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The city of law[1]

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Abstract

There is now a well-established 'spatial turn in law'. However, it remains oriented towards notions of space rather than law. How, then, to capture both the spatiality of law and the legality of space? This article draws on Bruno Latour's concept of the legal construction of the 'social' to explore the assemblage of the city of law. It shows how law functions as a particular form of association in urban life by tracing two key forms of urban legal association in London, the city of law. The first form is 'legal ordering'. This seeks to order urban life through domination, and includes citadel law, police law and laws of exception. The second is 'legal consociations', which build new forms of urban life, such as urban rights, the rights of the city and the right to the city. Finally, the article explores the creation of a spatial justice that can build more just legal associations.

London: the city of law

On 15 December 2001, nine men were taken under armed police escort to Her Majesty's Prison Belmarsh. Belmarsh is an ugly building of high walls and turrets in the 'dockland style' on the southeast outskirts of London. It squats opposite Thamesmead, a riverside housing estate that was originally built to rehouse Londoners from inner city 'slums', and which is still seen as an area of urban deprivation (Robbins, 2000). As then governor Claudia Sturt described, Belmarsh functions as a local jail for 'a lot of burglars from south east London' (BBC, 2006). However, it also serves as a high-security facility for prisoners who are deemed to be dangerous to public or national security.[2] In this capacity, it functions as the penal core of London's 'criminal justice' responses to terrorism (HM Prison Service, 2007). These nine foreign nationals were 'suspected' by the Home Secretary of being involved in terrorist activities, and were detained without charge in Belmarsh under the Anti-terrorism, Crime and Security Act 2001 (ATCSA). On the other side of London, some three years later, nine men sat in the red chamber of the House of Lords in the neo-Gothic splendour of Westminster Palace to deliver their judgment on the legality of that detention. The Palace towers over Westminster, the traditional seat of government and judicial authority. The Palace housed the then House of Lords, the highest court in the British legal system, and the two Houses of Government, the House of Lords and the House of Commons.[3] The Law Lords held that this detention was unlawful in what would become known as the *Belmarsh* case.[4] The Belmarsh detainees were released into the city under strict bail conditions.

1 I would like to thank Suki Ali, David Bausor, Stephen Dobbs, Paul Halliday and in particular, Caroline Knowles for their helpful discussions of earlier drafts of this article.

2 It was not the first time that Belmarsh held prisoners for terrorism. It had previously received Irish Republicans convicted of such offences, some of whom were still held in the jail at the time of admission of the detainees; BBC (2006), HM Prison Service (2007).

3 When the Supreme Court replaced the House of Lords, the Law Lords also became ineligible to sit in the 'other' House of Lords, the upper House of Parliament.

4 *A and others v. Secretary of State for Home Affairs* [2004] UKHL 56. In the subsequent consideration of these issues by the European Court of Human Rights, this position was broadly affirmed: Application No. 3455/05, Judgment of 19 February 2009; see Shah (2009).

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Only two months after this decision, the Home Secretary in the green chamber of the House of Commons announced a regime of control orders under the Prevention of Terrorism Act 2001 (PTA) (Clarke, 2005). This regime replaced indefinite imprisonment with the indefinite confinement of some detainees in their London homes and the exclusion of others from the city. The control orders could order relocation from London, prohibit movement to certain areas of the city or to certain buildings within it, and restrict association with other individuals or groups of persons. A subsequent series of judicial challenges upheld the legality of control orders, but only in those circumstances where they were not incompatible with the right to liberty and security of the person under the European Convention on Human Rights, Article 5 (ECHR). This included such curtailments upon the freedom to choose residence in the city, or upon the freedom of association and movement across the urban space, that they constituted a deprivation of liberty.[5] Following these challenges, the Coalition government repealed the PTA, replacing it with the Terrorism Prevention and Investigations Measures Act 2011 (TPIM). While in essence TPIM measures constitute a 'control order lite' regime, they were claimed to 'rebalance the needs of our national security with our civil liberties'.[6] This 'rebalancing' included termination of the power to restrict movement and relocate 'controlled persons', and with this, several former detainees moved back to London (Anderson, 2013, p. 37).

From Woolwich to Westminster, the threads of law run through the city of London, tying HMP Belmarsh in the east to the Houses of Parliament in the west.[7] This immaterial city of law is interwoven in the material city of London. It ensnares the certified persons and Queen's Counsel moving across its urban terrain, the helicopters and police escort of the prison transport rolling between Woolwich and the City, the video cameras linking the defendant in Belmarsh to the judge in the Old Bailey, and the papers served upon the Home Secretary in Westminster notifying them of the judicial review of the decision to detain. Fine black threads of legislation, regulations and cases entwine the metropolis, knotting its institutions and inhabitants together in a skein of legal relations. Practices of legality and illegality weave through this urban space, entangling parliament and prison, lawyer and detainee. London exemplifies the complex entanglements of the urban and the legal in the city of law.

The 'spatial turn in law' is now well established. However, it remains problematically oriented towards notions of space rather than law. How, then, to capture the complex imbrication of the spatial and the legal in the city, such that it becomes possible to engage with both the spatiality of law and the legality of space in our modes of urban life? To answer this question requires another theoretical turn towards the concept of the 'social' as reassembled in Bruno Latour's work. In particular, this article examines the assemblage of the city of law by drawing on Latour's concept of law as association. It shows how law functions as a particular form of association or connection in urban life, using London as its example of the 'city of law'. The article focuses upon two key forms of legal urban association, which can be called 'legal ordering' and 'legal consociation'. *Legal ordering* consists of different forms of legal associations that seek to order urban life through domination. These include citadel law, which structures space through sovereign power; police law, which produces urban governance; and laws of exception, which construct spaces of legal exception. In contrast, *legal consociations* consist of associations that build new forms of urban life.

5 *Secretary of State for the Home Department v. JJ* [2007] UKHL 45; [2008] 1 A.C. 385; *Secretary of State for the Home Department v. MB and AF* [2007] UKHL 46; [2008] 1 A.C. 440; *Secretary of State for the Home Department v. E* [2007] UKHL 47; [2008] 1 A.C. 499.

6 Home Secretary Theresa May, Hansard, H of C, 26 Jan 2011, Column 326. For an overview of this regime, see Walker and Horne (2012).

7 See Les Back's (2006) powerful description of London and the war on terror for a helpful account of the connections across this urban space.

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These include urban rights, based upon the rights of the city-citizen; the rights of the city, which seek to protect city life; and the right to the city, which consists of the right to participate in collective urban life. Finally, the article explores how new modes of urban living can create new forms of spatial justice by creating more just forms of legal association.

