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Book Review

SLOW VIOLENCE AND THE ENVIRONMENTALISM OF THE POOR, by Rob Nixon¹

DAYNA NADINE SCOTT²

IN SEEKING TO UNDERSTAND the relationships of the local to the global in contemporary environmental justice struggles, we have yearned for a way to trace the “occluded relationships” between transnational economic actors and the things that tie them to particular places, such as labour, land, resources, and commodity dynamics.³ The bodies caught in the middle have been ‘raced’ and erased, made invisible, and wiped away. With gripping urgency, Rob Nixon’s book *Slow Violence and the Environmentalism of the Poor* brings those bodies back into view by exposing the violence perpetrated against them across time and space.

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1. (Cambridge: Harvard University Press, 2011) 371 pages.
 2. Associate Professor, Osgoode Hall Law School and the Faculty of Environmental Studies, York University; Director, National Network on Environments and Women’s Health. I would like to thank Bryony Halpin, Ph.D. Candidate in the Faculty of Environmental Studies at York University, for agreeing to read this book with me and for engaging in challenging and thoughtful debate about its themes. I have learned a great deal from working with her. Adrian Smith provided provocative feedback on an earlier draft. Mohawk scholar Taiaiake Alfred’s lecture, “The Psychic Landscape of Contemporary Colonialism” (Lecture delivered at the University of Ottawa, 19 November 2001) [unpublished] also influenced my thinking as I wrote this review.
 3. *Supra* note 1 at 45. Among many others, there are several authors I would include in this common project. See David Naguib Pellow, *Resisting Global Toxics: Transnational Movements for Environmental Justice* (Cambridge, Mass: MIT Press, 2007); Benjamin J Richardson, “Environmental Law in Postcolonial Societies: Straddling the Local-Global Institutional Spectrum” (2000) 11:1 *Colo J Int’l Envtl L & Pol’y* 1; Luke W Cole & Sheila R Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (New York: New York University Press, 2001); Gordon Walker, “Beyond Distribution and Proximity: Exploring the Multiple Spatialities of Environmental Justice” in Ryan Holifield, Michael Porter & Gordon Walker, eds, *Spaces of Environmental Justice* (Chichester: John Wiley & Sons, 2010) 24.

Nixon, the Rachel Carson Professor of English at the University of Wisconsin-Madison, aims at a broad synthesis of a seemingly disparate set of literatures in postcolonial studies, eco-criticism, and literary studies. His arresting narrative engages three primary concerns: the phenomenon of “slow violence,” the environmentalism of the poor, and the role of the writer-activist in the work of making the first two visible. Slow violence, in Nixon’s conception, is “a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all.”⁴ It remains obscured, he argues, precisely because it is not what we expect violence to be: explosive and sensationally visible. Instead, slow violence is incremental and accretive, and it jumbles expected connections between spatial and temporal scales. Because he views a major aspect of the critical challenge to be representational—the problem of devising “stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects”⁵—Nixon focuses on the storytellers themselves. The storytellers he chooses are the writer-activists that have inspired an environmentalism of the poor, primarily in the global South. They include Arundhati Roy, Ken Saro-Wiwa, Abdulrahman Munif, and Jamaica Kincaid, among others. They are all figures who, in Nixon’s words, “are alive to the inhabited impact of corrosive transnational forces, including petro-imperialism, the mega-dam industry, out-sourced toxicity ... and the militarization of commerce, forces that disproportionately jeopardize the livelihoods, prospects, and memory banks of the global poor.”⁶

The book’s central theme is displacement—temporal, geographical, and rhetorical.⁷ The displacements that Nixon observes serve two ends: They simplify and obscure violence, and they “underestimate, *in advance and in retrospect*, [its] human and environmental costs.”⁸ One of the stories Nixon examines is Indra Sinha’s fictional reworking of the Bhopal disaster—the catastrophic 1984 gas leak at the Union Carbide factory in Bhopal, India. In Nixon’s hands, Sinha’s novel *Animal’s People*⁹ is a story of transnational risk relocation. It brings a

4. *Supra* note 1 at 2.

5. *Ibid* at 3.

6. *Ibid* at 5.

7. David Harvey remarks that our theorizing of the production of scale is underdeveloped. He observes that the theory “impl[ies] the production of a nested hierarchy of scales (from global to local) leaving us always with the political-ecological question of how to ‘arbitrate and translate between them.’” See *Justice, Nature and the Geography of Difference* (Oxford: Blackwell, 1996) at 203-04.

