The Social Psychology of Material Possessions: To Have Is To Be*. New York: St. Martin's

- Dozier D. 2019. Contested development: homeless property, police reform, and resistance in Skid Row, LA. *Int. J. Urban Reg. Res.* 43. <https://doi.org/10.1111/1468-2427.12724>
- Duneier M. 1999. *Sidewalk*. New York: Farrar, Straus and Giroux
- Egan K. 2018. A tenant's harsh homecoming—evicted, possessions in the dumpster. *Ottawa Citizen*, Feb. 27
- Eisenberg TS. 1993. *Connecticut v. Mooney*: Can a homeless person find privacy under a bridge? *Pace Law Rev.* 13:229–67
- Entman RM. 2004. *Projections of Power: Framing News, Public Opinion, and US Foreign Policy*. Chicago: Univ. Chicago Press
- Evans J. 2012. Supportive measures, enabling restraint: governing homeless 'street drinkers' in Hamilton, Canada. *Soc. Cult. Geogr.* 13(2):185–200
- Feinberg J. 2017. Bikes and shopping carts confiscated in Chilliwack shakedown. *Chilliwack Progress*, June 16
- Findlay K, Blomley N. 2020. (D)evaluation: the state mismanagement of Japanese Canadian personal property in the 1940s. In *Landscapes of Injustice: A New Perspective on Canada's Internment of Japanese Canadians*, ed. J Stanger-Ross, pp. 213–54. Montreal: McGill-Queens Univ. Press
- Fleming T, Damon W, Collins AB, Czechaczek S, Boyd J, McNeil R. 2019. Housing in crisis: a qualitative study of the socio-legal contexts of residential evictions in Vancouver's Downtown Eastside. *Int. J. Drug Policy* 71:169–77
- Flynn A. 2016. Cycling and the city: performativity in local decision-making. *Windsor Rev. Leg. Soc. Issues* 37:98–117
- Flynn A. 2018. A tale of two casinos: unequal spaces of local governance in Toronto's casino debates. *J. Law Soc. Policy* 30:75–99
- Foucault M. 1991. Questions of method. In *The Foucault Effect: Studies in Governmentality*, ed. G Burchell, C Gordon, P Miller, pp. 73–86. Chicago: Univ. Chicago Press
- Garner BA, ed. 1999. *Black's Law Dictionary*. St. Paul: West Group. 7th ed.
- Gillespie K, Lawson V. 2017. "My dog is my home": multispecies care and poverty politics in Los Angeles, California and Austin, Texas. *Gen. Place Cult.* 24(6):774–93