The law of the city

> 'It's not only that law, for instance, is unexplainable by the influence social forces exert over it; and it's not even true to say that law has to explain in turn what society is, since there is no society to be explained. Law has much better things to do: one of them is to circulate throughout the landscape to associate entities in a legal way.'
>
> (Latour, 2007, p. 239)

In legal terms, 'London' as such does not exist as a distinct legal personality, in the sense that the city itself is not a separate entity recognised by law as having rights and duties. London does not have the status of a city, neither in the British sense of a status granted by the Crown, nor in the American sense of an incorporated municipality. Rather, it consists of two cities: the City of Westminster and the City of London, as well as the bodies corporate of the London boroughs. As such, London itself consists of multiple legal entities. Moreover, these entities do not coincide neatly with the geographical area of the urban conurbation of Greater London. However, this clearly does not imply an absence of law in this urban space. Rather, London is a legally plural city, with multiple and interweaving forms of legalities.[8] These legalities take different forms with different mechanisms and enforcement, ranging from penal sanctions for crimes heard in jury trials to awards before the London Court of International Arbitration. London has disparate legal orders operating at different scales, from the common law to the statutory, and from the municipal to the international. These orders are local, national and global. As a 'global city' of law, London is situated in complex circuits of the global exchange of persons, capital and laws themselves.[9]

How, then, to understand the complex assemblage of the legal and the urban in this city of law? The 'spatial turn in law' has opened a new approach to understanding the spatial nature of law and the legal constitution of space (Blomley, Delaney and Ford, 2001, p. xv; Philippopoulos-Mihalopoulos, 2010). There is now a considerable body of interdisciplinary research that studies law and space, most notably in critical legal studies, socio-legal studies and legal geography.[10] This work has increasingly engaged with the role of law in urban life (Guggenheim, 2010, p. 442). However, in disciplinary and conceptual terms, this spatial turn in law remains focused upon a 'geographical perspective' that fails to fully engage with law (Philippopoulos-Mihalopoulos, 2010). As Nicolas Blomley admits, it has not 'given the specificity of urban law its due' (2012, p. 918). There has been a similar and curious neglect of the 'legal dimensions' of city life in the field of urban studies (Valverde, 2012, p. 7). Where this work does engage with the legal, the primary focus has been the legal management of urban spaces, and, in particular, the regulation of property and the governance of public and private spaces and conduct (Butler, 2009, p. 314). As Fran Tonkiss describes, in this model, 'whether in the form of rational

8 This idea of the legally plural city refers not the only to the traditional idea of legal pluralism, in sense of the different legal systems, such as 'received' Western legal systems and 'customary' or traditional legal orders, that can govern urban spaces. It also refers to the more contemporary sense of legal pluralism as multiple legal spheres or normative orders (Merry, 1988).

9 See Robinson (2002) for a discussion of the problems of 'global' and 'world' city approaches.

10 See, for example, the work of Nicolas Blomley, Davina Cooper (e.g. 1998), Andreas Philippopoulos-Mihalopoulos (e.g. 2007) and Mariana Valverde.

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contracts or coercive crackdowns, city life is (or needs to be) extensively governed by systems of law' (2005, p. 14).

To understand London as a city of law requires addressing three key problems within this current framing of the legal and the urban. The first limitation of this 'spatial turn' is that it focuses upon the city as a 'dense concentration of built environment', and pays insufficient attention to how the urban is also a particular form of political and social organisation (Hirst, 2005, p. 9). Edward Soja suggests that it is necessary to engage with the dense interdependencies of urban life to capture the 'dynamic spatial specificity' of the city (2000, p. 25). In the classic formulation of Louis Wirth (1938), this approach understands urbanisation as a mode of life. In order to understand the city of law, it is necessary to consider the city as a social, as well as a spatial, entity.

The second problem is the emphasis upon law as a set of regulating rules in urban spaces, which overlooks the rich and complex forms of law in the city and the different legal forms in different modes of urban life. Drawing on his study of the Brazilian city of Recife, Boaventura de Sousa Santos argues that 'socio-legal life is constituted by different legal spaces operating simultaneously on different scales and from different interpretive standpoints ... as a result of interaction and intersection among legal spaces one cannot properly speak of law and legality but rather of interlaw and interlegality' (1987, p. 288; 1995). It is not the case that there is not a singular law of the city. Instead, there are different forms of legal association constituting different modes of urban life. To understand the city of law, it is necessary to engage with the interlegality of this urban space.

The third issue is that these different scales of legal orders dislodge ideas of the city as a situated, local space. As Mariana Valverde notes, the interlegal nature of urban space unsettles any straightforward ideas of the city as local or as locality. Instead, it reveals forms of legal governance not attached to a given local space, but rather to particular forms of social organisation (2009a, p. 148). The global city of law only makes these entanglements more visible, materialising these flows and relations of globalising social relations (Sassen, 2001). Accordingly, it is not possible to understand this urban space only in terms of its 'local coherence'. Instead, we must also consider its connection to other cities and other modes of urban life (Simone, 2006).

To reframe our understanding of the assemblage of the legal and the urban, therefore, requires another theoretical turn from the spatial to the social.[11] Critical urban studies have long made the important argument that the spatial is social, drawing attention to how forms of political economy shape forms of urban space (McFarlane, 2011a). These arguments concerning the social constitution of space have built upon an influential Marxist articulation of the 'urban question', exemplified by the work of Henri Lefebvre, David Harvey and Manuel Castells (Brenner, Madden and Wachsmuth, 2011). This work insists that the 'organisation of space is a social product', and hence inseparable from the modes of production (Soja, 1989, p. 80). As Edward Soja describes, key to this understanding of the social production of space is Lefebvre's insight that '[s]pace and the political organisation of space "express" social relationships but also react against them' (2003, p. 15).

This 'urban question' is currently being re-articulated by the emergence of what has come to be called 'assemblage urbanism', which originally drew on the work of Deleuze and Guattari, but now increasingly looks to the actor-network theory of Latour (Bender and Farias, 2010; Brenner *et al.*, 2011, p. 228).[12] This re-articulation represents an important theoretical opening for socio-legal studies of the legal and the urban. Valverde points out that within the Marxist tradition in critical urban studies, law has too often been dismissed as 'mere superstructure' (2009b, p. 164). Following Latour,

11 I would like to thank Caroline Knowles for drawing my attention to these debates.

12 For important critical engagement with the idea of 'urban assemblage', see Brenner *et al.* (2011) and Tonkiss (2011).

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she also argues that there has been a similar conceptual reductionism in critical legal studies (Levi and Valverde, 2008). On this argument, such approaches quickly reduce the city and the law to reflections of a total and homogenous (modern, capitalist or global) 'society' that produces them, and so do not engage with the specificity of the urban or the legal.

For these reasons, I use Bruno Latour's 'sociology of associations' to reframe this turn to the social to explain the city of law. Latour argues that we need to ask how the 'social' is made and remade through networks of association. The Latourian model attempts to shift from the sociology of Durkheim, with its emphasis upon the social, structure and subject, to the sociology of Tarde, with its emphasis upon process, movement and association (Latour, 2007, p. 8; Toews, 2003). For Latour, Tarde's work forms the basis of his 'sociology of associations', which understands the social not as substance (social facts, structures, subjects), but as the actions that make social connections (movements, displacements, translations, mediations, and so on) (2007, p. 74). In this approach, 'society' is not an already existing 'fact' but is made in networks of associations. These are formed and reformed through the connection and disconnection of 'actants'. For Latour, these actants are both human and non-human entities (1996, p. 237). The non-human world of animals, objects and materials is as important as the human world of persons to the construction of these actor-networks.

