

## **There are eight million stories in the Naked City - guest editorial**

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## **EDITORIAL FOR THE LAW & GEOGRAPHY SPECIAL ISSUE OF THE INTERNATIONAL JOURNAL OF LAW IN THE BUILT ENVIRONMENT**

### ***“There are eight million stories in the Naked City”***

This title - the closing line to the 1948 film noir *The Naked City* - reminds us that cities are made of people, each of whom takes the built environment as a starting point and who, with a mixture of power, fate and (good or bad) fortune make their lives there, day-in and day-out. It reminds us that people *inhabit* the built environment, and bring it to life.

The phrase also, given its link to the film’s prosaic account of an incident, passing encounters with multiple municipal systems and the mundane vagaries of a law enforcement unit, gives us the idea of the city as an awkward, slippery place to govern, or to even get a handle on. Thus the city – even when naked, somehow stripped open to an all seeing analytical eye – is a place in which anything might happen. Here, what happened today is no guide to what might happen tomorrow, for whilst systems of order and arrangement are present, they are constantly struggling to keep pace with the multiplicity of the urban realm, its throngs of people and the diverse lives they are trying to live there, its busy flows of matter and the flux of its built form.

This “problem” of order, and of how a social (and spatial) justice is pursued within dense built environments, is a theme that underlies each of the five articles presented here, in this special issue of the International Journal of Law in the Built Environment on *Law and Geography*. The authors’ common concern is to examine the ways in which (and to what degrees of success) people, their laws and their dwellings, streets, places of work and leisure shape (and in turn are shaped by) each other, and how through such interaction the built environment arises and is sustained.

The authors each enquire into a fundamental aspect of urban living – how the built environment and the law attendant to it provides for either shelter, sanitation or sex. In this quest to observe law at work as an important actor *in* the built environment, the authors roam squatter and relocation camps in South Africa and Central Asia, peer into Canadian street-side waste bins, observe “Sexual Entertainment Venues” across the United Kingdom and spend time with the angry residents of a PFI social housing project in London.

In doing so, each contribution evocatively reflects the social critique that underlies both urban geography and socio-legal studies, and brings this critique to bear specifically upon the making of, and dwelling within, the built environment, in each case through close empirical investigation of as-lived situations. Thus, in their blend of an ethnographic interpretation of “local” case studies and a wider analysis of policy and doctrine at work in the built environment, these articles exemplify the dominant methodological approaches and concerns within the cross-disciplinary endeavour known as “law and geography” (or increasingly “legal geography”) and as guest editors we have intentionally chosen contributions that “do” legal geography, rather than presenting another set of synoptic commentaries upon what the cross-discipline is, or could strive to become (recent examples of comprehensive commentaries are Bartel et al (2013) and Braverman et al (2014)).

Following in the footsteps of Mariana Valverde’s (2005) work on “municipal law”, each of the contributions in this special issue reflects the current focus within legal geography upon the plurality of municipal law, that amalgam of localised licensing, zoning and related place and conduct-shaping powers that quietly exert powerful effects upon the urban realm. Thus Hubbard shows how local application of nationally enacted framework laws enabling municipalities to license “Sexual

Entertainment Venues” exerts a spatio-moral control over urban zones in accordance with local rather than national polities. Meanwhile Parizeau and Lepawsky show us how Canadian environmental laws concerning the street-side storage of wastes intersect with issues of privacy, propriety and public order in different ways in the different cities in which they are applied. Hatcher also exemplifies the pluralist view of law and power that is ascendant within contemporary legal geography, as his study dissects the mutable spatio-legal fortunes and fate of a peri-urban squatter camp in the Central Asian Republic of Kyrgyzstan, showing the plurality of actors, events and drivers at play in the “regularisation” of that supposedly “illegal” site. Hatcher’s analysis thereby challenges a simplistic “top-down” model of a monolithic state that has full control either over the workings of its laws or the evolution of settlements within its territory.

In contrast, Ranslem’s study of relocation camps in South Africa finds a more singular, and oppressive, effect in the evolving body of South African jurisprudence about the “temporary” status of these camps. Ranslem juxtaposes this jurisprudence with accounts of the material reality of life in such near-permanent temporary settlements, pointing to the ways in which the denizens become trapped in sub-standard camps by law and policy that purports to be founded on a concern for improving living conditions. Finally, Hodkinson and Essen develop further Ranslem’s implicit concern that law should clearly and effectively allocate responsibility for providing adequate housing, in their examination of the spatio-legal practices imbricated alongside capital and politics in the “delivery” of a social housing regeneration project via the UK Government’s Private Finance Initiative. They find within the PFI model a destabilising, dispossessory effect in which the residents’ existing comfort, ownership and identification with the places that they already call home is undermined by urban regeneration processes dispassionately enacted through law and policy.

This special issue builds upon fruitful discussions at the legal geography sessions convened by us at the Royal Geographical Society’s annual conference in 2013 and 2014, and we are grateful to the geographers, legal scholars and other academics who have engaged with us in those sessions, some of whom now have their work presented in this special issue.

We are also very grateful to the editors and the publishers of this journal for this opportunity to present legal geography as a contribution to built environment law scholarship. Historically located within the “critical” tradition of urban geography and socio-legal studies, legal geography strives to deliver critique in its engagement with the urban realm – and we feel this is an “edge” often absent in built environment law research, given its roots in professional built environment practice and processes.

In return however, we consider that built environment law scholarship can offer something important to legal geography. In our view legal geography comes into its own (and can contribute most to practice, policy and socio-legal scholarship) where it embraces the detail and actuality of law, alongside an attentiveness to spatiality. Thus the “legal” part of “legal geography” must not just be a superficial gloss upon a substantive geographic analysis. The detail of the law, and of the ways in which (and reasons for) its differential effects across varied built environment circumstances must be accounted for through a thorough analysis of how law is being applied to a situation, place or issue in question.

Alongside this, legal geography can learn from built environment law scholarship’s implicit embrace of a socio-legal pluralism (i.e. that law emerges from many actors and positions) and in particular by looking to built environment law in order to bolster its under-developed appreciation of the role of contract law (and non-state law generally) within the constitution of places. Built environment law scholarship also could help inform legal geography’s emergent attentiveness to the material basis of

the city – as a physical construct, existing and enduring above and beyond the discursive realm of the legal. Whilst built environment law scholars may commonly eschew the darker depths of neo-materialist ontologies with which to theorise this, they well know that badly built buildings will still fall down, regardless of what a contract, an insurance policy or a building ordinance may have to say on the matter.

Finally, and perhaps most importantly (to echo our opening theme) we think it humbling for both built environment lawyers and legal geographers (though perhaps for different reasons) to be reminded from time to time that cities are about buildings, people and law, places born of a continual interaction between them, a process that constantly makes and remakes the settings in which millions of everyday lives are lived. This journal is well placed to observe both people and law at work within the built environment and to consider the stories and places formed by their intersection.

**Luke Bennett & Antonia Layard, Guest editors.**

## **References**

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