- Grauer P. 2018. B.C. civil-rights watchdog calls on Vernon councilors to reject shopping car ban. *The Star*, Aug. 23. <https://www.thestar.com/vancouver/2018/08/23/bc-civil-rights-watchdog-calls-on-vernon-councillors-to-reject-shopping-cart-ban.html>
- Grear A. 2013. Vulnerability, advanced global capitalism and co-symptomatic injustice: locating the vulnerable subject. In *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*, ed. MA Fineman, A Grear, pp. 37–50. Farnham, UK: Ashgate
- Haecherl J. 2017. Homelessness + self storage: how to be compassionate while preventing live-in renters. *storEDGE*, Nov. 30. <https://www.storedge.com/homelessness-and-self-storage>
- Hamill S. 2015. Common law property theory and jurisprudence in Canada. *Queen's Law J.* 40:2:679–703
- Hawkins H, Cook I, Sacks S, Rawling E, Griffiths H, et al. 2011. Organic public geographies: "making the connection." *Antipode* 43(3):909–26
- Herbert S. 1997. *Policing Space: Territoriality and the Los Angeles Police Department*. Chicago: Univ. Chicago Press
- Herbert S, Beckett K. 2010. "This is home for us": questioning banishment from the ground up. *Soc. Cult. Geogr.* 11(3):231–45
- Hohfeld W. 1913. Some fundamental legal conceptions as applied in judicial reasoning. *Yale Law J.* 23(1):16–59
- Honchariw D. 2017. *Who does civil asset forfeiture target most? A review of LVMPD's forfeiture activities for Fiscal Year 2016*. Rep., Nev. Policy Res. Inst., Las Vegas, NV. [https://www.npri.org/docLib/20170726\\_CompleteForfeitureReport.pdf](https://www.npri.org/docLib/20170726_CompleteForfeitureReport.pdf)
- Honoré T. 1982. *The Quest for Security: Employees, Tenants, Wives*. London: Steven and Sons
- Hunt A, Wickham G. 1994. *Foucault and Law: Toward a Sociology of Law as Governance*. Boulder, CO: Pluto
- Ingraham C. 2015. Law enforcement took more stuff from people than burglars did last year. *Washington Post*, Nov. 23. <https://www.washingtonpost.com/news/wonk/wp/2015/11/23/cops-took-more-stuff-from-people-than-burglars-did-last-year/>
- Irvine L. 2013. *My Dog Always Eats First: Homeless People and Their Animals*. Boulder, CO: Lynne Reiner Publ.
- Kassis BG. 2013. Owning property without privacy: how Lavan v. City of Los Angeles offers increased Fourth Amendment protection to Skid Row's homeless. *Loyola Los Angel. Law Rev.* 46:1159–70