Latour suggests that his guide to the sociology of associations, *Reassembling the Social* (2007), should be read in conjunction with his photographic collaboration with Hermant, 'Paris ville invisible' (1998). Writing of Paris, Latour (2012) suggests that understanding such a city requires resisting the temptation to see it as a whole entity, in which each of its parts are predetermined in advance by 'society'. Instead, we need to see the invisible city, the urban life that is assembled through associations of actants. These are 'those beings (human and non-human) which together comprise the city'. Latour suggests that it is possible to see this invisible city through what he calls 'oligopticons', which are local and visible sites of connection between the networks of association that compose the city (2012, p. 91). As he describes in *Reassembling the Social*, '[f]rom oligoptica, sturdy but extremely narrow views of the (connected) whole are made possible—as long as connections hold' (2007, 181). In this work, the city itself also works as an oligopticon, in that it becomes a visible and local site from which it becomes possible to trace the assemblage of micro and macro, as well as local and global, networks of associations. This approach has been taken up in critical urban studies as the basis for the idea of 'urban assemblage', which approaches the city as a 'difficult and decentered object', which is 'relentlessly being assembled at concrete sites of urban practice or, to put it differently, as a multiplicity of processes of becoming, affixing sociotechnical networks, hybrid collectives, and alternative topologies' (Farías, 2010, p. 2).

Latour also offers another important conceptual shift in our understanding of law. He sets out his theory of law in a detailed ethnographic study of legal practices in the French administrative court, *The Making of Law* (2010). In his work, law is not understood as regulation, but as association. Latour seeks to move from the Durkheimian tradition that has dominated socio-legal studies, in 'which "society" was treated as an existing and tangible domain, allowed for a neat division of "law" from "society", and [from which] the divide between "law on the books" and "law in action" emerged' (Levi and Valverde, 2008, p. 806). Latour argues that law simply reflects the social in such approaches. Instead, Latour suggests that 'law circulate[s] throughout the landscape to associate entities in a legal way' (2007, p. 239). He proposes that we need to understand how the *vinculum juris*, or the legal chain of obligation, operates to build these chains of association. For Latour, the 'chain of law' is a 'vehicle, or movement of aggregation' that assembles actors through semiotic and material associations (2010, p. 261). Law consists of chains of these practices, since 'making these connections, linking up these elements, weaving the social: all this is law itself' (2010, p. 261). For this reason, law is understood as a specific way of composing associations in particular forms, which are made of relations that assemble the 'social' (2010, p. 222). He identifies specific

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categories of practice as 'legal', which he describes as 'modes' or 'regimes' of practice. These consist of three key sets of legal practices. The first category is the practices of the legal claim, which initiates the legal process. The second consists of the practices of the legal institution, which order and evaluate materials. The third consists of practices of reasoning, which include legal judgments and statements.

I bring together these two aspects of Latour's work into dialogue to examine the city of law. Latourian theory has been highly influential in contemporary urban studies, but this field has neglected the law generally and Latour's account of the legal in particular. Latour's work has had a more limited prominence in socio-legal studies, and of these actor-network theorists few engage with urban issues.[13] The exception is the important body of work by Valverde, who has been central to introducing Latourian theory to legal and socio-legal scholars, and to developing this approach in her studies of municipal law. I build on Valverde's important intervention in these fields to develop my framework for understanding the city of law. She argues that Latour has 'opened our eyes to the fruitfulness of an approach that begins by refusing to draw an ontological line separating nature from culture, things from people, objects from subjects ... [and] can be adapted by legal scholars, in the first instance to help us to deconstruct the old textbook division between the law of persons and the law of things' (2005, p. 36). For Valverde, legal technologies, mechanisms and practices are an essential part of the making of urban modes of life. Legal assemblages 'have the effect of shaping the spaces in which human interaction takes place [and] work on human-non-human hybrids so as to shape spaces' (2009b, p. 165). By focusing on legal assemblages in urban spaces, Valverde's approach suggests how to bring together the two elements of the legal and the urban in Latour's work. I build upon and extend this work as an account of the relationship between the legal and urban assemblage of the city of law. Following both critical urban studies and Valverde, I call my approach 'assemblage' analysis.[14]

This theoretical frame provides another way of understanding how the apparently immaterial law is interwoven in the seemingly material city to assemble the city of law. It offers a conception of the legal as particular forms of urban association, which tie together human and non-humans in the city space. This idea allows us to consider how law works as a practice that makes the relation between persons *and* things in the city in particular ways. It understands law as a form of association that assembles the city space, and traces how certain modes of urban life produce new legal chains of obligations. It analyses law as a particular form of association in urban communities, and its production of particular forms of relations between actants. In this analysis, the legal becomes an integral element of the urban. For example, the legal chain of association includes both the inmates of Belmarsh and the prison buildings that house them. Their associations or connections are material (the built environment of the prison) and semiotic (the terrorism legislation under which the Belmarsh detainees were held there). Extending Lefebvre's insight concerning the social production of space to this process of assembling the city of law, we can describe how legal associations of humans and non-humans build and organise urban space, but also how urban space builds and organises legal associations.

To turn this theoretical frame into another perspective upon law and the city requires developing the analytic strategy that Valverde describes as 'seeing like a city'. Following the urban assemblage theorists, I use the idea of the assemblage (both legal and urban) not as a description, but rather as an analytic device for understanding the city of law. My approach emphasises the relational process of composition of the city of law in multiple chains of legal obligation, which tie together

13 The recent *City* (2011) debates concerning 'urban assemblages', and the *Journal of Law and Society* (2012) 31(1) special issue on science and technology studies and social and legal studies are typical examples.

14 Colin McFarlane (2011b) also uses the term 'legal assemblages' to indicate the translation of codified formal law into the vernacular informal world of urban collectives (p. 57). However, his interesting discussion does not develop this idea.

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human and non-human actants (McFarlane, 2011a, pp. 207–08). Building on this 'legal assemblage' approach, I use the city of London as an oligoptica, a local and visible site of the invisible city of law. These are the legal associations of actants that together comprise the city. To trace these legal chains involves a 'pragmatic approach that 'uses both old and new gazes, premodern and modern knowledge formats, in a nonzero-sum manner and in unpredictable and shifting combinations' (Valverde, 2011, p. 281). This approach recognises the interlegality of this urban space, acknowledging the different forms of legal association in different forms of urban life. It uses London as a city of law to trace the shifting combinations of legal associations in this inhomogeneous urban space. In these combinations of legal associations, we can trace two key forms of legal urban association in London. These can be called 'legal ordering' and 'legal consociation'. The first form of legal association orders urban life through domination, while the second seeks to build new forms of urban life. We begin our exploration of the city of law by tracing the most visible of legal chains of obligations, namely, those that order city space through domination.

Legal ordering

Urban studies has long analysed law as a form of domination of city space. This concern with the legal ordering of space is evident from the earliest ideas of the Chicago School on the integrative function of law in anomic cities to the recent Foucauldian studies of the disciplinary governance of space. In this influential model of the relationship between the urban and the legal, law is seen as a mechanism of regulation, typically of the state (Hall, Hubbard and Short, 2008, p. 9). Given this concern, it is unsurprising that the 'coercive governance of urban persons and groups … has been studied by many urbanists' (Valverde, 2009b, p. 165).

