



City

Analysis of Urban Change, Theory, Action

ISSN: 1360-4813 (Print) 1470-3629 (Online) Journal homepage: www.tandfonline.com/journals/ccit20

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To cite this article: Hun Kim (2024) Property-time: serial archives, settler logics, and illiberal space-time oddities, *City*, 28:3-4, 356-379, DOI: [10.1080/13604813.2024.2360753](https://doi.org/10.1080/13604813.2024.2360753)

To link to this article: <https://doi.org/10.1080/13604813.2024.2360753>



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Published online: 13 Jun 2024.



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Property-time: serial archives, settler logics, and illiberal space–time oddities

Hun Kim 

Liberal theories of property assume a linear and serialized temporal orientation facilitated by title registries, recording systems, and the exaltation of land archives. These assumptions, what I call ‘property-time’, can be productively put into relation with dominant geographic theories of space in two ways. First, I argue that distinguishing liberal notions of property-time from geographic space–time allows us to observe a key dialectic involving the attachment of value (and capital) to space, a process that tracks alongside contradictions of capitalist desire: the desire to continually reshape space (becoming) and to extract enduring and permanent, individuated value from it (being). Second, liberal temporalities of property struggle to apply in illiberal global contexts. Here, states enact urban accumulation regimes that deviate from linear, individuated and sequential notions of property by manipulating records and surgically erasing past ownership. These acts are often characterized as forms of state variegation and provisionality. They are also endemic to how both capital and value are created and/or

Keywords colonial, Global South, illiberal, liberalism, property, property law, serial, settler, spacetime, temporality, title, title-by-registration, Torrens

URL <https://doi.org/10.1080/13604813.2024.2360753>

This article has been corrected with minor changes. These changes do not impact the academic content of the article.

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arbitrated by states through the land regime. These formations remain difficult to connect to traditional theories about the production of value under capital because assumed time logics of property limit our theoretical capacity to describe illiberal urban accumulation regimes.

When an old friend of mine bought her first home, an older two-bedroom craftsman built in the 1920s and found the racially restrictive covenant attached to the property deed, I can recall her mixed emotions. She reflected on the fact that her grandparents would not have been able to buy the home even if they had the means. The covenant, a relic from a bygone era, wielded language that outlined with stark clarity the contours of exclusion:

Said premises shall not, nor shall any part thereof nor any estate or interest therein, or any structure, building or improvement thereon, at any time to be sold, conveyed, leased or transferred to, or permitted to be occupied or used by, any person of African, Asiatic, Japanese, or Chinese or of any Mongolian Descent, except that persons of such descent may be employed as household or domestic servants by the occupant or occupants of said premises.

In our shared contemplation of this artifact, we realized that the covenant was more than just an archival residue. It was an anchor to the past, highlighting the ways that segregation and racial hierarchies persist in settler colonial domains like the United States and Canada, like a ‘rot’ beneath the façade, (Harris 2020; McKittrick 2006; 2011; Rothstein 2017; Roy 2017; Stoler 2013). But the document was doing more than just pointing us to other exclusions. The covenant was firmly attached to the property’s deed, inextricable and unwavering as it journeyed from one proprietor to another. Its endurance prompted us to consider how liberal modern conveyance systems weave a temporal fabric, made up of archival and recording institutions, documents, and technological scaffolds, all integrated into a choreographed system of linearly arranged, immutable records of owners and exclusions.

The restrictive covenant highlights a distinctive facet of the ownership model of private property in liberal contexts. These forms of landed property convey with respect to a kind of state archive, encapsulating time within a serialized, and forward-oriented temporal framework. The archive is also understood to be singular, meaning it is designed to not compete with other archival institutions or other legitimating principles that help others make simultaneous claim to ownership. It legally discourages forms of simultaneous or historical adverse claim or possession to property (although many systems today still recognize adverse possession). The archival function is enabled by a cultural belief in the sanctity and supposed universality of property regimes and administrative practices, materializing through titling, registration, conveyance and recording mechanisms. As Bhandar (2018) contends, legal constructs like title-by-registration establish a ‘year zero’, anchoring strong private property rights based on liberal/neoliberal ideals. These mechanisms cement individual (or corporate/partnered) ownership, creating the illusion of linear time and a sequential line of owners holding a perceived ‘exclusive’ right, from one distinct holder to the next. This veneer makes property relations appear as immutable

and supports the common belief that property itself is: 1. a material object (as opposed to a bundle of mutable rights) and 2. is progressive in the sense that it moves forward in a linear fashion, a key tenet of value appreciation and speculation.

The belief in property's archival permanence baked into these liberal artifacts and record-keeping systems sharply contrasts with the temporal and property dynamics within illiberal regimes. Here, the interplay between state informality and legal ambiguity creates a complex interrelation between the state, land, and the individuals or communities who make claims to land. For instance, in the case of late-socialist environments in East and Southeast Asia, the significance of contractual land rights sometimes pales in comparison to the regime's current political exigencies. This phenomenon finds vivid expression in the intriguing 'case of the missing map' wherein residents accused the Vietnamese state of manipulating the archival record, affecting landholders and reshaping the landscape of entitlements both retrospectively and prospectively (Harms 2020).

This illustrative case revolves around the purported loss of a planning map, specifically a 1/5000th scale depiction, delineating the boundaries of a forthcoming urban development across the river from the capital-intensive district. The map's disappearance allowed the Vietnamese state to incorporate a neighborhood that residents claimed was previously excluded from the initial development scheme and original planning map, thereby evading any land seizure claims. Residents argue that the state systematically erased them from historical records, an act with far-reaching implications for their rights and legal recourse to their houses and land. Later, both residents and officials presented their own versions of recovered historical maps to challenge each other's assertions, underscoring the conditions of legal ambiguity and 'legal pluralism', that permeate the landscape, evidenced by overrun land dispute courts (Gillespie 2011; Merry 2014).

The state's ability to manipulate archives manifests not just as a spatial exclusion from territory but as an exclusion from state guarantees that may have been secured in the past. State interventions into land-holding records, planning maps, official declarations and other records that carry with them the weight of state contractual guarantee, can have dire consequences for urban inhabitants, whose future plans hinge on anticipated rights that were negotiated in the past. In illiberal settings, geographic scholarship abounds with instances of state engagement with property, spanning a spectrum of permanence and temporal flexibility (Bhandar 2018; Blomley 2004; Burawoy and Verdery 1999; Caldeira 2017; Collins and Nam 2022; Dorries 2022; Harms 2020; Keenan 2019; Kim 2020; Kuyucu 2014; McFarlane 2012; Mollett 2016; Moumtaz 2021; Ranganathan and Bonds 2022; Sylvestre and Castleden 2022; Verdery 1999; 2004; Yiftachel 2009). The state benefits from varying degrees of ambiguity and opacity in the land regulation regime to dismiss or reject prior claims to land ownership or possession. Recent work on 'city drafting' highlights how bureaucracies of property in Indian cities flexibly interpret both property and ownership, allowing the state to flexibly interpret ownership across a host of archival and bureaucratic processes, allowing the city to be in a perpetual 'draft' state in order to react and meet the demands of capital (Jonnalagadda and Cowan 2024).