- Katz L. 2017. Property's sovereignty. *Theor. Inq. Law* 18(2):299–328
- Kerr J. 2018. DTES advocates say increased police presence targets poor and homeless. *Vancouver Courier*, Feb. 16. <https://www.vancourier.com/news/dtes-advocates-say-increased-police-presence-targets-poor-and-homeless-1.23177405>
- Kidd A, Kidd R. 1994. Benefits and liabilities of pets for the homeless. *Psychol. Rep.* 74:715–22
- Kornberger M, Justesen L, Madsen AK, Mouritsen J, eds. 2015. *Making Things Valuable*. Oxford, UK: Oxford Univ. Press
- Laanela M. 2017. U-Haul evicted man living in Vancouver storage locker. *CBC*, Jan. 13. <https://www.cbc.ca/news/canada/british-columbia/uhaul-storage-locker-home-1.3934535>
- Labrecque J, Walsh CA. 2011. Homeless women's voices on incorporating companion animals into shelter services. *Anthrozoös* 24(1):79–95
- Lamont M. 2012. Towards a comparative sociology of valuation and evaluation. *Annu. Rev. Sociol.* 38:201–21
- Lamont M, Beljean S, Clair M. 2014. What is missing? Cultural processes and causal pathways to inequality. *Socio-Econ. Rev.* 12:573–608
- Langegger S, Koester S. 2017. Moving on, finding shelter. *Int. Sociol.* 32(4):454–73
- Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir. 2012)
- Leonetti C. 2019. The wild, wild west: the right of the unhoused to privacy in their encampments. *Am. Crim. Law Rev.* 56(2):399–425
- Lovey I. 2015. *State of Insecurity: Government of the Precarious*. Brooklyn, NY: Verso
- Marcus GE. 1995. Ethnography in/of the world system: the emergence of multi-sited ethnography. *Annu. Rev. Anthropol.* 24:95–117
- Matsuda MJ. 1987. Looking to the bottom: critical legal studies and reparations. *Harvard Civ. Rights-Civ. Lib. Law Rev.* 22:323–99
- Merry S. 2001. Spatial governmentality and the new urban social order. *Am. Anthropol.* 103:16–29
- Metcalf C. 2015. The (ir)relevance of constitutional protection for property rights? Compensation for takings in Canada and the United States. *Univ. Tor. Law J.* 65(3):143–85
- Metzger J, Wiberg S. 2018. Contested framings of urban qualities: dis/qualifications of value in urban development controversies. *Urban Stud.* 55(10):2300–16
- Miller D. 2010. *Stuff*. Cambridge: Polity
- Mitchell D. 1997. The annihilation of space by law: the roots and implications of anti-homelessness laws in the United States. *Antipode* 29(3):303–37
- Mol A. 1999. Ontological politics: a word and some questions. *Sociol. Rev.* 47(S1):74–89
- Nanaimo (City) v. Courtoreille*, [2018] BCSC 1629
- Nedelsky J. 1990. Law, boundaries and the bounded self. *Representations* 30:162–89
- O'Mahoney LF. 2014. Property outsiders and the hidden politics of doctrinalism. *Curr. Leg. Probl.* 67(1):409–45
- Ouellette L. 2017. Bare enterprise: US television and the business of dispossession (postcrisis, gender and property television). *Eur. J. Cult. Stud.* 20(5):490–508
- Pable J. 2013. Possessions in the homeless shelter experience: the built environment's potential role in self-restoration. *Interiors* 4(3):267–94
- Parizeau K, Lepawsky J. 2015. Legal orderings of waste in built spaces. *Int. J. Law Built Environ.* 7(1):21–38
- Pauly B, Gagnon M. 2018. Injunctions to shut down tent cities are no solution. *The Tyee*, July 31. <https://theyee.ca/Opinion/2018/07/31/Injunctions-Shut-Down-Tent-Cities-No-Solution/>
- Peñalver EM. 2011. Property's memories. *Fordham Law Rev.* 80:1071–88
- Peñalver EM, Katyal SK. 2007. Property outlaws. *Univ. Pa. Law Rev.* 155:1095–186
- Pivot Legal Soc. 2018. *Project Inclusion Report: Confronting Anti-Homeless & Anti-Substance User Stigma in British Columbia*. Vancouver, Can.: Pivot Legal Soc.
- Power ER. 2017. Renting with pets: A pathway to housing insecurity? *Hous. Stud.* 32(3):336–60
- R v. Picard*, [2018] BCPC 344
- Radin M. 1993. *Reinterpreting Property*. Chicago: Univ. Chicago Press
- Ranasinghe P. 2018. *Helter-Sbelter: Security, Legality, and an Ethic of Care in an Emergency Shelter*. Toronto, Can.: Univ. Tor. Press
- Roark ML. 2017. Under-propertyed persons. *Cornell J. Law Public Policy* 28(1):1–64