In tracing the assemblage of legal and urban life in London, my assemblage analysis keeps hold of the critical insight that 'as objects, urban assemblages are structured, hierarchised and narrativised through profoundly unequal relations of power, resource, and knowledge' (McFarlane, 2011a, p. 208). It is clear that the distribution of resources and agency in this urban space is unequal and unjust. Particular social groups, such as women and ethnic and sexual minorities, have fewer resources and agency in their capacity to 'assemble' urban space (see Tonkiss, 2005). However, my assemblage analysis avoids the common assumption that the legal functions merely as an exercise of coercive force over a given locality, or as a single disciplinary regime proliferating within the city. Rather, my analysis traces how this legal ordering takes place through three key forms of regulatory legal association that circulate through the city. These are citadel law, which structures urban space through the material projection of power; police law, which governs through spatial regulation; and the laws of exception, which structure the city through spaces of exception. These different legal forms of legal ordering are the effect of unequal and differential capacities for the building of the city of law. They seek to assemble a city in which law constructs space through networks of domination. Where they succeed, the city of law becomes inhomogeneous and unequal urban space.

Citadel law

The continuing and expressed policy of the British government involves treating terrorist offences as crimes, typically prosecuted as criminal acts under ordinary criminal statutes, or under the broader provisions of the Terrorism Acts 2000 and 2006 (Walker, 2011). Expressed in formal terms, such conduct is criminalised by the exercise of sovereign law-making authority of the Queen in Parliament. This 'criminalisation' is an exercise of the power of the sovereign over their territory, which directs the denizens of the city to obey these commands. In legal positivist terms, these rules repress certain acts as contrary to law through the exercise of power over persons and things. This is the projection of sovereignty across urban space, in both its traditional and modern senses

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of monarch and state. The continuity of this form of rule in the city of London can be seen in the initial hearing of these cases in the Central Criminal Court, which first began to hear treason and sedition cases some three hundred years before, to their final appeals to the House of Lords, which first originated in the Royal Court and has now become the Supreme Court, the highest British court of state. This repressive sovereign power is instantiated through the police force that detains, the law courts that judge, and the prisons that incarcerate. The chain of legal association links together the Houses of Parliament; the terrorist suspect who is detained by the police; the files of papers, physical evidence and digital data of the prosecution case; the courthouse in which the trial is heard; and the jail in which they are imprisoned. Through these material accretions of sovereign power, the city becomes dominion. It is ruled through the materialisation of sovereign power in urban space.

We will call this form of legal association 'the citadel', after its oldest urban form. The Central Criminal Court takes its more commonly known name, the Old Bailey, from the street on which it stands, and which follows the lines of Roman London's fortified walls. From its earliest establishment as a city, London functioned as a citadel, a walled fortress. The citadel is the military stronghold at the heart of the city of law. Often evolving from the military fortifications of an army or the military quarters of the king (or both, as in London), the citadel indicates a particular spatial organisation of power and violence both within its walls and without (Bottomley and Moore, 2007, p. 177). The continuity of this form of 'fortress urbanism' (Coaffee, 2004) can be seen in the latest version of the citadel, the Houses of Parliament, now a blockaded fortress protected from its citizenry by laws that prevent their approach and enforced by men armed with guns.[15]

Following Foucault (1975), this 'citadel law' functions as a form of sovereign rule. This form of legal association attempts to order urban relations through the exercise of repressive force. It attempts to extend the legal chain of obligation by commanding obedience or, alternatively, offering violence to those who do not obey. The exercise of power founds this form of legal association. As a form of association, it is centralised and repressive. It emanates from a single place of authority, which seeks to prohibit certain forms of social actions and relations while permitting others. It makes those relations, and structures those actions, through subjection, whether through the submission of obedience or by the enforcement of violence. In this way, this legal association structures urban space through the material projection of power.

According to Mumford's classic description, the citadel-city is a characteristic urban form of imperial power, as it creates and sustains territory itself.[16] The walls of the citadel function as both a mark of the internal boundaries of the city and as a means of projecting force outside these walls. The citadel is not simply a form of internal subjection of its denizens. It is also an external projection of power over others subject to the military and economic power of the city that it defends and projects.[17] London's formation and power as a metropolis flowed from its status at the capital of Empire, and even now the contemporary citadel law of London reiterates older imperial forms of rule over 'racialised' others (see Keith, 2005).[18] For example, the designation of all of

15 The Palace of Westminster and Portcullis House are 'designated sites' under the Serious Crime and Police Act 2005, which makes it a criminal offence to enter these sites as a 'trespasser'. This Act also set out provisions restricting the right to demonstrate 'in the vicinity of Parliament'. These provisions were subsequently repealed by the Police Reform and Social Responsibility Act 2011, ss. 142–149, which set out provisions restricting activities in Parliament Square and the surrounding area.

16 The city of London was an effect of the imperial military power of Rome, which began with the establishment of a small Roman fort to dominate the Thames crossing, and formed the core of all subsequent citadels.

17 It is unsurprising that Marcuse and Kempen describe the colonial city as a 'classic model of the citadel' (2002, p. 20).

18 Belmarsh's function as the 'penal core' of British counter-terrorism is a legacy of the 'Irish' conflict, and the prison still holds Irish Republicans convicted of terrorist offences in London (Schone, 1999).

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London as an area in which police 'stop and search' of any persons without reasonable grounds under Section 44 of the Terrorism Act 2000 (TA) resulted in disproportionate numbers of members of minority ethnic communities, particularly African-Caribbean men, being searched by Metropolitan Police (see Travis, 2009a; Bowling and Phillips, 2007).[19]

Contemporary citadel law also projects its power outwards, extending its forms of legal association beyond the city boundaries. This can be seen in the shift of concern from so-called 'domestic' or 'Irish' terrorism to so-called 'international' terrorist organisations in contemporary terrorist legislation. For example, ATCSA is largely directed at controlling the international movements of ideas, persons, money and weapons through the city of London. It reflects the global entanglements of contemporary London, the routes of new empires that twist through Pakistan, Iraq and Afghanistan. In the contemporary city, we might then speak of the global, rather than local, form of citadel law.

Police law

The Belmarsh detainees were not prosecuted for criminal offences. Rather, they were detained without charge as foreign nationals under ATCSA. Due to the incompatibility of this detention with the ECHR, they were then released subject to the 'control order' regime of the PTA. These control orders were subsequently replaced by the TPIM regime. This regime, like its predecessor, restricted the movement, communication and association of the detainees through the urban space of London. Just as Greater London became a 'designated area' of special search powers under the TA so too its population and space have become objects of governance. The majority of control orders and TPIM measures have sought to regulate the interactions, movements and residence of 'controlled persons' in the urban space of London. A series of recent judgments on these measures have upheld the legality of this regulation of the relationship between persons, things and space.[20]

This legal regime system creates the urban space of 'Greater London' as a new and distinct object of government in law. It makes this space as an association between persons and things, and seeks to regulate those associations by categorising the city's inhabitants into 'terrorist' and 'non-terrorist' suspects, and its spaces into secure and insecure areas. The executive (rather than the judiciary) decides which persons pose a risk to the safety of London's population because of their 'terrorist-related activity', and hence who will be designated as subject to TPIM measures. However, this regulation is racialised, as particular categories of persons (African-Carribean, Asian) and things (prayer books, computer disks, travel tickets) will be designated as terrorist. These regimes discipline persons, not by incarcerating them, but by regulating their activities, movements, communications and residences in and through this urban space according to norms of terrorist and non-terrorist activity. The scope and consequences of such a regime are far-reaching. The simple act of photographing buildings can be categorised as a 'terrorist activity', and hence become the object of government regulation (Laurent, 2009). This form of legal association differentiates between how particular categories of 'terrorist' persons and things circulate through the city.

