

INTRODUCTION: SEARCHING FOR LAW, FINDING THE CITY*

*To Upasana Dasgupta and Christopher Whitehead
who were the inspiration for the creation of
a permanent post-GLSA conference publication.*

Together, law and the city create a framework of interactions – a framework which is both intricate and invisible at the same time. When walking the streets of our cities, how many of us think consciously about the processes which regulate it, from the name of the street we are living on, to the status of a historic building at a nearby square, to the heavily regulated inner-workings of a nearby day-care, to the uniform of the local policeman...?

We may be excused, however, in this blissful ignorance of our daily lives – the many intersections of law and the city tend to escape broader analysis on the part of the legal academia (with a notable exception of the seminal work under Andreas Philippopoulos-Mihalopoulos¹), with researchers usually focusing on an analysis of a legal particularity, only by chance stumbling upon the city – and often failing to properly engage with it even then.

Having previously tried to help rectify this in my own work by investigating a fraction of these interactions,² further inspired by the phenomenal “The 99% Invisible City,”³ when tasked with choosing a theme for the 14th Annual McGill Law Graduate Conference in my then capacity of Vice-President of the Graduate Law Student Association (GLSA), I knew from the

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¹ Andreas Philippopoulos-Mihalopoulos (ed.), *Law and the City* (Routledge 2007).

² Mirosław M. Sadowski, ‘City as a Locus of Collective Memory. Streets, Monuments and Human Rights’ (2020) 40:1-2 *Zeitschrift für Rechtssoziologie – The German Journal of Law and Society* 209.

³ Roman Mars, *The 99% Invisible City* (Houghton Mifflin Harcourt 2020).

beginning of our work that a conference focused on the intersections between law and the city will be a great chance to begin filling in the aforementioned void in the legal academia and provoke interdisciplinary discussions. Keeping on the recent tradition of cinematographically-inspired conference themes, we settled on “Law and the City,” a testament to the turn-of-the-century series “Sex and the City.”

The annual graduate conference has a long tradition at the Faculty of Law of McGill University: established in 2008, it has since seen hundreds of young scholars from around the world present and debate with each other under the supervision of faculty members, inspired by brilliant keynote speakers. It soon became a major draw for both Canadian and international students to our Faculty, thus having a special place in the heart of many of our doctoral candidates, myself included (I have participated for the first time in the 2017 edition). The Dean Maxwell and Isle Cohen Seminar on International Law, created thanks to their daughter, JoAnne Sulzenko, soon became a staple of the conference, an enduring point of reference among the changing yearly themes.

As the conference grew every year, the question of a post-conference publication soon became of major importance; hindered, however, by various obstacles, most notably the lack of a permanent home, only the 2017 conference saw ‘the light of print’,⁴ with part of its proceedings published thanks to the ceaseless efforts of the then main organisers of the conference, Upasana Dasgupta and Christopher Whitehead, to whom this issue is dedicated.

Thus, during my tenure as VP Academic, I made the establishing of a permanent post-conference journal a priority; thanks to the support of a number of people, credited at the end

⁴ See: (2019) Hors-série (décembre) *Revue québécoise de droit international/Quebec Journal of International Law* <<https://www.erudit.org/fr/revues/rqdi/2019-rqdi05234/>>.

of this introduction, you may hold this first issue of “McGill GLSA Research Series” in your hands, dedicated to the 2021 conference theme, “Law and the City,” but with the idea further refined following the numerous discussions during and after our conference to “The City: An Object or a Subject of Law?.”

A fitting title for a publication which brings together twenty-six of the various faces of the interactions between law and the city presented by over eighty speakers from five continents on May 5 and 6, 2021. While the persistent pandemic made it impossible to meet in person, working together with the authors gave me and other members of the Research Series’ Editorial Board an opportunity to continue pondering upon the various aspects of law and the city’s relationship, which, on a number of occasions, took as to unexpected places. Is the city an object, or a subject of law? Hopefully this collection will provide the answer to this – and many other questions.

Just like the conference, the volume is opened by Andreas Philippopoulos-Mihalopoulos and his narrative of the thought-provoking, one-of-a-kind legal performance, crossing the boundaries of disciplines as well as media, truly bringing our conference participants from the very beginning of the event. The paper is illustrated with the stills from the original performance, allowing the reader to fully immerse into it.

Also engaging with the question of performance is the first paper of the General Part: Esteban Vallejo Toledo investigates the issues surrounding homelessness in British Columbia, focusing on the right to use urban space without being excluded. This paper is followed by another one linking theory and practice, Aleksandra Guss’ analysis of the Polish city of Gdańsk, showing how law may be used as way of aestheticization in everyday life.

Staying in the realm of the issues surrounding urbanism and law, Liz Luisa Isidro Ferrer's paper engages with the questions of several renewal projects regarding collective housing in the historic city centre of Lima, while Charles Breton-Demeule investigates the divisive question of demolition by neglect as dangerous for the preservation of cultural heritage.