The disparities between these comparisons do not simply bear witness to a West vs rest perspective. They instead prompt us to question their implications within the broader purview of spatial social sciences' comprehension of space, property, and time. In this article, I argue that liberal spatio-temporal assumptions embedded in our general understanding of property underpin key theories concerning space, time, and capitalist accumulation. These theories often overlook the nuanced interplay between property and time, which I argue condition traditional spatial-temporal theories about the role of urban space in capitalism and thus limit their theoretical applicability across global spaces.

Theorizing the temporality of property

The dominant liberal theory of landed property, known in shorthand as the exclusive ownership model, is characterized as a right guaranteed by the sovereign to exclude all other interests from use or possession. Much of the debate about the property under this particular theoretical frame centers around John Locke's ideas about the 'natural rights of man', who, by applying a specific brand of labor (protestant farming) to nature asserts his right to appropriate and exclude others. While other liberal theorists like Mill and Bentham would question the degree of exclusivity a property right has when pitted against others' right to maximize their utility, Locke's exclusivity principle has nonetheless become the dominant model by which liberal notions of private property have settled (Bentham 1914; Locke 1988; Mill 1871). Scholars like CB Macpherson (1978) are quick to point out that there are of course many different typologies of property, not just private property (publicly held property, state property, private property), that do the work of showing that the exclusivity right is but one facet of property theory as a whole. There are also of course differences between landed property vs other commodities that people fashion out of nature, in addition to modern forms of property in the form of ideas and symbols. However, for this discussion, I narrow the scope of inquiry to private property and more specifically, landed property. The novelty of private property in this context is that it is both an individualized and exclusive right. By rooting property in natural rights, which man asserts with his labor, Locke set forth a justification for ownership that was rooted in a form of racial appropriation. Not anyone could claim land by simply applying their labor to it. Rather, only so-called rational enlightened forms of appropriation would prevail, defined as apart from what liberal theorists interpreted as savagery.

Underpinning these theories of property is the assumption that property rights are both individuated, exclusive, and universal at the same time. When land is appropriated, it takes on the veneer of a universal principle insofar as it becomes an exclusive right 'against all others'. It also retains an individual or singular characteristic as it is a right held by a single entity (or partnership or corporate form). The ability of property to be simultaneously universal and individuated/particular presents certain theoretical and practical paradoxes that require both space and time to be warped in specific ways. As contemporary legal scholarship notes, property here must bracket time insofar as the moment

of appropriation becomes a ‘year zero’ born out of what was previously presumed to be chaos and savagery.

One productive way to observe and demonstrate the liberal temporal assumptions baked into private property regimes is to look at the evolution of Torrens-based title-registry systems out of more traditional common law conveyancing frameworks (Bhandar 2015; 2018; Keenan 2019; Pottage 1994).¹ Common law property evokes a palpable connection to the past. Its authority derives from the establishment of a ‘good root’ where a chain of title unspools the past, often spanning a daunting 60–100 years with each change of property ownership. By doing so, property owners and buyers are able to substantiate title through the enduring tenure of possession and land usage, while simultaneously eradicating any competing claims to ownership—pertinent to avoiding a situation where a piece of land could have other interested parties claiming adverse possession. While sometimes a slow and cumbersome process, common law treatments of titling and landed property conveyance are based on tenure and historical use of land. The approach under common law entails tethering title to the localized tapestry of land history, a rationale based on possession and use. This particular mechanism reinforced prevailing social hierarchies and lent itself to upholding well-entrenched English class structures.

As we traverse the transition from common law to registration systems, a marked shift in the legal mechanisms for establishing ‘chain of title’ emerges, characterized by varying degrees of abstraction. The torrens system, for example, establishes a central registry that eclipses the need for conventional common law verification of past chain of title. This novel mechanism fundamentally changes property’s temporal relation from being past oriented and materially based on tenancy, possession and use, to a future-oriented property model founded upon title and exchange. Clean title appears in each conveyancing, meaning that the registry of title is the final determinant of ownership regardless of any adverse claims that may exist and regardless of who or what has used or possessed the land at any given time. The practice eliminates lengthy forays into the past. Title-by-registration systems therefore gravitate toward a conceptual abstraction of title, severing its ties to the tangible skeins of material history. This maneuver deliberately disengages from any other conceivable ‘interested’ rapport with land, a strategic move aimed at expediting transactions and streamlining the process of exchange.

Critical legal scholars are quick to point out the future-directed orientation inherent in most modern conveyancing systems, of which title-by-registration systems are the example *par excellence*. Title-by-registration unequivocally recognizes only registered title, disregarding and discarding all competing claims to property interest. Such a future-facing posture impels legal scholars to designate title-by-registration systems as ‘magical’ or legal ‘fictions’, where pristine clear title seemingly materializes afresh with every property handover, an act unburdened by the obligation to ground it in any kind of material historical ‘reality’. Put differently, registration ushers in an era where the requirement for a continuous chain of title or a ‘good root’ is nullified, thus obviating the need to legitimize property use or possession as qualified interests, a move that sidesteps pathways to ownership like adverse possession or even squatting. Through this strategic maneuver, title-by-registration dislodges property from

the physical realm of land possession and use. Simultaneously, it infuses the very essence of property with a liquid quality, paving the way for property and space to metamorphose into speculative assets.

Delving deeper, it becomes evident that modern title-registry systems have exerted a transformative influence on the evolution of property within settler colonial landscapes. Sarah Keenan (2019), for example, stresses that the move to Torrens-based systems and the abandonment of common law principles effectively turns title registries into 'time machines', rejecting the past and establishing a future-oriented time bubble where so-called 'transcendental' white subjects found themselves entitled to land, while at the same time creating a temporal category of non-white or native subjects 'whose entitlement to land is either confined to the past or to a future that never comes (285)'. These time bubbles therefore stress property in settler territories as not only the domain of 'whiteness', as Cheryl Harris (1993) argues in her pivotal text, but that when connected to real property, *time itself* becomes a key resource of racial domination and privilege over land. Evidently, these temporal narratives recalibrate property into a realm far beyond mere materiality, unveiling a terrain where time itself emerges as an invaluable currency of privilege and dominion over land.