Drawing on Foucault's work, this shift from the punishment of persons to their administration can be seen as a part of a broader change in forms of government. It reveals the shift from

19 This section has been repealed, and replaced by 'more focused powers' under the Protection of Freedoms Act 2012.

20 *Secretary of State for the Home Department v. BF* [2012] EWHC 1718 (Admin) (25 June 2012); *Secretary of State for the Home Department v. AM* [2012] EWHC 1854 (Admin) (6 July 2012); *Secretary of State for the Home Department v. AY* [2012] EWHC 2054 (Admin) (19 July 2012); *Secretary of State for the Home Department v. CC and CF* [2012] EWHC 2837 (Admin) (19 October 2012).

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repressive power, which rules through force, to productive power, which governs through new techniques such as disciplining the body and regulation of the population (Ewald, 1990, p. 138). Foucauldian theorists of the city, such as Osborne and Rose (1999) and Valverde (2008), argue that urban populations emerge as the objects of government through new technologies of spatial regulation, such as policing and surveillance. In this account, the processes of urbanisation gave rise to new forms of risk that were seen as requiring new forms of legal regulation (Valverde, 2008, p. 9).

We can call this form of legal association 'police law' after its first urban manifestation. The earliest police were formed in London in the eighteenth century to govern an increasingly unruly and expanding metropolis. By the nineteenth century, the Metropolitan Police Service, the first modern police force, was established. Its function was not only to prevent crime, but also to enforce civil order, and many of its practices were developed to deal with 'civil disorder' in colonial Ireland (Emsley, 1996). As the name suggests, the Service was responsible for policing London. The Metropolitan Police District, the geographical area for which the Service was responsible, came to define the Greater London area (Waller, 1983, p. 25).[21] This correlation between the Metropolitan Police District and the Greater London area continues to be assumed in the TPIM regime's descriptions of residence, movement or association included or excluded from this urban space.

'Police law' is characterised by 'a high level of discretion and variability, at the level of rule making as well as the level of enforcement' (Valverde, 2008, p. 9). This form of legal relation is regulatory, in which specific legal practices and institutions produce subjects and their relations to other subjects, things and spaces. These legal associations link persons, constituted as non-terrorist or terrorist; to things which are constituted as non-terrorist or terrorist 'objects or actions' (such as bathroom cleaner or bomb component, lyric or incitement). In police law, power does not emanate from a single authority ruling the capital. Rather, it disperses through the urban space, materialising in the new technologies of CCTV and movement tracking, as well as adhering in the older technologies of foot patrols and station houses. The city becomes a space of governance, and its inhabitants become an 'urban population' to be governed. Police law aims to prevent, rather than to redress, crime, so that 'the contemporary city is thus visualised as a distribution of risk' (Osbourne and Rose, 1999, p. 753). The chain of legal association links the Home Secretary, the TPIM subject, the Olympics site from which the terrorist suspect is barred, the appropriate housing to which they are restricted, the GPS tracker that locates them in this urban space, and monitoring company to which they must report. The policing of terrorism in London exemplifies this type of 'urban risk-assessment'; where it is understood as a practice that defends the urban population against the threat of terrorism. This legal assemblage constructs urban associations against these norms of risk and threat, and through these practices of surveillance and discipline.

Laws of exception

Mohammed Ayub, the solicitor for AE, a 'controlled person' under the PTA, described the experience of life under such a regime: 'for three-and-a-half years he [AE] and his family have had to live a life which has been controlled in every respect by the Home Office: where he lives, when he may go out, where he may go, who he may meet, what employment he may undertake' (Travis, 2009b). For those subject to these measures, the legal obligations that they impose might seem more like the full force of the sovereign power of the state. In the Belmarsh detainee cases, a key issue was the reasonable balance between the sovereign powers of the state to defend national security and

21 The relationship between the Metropolitan Police District and the Greater London Area has been subsequently drawn and redrawn in later legislation. The Metropolitan Police District excludes the City of London, which has its own police force.

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the right of the detainees to liberty.[22] In the more recent control order and TPIM measures cases (in which the legal regime applies to both nationals and non-nationals), the issue was not whether the regime itself was unlawful, but rather whether in each case the measures suspending the rights of the person were necessary and proportionate.

These cases reveal the 'grey zones' in the city of London, in which the law of the city is suspended in the name of the law. These zones appear in the urban space like shadows on diseased lungs, revealing places where there is a paradoxical suspension and intensification of sovereign law. The sovereign state determines who will live in those zones of indetermination by classifying persons as members of the political community of the city and excluding others from it. Those it categorises as 'suspected terrorists' exist as exceptions to law. The concern of the experts who review these persons is their physical, not social, existence. Sovereign law determines its own suspension to create these shadow zones of 'states of exception'.

Following Agamben (2005), we can call this form of legal association 'the laws of exception'. The legal defines certain categories of persons as belonging to the political community, such as citizens with rights, and excludes others from that status. It reduces this category of persons to 'bare life', which denies them political existence and confers only physical existence (Agamben, 1998). For Agamben (2005), 'terrorist detainees' are the archetypal example of the reduction of persons to bare life. Agamben connects this form of law to the state of exception, the zone in which there is a lawful suspension of law. As Humphreys (2006) describes, the law 'legalises lawlessness' by legally creating 'the state of exception to law'. This is a space without law. Laws of exception create shadow spaces of lawlessness, zones of bare life within the urban polis.

Under certain conditions, this form of legal association comes to characterise an urban space, and to become a city as such. For Agamben (1998), the exemplary zone of exception is the 'concentration camp'. He describes the 'camp' in conceptual rather than physical terms as 'the space that is opened when the state of exception becomes the rule' (1998, pp. 168–69). However, this space takes archetypal physical form in the Auschwitz concentration camp of World War II. The architectural historian of Auschwitz, Robert van Pelt, notes: '[t]his is an enormous place. This is a city. Originally, there were a hundred and twenty-five architects and draftsmen working here' (van Pelt in Singer, 1999). The inhabitants of this city of the dead numbered over one million, and came to cover an area of some 350 acres, excluding its satellite 'suburb' camps. When it comes to dominate an urban space, the law of exception becomes realised as the necropolis. What was a temporary and limited zone becomes a permanent form of urban life, the city of bare life and of the non-living.