8. *Supra* note 1 at 7 [emphasis added].

9. (London: Simon & Schuster UK, 2007).

“radical particularity” to the aftermath of the disaster and to both the intimate/cellular and the distant/transnational violence that ensued.¹⁰ Sinha’s *Animal* is an “indigent social outcast” who allows us a window on a world in which biological citizenship is forged in a battle to gain recognition and admittance into the state-created category of “sufferers.”¹¹ The dynamic thus revealed bears much in common with the social relations Adriana Petryna has documented in a post-Chernobyl Ukraine.¹² What emerges is “a contest over the administration of difference between those who gain official recognition as sufferers and those dismissed as nonsufferers because their narratives of injury are deemed to fail the prevailing politico-scientific logic of causation.”¹³ The consequence of a failure to articulate the right story translates into a failure to secure compensation. For administrative law scholars, it is a devastating critique of the regimes we devise for distributing dignity, and it demonstrates the way that our rules penetrate outwards into social relations, not only because they influence how people experience their bodies, but how those very bodies are constituted. In other words, the contours of the regime of compensation following an environmental or industrial disaster determine the ability of culpable actors to absorb it, and thus ultimately shape the prospects of its repetition, constituting bodies into the future.

About *Animal’s People*, Sinha himself has stated that “[t]he book could have been set anywhere where the chemical industry has destroyed people’s lives,” and if this is true, then it could have been set not just in any of the places Sinha rhymes off, “Central or South America, West Africa or the Philippines,” but also in the global North, in a place like Sarnia, Ontario.¹⁴ There, in Canada’s “Chemical Valley,” the “downwinders”¹⁵ include the Anishnawbe people of Aamjiwnaang

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10. *Supra* note 1 at 46. Perhaps with a nod to David Harvey’s calls for (and critiques of) “militant particularisms” (*ibid*): the key is to strive for local mobilizations linked to wider social movements. See e.g. *Spaces of Capital: Towards a Critical Geography* (New York: Routledge, 2001).
 11. *Supra* note 1 at 46-47.
 12. *Life Exposed: Biological Citizens after Chernobyl* (Princeton: Princeton University Press, 2002).
 13. *Supra* note 1 at 47.
 14. *Ibid* at 48.
 15. The term “downwinders” initially described specifically identified communities affected by the radioactive fallout of nuclear weapons testing activities or nuclear disasters. It is now more broadly employed to describe communities disproportionately affected by industrial sources of pollution. For an example of a non-governmental organization in Texas employing the term generally, see Eric Griffey, “Downwinders on the Rise” *Fort Worth Weekly* (18 August 2010), online: <<http://www.fwweekly.com/2010/08/18/downwinders-on-the-rise/>>. See also Dayna Nadine Scott, “Confronting Chronic Pollution: A Socio-Legal Analysis of Risk and Precaution” (2008) 46:2 *Osgoode Hall LJ* 293 [Scott, “Chronic Pollution”]; Deborah Davis Jackson, “Shelter in Place: A First Nation Community in Canada’s Chemical

First Nation, who live and breathe with the country's largest petro-chemical complex literally on the fenceline of their reserve. Unfortunately, the people of Aamjiwnaang are not alone amongst Canada's Native peoples in being aptly characterized by Nixon's idea of "displacement without moving."¹⁶ He is referring not to the tragic but familiar forced "movement of people from their places of belonging," but rather to "the loss of the land and resources beneath them, a loss that leaves communities stranded in a place stripped of the very characteristics that made it inhabitable."¹⁷ The Mohawk community at Akwesasne, whose contaminated territory straddles a US/Canadian border the Mohawk nation does not recognize, has experienced a similar displacement.¹⁸ The contamination of Akwesasne is industrial as well. It emanates from the manufacturing of aluminum and automobiles and is tied in many ways to the availability of cheap hydroelectric power from the St. Lawrence Seaway. As the extent of the contamination of the land and the animals has been revealed, the people have described a sense of finding themselves, to employ Nixon's characterization of affected communities in the global South, "existing out of place in place."¹⁹

Valley" (2010) 11:4 *Interdiscipl Envtl Rev* 249; Sarah Wiebe, "Bodies on the Line: The In/Security of Everyday Life in Aamjiwnaang" in Matthew A Schnurr & Larry A Swatuk, eds, *Critical Environmental Security: Rethinking the Links Between Natural Resources and Political Violence* (Halifax: Centre for Foreign Policy Studies, 2010) ch 12.