- Rock M, Degeling C. 2013. Public health ethics and a status for pets as persons-things: revisiting the place of animals in urbanized societies. *Bioeth. Inq.* 10:485–95
- Rose N, Valverde M. 1998. Governed by law? *Soc. Leg. Stud.* 7(4):541–51
- Roy A. 2017. Dis/possessive collectivism: property and personhood at city's end. *Geoforum* 80:A1–A11
- Saanich (District) v. Brett*, [2018] BCSC 1648
- Shannon K, Rusch M, Shoveller J, Alexson D, Gibson K, Tyndal M. 2008. Mapping violence and policing as an environmental-structural barrier to health service and syringe availability among substance-using women in street-level sex work. *Int. J. Drug Policy* 19:140–47
- Stanger-Ross J, Blomley N, Landsc. Injustice Res. Collect. 2017. “This land is worth a million dollars”: property, restitution, and reductivism in the dispossession of Japanese Canadians. *Law Hist. Rev.* 35(3):711–51
- Stern SM, Lewinsohn-Zamir D. 2020. *The Psychology of Property Law*. New York: N.Y. Univ. Press
- Streitfeld D. 2008. Losing a home, then losing all out of storage. *New York Times*, May 11. [https://www.nytimes.com/2008/05/11/business/11storage.html?\\_r=1&oref=slogin](https://www.nytimes.com/2008/05/11/business/11storage.html?_r=1&oref=slogin)
- Srinivasan K. 2013. The biopolitics of animal being and welfare: dog control and care in the UK and India. *Trans. Inst. Br. Geogr.* 38:106–19
- Sullivan E. 2018. Dignity takings and “trailer trash”: the case of mobile home park mass evictions. *Chicago-Kent Law Rev.* 92:937–59
- Sutter G. 2015. *Rental housing dynamics and lower-income neighbourhoods in Canada*. Res. Pap. 235, Neighb. Change Res. Partnersh., Vancouver, Can.
- Sylvestre M-E, Bellot C, Ménard PAC, Tremblay A. 2011. Le droit est aussi une question de visibilité: occupation des espaces publics et parcours judiciaires des personnes itinérantes à Montréal et à Ottawa. *Can. J. Law Soc.* 26(3):531–61
- Sylvestre M-E, Blomley N, Bellot C. 2020. *Red Zones: Criminal Law and the Territorial Governance of Marginalized People*. Cambridge, UK: Cambridge Univ. Press
- Sylvestre M-E, Blomley N, Damon W, Bellot C. 2015. Court-imposed spatial tactics and the politics of legal technicalities. *Antipode* 47(5):1346–66
- Sylvestre M-E, Ménard FV, Fortin V, Bellot C, Blomley N. 2018. Conditions géographiques de mise en liberté et de probation imposées aux manifestants: une atteinte injustifiée au droit à la liberté d'expression, de réunion pacifique et d'association. *McGill Law J.* 62(4):923–73
- Taylor H, Williams P, Gray D. 2004. Homelessness and dog ownership: an investigation into animal empathy, attachment, crime, drug use, health and public opinion. *Antbrozoös* 17(4):353–68
- Toohy AM, Krahn TM. 2018. “Simply to be let in”: opening the doors to lower-income older adults and their companion animals. *J. Public Health* 40(3):661–65
- Turcato M. 2018. City administration advises against Vernon shopping cart ban. *Global News*, Sep. 2. <https://globalnews.ca/news/4423596/city-against-vernon-shopping-cart-ban/>
- Valverde M. 2011. Seeing like a city: the dialectic of modern and premodern ways of seeing in urban governance. *Law Soc. Rev.* 45(2):277–312
- van der Walt AJ. 2009. *Property in the Margins*. Oxford, UK: Hart
- van der Walt AJ. 2010. Property and marginality. In *Property and Community*, ed. G Alexander, E Peñalver, pp. 81–105. Cambridge, UK: Cambridge Univ. Press
- Vancouver Board of Parks & Recreation v. Mickelson*, [2003] BCSC 1271
- Vancouver (City) v. Wallstam*, [2017] BCSC 917
- Vasudevan A. 2015. The makeshift city: towards a global geography of squatting. *Prog. Hum. Geogr.* 39(3):338–59
- Victoria (City) v. Adams*, [2009] BCCA 563
- Walby K, Lippert R. 2011. Spatial regulation, dispersal, and the aesthetics of the city: conservation office policing of homeless people in Ottawa, Canada. *Antipode* 44(3):1015–33
- Waldron J. 1990. Homelessness and the issue of freedom. *UCLA Law Rev.* 39:295–324
- Wasserman J, Clair J. 2011. Housing patterns of homeless people: the ecology of the street in an era of urban renewal. *J. Contemp. Ethnogr.* 40(1):71–101
- Weiser L, Treu M. 2008. Adding injury to injury: inadequate protection of tenants' property during eviction and the need for reform. *Loyola Consum. Law Rev.* 20(3):247–69