These deadly cities should not be confused with the 'anti-cities' that are often counterposed to the global metropolis (Hirst, 2005, p. 25). Hirst describes these 'anti-cities' as 'decentred and post-public', whose 'very growth, driven by uncontrolled rural migration, renders them all but ungovernable' (2005, p. 25). Largely located in the developing world, the megacities and sprawling urban agglomerations of Africa, Latin America and Asia are commonly characterised as lawless, with unchecked crime and violence, insecurity of tenure and forced evictions, and either dysfunctional or absent governmental and legal institutions (United Nations, 2004; 2007). Such anti-cities are often seen as existing, literally, without law. These urban spaces are seen as ungoverned and ungovernable, in which legal rules are either absent or failing. On this analysis, there is an absence of law and hence no form of legal association.

However, Santos (1987) reminds us that these cities are also inventing new modes of urban life. While often living in urban spaces unsupported and unstructured by municipal or national authorities, the inhabitants of these spaces are assembling urban life in dynamic and resourceful

22 In the *Belmarsh* case, the House of Lords decided that 'despite the fact that there was a public emergency threatening the life of the nation … the measures taken were disproportionate and discriminatory because they were only directed at non-UK nationals' (Shah, 2009, p. 473).

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ways. For this reason, we require a more complex cartography than identifying simple dichotomies of the absence or presence of state law to map forms of legal association. Like London, these cities are legally plural. They have different legal orders running across their urban spaces, which range from international laws governing trade and finance to local communal agreements regulating daily city life. It is not the case that these cities simply exist without law. Rather, they are re-articulating older legal systems and inventing new forms of legal association (Fernandes and Varley, 1998).

Writing of Douala and Johannesburg, Simone describes the '[n]ew trajectories of urban mobility and mobilization [in which] distinct groups and capacities are provisionally assembled in surprising, yet often dynamic, intersections' (2006, p. 368). The same description could have been given for the first 'megacity', the London of the nineteenth century. Undergoing rapid and exponential growth due to urbanisation, early Victorian London was a city of slums without running water, electricity or sewerage. Its municipal government, where it is existed, was corrupt and ineffectual. Yet it was also the city that saw the rapid development of new forms of municipal government, labour and housing laws, and, of course, the development of modern company and tort law. New forms of urban life thus require the remaking of old systems of law, and the invention of new forms of legal association.

Legal consociation

The city has long been seen as a space for the invention of new legalities in urban theory. In Lewis Mumford's classic statement of this idea, suburbanisation creates 'new institutions of law and order and social comity' (1975, p. 63). The 'purposive associations' of urban life (as Mumford calls them), build new physical and social networks in the city, of which law is an important new form. This influential Weberian approach perceives urban chains of legal obligation as a 'form of association in which the members bind themselves one to another in a collective body' (Schwatrz, 1985, pp. 546–47).

In tracing the building of urban and legal forms in London, my assemblage analysis retains this insight regarding the urban making of innovative legal forms. An assemblage approach, with its 'orientation to assembly, reassembly, and constitution', emphasises the potential of urban life 'to disrupt patterns, generate new encounters with people and objects, and invent new connections' (McFarlane, 2011a, p. 209). My assemblage analysis traces three key generative forms of urban legal association in London. In the city of law, these include urban rights, which construct the rights of the city-citizen; the rights of the city, which seek to protect city life; and the right to the city, which consists of the right to participate in collective urban life. These are not only 'rights' in the conventional sense of legally enforceable claims, but also the claims and demands that bind humans and non-humans in new associations in the city. Following Weber, I describe these as 'legal consociations', co-operative legal forms of association that involve the creation of new affiliations or alliances between persons and things. These chains of legal obligation are made in the new assemblages of city life, and build new relations between urban persons and objects.

However, my assemblage analysis does not make the common assumption that there is a singular urban form that invents a singular legal form. The emergence of formal state law is commonly tied to particular European urban forms, such as the Ancient Greek *polis* (Mumford), or the medieval Occidental city (Weber, 1966). However, there are many forms of urbanisation, which are not tied to modernity or industrialisation, and many forms of legal association, which do not mirror the 'modern' European legal form (Zubaida, 2006). *Pace* Latour (1993), the city of law has never been modern. He argues that the so-called 'Modern Constitution' of Western societies, which claims to separate culture and nature, and concomitantly humans and non-humans, is in fact artificial and fictional. This 'Modern Constitution' underwrites European 'modernisation' narratives of the civilising city of formal state law, and the (post-)colonial city of informal and insecure association

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(Edensor and Jane, 2011). In contrast, the assemblage approach recognises that the invention of new legal associations is an integral part of the building of the manifold forms of urban life (McFarlane, 2011b). The associations are both formal and informal, and constitute the plural interlegalities of urban space (Santos, 1995).

Urban rights

In 2004, the lawyers representing the Belmarsh detainees appealed to the House of Lords against the earlier decision of the Court of Appeal that their detention was lawful. They argued that these detentions breached the fundamental rights of the detainees. The grounds of the appeal ranged from 'the right to liberty and security of person' under the Human Rights Act 1998 (HRA), to the 'freedom from arbitrary detention' deriving from 'the long libertarian tradition of English law'.[23] These arguments assert that all persons in the city possess fundamental rights, such as liberty to move through city space and freedom to associate with others in the city. The city's denizens thus become holders of rights, by virtue of which the state owes them certain obligations. As subjects of rights, these legal relations of entitlement and obligation bring these humans into a new relation to their built environment.

This type of legal association takes the form of rights claims. The hearing of the detainee cases in the Old Bailey reminds us of the urban lineage of such claims to have rights in the person. The jurisdiction of the Old Bailey was originally that of serious criminal offences within the City of London. The City of London Corporation retains the right to administer the 'Square Mile' (including police and criminal justice within this area). Its Constitution originates in the rights and privileges of the medieval charter of association of citizens of the city, which granted city residents the status of freemen (Frug, 1980; City of London, 2009). The earliest rights of freemen included the freedom from arbitrary detention and the right to trial by their peers, which were guaranteed under the Magna Carta (which also guaranteed the 'ancient rights' of the City of London). These are the same rights in 'the long libertarian tradition of English law' upon which the Belmarsh detainees relied, and which entitled them to freedom of movement and association in the city of law.

We can describe this form of legal association as 'urban rights'. In this form of legal association, rights bind the urban confraternity, and structure their relationship to the city space. Urban rights are a fraternal form of legal association, in which rights are claimed to equally bind all members of the city space without discrimination. This fraternal form can be seen in the *Belmarsh* case, where the House of Lords held that the detention of the Belmarsh prisoners was illegal due to the discriminatory nature of holding only non-nationals. Because of this ruling, the then Home Secretary was subsequently forced to apply the control system regime to nationals as well as non-nationals. In this form of legal association, citizens of the city become equal and individual right-bearers. The urban right constructs persons as autonomous and singular individuals, whose ties to others are given on a legal basis. These chains of legal obligation seek to build a new form of urbanity, which constitute new associations of fraternal publics and spaces. The claims of the Belmarsh detainees to a right to liberty in the person reiterate these models of the fraternal legal associations of communal urban life. These models repeat older urban forms of the city as a space of liberty, structured through chains of legal rights.

In the *Belmarsh* case, these urban rights are universalised. The denizen of the city becomes the human bearer of universal rights. When the Belmarsh detainees claim their right 'to liberty and security of person' under the HRA, they claim the right to be recognised as human, as the bearers of human rights. This fraternal recognition in law has its origins in notions of the rights of communal citizenship in the Athenian city. Hirst (2005, p. 9) points out that this form of urban life has been central to the contemporary 'imagining of political possibilities', in which city life

23 *A and others v. Secretary of State for Home Affairs* [2004] UKHL 56 at para. 36.