Building upon Pottage's insights, Bhandar (2015) elucidates how, within settler colonies, titling mechanisms fashion a racialized temporality. This process gives rise to what can be aptly described as a 'temporally disjointed land regime, [which] in part, reflects the treatment of indigenous and other racialized minorities as being subjects who are pre-modern, frozen in time as it were'. The duality of settlement and colonial property regimes inherently engenders two divergent conceptions of time and history. The era preceding the establishment of the property archive is systematically invalidated as a spurious and unintelligible source from which ownership claims can be validated. The ascendancy of title-by-registration in settler colonies gains traction precisely due to its calculated repudiation of both historical continuity and use/possession as tenable grounds for property claims. In this colonial theater, time stands divided, fragmenting into two distinct logics: a pre-modern logic that subsists either prior to or beyond the bounds of what is deemed 'rational' time, and a modern logic that carves out the temporal cadence of property. Yet, as we traverse these webs of property temporality, it is vital to appreciate the intricate dance between the universal and the contingent. As Blomley (2004) astutely illuminates, real property bears the paradox of being a contingent assemblage that conceals itself beneath a universal facade. This universality manifests in myriad forms, such as the enduring nexus between property and the state as guarantor, or the pervasive perception of property as a timeless artifact that safeguards individual rights vis-à-vis competing interests.

Property-time: the serial property archive

While exploring the contours of temporal orientations within different land conveyance systems, I introduce the concept of 'property-time'. This term alludes to the development of modern liberal land bureaucracies of property

registration and/or recordation, meticulously documented within registries that bear witness to each subsequent phase of property conveyance. Regardless of whether this entails a system based on title-by-registration, deed transactions, mortgages, or hybrids thereof, the presence of the archive crystallizes a forward-oriented approach to property conveyance. As such, they establish respective time bubbles that operate utilizing a logic of *serialized*, *sequential* and *singular* ownership. It's worth noting that the efficacy of these systems hinges upon the presence of an intelligible and well-established cadaster, a 'cadastral fix' so to speak, allowing owners to reference an abstracted form of *property* in the image of a map, a property technology that is divorced from the material realities and uses of any particular *space* (Campbell 2015). The cadaster, in its manifold guises under title registries, engenders abstractions that transcend mere geographical confines, enabling land transactions to transpire in some instances without being grounded in the tangible material 'reality' of land. As such, this system untethers landed property from the shackles of material space, creating milieus where transactions can transpire remotely, sans the need for physical possession or engagement with a specific parcel's historical context. The upshot of this transformation, according to legal scholars, is a seamless transition of property and rapidity of transactions, fostering a more fluid, speculative and global land market.

Admittedly, an extensive spectrum of temporal orientations is manifest within each land conveyance framework (Keenan 2019; Pottage 1994, 1998). Anchored within this matrix of socio-legal and institutional practices, the property archive appears to us as if it merely upholds a seemingly self-evident notion of time—a canvas that embodies the prerequisites of seriality, tempo (speed of transaction), and unidirectionality (forward looking rather than past oriented). These prerequisites are integral to the smooth operation of real property in liberal contexts, as it aligns with the prevailing understanding.

By looking at temporal foundations in property theory, I initiate and open two theoretical avenues of inquiry. The first recognizes that the temporality of property in liberal regimes is constructed out of an undertheorized dialectic that I argue is logically *apriori* to dominant narratives about capital and spacetime. As I will explain, *property-time* underpins theories about the spatialization of capitalist value—most importantly, theories of spacetime compression, distantiation, and the urbanization of capital. My second goal in this article is to sketch an outline of contemporary scholarship that forms the basis of temporal variance in property that appears to be widespread in illiberal settings. The aim here is to recognize these approaches as theoretical gateways toward a global approach to property that does not simply treat cities and states outside the North Atlantic as exceptional, variegated or as aberration. As such, this exercise underscores the potential to reevaluate relations between capital, value, time, and space (including property).

Capital, time, and property

expounded upon capitalism's inversion of the commodity-money series, wherein money, once a mediator in commodity exchange metamorphoses into a series where commodities take on the form of value production chains that in effect, facilitate the flow, growth and circulation of money and capital. Benedict Anderson (1998), Iris Marion Young (2017) and James Scott (1998) have authored influential treatises on the subjects of seriality and enumeration. They delve into the forms of narrative, identity, categorization and simultaneity of events that collectively engender the formation of phenomena like nationalism, non-essentialized gendered categories, and, in Scott's case, the requisite enumeration methods states use to render subjects legible for purposes of governance and self-governance. These conceptualizations of seriality illuminate a critical precondition for modernity: the imperative to radically reorder our experience of time, in order to usher in collective experiences of nationhood, industry, political economy and governmentality within the framework of capitalism. I propose the concept of the serial property archive as a fundamental mechanism through which modernity under capitalism undertook a reconfiguration of temporal structures and inscribed narratives of nation, economy and the ideal subject onto land, ownership and value.

Within liberal property regimes of the North Atlantic and Australia, where property relations exhibit greater rigidity in legal culture and practice, the seriality of the property archive appears as a universal principle. While there are of course some notable exceptions involving racial exclusion and forms of expropriation (where the state toggles between its settler modality and property-time) property ownership is generally believed to be something that can only be legally altered in the present and future. This isn't to say that property is incapable of bending or warping time in global North contexts. In fact, private property, encompassing land and other forms such as stocks and commodities, can and does alter our temporal experience through speculation. This is observable in various 'fictitious' markets like commodity futures markets or the trade of future rights to resources (including land) or exploration where 'property titles [are] generally fixed by the present and anticipated future revenues, to which ownership entitles the holder, capitalized at the going rate of interest' (Harvey 2006a, 276–277). However, these instances still adhere to a logic of linearity. While occasional shifts between the present and future may disrupt the experience of serialized linear time, few instances arise in these contexts wherein the state or other interests amend or alter the archive itself in order to influence outcomes in the present or future.