In turn, Vittoria Becci takes us back to the 1950s and 60s Italy and the effects of the agrarian reform on the Sicilian city of Palermo. From there, the reader returns to present-day India, with Tania Sebastian's paper providing a thorough analysis of the increasingly contentious issue of street names, and Pritam Day and Paridhi Kedia exploring the fundamental question of what constitutes a city on the streets of Mumbai slums.

Moving on to another face of the extremely tangible intersections between law and the city, Christian Rasquin's paper asks major questions about the costs of living and renting in a 21st century city, while Taryn Hepburn turns to the issues surrounding the inevitable presence of adults in public spaces reserved for children.

The next three articles focus on another aspect of everyday city life: contemporary policing. First, Daniel Ospina Celis and Lina María Moya Ortiz investigate the issues surrounding border control and migrants, then Bruno Muniz and Luana Xavier Pinto Coelho analyse the question of racism in Brazilian justice system, and Anastasia Konina ponders upon the potential for democratisation of police departments in Canada.

Further on in the issue, several papers propose to think about the potential for growth as well as the dangers cities around the world will have to face in the coming years: Riccardo Suppazzani opens this difficult subject with a poignant study of urban centres as "climate hotspots" in this era of climate change, Daniel Olika turns to Nigeria's possibility for

sustainable urban development by applying the Chinese model to his country, Li Tian shows the downside to the food delivery services we all have come to rely on in the past years on the example of China, David Tilt considers the dynamics of a city's relationship with a particular industry – high fashion, and Sage Cammers-Goodwin and Naomi van Stralen focus on the issues surrounding data transparency in public spaces and the possibilities for the development of smart cities.

Closing the first part of the issue are two thought-provoking papers: Muyiwa Adigun's theoretical analysis of the judiciary's potential for resolving legal conflicts between the different levels of government in a federal country, and Mariangela Barletta's take on the responses to the COVID-19 pandemic and how did they translate in the context of bigger and smaller urban settings.

The second part of the issue is opened by Giuseppe Nesi's riveting, minute analysis of the city's status in international law, in particular the place of transnational cities networks and the role played within a city's framework by international organisations. It is followed by three other contributions to the field of international law: the winners of the Conference's Best Blogpost Competition, Gianluigi Mastandrea Bonaviri and Hani El Debuch's exhaustive analysis of the approaches towards urban warfare on both the national and global stage, as well as by Bahareh Jafarian's take on the efficacy of extraterritorial sanctions, and Itai Apter's proposals towards the municipal taxation of foreign missions.

As the final intellectual treat of this issue comes Stephen Connelly's engaging narrative which takes the reader for a walk on the fields of philosophy of law together with Locke, Leibniz, Borges and Don Quixote, further proving the limitlessness of the interactions between law and the city.

While any publication is nothing without its authors, I must extend my thanks not only to them, but also to other people who made “The City: An Object or a Subject of Law?” possible. First of all, Sandrine Ampleman-Tremblay, the deputy editor and our in-house translator, as well as the member of the Conference Committee, for her hard work since 2019 in making each edition of the conference memorable, as well as other members of the McGill GLSA Research Series Editorial Board for the hours they spent reviewing the papers submitted to this issue: Luter Agather (also a Conference Committee member), Lucas Clover Alcolea, Atagün Mert Kejanhoğlu, Nausica Palazzo, Isabella Spano (also a Conference Committee member), Yuxiao Zhang (also a Conference Committee member) and Alessia Zornetta (also a Conference Committee member); and other members of the Conference Committee for ensuring the 2021 edition could take place in spite of the unfavourable circumstances: Ermanno Napolitano and Mariam Aidoo.

I would also like to wholeheartedly thank Dean Robert Leckey and Associate Dean (Graduate Studies) Andrea Bjorklund, as well as other Faculty Members, for their unwavering support of student initiatives and our graduate law student community; Ms. Silvana Solitiero, for her help with all the administrative matters; M^e Katarina Daniels of the Nahum Gelber Law Library, who was the *spiritus movens* behind this publication; Jessica Lange and Jennifer Lynn Innes of McGill University Library and Archives, who have been there for us every step of the way during the long and winding road towards this publication; and Gregory Houston for designing the Research Series Logo and this issue’s cover.

This issue, just like law and the city, is a work of a large number of people – if I missed someone among the many people who deserve our thanks – and I am sure I did – I sincerely apologise and promise to rectify it in the future. Our shortcomings notwithstanding, I hope you

are going to enjoy this contribution to the field of urban legal studies, and that it is going to motivate further investigations into the matters related to the eponymous question; after all, it pertains to all of us, not only academics, but also other members of the society who live among us on the same streets.

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