16. *Supra* note 1 at 19.

17. *Ibid.*

18. In Akwesasne, the consumption of fish and the practice of breastfeeding have been identified as important routes of toxic exposure. In fact, "the Mohawk community at Akwesasne has found itself with two alternatives, neither of which is fully acceptable to the community. The first is to continue dietary and cultural practices that increase exposure to environmental contaminants; this is, of course, not an option for many community members because of the health risks to adults, children, and generations to come. The second is to ask community members to avoid dietary and cultural practices related to exposure." Lawrence M Schell et al, "Health Disparities and Toxicant Exposure of Akwesasne Mohawk Young Adults: A Partnership Approach to Research" (2005) 11:2 *Envtl Health Persp* 1826 at 1826. See also Winona LaDuke, *All Our Relations: Native Struggles for Land and Life* (Cambridge, Mass: South End Press, 1999) at 9-23; Mary Arquette et al, "Holistic Risk-Based Environmental Decision Making: A Native Perspective" (2002) 11:2 *Envtl Health Persp* 259. Mohawk scholar Taiaiake Alfred, who studies the effects of environmental contamination on Indigenous cultural practices in Akwesasne, also described the sense of alienation from the land in a recent public address. See "The Psychic Landscape of Contemporary Colonialism," (Public address delivered at The Forum for Aboriginal Studies and Research in Collaboration with the Aboriginal Studies Program and the School of Political Studies, University of Ottawa, 9 November 2011), [unpublished].

19. *Supra* note 1 at 19. See also Alice Tarbell & Mary Arquette, "Akwesasne: A Native American Community's Resistance to Cultural and Environmental Damage" in Richard Hofrichter, ed, *Reclaiming the Environmental Debate: The Politics of Health in a Toxic Culture* (Cambridge,

The fact that Nixon's descriptions of the experiences of marginalized communities in the global South affected by the "resource curse" map so effortlessly onto descriptions by Indigenous activists in communities in the global North demonstrates, perhaps, the ongoing percolations of colonialism that scholars such as Bonita Lawrence work to expose.²⁰ As Nixon relates the experience of being "moved out of one's living knowledge as one's place loses its life-sustaining features,"²¹ of discovering that "once sustaining landscapes have been gutted of their capacity to sustain ...," it is impossible not to reflect on the ongoing struggles of Canada's Native peoples. "If the idea of the modern nation-state is sustained by producing imagined communities," Nixon argues, "it also involves actively producing *unimagined* communities"—not beyond the national boundaries, but within.²² These are the communities, according to Nixon, "whose vigorously unimagined conditions are ... indispensable to maintaining a highly selective discourse of national development."²³ This discursive move is also evident within the global North. It has been prominently employed in the recent debates in North America over pipelines—the crucial outlets required to fulfil the Canadian government's vision of developing Canada into an "energy superpower" by ramping up extraction activities in Alberta's contested tar sands region.²⁴ The singular aim of 'development' that is implied in the calls for a (new) national energy strategy for Canada hides from view all of the communities downstream of both the extractive sites and the facilities refining tar sands crude; their inclusion would, as Nixon shows in other contexts, "disturb the implied trajectory of unitary national ascent."²⁵

Mass: MIT Press, 2000) 93.

20. As Bonita Lawrence shows in relation to Canada, the violent dispossession of Aboriginal people continues relentlessly. See "Rewriting Histories of the Land: Colonization and Indigenous Resistance in Eastern Canada" in Sherene H Razack, ed, *Race, Space, and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines, 2002) 21. Todd Gordon's book also makes a forceful intervention, arguing that the Canadian state's imperialist project abroad is one that commences in its "empire at home." See *Imperialist Canada* (Winnipeg: Arbeiter Ring, 2010).
21. *Supra* note 1 at 19.
22. *Ibid* at 150 [emphasis added]. We might consider the notion of unimagined communities as an inversion of Benedict Anderson's influential idea of "imagined communities," but Rob Nixon prefers to move straight into the links between this idea, anthropologist Thayer Scudder's "development refugees" and writer Rebecca Solnit's "uninhabitants."
23. *Ibid*.
24. For further discussion see Dayna Nadine Scott, "Situating Sarnia: Unimagined Communities in the National Energy Debates" *J Envtl L & Pr* [forthcoming], special issue focused on 'new national energy visions.'
25. *Ibid*. See e.g. Eric Reguly, "North America back in saddle as black gold superpower" *The*