Liberal property-time's seriality and its veneer of temporal fixity invites comparison and dialectical engagement with theories of spacetime. In the fields of geography and urban studies, meditations on temporal aspects of spatial fixity and flux are central to advancing ideas about the relationship between capital and the production of space. Doreen Massey (1992), for instance, juxtaposes Laclau (1990) and Jameson's (1991) definitions of space and time, positing that both must be regarded as possessing elements of order and chaos. While her argument does not explicitly address property, it offers instructive insights by recognizing a tension between static representations of space and dynamic notions of space in flux. In both instances, we are primed to think about space as the 'simultaneous coexistence of social relations'. I emphasize this point by Massey to contemplate

how conceptions of space within urban studies and geography encompass dynamic social relations of time, themselves exhibiting modulation between fixity and flux, order and chaos. Massey astutely critiques the Heideggerian assumption that typologizes space as a kind of *being* state compared to time as a form of *becoming*, arguing that change and insecurity are not the only outcomes of spacetime compression. My interest in these dichotomies and tensions between fixity and flux is not to advance a theory deciding which aspects of our phenomenal world fit into each category or into each metaphor. Rather, I am interested in *how* fixity and flux themselves are deployed as concepts, how they perform a kind of ‘truth’ that acts as a foundation for spatial relations. In other words, I am concerned with how assumptions about fixity and flux are at the core of our theoretical understanding of political economy.

In geographic scholarship, tensions between order and chaos, permanence and change appear throughout the literature, the most famous of which are the annihilation of space through time (Marx 1939 [2005]) and the globalization of capitalism or ‘spacetime compression’ (Harvey 1990). The primary concern within these discourses is the question of how to preserve a ‘sense of place’, as a kind of materiality, or as a ‘militant particularism’ against phenomena like globalization, the ‘space of flows’ or ‘global cities’, ideas consolidated around financialized processes that eradicate not only a sense of place, but purportedly deterritorialize national space (Castells 2004; Sassen 1991; 2006; Harvey 1996 [2012]). Additionally, the metaphor of the spatial-temporal fix productively describes capitalism’s ‘temporary solutions to crises of capitalist reproduction’ (Bok 2019). In these treatments of both space and time, the focus remains on capitalist crises and not on the actual temporal characteristics of the particular material spaces that in sum constitute the commodified landform of property. In essence, while political economic theory about space helps to explain the relation between capital and spacetime, there is very little by way of scholarship detailing the relationship between capital, spacetime, and property, with the exception of a detailed explanation of rentier capitalism and work on the original appropriations of land under the concept of primitive accumulation. As Glassman (2006) notes, primitive accumulation discourses are generally framed around Marx’s observations about violent state actions that engage in the theft of the commons, turning ‘the pygmy property of the many into the huge property of the few’ (Marx 1867 [2018]). Here the focus is more on privatization as a necessary historical stage of growth rather than the logic of the property regime itself.

Urban Marxists have additionally observed processes of capital switching, or the forms of creative destruction and subsequent rounds of urban renewal necessary to solve problems of overaccumulation and crises. For instance, David Harvey (1985) highlights forms of ‘fictitious capital’ that are bolstered by an infrastructure that must be in place to accomplish capital switches between primary and secondary circuits of capital, named as the system of mortgages, consumer credit and state guarantees and policies that play an important role in enhancing flows of capital into the built environment. More recently, scholars like Haila (2016) and Christophers (2010), in turn, have focused on the economics of land rent and raised the question of why property remains relatively understudied within the geographic agenda, despite its significance

in understanding how value is created, particularly following the 2008 global financial crisis. However, these theories are less concerned with perceptions of time per se and more so with the question of whether productive capitalist value on a macroeconomic scale can be generated through property (Harvey 2006a).

Temporal distinctions: the political economy of space vs liberal systems of property

For political economists who examine these circuits of capital, the distinctive facet of urban transformation resides in the manner through which space undergoes destruction and reconstitution, a character most commonly understood by the phrase, 'creative destruction' (Harvey 2006b). Space understood here as both a material repository for capital and a symbolic representation is not sacred to time. This is to say, at any given moment, the materiality of any particular space is always ready at hand to change shape, be destroyed and reconfigured for the sake of accumulation. Material spaces in this light exhibit a remarkable capacity for metamorphosis, what urban scholars and observers often lament as urban revanchism, redevelopment, gentrification or 'accumulation by dispossession'. This process can bend and shift our conceptions of present and future, often manifesting as fictitious capital or speculation. Title registry systems help facilitate some of these processes by abstracting property away from material places insofar as they downplay concepts like 'possession' and 'use' in favor of a more forward looking and abstract concepts like registered title in order to speed up market activities. For urban geographers, this interplay between use and exchange has been explored extensively through concepts like 'the right to the city'. Under this frame, urban theory has tended to focus on the question of privatization, especially when we consider the use and function of space—concluding that rigid and fixed notions of private property are in fact not universal and timeless, but are beholden to communal notions of how space should be produced and how alternative forms of (use) value can be prioritized over the commodification of space (Lefebvre 1991).

These theories of spacetime are important contributions of geographic theory concerning political economy and the ways that capitalist accumulation can be theorized in space. It is surprising then to find that a theory of property as it relates time and capital has not emerged from this specific vantage point except for theoretical forays into forms of 'fictitious capital' in the secondary circuit and meditations on rentier capitalism and more recently urban land rent. In other words, while the field is rich with theories about how spacetime reproduces and mutates capital accumulation processes, the role of property-time in the logics of accumulation remains undertheorized.

In this paper, I offer a way to think about property and time that is theoretically distinct from dominant theories of space-time, not because they are separate and distinct realities themselves. Instead, their conceptual separation allows us to put things into relation in productive ways. With respect to this, there have been important efforts to conceptually do the opposite: efforts to 'splice' space and legal theories of property together. Blomley (2003; 2004), for example, follows Lefebvre and argues that much like property law, space is often misconstrued

as an inherently objective object. This tendency conceals the inherently political nature of space and reifies it as an object to be owned and controlled, rather than recognizing it as a complex web of social relations.

This work of splicing is insightful toward deconstructing the property right itself. This article, however, aims to expose the underlying assumptions ingrained within the liberal temporal framework of property. For the purposes of distinction and explication then, I typologize *space-time* apart from *property-time*. To clarify, I am not arguing that space-time and property-time are themselves inherently distinct. Space and time, as has come to be accepted in the physical sciences as well as in social sciences, are essentially expressions of the same thing: space is time and vice versa. I am instead interested in thinking about how differences in the way disciplines like geography, legal studies of land and other social sciences conceptualize space-time and property-time can open up conceptual pathways for reimagining how theories of capital and value operate.