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serves as a model of political life. Human rights universalise the rights of the citizen of the city by reiterating this urban imagining of political possibilities on a global scale. The city of rights becomes a universal model of relations between persons, in which the legal rights of the citizens of the city become the legal rights of humanity. It conceives this global polity as a city of the world, in which its citizens are equal, and their relations legally bound.

This universal legal chain of obligation, in turn, builds new legal networks in the city space of London. For many of the Belmarsh detainees, their claims under the HRA were already contingent on earlier claims to refugee status under the 1951 Convention Relating to the Status of Refugees. These detainees claimed that they were persons entitled to the protection of the international community under Article 14(1) due to the failure of their state to protect them from persecution on particular prohibited grounds. The government was unable to deport these detainees to their home countries without breaching its obligations under the Refugee Convention. The Refugee Convention forms an essential part of the international human rights regime, from which the ECHR and the HRA ultimately derive, and which gives this regime a legal presence in the city. This regime is commonly characterised as a form of 'cosmopolitan law', the international legal regime guaranteeing the universal rights of all persons. In cosmopolitan law, the citizen of the city also becomes a citizen of the world, which in turn offers them refuge in another city, in another country. This universal legal chain of legal obligation makes new modes of urban life in London, long known as a place of refuge for those seeking asylum. While the law of London was brought to many parts of the world, the law of the world also manifests itself in London. This claim to urban rights reinvents the city space as belonging to all.

The right to the city

The idea of the urban as a space of consociation that deserves recognition and protection by law has become increasingly significant at an international level. UN-HABITAT and UNESCO are currently developing a new form of urban legal association, the so-called 'right to the city' (UNESCO, 2009). This 'right to the city', or the right to urban life, was coined by Henri Lefebvre (1996) to describe the right to participate in the making of collective life in a city by its inhabitants. Following Lefebvre, we can call these forms of legal association 'the right to the city'. Despite the influence of this idea upon urban reform, the right to the city is rarely discussed in terms of the role of law in producing this space of consociation (Fernandes, 2007). However, the city of law reveals three different legal associations that construct this right to the city.

The first is the right to the collective and public use of city space. It 'is grounded in the entitlement to physically occupy urban space [and] emerges from the essential qualities of the urban – as a space of centrality, gathering and convergence' (Butler, 2009, pp. 325–26). It is precisely this right to participate in the life of the city that the counter-terrorism regimes in the UK seek to curtail, from restrictions upon movement, and relations to others within, in the urban space of London, to 'internal exile' from the city itself. Against this comes the invention of new legal claims to the city, which rebuild the association between private property, public protest and communal and political use of the built environment in law. So, for example, in the case of *Gillan and Quinton v. United Kingdom*, the European Court of Human Rights (ECtHR) found that the designation of the entire area of Greater London as a security area for the purposes of stop and search without suspicion was not in accordance with law, and was also unlawful invasion of the right to liberty and privacy. Accordingly, the arrest of two London residents who were protesting at an arms fair in Docklands was unlawful.[24] As the ECtHR describes, the right to private life protects 'the right to establish relationships with other human beings and the outside world. It may include

24 Application Number 4158/05, Judgment of 12 January 2010.

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activities of a professional or business nature. There is, therefore, a zone of interaction of a person with others, even in a public context, which may fall within the scope of "private life"' (Section 61). The right to the physical use of the city and to interact with others in this 'zone of interaction' constructs the relationship between the human protestors and the non-human 'outside' world of the physical city.

The second is the right to the use of the physical and social infrastructure of the city, particularly in terms of access to urban resources and services. This form of legal association aims to rebuild city space in more equitable ways. It uses legal mechanisms to undo and reconstruct existing networks of persons and resources. These mechanisms range from urban planning to property taxes, which are designed to construct new legal chains of obligation 'leading to social inclusiveness and sustainable development' (Fernandes, 2007, p. 208). The political stakes of this right have become evident in London as a global city of law. As Saskia Sassen describes, in global cities there is an apparent withdrawal of law in the face of the intensification of 'privatization and deregulation and the associated strengthening of globalization' (2001, p. xvii). This creates a sharp disjuncture between the national and municipal taxation base that funds and manages the urban infrastructure, and the privatisation and deregulation of the use and access to urban resources and services. In this context, the demand for the legal redistribution of capital in the form of the taxation system becomes reformulated as a crucial mechanism for building this right to the city. This demand now appears to have driven recent changes to the taxation regime governing London, which the Coalition government sought to describe as 'one of the largest ever packages of tax avoidance and evasion measures' (Bowers, 2013). This does not produce the 'practico material realization' of the use value of urban space that Lefebvre calls for (1996, p. 158). However, the legal formulation of this demand offers the possibility of a new use value of urban space in the city of law, reconstructing the relation between surplus and use value in the legal assemblage of the city.

The third right to the city is 'far more than the individual liberty to access urban resources: it is the right to change ourselves by changing the city' (Harvey, 2008, pp. 23, 40; 2012). A common rather than an individual right, this form of legal association claims the right to participate in the collective life of the city in order to 'institute new modes of urbanization' (Harvey, 2008, pp. 23, 40). If the Greek notion of 'cosmopolitanism' first articulated the shift from ideas of the citizen of the city-state to that of the city of the world, nevertheless it relied on cosmopolitan modes of life. For Diogenes, the cosmopolis, or the 'worldwide city, should be regarded as … an ideal of enlightened persons united not by local or relational ties but by the common values they share' (Long, 2008, p. 55). The term 'cosmopolitan' still retains its sense of urban living, describing the making of lives defined not by geographical and cultural locations but by the city itself. Writing of contemporary London life, Paul Gilroy (2006) renames this 'cosmopolitanism from below' 'multiculture', in order to capture these everyday exchanges and interactions that make up a common urban life. These exchanges and interactions include the laws that entwine within them, which imagine the ideal of the city of multiculture and seek to represent the 'common values' that its inhabitants share. This making of the city of multiculture in legal associations can be seen in the important case of the racist murder of Stephen Lawrence, and of the systemic failure by the Metropolitan Police to investigate and prosecute his murderers. Due to the efforts of his family and anti-racist campaigners, this case led to the invention of a new form of discrimination (institutional racism), and a new form of right (the positive statutory equality duty of public bodies to eliminate racial discrimination, and promote racial equality). This invention of a new right to the multicultural city has become a citizen-right under the Equality Act 2010 in the form of the positive statutory duty upon public bodies to eliminate discrimination, advance equality of opportunity, and foster 'good relations' across race, disability and gender.

These rights to the city assemble collective urban life in the city of law by symbolising and shaping the different ways in which the inhabitants of a city can live together. In London, laws

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articulating these norms of urban public life range from anti-discrimination to hate crimes, from public housing legislation to such statutory duties imposed upon public institutions to ensure non-discriminatory provision of services.[25] To follow Iris Marion Young's (1990) classic argument, if laws can serve to legitimate existing inequalities, they can also articulate ways of recognising both the differences between members of a polity and of their shared ways of living together in cities. In this form, these rights to the city attempt to assemble more just modes of collective urban living.