I. TRANSNATIONAL CIRCUITS OF TOXICITY

Another pervasive theme in Nixon's book is the integrity or porosity of borders—from a somatic, to a bodily, to a transnational scale. In the environmental politics of permeation and duration, "[l]eakages suffuse."²⁶ As Nixon argues, and the experience of people in Aamjiwnaang and Akwesasne confirms, "industrial particulates and effluents live on in the environmental elements we inhabit and in our very bodies, which epidemiologically and ecologically are never our simple contemporaries."²⁷ We know that contemporary pollution causes material harm—harm that is body-altering and probably generational in character.²⁸ But what it is impossible to know is whether the afflictions experienced today—cancer, reproductive problems, developmental difficulties—are caused by presently occurring, continuing pollution or are manifestations of exposures long past. Increasing attention to the possible inter-generational impacts of pollution, and the related field of epigenetics, only serves to cement the sense that synthetic chemicals in our bodies exhibit "embodied, ongoing percolations"²⁹ beyond our own lives.³⁰

In this way, the suspected generational effect of the pollution draws on ideas central to feminist theory of the body and the emerging notion of "trans-corporeality."³¹ This line of inquiry has taken a "material turn," with a conception of nature that is neither biologically reductive, nor strictly socially constructed.³² It posits that the environment and the body are essentially continuous; that the environment "runs right through us in endless waves."³³ For example, Elizabeth Grosz argues that as living beings we trace our existence not only to a specific maternal body,

Globe and Mail (18 November 2011), online: <<http://www.theglobeandmail.com/report-on-business/rob-commentary/north-america-back-in-saddle-as-black-gold-superpower/article4184119/>>; Shawn McCarthy, "National energy strategy gains clout" *The Globe and Mail* (10 July 2011), online: <<http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/national-energy-strategy-gains-clout/article586478/>>.

26. See *supra* note 1 at 63.

27. *Ibid* at 8.

28. Scott, "Chronic Pollution," *supra* note 15.

29. *Supra* note 1 at 67.

30. See e.g. Lynda Collins, "Environmental Rights for the Future? Intergenerational Equity in the EU" (2007) 16:3 RECIEL 321.

31. Stacey Alaimo, *Bodily Natures: Science, Environment, and the Material Self* (Bloomington: Indiana University Press, 2010).

32. *Ibid* at 7.

33. Harold Fromm, *The Nature of Being Human: From Environmentalism to Consciousness* (Baltimore: Johns Hopkins University Press, 2009) at 95.

but also to a “chain of bodies[,] ... a genealogical or maternal element.”³⁴ She renders us “the accumulation and concretion of our history, of what has happened to us and what we have done, perhaps even before any personal or subjective existence.”³⁵ In other words, our own pasts, the pasts of our parents, the places in which that chain of bodies has lived are carried forward as “constituent bits ... re-arranged and re-configured” within each of us.³⁶ Conceptually, this vision provides a mechanism for how the past remains “persistently in the present.”³⁷ Nixon’s take on this is nuanced, and it advances the theory in an important way. In pointing out that the bits of synthetic chemicals in environmental elements—such as air, water, and soils—and in our very bodies are epidemiologically and ecologically “never our simple contemporaries,” he makes clear that they exist in the world here with us now, and that they not only extend back but they reach forward. He concludes that we need to close the distance between the “incorporeality of corporate power and its convulsive, material effects.”³⁸

There is a parallel to the way Nixon theorizes law’s role. For Nixon, law functions to underestimate—“in advance and in retrospect”—the human and environmental costs of slow violence.³⁹ Specifically, law provides complex principles, institutions, and mechanisms through which to ensure the systematic underestimation of those costs. Although Nixon himself does not confront the question of how the underestimation is accomplished, legal scholars might imagine the following. To accomplish it in advance, we employ the mechanisms of environmental impact assessments or risk assessments. In Nixon’s book, this phenomenon of advance underestimation is made clear through the consideration of Arundhati Roy’s vigorous literary resistance to mega-dam projects in the global South, beginning with her opposition to the serial damming of India’s Narmada River. In the “silted language of the hydro-bureaucrat’s report,”⁴⁰ she says, the notion of knowledge shrinks into that of ‘expertise,’ and power is centralized by the “indirect violence of euphemism and acronym.”⁴¹ As an example, Nixon offers the fact that for the World Bank, people doomed by the dams—those

34. *The Nick of Time: Politics, Evolution and the Untimely* (Durham: Duke University Press, 2004) at 2.