Space and space-time, understood through political economy metaphors like the production of space, space-time compression, and the spatial fix' to name a few, present space as in a state of constant change. As such, these theories of space do not chart space as something that evolves methodically and materially over time from some original form. In the urban sphere, we don't simply add more bricks to existing real property to initiate urban change. Rather, we destroy and remake space. And unlike geological formations, one cannot excavate the past use of an urban space by solely examining its material basis. While some spaces may sometimes leave traces of the past in the form of rot and ruination (the phthalates in the soil requiring remediation, for example), their physical form does not necessarily reveal sedimentary layers of past formations of capitalist accumulation. Space understood in this way is often theorized with respect to urban renewal, creative destruction and theories of gentrification. As writers like Dubord and Benjamin have eloquently noted, spectacle demands that we forget the past of spaces. Even those efforts that engage in preservation do so by recapitulating a 'wish image' of a romanticized past (Benjamin 1999; Debord 1967). This is not to say that we don't keep records of space. We can of course consult the photographic archive, or even architectural drawings, but the point here is not whether someone can remember what a space was and how it changed. It is that the logic of capital in this respect is one of material renewal and irreverence for the past. In geographic and urban discourse, this facet of space is understood as part of a necessary and foundational cycle of urban capital. In this regard, urban space under capitalism is first seen as a repository for over-accumulated capital, a 'spatial fix' meant to avert and delay crises of effective demand. Second, the stickiness of the 'spatial fix' is overcome by crises and subsequent rounds of creative destruction. These two processes under political economy frameworks give space for the trajectory of perpetual 'becoming'. The spirit of capital and space, in this respect, is one of reinvention rather than a sequential evolution of ideas and forms based on precedence.

Liberal theories of property, conversely, contain a wholly different logic of change and time, what I elaborated above as property-time, or the creation of bureaucracies of property conveyances that transmute land into a universalized archive of serialized ownership. I contend that the material acts of erasure

and rejuvenation that pertain to geographic *space*, are dialectically related to the abstract, and almost immaterial concept of permanence in property. We can recall with frightening clarity (by simply consulting various property recordation bureaucracies) exactly who or what corporate form possessed a parcel of land and buildings upon it, the historical prices they paid and even, in the case of the US, the shameful legacy of racial exclusion built into ownership via deed instruments—the racially restrictive covenant—a legacy that was legislated out, but nonetheless remains as a kind of living archive and record in the physical documents of property that must be passed along to new owners. These recordation devices are central to the establishment of liberal property-time bubbles that assign accumulated value to individuals.

Thus, there appears to be an inverse relation of *temporal stasis* that attaches a character of *being* or a categorically static quality to liberal regimes of real property (that is, once a bubble of liberal property-time has been established)—one that has the veneer of permanence and carries the weight of historical fact. The exclusion of indigenous use of land in the time bubble combined with space-time's irreverence for the past, serves to at least partially explain why, for example, there appears to be so much stickiness to the status quo of property when treated as an exclusive right (against all other interests) in many North Atlantic contexts and beyond. It also explains why there is strong mainstream resistance to any ideas that reach beyond the scope of the archive—beyond the 'year zero' of the property archive, for example, reparations. Even in cases where there is political will to grant land back to indigenous communities, the process is complex and the legal tools the state has at its disposal often do not sufficiently address the multiple assemblages of use that indigenous communities want to negotiate into their land rights. Blomley (2014), for example, highlights the problems associated with certain legal forms of 'fee simple' restitution of land title to indigenous communities in British Columbia, Canada, where indigenous negotiators question land grants from a legally more grounded crown compared to the allodial nature of indigenous claims to land, forcing them to acknowledge settlement as the original root for the title. Such difficulties speak to the toolkit of the racial logic of liberal property in the sense that ownership as an idea, even in forms of restitution, often cannot escape deference and reference to a linear and future-oriented time bubble of the settler archive (despite the fact that racial dispossession may have occurred in the first place through extra-legal and more importantly, extra-temporal fashion).

The archival nature of liberal regimes of property and its temporal stasis—here understood as a constructed 'being state'—is put into relation with the malleability of space as a changeable object. Here, I draw inspiration from Deleuze, who asserts that *being* in the ancien regime 'externally regulates individuated forms through a hierarchical, fixed homogeneous structure which employs chronological time', but whose transcendental qualities are lost in the postmodern era (after the death of god) (Bankston 2017). In our case, liberal regimes institutionalize property-time in order to functionally construct and maintain a universalized being state. This temporal-spatial bifurcation of *being* and *becoming* characteristics of land (space and property, respectively) allows complex liberal values to be associated with property as a conceptual object. While Henri Lefebvre and others are known for splitting urban space into use and exchange values, and more importantly into socialized interests

vs privatized interests, the interplay between being and becoming states of land, I argue, is notable. This is because the relation outlines an itinerary of rights and prohibitions when it comes to *space* on the one hand and *property* on the other. When we consider space apart from property, we can see that each compartmentalizes different values at the register of two critical human desires: the desire for material renewal on the one hand (becoming, change, space) and the desire for abstract permanence on the other (being, permanence, property) that is protected by the state. In this way, liberal rationalities that prop up systems of capital accumulation in geographies such as the North Atlantic and Australia can separately treat two opposed registers of modern liberal value creation while at the same time coalesce them around a single entity: accumulation through change and the permanence of individuated possession.

There is, of course, precedence for these ideas. Political economists have adeptly deciphered the dialectical interplay between abstracted and material realities, most notably through the separation of use from the commodity form of space. Jessop (2000; 2006), citing Kelly (1998), further draws our attention to capital's dependence upon a relation between 'a physical marketplace and a conceptual market-space'. It is through these associations linking abstract and material attributes of capital that certain temporal contradictions inherent to capital are segregated and obscured. Jessop observes that Marxist theory traditionally emphasizes spatial fixity at the expense of temporal considerations, suggesting that even discussions of space-time compression and space-time distantiation ultimately resolve into purely spatial analyses. Drawing from Massey (1992), Jessop (2000) underscores the construction of specific 'power geometries' based on differential articulations of space-time distantiation and space-time compression' (336). While my focus here resides outside of debates solely about space-time compression or distantiation, I find it very productive to contemplate about how a dialectical understanding of capital draws a distinction between abstract and material worlds.

Like most dialectical analytics, an internal contradiction surfaces between the 'abstract time' of property on the one hand and the 'material time' of space on the other. Abstract property-time underpins the ownership model of property and its accumulative power in a manner that minimizes the potential for adverse or heterogeneous ownership, interference by sovereign entities that exercise excessive power (exception), reduces usage variability and precludes manipulation of the archive to accommodate the multitude of competing interests that simultaneously impact land. This abstraction also serves the settler state insofar as it nullifies the possibility of simultaneity and other forms of 'unsettling' activities, such as disputes over customary land usage, claims of indigeneity and reparations (Blomley 2004). Thus, the operative (small t) truth which is assumed in many North Atlantic liberal land contexts is as follows: property *is*, but space *becomes*.