The rights of the city

Cities as spaces of consociation can be the specific targets of violence. The deliberate attack upon urban consociation has become known as 'urbicide', understood in the sense of the deliberate attempt to destroy the life of the city. The plurality and heterogeneity of the urban social space can be seen in its built environment, from markets to houses to places of worship (Coward, 2007, para. 54). Urbicide indicates the deliberate destruction of this built environment in order to destroy urban consociation. The concept of urbicide first emerged in the US in the 1960s to describe the destruction of the fabric of working-class inner-city life by urban development (Campbell, Graham and Monk, 2007). In the 1990s, the concept re-emerged in the context of the urban destruction of the war in the former Yugoslavia (Herscher, 2007, para. 4). Strategies of urbicide included intentional shelling of buildings of cultural significance (such as libraries or mosques), deliberate attacks upon shared or historical public places (such as markets and city centres), and indiscriminate artillery and mortar fire upon housing and hospitals. This culminated in the shelling of Dubrovnik and the siege of Sarajevo, and came to represent a new form of destruction of the multicultural city. The aim of urbicide in this sense is to break apart the concrete manifestations of cosmopolitan life. As a strategy, urbicide intends to obliterate the ways in which the built environment expresses multiculture, and thereby to destroy the shared life of the city.

The bombing of London in World War II has been described as a 'proving ground' for urbicide through the use of strategic airpower (Hewitt, 2009). As strategic centres of power, cities have long been sites and targets of war. The scars of the World War II bombing of London can still be seen in the pock-marked walls of the Tate Britain Gallery, the cracked lines in the upper brick work of Victorian terraces, and the building plaques marking bombing deaths. They can also be glimpsed in the spectral absence of destroyed buildings, now seen only as gaps between older dwellings or as clusters of postwar buildings. However, London also reminds us that the object of attack is not simply the physical, but also the social, element of city life. From the *Luftwaffe* to the 7 July attacks, London has been bombed not simply as a strategic target, but also as an important symbol of the British nation.[26]

The building of a new form of legal association, which we can call the 'right of the city', began after the total war of World War II. This new international legal regime was first built from the law of armed conflict, and is now developing through international criminal law in the jurisprudence of the International Criminal Tribunal for the former Yugoslavia, and the Rome

25 Fraternal rights do not guarantee an egalitarian city – as feminist analyses of city life have shown (Tonkiss, 2005).

26 For a discussion of the strategy and law of the targeting of cities, see Waxman (1999). Note that the idea of breaking the city to break the nation was shared by Hitler, in his decision to shift from attacking strategic RAF targets to the area bombing of London. Churchill himself feared that the bombing of Coventry, one of Britain's oldest cities, in November 1940 was so severe that morale might collapse entirely, and so the King was immediately dispatched to the damaged city in order to bolster morale. For a discussion of London as an important target of terrorist attack, see Coaffee (2009).

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Statute of the International Criminal Court (incorporated into British law in 2001).[27] This regime protects the right of the city to exist as such, that is, to exist as a space of social and physical consociation, by protecting both the civilian population and the civilian objects of the city. International law now specifically protects those buildings central to civic life, including 'buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes'.[28] It also characterises indiscriminate attacks upon cities as illegal. The foundational principle of the international law of armed conflict is the distinction between civilians and combatants, which gives rise to the rule that a whole city cannot be treated as a military target. Under this principle, civilian objects should not be the object of military attack. Any such attack must be limited to those objects that make an effective contribution to military action and whose destruction offers a distinct military advantage.[29]

This new right of the city seeks to protect the civilian objects and persons of the city, as well as to protect the city as a whole. The protected city becomes a city of the world, belonging not only to its inhabitants, but also to humankind. In international humanitarian law, the city once again becomes a legal concept, akin to a legal subject, a 'personality' whose defined identity confers certain rights.[30] By recognising cities as specific objects of protection, this legal regime symbolises the city as a physical civic space of civilian populations and objects, and as a virtual space of consociation deserving of recognition and protection by international law. This right of the city assembles the city as such in international law. With increasing urbanisation, this right of the city has become one of the most important forms of legal association. As Alexandre Vautravers describes, 'urban expansion in both north and south has made cities today the main theatres of military and humanitarian operations' (2010, p. 437). This is also one of the most delicate forms of legal consociation. It requires immense resources, as the legal chain of obligation must capture militaries, governments and weaponry. It must also be able to extend across national borders, projecting this legal association across the global space. However, if it is correct to claim cities are being reshaped by a new military urbanism, which involves the blurring of urban and military spaces (Graham, 2011), then building this right of the city becomes a pressing issue for our modes of urban life.

The city of law: urban and legal inventions

Tracing the assemblage of London as a city of law reveals two key forms of legal associations. These are *legal ordering*, which materialises power in urban space, and *legal consociation*, in which urban modes of life invent new chains of legal obligation. These legal associations assemble urban space in different ways, by linking humans and non-humans together in different chains of associations. Latour (2010, p. 264) suggests that the law 'resembles delicately knitted lace' forming fine filaments of association. However, the city of law reveals that these legal associations circulate through the landscape forming a mesh of interlinked chains of legal practices. These legal chains are a flexible series of links, which connect actants through legal practices. This mesh is not above the 'city', but rather forms a net of support for the assemblage of the city by holding its elements

27 A number of cases concerning the attacks on Dubrovnik and Sarajevo have been brought before the International Criminal Tribunal for the former Yugoslavia.

28 See 1907 Hague Convention (IV), art. 27. See also Dinstein (2004) for detailed discussion of the complex legal rules governing this area.

29 See 1977 Additional Protocol I Additional to the Geneva Conventions of 12 August 1949, arts. 48, 51 and 52 (applying to international armed conflicts).

30 For a discussion of the legal status of the city under international law, see Blank (2005–2006).

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together, and hence working as the reinforcing structure of the assemblage. This mesh spreads through time and space, constituting its networks through chains of associations or relations, which are assembled through legal practices. As Farías describes, '[r]ather than an underlying structure or a structural context, space thus appears as a relational effect' (2011, p. 371). The city of law is a relational effect of this mesh of legal associations.

The urgent political question becomes how to invent new chains of legal associations that can assemble the city of law in more just ways. The city has long been associated with the revolutionary, the rebellious and the riotous. Writing of the widespread and ongoing protests in Athens, Douzinas (2013) reminds us of the inherent revolutionary potential of the city. Each making and remaking of the city also creates and recreates legal associations between persons and collectivities: '[t]he vote, the vote for women, basic laws to protect labour and stop discrimination and many other entitlements taken for granted today were the result of street protests, insurrections and riots' (Douzinas, 2013, p. 134). If, as Douzinas claims, '[t]he "street" and the "square" have now returned to politics' then it is possible that the city has once again become the crucible of the rupture of older legal regimes and the establishment of new legal orders (2013, p. 134). For Douzinas, the London protests of August 2011 and the London Occupy movement are part of this new urban politics. The challenge is how to reassemble this city of law as a space of legal consociation, rather than legal ordering. This will require inventing legal associations that can build the city of law as a new emancipatory space.

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