35. *Ibid* at 196.

36. Dayna Nadine Scott, “Gender-benders: Sex and Law in the Constitution of Polluted Bodies” (2009) 17:3 *Fem Legal Stud* 241 at 258.

37. *Ibid*.

38. *Supra* note 1 at 8.

39. *Ibid* at 7.

40. *Ibid* at 170.

41. *Ibid* at 163.

involuntarily displaced, facing a loss of land and community, with “plummeting life prospects”—are called “Project-Affected People” or PAPs.⁴²

To accomplish the retrospective underestimation of the human and environmental costs of slow violence, we have tort law and the administrative regimes of compensation. In Nixon’s book, these appear in the description of a former US medic’s struggle for recognition from the Department of Defense after her “catastrophic physical collapse” just days after returning from service along the notorious Highway of Death in the 1991 Gulf War. Years later, with soaring levels of depleted uranium still in her blood (the consequence of “precision warfare”), she began her battle to overturn the Department’s determination that her illness and disability were “non-combat related.”⁴³ It was a struggle to displace “etiology unknown”⁴⁴ with what the Department now, almost twenty years later, finally acknowledges: that Gulf War Syndrome has known, identifiable chemical causes.

In these spaces, law forces people to “fit their life stories, their self-narrations, into the limited generic narratives of suffering” that the legal categories of recovery allow.⁴⁵ Their narratives are shaped according to the political determination of where and when compensation should flow and then draped in the objectivity of scientific methodologies and legal adjudication. Actual people experience this as being “thrust into a labyrinth of self-fashioning as they seek to fit their bodily stories to the story lines that dangle hope of recognition and (possibly, though elusively), even recompense.”⁴⁶ The challenge Nixon issues to legal scholars, if we can discern one, is to develop “different notions of causation and agency with respect to violent effects.”⁴⁷ This work is ongoing in socio-legal circles, although not without some skepticism related to the severe limitations of tort law to tackle the problems inherent in contemporary circuits of toxicity.⁴⁸ None of the writers Nixon examines, it must be noted, sees law as an institution that offers hope or assistance. This discounting seems tied, again, to law’s relationship with time: It

42. *Ibid.*

43. *Ibid.* at 205.

44. *Ibid.*

45. *Ibid.* at 50.

46. *Ibid.* at 65.

47. *Ibid.* at 11.

48. See *e.g.* Lynda Collins & Heather McLeod-Kilmurray, “Toxic Battery: A Tort for our Time?” (2008) 16 *Tort L Rev* 131; Lynda Collins, “Material Contribution to Risk and Causation in Toxic Torts” (2001) 11 *J Envtl L & Prac* 106; Dayna Nadine Scott, “Body Polluted: Questions of Scale, Gender and Remedy” (2010) 44:1 *Loy LA L Rev* 121; Carl Cranor, *Toxic Torts: Science, Law and the Possibility of Justice* (Cambridge: Cambridge University Press, 2006); David E Bernstein, “Getting to Causation in Toxic Tort Cases” (2008) 74:1 *Brook L Rev* 51.

is blamed on “the slow emergence of morbidity,” on “legal procrastination,” and “interminable trials.”⁴⁹ Sinha’s fictional stand-in for Union Carbide, the Kampani, is located, but dislocated—“elusively afloat, outside the reach (or at least application) of Indian law.”⁵⁰ The best ally of those who perpetuate slow violence, according to Nixon, “is the protracted, convoluted vapor trail of blame.”⁵¹

A crucial insight of Nixon’s text, then, is the way it makes evident that the “environmentally afflicted are bound in complex ways to past and future”⁵² When Nixon says he wants to expose the “chasm that divides those who can act with impunity and those who have no choice but to inhabit intimately, over the long term, the physical and environmental fallout,” he means the fallout not only of decisions taken elsewhere in a spatial sense, but also in time.⁵³ If the prospect of devising effective legal means for reaching from the global South into the global North to hold “distant shadowy economic overlords” to account seems slim, then the task of imagining means to bridge that chasm in time is even more overwhelming.⁵⁴ These are the “dissociative rituals of a neoliberal transnationalism.”⁵⁵