Exploring the contours of illiberal time

urban and state development. These theories, while undoubtedly valuable, exhibit limitations when applied to specific global spaces and their relation to both value creation, accumulation, and crises. The essence of this limitation lies in the persistent tethering of property theorizations to the historical development of liberalism in the North Atlantic. Within the confines of these limits, assumed connections between property, serial time and archive remain deeply entrenched resulting in a division of labor within social sciences. On the one hand are widely accepted liberal theories of property. On the other, are the global cases where an entire half of the globe can be laughably considered a particularized exception. It would, after all, be a mistake to miss the elephant in the room: illiberal states that do not respect the institutionalization of property-time remain highly effective at producing urban space and value under capitalism.

If this is the case, then why spend all this time thinking about liberal property-time? My concern here has to do with the limits that our theories and assumptions about space-time and property-time place on our analysis of much of the illiberal world. These limitations become pronounced when attempting to apply traditional political economic discourse to illiberal global spaces. This is particularly the case with respect to post-colonial and post-socialist space where states exhibit hybrid forms of rule that assemble both liberal and illiberal rationalities, techniques, and practices into governing schemes and bureaucracies related to private land management, ownership and regimes of accumulation. Political economists have dealt with these differences by simply adding the concept of 'variegation' to urban phenomena that do not fit the paradigm of North Atlantic theory. Others, trying to make sense of how capital, space and time operate in these global spaces (for example in real estate speculation), have been forced to invent new theoretical languages. The ideas of 'assemblage urbanism', 'neoliberalism as exception' and 'exceptions to neoliberalism' are often invoked by those who aim to describe the production of space under regimes that selectively pick and choose amongst a spectrum of liberal and illiberal interventions and rationalities (Ong 2006). While it is beyond the scope of this article to survey the literature of global spaces that defy traditional treatments of capital, space-time and property, here I outline a few itineraries for research, exploring 'transversal logics' or the variable temporal orders of urban development in post-colonial and post-socialist space (Caldeira 2017). In this final section, I outline three clusters of scholarship that illustrate the effects of temporal dislocations between liberal and illiberal property regimes. By examining them, my contention is that they can be seen as methodological gateways to further inquiry into different and hybrid logics of property, opening pathways toward answering pressing questions about the production of variegated global urbanisms under capitalism.

Racial logics of enclosure

A productive line of inquiry in political economy focuses on the racial logics of enclosure as a foundational and enduring facet of capital (Robinson 1983). Broadly grouped under the term 'racial capitalism' and 'racial liberalism', recent work in geography and urban studies traditions home in on the logics of race that produce capital (Bonds and Inwood 2016; Dorries, Huggill, and Tomiak

2022; Mehta 1990; Mills 2008; Pulido 2017; Ranganathan 2016). The operative condition here is that racial capitalism as an analytic goes beyond a mere tracking of some earlier form of original sin. Rather, it is built upon the idea that norms of racialization are hard baked into the rationality of capital itself. For example, Ian Baucom (2005) deftly shows how technologies of credit-based finance, insurance and futures markets are born out of the transatlantic slave trade in places like Liverpool. With respect to racial liberalism, scholarship equates the pastoral power of the state with the institutionalization of white male norms. Such practices not only take place in the North Atlantic, but rather they are the rationalities that endure in the developmental projects of both colonialism, post-colonial governments and the project of global development as it unfurled through structural adjustment in the American century and through contemporary 'kinder and gentler' forms of global governmentality.

These theories are central to the question: if *property is and space becomes*, when or where does property ever itself *become*? When, where and how do states engage in the practice of suspending the archive to either create new time bubbles of ownership or to surgically tamper with existing ones? Prime examples of property *becoming* reference the long history of colonial and Western subject formation in the modern era. Here, transitions from aristocratic and medieval land-holding systems to modern titling and conveyance systems utilizing seriality and archive are key moments where property takes its modern shape.

In the colony or in settler states, property *becomes* most demonstrably through the enclosure, where the principle of *terra nullis* is applied (Bhandar 2015; 2018). As Stoler (1995) and others have argued, the formation of the modern European subject is as much built out of the colonial other as it is constructed internally in the metropole. Subjective attitudes and norms around property are no different in this case. Bhandar (2015), for example, argues that the legal form of property was 'central to the development of the proper white legal subject in the political sphere'. Here the idea of 'security', advanced by Bentham and other modern liberal theorists like Locke and J.S. Mill, is attached to property in opposition to savagery. By linking property to labor, known as 'improvements to the land', Locke, whose theory of property became the dominant justification, ensured that only a small sliver of the population would retain rights to property. As Safransky (2022) argues, 'white people were deemed capable of improving land, whereas indigenous property practices were not recognized as improvement'. Savagery in this respect conceives of a world or territory 'before time' or land prior to the establishment of a serial archive of ownership and therefore, prior to personhood.

We can apply this argument, particularly its temporal dimensions, to argue that the establishment of serialized and linear property-time and the practice of institutionalizing property archives (title-by-registration, county recording, MERS, etc.), is central to the formation of modern liberal conceptions of property and thus it conditions landed forms of accumulation in North Atlantic contexts in specific historical, cultural, and bureaucratic formations. It also constitutes the basis out of which projects of legal and bureaucratic reform are prescribed for Global South states by developmental institutions and advanced nations, the most prominent of which are ubiquitous experiments with titling as a solution to combat poverty, informality and underdevelopment (De Soto 2000). These

prescriptive interventions have, in the past, taken the form of paternalistic programs of structural adjustment during the ‘lost’ development decades of the 1980s and 1990s. They continue to manifest themselves today through so-called kinder and gentler policies, where global anti-corruption and international transparency standards developed in the West aim to infiltrate state reform processes from within, assisting Global South states in their establishment of rule of law, particularly with respect to facets that encourage neoliberal property rights development—for example, the endless consultancy work against perceived corruption in real estate sectors as well as in property, titling, property dispute resolution and land regulation (Bukovansky 2006; Hindess 2005; Kim 2020; Wedel 2012). In this way, property-time is a fundamental tool of liberalism for reformatting land relations between state and citizen-subject. Following Foucault, that pastoral power necessitates the production of regimes of truth—a reliance on an evolving set of universalisms and abstractions that require an appearance of timelessness and categorical weight when it comes to things like property and property rights. As E.P. Thompson (1980) famously argued that the factory clock was a key mechanism of enclosure that was meant to format subjects for wage labor, property-time remains a fundamental component to formatting liberal subjects for the purpose of spatialized circuits of (racial) capital through property ownership.