- Werb DEW, Small W, Strathdee S, Li K, Montaner J, Kerr T. 2008. Effects of police confiscation of illicit drugs and syringes among injection drug users in Vancouver. *Int. J. Drug Policy* 19(4):332–38
- Wexler S. 1970. Practicing law for poor people. *Yale Law J.* 79:1049–67
- Wilhelm T. 2019. For Windsor’s homeless, taking shelter can mean leaving belongings behind. *Toronto Star*, Feb. 1. <https://windsorstar.com/news/local-news/for-windsors-homeless-taking-shelter-can-mean-leaving-belongings-behind>
- Ziff B. 2018. *Principles of Property Law*. Toronto, Can.: Carswell. 7th ed.
- Zimmerman LJ, Welch J. 2011. Displaced and barely visible: archaeology and the culture of homelessness. *Hist. Archaeol.* 45(1):67–85



# Contents

What the Study of Legal Cynicism and Crime Can Tell Us About Reliability, Validity, and Versatility in Law and Social Science Research <i>John Hagan, Bill McCarthy, and Daniel Herda</i> .....	1
Climate Change Litigation <i>Jacqueline Peel and Hari M. Osofsky</i> .....	21
Computational Methods in Legal Analysis <i>Jens Frankenreiter and Michael A. Livermore</i> .....	39
Constitutions and the Metropolis <i>Ran Hirschl</i> .....	59
Constructing the Human Right to a Healthy Environment <i>John H. Knox</i> .....	79
Conversations in Law and Society: Oral Histories of the Emergence and Transformation of the Movement <i>Calvin Morrill, Lauren B. Edelman, Yan Fang, and Rosann Greenspan</i> .....	97
Criminal Trials and Reforms Intended to Reduce the Impact of Race: A Review <i>Barbara O'Brien and Catherine M. Grosso</i> .....	117
Ethnographies of Global Policing <i>Jonny Steinberg</i> .....	131
Forensic Accounting <i>Colleen Honigsberg</i> .....	147
Governing the Belongings of the Precariously Housed: A Critical Legal Geography <i>Nicholas Blomley, Alexandra Flynn, and Marie-Eve Sylvestre</i> .....	165

Gun Studies and the Politics of Evidence <i>Jennifer Carlson</i> .....	183
Healthy Development as a Human Right: Insights from Developmental Neuroscience for Youth Justice <i>B.J. Casey, Kim Taylor-Thompson, Estée Rubien-Thomas, Maria Robbins, and Arielle Baskin-Sommers</i> .....	203
Human Rights and Technology: New Challenges for Justice and Accountability <i>Molly K. Land and Jay D. Aronson</i> .....	223
Injury and Injustice <i>Anne Bloom</i> .....	241
Law and Religion: Reimagining the Entanglement of Two Universals <i>Mona Oraby and Winnifred Fallers Sullivan</i> .....	257
Online Dispute Resolution and the Future of Justice <i>Colin Rule</i> .....	277
Personalism and the Trajectories of Populist Constitutions <i>David Landau</i> .....	293
Regulation and Recent Trends in High-Interest Credit Markets <i>Carlie Malone and Paige Marta Skiba</i> .....	311
Responsive Science <i>Peter Drabos</i> .....	327
Risky Situations: Sources of Racial Disparity in Police Behavior <i>Marie Pryor, Kim Shayo Buchanan, and Phillip Atiba Goff</i> .....	343
Sex-Based Harassment and Symbolic Compliance <i>Lauren B. Edelman and Jessica Cabrera</i> .....	361
The Experience of a Legal Career: Attorneys' Impact on the System and the System's Impact on Attorneys <i>Krystia Reed</i> .....	385
The Impact of Medical Malpractice Reforms <i>Jing Liu and David A. Hyman</i> .....	405
The Influence of Latino Ethnicity on the Imposition of the Death Penalty <i>Sheri Lynn Johnson</i> .....	421
The Origins of Mass Incarceration: The Racial Politics of Crime and Punishment in the Post-Civil Rights Era <i>Katherine Beckett and Megan Ming Francis</i> .....	433

Tool for Surveillance or Spotlight on Inequality? Big Data and the Law <i>Rebecca A. Johnson and Tanina Rostain</i> .....	453
Untangling the Concept of Adversarial Legalism <i>Jeb Barnes and Thomas F. Burke</i> .....	473

## Indexes

Cumulative Index of Contributing Authors, Volumes 1–16 .....	489
Cumulative Index of Article Titles, Volumes 1–16 .....	493

## Errata

An online log of corrections to *Annual Review of Law and Social Science* articles may be found at <http://www.annualreviews.org/errata/lawsocsci>