One might get the impression from Nixon’s choice of writer-activists that the environmentalism of the poor seems to be limited to the environmentalism of actors in the global South.⁵⁶ This is not to suggest that he does not recognize how these practices might play out both intra-nationally and transnationally.⁵⁷ In fact, the intra-national aspects of the dynamic are illustrated well in the book—with the struggles of marginalized majorities in class-based, racial, and ethnic terms featuring prominently. Nixon’s treatment of the gender aspects of the dynamic, however, is less compelling. Explicit consideration of gender is largely confined to Nixon’s account of Kenya’s Green Belt Movement and the writings of Wangari Maathai. It is a convincing account of the way that activism in Kenya, including the “theatre of the tree,” was gendered in specific response to the gendered dynamics of land politics, with a focus on how women were disproportionately disempowered

49. *Supra* note 1 at 51.

50. *Ibid* at 57.

51. *Ibid* at 136.

52. *Ibid* at 58.

53. *Ibid* at 52-53.

54. *Ibid* at 53.

55. *Ibid* at 55.

56. Nixon’s choices are justified on the basis that the bulk of scholarship on the environmental justice movement to date has focused on the United States and authors have been critiqued for ignoring or essentializing how actors in the global South have been resisting the advance of industrial capitalism. See *e.g.* Glyn Williams & Emma Mawdsley, “Postcolonial Environmental Justice: Government and Governance in India” (2006) 37:5 *Geoforum* 660 at 661-62.

57. *Supra* note 1 at 65.

under neo-colonial structural adjustment and the resultant cash economy.⁵⁸ But an overarching theory of how slow violence impacts women in the context of the local and global is still to be developed.

II. CONCLUSION: LAW'S SLOW VIOLENCE

The title of Nixon's book seems intended to raise the question of law's role in the perpetuation of the harms wrought by the environmental devastation and relentless resource extraction that the author describes. How do we implicate law in the perpetuation of slow violence, and what do we, as legal scholars, make of the resistance of the world's poor? As Jeannine Purdy says, and as Frantz Fanon demonstrated over 50 years ago, "the violent law that was known to the colonized was not the same law that was known to others."⁵⁹ This is clear from Nixon's book, and it is clearly true within the rich nations of the global North. But does law's slow violence function as law "always has,"⁶⁰ to "speak the language of pure force" "to the wretched of the Earth"?⁶¹ Or does the way that law is implicated in slow violence differ in any material respects?

Certainly, the barricades and rifle butts that Purdy emphasizes are present in Nixon's book: In descriptions of Saro-Wiwa's incarceration and brutal execution, of the forced relocations to make way for India's mega-dams, and of the blurring of public and private security forces patrolling in the petro-states. But what Nixon makes clear is that law's slow violence is in the provision of complex principles, institutions, and mechanisms by which we judge as rational the systematic underestimation and discounting of human and environmental costs that can be displaced over time or space. Thus, law's violence must be appreciated and made visible in its day-to-day rigging of the contests over land, bodies, labour, and resources that Nixon describes. Law provides the structures through which

58. *Ibid* at 133.

59. Jeannine Purdy, "Postcolonialism: The Emperor's New Clothes?" (1996) 5:3 Soc & Leg Stud 405 at 406; Frantz Fanon, *The Wretched of the Earth*, translated by Constance Farrington (London, UK: Penguin Group, 1990).

60. Purdy, *ibid* at 420.

61. Fanon, *supra* note 59 at 29. Law's violence, as Douglas Hay has shown, is not just violence authorized by law, but violence tolerated by legal authorities. The distinction, he says, is irrelevant to those who suffer the violence. Hay's example is the way state authorities openly tolerated lynchings, which turned into "massive public affairs" in certain US states of the American South in the early twentieth century. See "Time, Inequality and Law's Violence" in Austin Sarat & Thomas R Kearns, eds, *Law's Violence* (Michigan: University of Michigan Press, 1992) 141 at 154.

the displacements are done. Nixon and the writer-activists of the global South featured in his book all demonstrate, in distinct ways, a stubborn resistance to liberalism's urge to "locate violence *outside* law."⁶² Instead of treating law as a tool to suppress and contain violence, they plainly confront its complicity.

62. Nicholas Blomley, "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid" (2003) 93:1 Ann A Am Geographers 121 at 121 [emphasis in original].