Further, the logic of enclosure and primitive accumulation has been the subject of renewed and sustained focus in the fields of geography and urban studies, particularly in post-colonial and other illiberal contexts. Contemporary forms of enclosure bear striking resemblance to the temporal logic of the settler colony. While in the settler colony, indigenous land was considered chaotic, savage and prior-to serialized time (and therefore incapable of being owned), in the postcolony, a similar spirit of time is applied. Here, the post-colonial state can act outside of both linear time and any existing property archive, enabling the state to put landed property in a space of exception to established property records, planning contracts and cadasters, and property law in order to enclose land and property at will for political, neoliberal economic or other ends. Such a logic, unleashed with greater surgical precision and upon citizen populations, can and does often either uphold, preserve or reinvent colonial racial hierarchies. For example, Mollett (2016) argues that race is ‘irreducible to class’ when considering the ‘power to plunder’, or the post-colonial state’s role in utilizing a racial logic to engage in land grabbing. In other cases, the postcolony can invent or recast different logics of race, as in the case of ‘Chinese privilege’ in Southeast Asian nations like Singapore, or conversely in the case of Vietnam where the state rarely narrates national territory in relation to a French colonial past, but rather foments anti-Chinese sentiment both historically and in the contemporary to consolidate its national power and organize territory. Such formations can globalize forms of what Ong (1996, 2003) refers to as ‘whitening and blackening’ principles in cities where the so-called savage other can be both an internal and external threat to presumed civility (Mutalib 2012; Zainal and Abdullah 2021).

Adding more variability to the mix, there are those places where the other must be conjured amidst relative ethno-racial homogeneity. The operative point here is that enclosure under modern illiberal state rationality bears a strong

family resemblance to the time logic of North Atlantic settler land governance (Stoler 2013). In these instances, the state has not abandoned the (colonial) order of things. States like my research site, Vietnam, often operate by engaging in liberal reforms to their land regime. That is, they receive millions of development dollars to create greater rule of law and ‘transparency’ in real estate and property law. However, they also engage in selective and surgical manipulations of the archive to ‘resettle’ land by asserting their rights to exist outside of any notions of liberal linear property-time they may have established. While they may or may not do so by asserting ethno-racial hierarchies, the important facet to emphasize is that states must engage in the project of deciding who benefits from these temporal interventions and who does not. In other words, the settlement requires states, municipalities or other governing bodies to conjure an ‘other’ within a territory, what Foucault described as the forms of what he calls ‘state racism’ that must arise as biopolitical logics take hold (Foucault 2003).

State arbitrage is also the primary motivation for surgically applying settler logics of property and land. By engaging in after-the-fact manipulations of the land archive, sovereign states can effectively experiment and speculate upon different approaches to urban development amidst a rapidly changing global field of circulating capital and multiplicity of models for the world-class city. The result is that states strategically use this ‘settler’ time logic to effectively arbitrage (and reclaim ownership of) different urban experiments in the city. In Vietnam, for example, the appearance of state impositions of ‘back-taxes’ applied to companies that enjoyed an agreed upon preferential tax rate, often occur once a development enjoys success—a way that the state arbitrages land value after the fact. States thus use practices like post-fact taxation schemes, anti-corruption campaigns and disappearing of records and maps, stepping back on contractual agreements to land in order to capture and reclaim lost value when they experiment with financially risky urban schemes proposed and built by foreign investors.

Unmapping territory

The question of property archives is complicated by processes that run adjacent to the legal form of property. For example, when states manipulate the cadaster, or manipulate previous iterations of plans (which themselves contained key conditions and negotiated settlements related to possession and property), a different orientation to time emerges. This is particularly true in states and cities that have yet to establish or solidify a singular, linear property archive based on a registration system, or where there are multiple or competing claims to the historical basis of ownership. Conflict and post-conflict cities, for example, present interesting alternatives to understanding property and time, especially in cases where there is not one, but multiple sovereignties either competing for authority or a rapid succession of historical regimes of government. Further, studies that examine the informality of the state and elite capture of state processes have observed how states engage in the ‘unmapping’ of territory, creating deliberate ‘grey spaces’ in order to suspend previously agreed upon contracts or political commitments relating to property and land (Yiftachel 2009).

One of the most recognizable forms of exception occurs when Global South states and governing bodies appear to engage in blatant manipulation of the

land archive, as implied by residents in the case of the missing Vietnamese map described above. Similarly, when states and/or elites engage in obfuscation or purposeful ambiguity, they are capable of rendering both any existing property archives and the legal/regulatory environment opaque for the purposes of reclassifying and reassigning land rights and engaging in land grabs, 'land rushes' and post-fact reinterpretations of land taxes and regulations (Kim 2017; Kuyucu 2014; Li 2014; Roy 2009). Roy (2003), examining the property archive in Calcutta, points us to a common example of these forms of obfuscation where metropolitan development authorities, who oversee the state's land acquisition, operate with no cadaster and no map indicating records of ownership. Here, the 'unmapping' of territory introduces a postmodern twist to the classical modernist image of the state. If J.C. Scott's (1998) modern state can serialize and enumerate a population through technologies like the census, cadaster and statistical knowledge in order to render them legible and governable, then the postmodern state can conversely utilize targeted illegibility to scramble and reassign rights and entitlements of citizens to land and property. Unmapping is a strategic form of political control utilizing the state's power to manipulate its archival function with respect to land and land ownership. This is particularly the case in governing regimes where formalized property rights and enforcement bureaucracies (e.g. land dispute courts) for those rights are still being established (Gillespie 1995). States, and more importantly corporate interests, can cherry pick which historical accounts matter in given cases, straddling the line between common law practice, historical colonial principles of land management and modern formal titling systems to suit the particularities of each given land regime (Li 2014; Wolford et al. 2013). If, as Erin Collins (2021; 2023) suggests, the land is a relation made up of 'chronopolitics', 'crowded histories', and 'heterotemporalities', then the urban is not merely the category through which we understand global agglomeration processes. Rather distinctions in urban processes force us to reevaluate our theories on land, labor and capital themselves.

Sovereignty multiplied and post-Socialist space

Collins' theories about 'heterotemporalities' encapsulates a cluster of new urban scholarship that engages temporal dislocations that are exaggerated in settings where there is competition among groups claiming sovereignty or where there is uncertainty about what principles and factions will have future authority over land, people, government. For example, Bou Akar's (2018) notion of 'planning without planning' as well as 'the war yet to come', are insightful tools for understanding how assumed future conflict, which is of course a psychological effect of experiencing past violence, influences planning in the present, and produces forms of territorial claims that anticipate an expected violent future. In cases where violence, sectarian war and 'displaceability' warp and bend time, ownership often no longer functions in linear chronological fashion (Bou Akar 2018; Fawaz 2017; Yiftachel 2006). Even still there are other instances where property practices exist in wholly different relations of ownership and time, for example, the tense relationship between inalienable and alienable characteristics that make up the property form of the Islamic Waqf, a property form associated with the timelessness of god, resulting in interpretive spaces

that mediate between religious space and the desires of capital (Moumtaz 2021). These forms of claims-making can and often do strategically toggle between practical applications of concepts like fixity and flux in property to establish strategic positions to address problems and initiate projects of state-led economic growth, consolidation of political advantage or in anticipating future conflict.

Similarly, scholars of occupied Palestine provide a key contemporary model, where the state engages in acts of exception to property archive, international law and recognized boundaries of both territorial occupation and property ownership (Weizman 2012). While not explicitly saying so, the Israeli state confirms its disregard of the archive by backing illegal settlements and then formalizing them through what Yiftachel (2006) calls, ‘creeping apartheid’. These examples challenge the assumption that states guarantee linear serialized time as it relates to property by focusing on the simultaneity of claims to territory (where sovereignty is multiple) as much as they do conflict.

Simultaneity as a principle is a conceptual staple in post-socialist property scholarship as well. The most notable concept is Verderly’s ‘fuzzy property’, where overlapping rights and claims to both ownership and use simultaneously coexist in the same social/political sphere and must be negotiated through painstaking and sometimes violent relations of power and subjection. Here, a particular property can have multiple historical claims based on possession, use or legal claim through multiple historical regimes of government (Verderly 1999; 2004). In other post-socialist scholarship, ‘recombinant property’ explores the notion of multiple and conflicting historical claims of ownership and claims to property being mobilized as a strategy. Here, because socialist land regimes have undergone tremendous change and upheaval over time, property claimants diversify and hold on to multiple organizational rationales and legal claims to ownership—many of which are claims that reference different and contradictory social relations of property in the past (Burawoy and Verderly 1999; Stark and Bruszt 1998). These can be read as a kind of hedging and diversification of people’s individual archival artifacts, a tactic borne out of survival, to deal with the uncertainty and ambiguity of a ‘fuzzy’ present. In conflict zones, this can take the form of ‘counter-forensics’ where the displaced gather historical rationale for their right of return (Kohlbray 2022). For the Palestinian who holds on to their old land documents, titles, and house keys, and who research Ottoman era archives to establish pre-invasion rationales for ownership, the hopeful question remains: who knows when the next governing regime will emerge? Whose past will they legitimate?

These examples offer some theoretical insight into the ways that ‘variegated’ neoliberal formations can be theorized without naturalizing a settler logic of property-time (Brenner, Peck, and Theodore 2010). When states manipulate the archive, they erode trust in the solidity and legitimacy of its archive to solve contemporary problems and achieve rapid modernization and change amidst the pressures of global neoliberalism. In other words, the state opts not to ground accumulation in an abstract seriality of a property archive. This phenomenon, is therefore a kind of postmodern recapitulation of the settler temporality of property, applied with greater surgical precision to specific sites and populations. They represent therefore, flexible approaches to both property

and regimes of accumulation to address contemporary problems of development and growth amidst shifting logics of global capital circulation (for example, the rise of China as both global investor and development actor). The significance of these variations here is that a purely spatial interpretation of global capital is a difficult vantage point from which to describe the political projects of the post-colonial and/or post-socialist states, their class alliance with elites and foreign interests to enclose land and property. The limits of these spatial logics explain the endurance of ‘enclosure’ and ‘primitive accumulation’, two theoretical concepts that must be stretched to their breaking point, in order to explain projects of space making in global contexts (Abourahme 2018). By deconstructing ‘settler’ time logics of property we can attend to configurations of power that produce both space and property in global settings. As capitalism becomes more globally triumphant, we encounter a greater number of these hybrid systems of governance—states that participate in the global normalization of liberal property regimes while at the same time, engaging in strategic and surgical applications of ‘settler’ time logics of property to reshape land ownership and address the pressing political, economic and cultural problems they encounter (Levien 2013; Porter and Yiftachel 2019).

Note

- 1 While not all property conveyance systems in modern liberal states utilize a strict Torrens-based system, most utilize either registration or recordation as a precondition for transfer of real property. These systems are historically rooted in settler logics of land. Ress (2019), for example, shows how title-by-registration in Australia and title recordation systems in early Massachusetts in 1630, were borne out of two desires: (1) to guarantee an exclusive ownership right against other claims to land and (2) to justify principles of “terra nullis” denying indigenous rights to land and commence an era of publicly acknowledged land rights. These systems have of course evolved. Today’s electronic database, the Mortgage Electronic Registration System, or MERS in the United States differs in that it is a private system that employs principles of title-by-registration but operates by acting as a private mortgage interest “nominee” or a stand-in for an original mortgage issuer, so that mortgages can be insured, bundled and securitized and sold with greater rapidity and in highly speculative markets. However, a key difference in the United States is that while each state maintains a registry or recording office for property conveyances, title transfers must also occur through deeds (part of the reason why the racially restrictive covenant is so difficult to eradicate is because it is contractually bound to the

deed of the property itself and therefore remains a part of the property’s historical contractual record). In other locales, colonies operated under Torrens-like systems while their respective metropolises maintained declarative or variations of common law, administrative law or hybrids that included torrens principles in property. For example, a Torrens system of land registration was enacted by French colonial administrations in Madagascar and Morocco (Collins and Nam 2022; Rabinow 1989). French and German land registries in the EU, on the other hand, while they are connected to a centralized register and cadaster run by the state, are not constitutive of title, meaning that in theory they do not exclude adverse possession as an alternative pathway to establish ownership rights.

Acknowledgements

Hiba Bou Akar, Ricardo Cardoso, Malini Ranganathan and Sylvia Nam provided indispensable comments on an early draft of this article. I am truly grateful to them for lending me their impressive brains and for the gift of their friendship. I would like to thank Hyun Bang Shin, Yimin Zhao and the Saw Swee Hock Southeast Asia Centre at the London School of Economics for the opportunity to workshop an early version of this article as part of their seminar series. Finally, many thanks to the two anonymous reviewers and *City* editors, Anna Richter and Ulises Moreno-Tabarez, for their productive

suggestions in the making of the final version of this article.

Disclosure statement

No potential conflict of interest was reported by the author.

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