

# Racial properties of colonial appropriation

Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, NC: Duke University Press, 2018). 272pp., £80.00 hb., £20.99 pb., 978 0 82237 139 7 hb., 978 0 82237 146 5 pb.

Brenna Bhandar's *Colonial Lives of Property* is a significant intervention into contemporary debates on empire, the property relation, imperial jurisprudence and racial capitalism. Employing a range of methodologies and interdisciplinary modes of critical inquiry, Bhandar constructs her argument around four interconnected frames of analysis: colonial conceptions of *use* that justify the valuation of land taken through the racialised devaluation of the people who might obstruct colonial appropriation; the procedure of *title by registration* as enabling an abstract logic of commodity form and racial classification; *improvement* as a mode of cultivation central to the project of settler colonisation; and the *identity-property nexus* as establishing the gendered, racialised and colonial terms of property ownership that are 'central to the proper legal subject in the political sphere'.

In the closing chapter, Bhandar asks: 'How do we reconceive place, territory, land, or property when it appears settled, firmly ensconced in real estate and financial markets organised according to capitalist rationalities that bear the mark of historically embedded processes of abstraction?' Throughout *Colonial Lives of Property*, she engages this question by demonstrating how colonial modes of appropriation have been constitutive for the historical co-production of modern property law and racialised subjects in ways that continue to be remade and contested in the present. Bhandar focuses on the significance of use, abstraction, improvement and status as animating logics of colonial appropriation and the juridical formation she calls the 'racial regime of ownership'. Building on Cedric Robinson's formulation of 'racial regimes' and Stuart Hall's elaboration of Louis Althusser's conception of 'articulation', she shows how forms of property, personhood and place that appear self-evident and incontrovertible are in fact contingent, disjointed and volatile cultural logics that are only ever provisionally secured under particular relations of power at specific historical conjunctures. With the British empire and the settler colonies of Canada, Australia and Israel/Palestine

as its principal sites of inquiry, *Colonial Lives of Property* underscores how this provisional appearance of coherence, solidity and permanence 'requires continual renewal and reinstatement to prevail over other ways of being and living'.

Indeed, in such occupied territories, the place, land or property that may appear from one perspective as 'settled' nonetheless remain profoundly and often violently contested. For instance, in the Canadian province of so-called British Columbia, the focus of two of Bhandar's chapters, conflicts such as the Coastal Gas Link and Royal Canadian Mounted Police (RCMP) assault on Wet'suwet'en traditional territory and the RCMP evictions of Indigenous and impoverished unhoused peoples from tent cities have substantially escalated during the past year. Whether by the Unist'ot'en Camp land defenders' refusal to allow oil and gas pipeline construction to devastate Wet'suwet'en homelands or by Alliance Against Displacement/Red Braid Alliance for Decolonial Socialism activists' defense against the violent rule of law on behalf of gentrification and capitalist predation, such action embodies contemporary confrontation with the racial regimes of ownership theorised by Bhandar.

Reflecting on the Unist'ot'en Camp, in 'Fighting Invasive Infrastructures: Indigenous Relations against Pipelines' (2018), Tlingit scholar and activist Anne Spice describes 'critical infrastructure' as extending the settler nationalist imperatives of appropriation in ways that might also be understood as emerging from the genealogies of possession and legal infrastructure discussed by Bhandar. Spice contends: 'Reclaiming relations beyond invasive infrastructures means acknowledging the violence done by prioritising technical and technological infrastructure as the work of national progress', arguing further that the 'settler state shapes narratives around infrastructure projects that make them out to be a part of the natural advancement of the nation-state while masking the violence they cause to Indigenous land and bodies, especially the bodies of women and girls.' From the



perspective of 'urban Indigenous people who have been displaced from our traditional territories', the Red Braid Alliance likewise 'exercise land relations and stewardship by healing, building, and defending our communities, homes, and spaces against colonial forces that seek to assimilate or annihilate us.' As refusals of the lethal emplotment of racial regimes of ownership, they assert on their website that 'our blockades and disruptions are practices of Indigenous ways of being and relating that work to dismantle the settler colonial country of Canada.' These practices, and the challenges they present to the colonial rule of law, are vital counterparts to Bhandar's argument.

*Colonial Lives of Property* draws insight from and contributes to anticolonial struggles and movements for the displaced attuned to the conditions of Indigenous dispossession. Bhandar troubles conventional critical responses to dispossession that replicate the possessive and appropriative underpinnings of racial regimes of ownership, ultimately proposing that 'the undoing or

dismantling of racial regimes of ownership requires nothing less than a radically different imaginary of property'. Robert Nichols' recent work on the recursive logic of dispossession is an especially important complement to Bhandar's project. In *Theft is Property! Dispossession and Critical Theory* (2020), Nichols argues that in the context of British empire the system of colonial land ownership was not only the outcome of pervasive and coordinated theft but a means to conform property itself whereby 'possession does not precede dispossession but is its effect.' Bhandar develops a similar line of argument, but places greater emphasis on the constitutive role of race in this regard, contending that 'dispossession was both a prerequisite and a consequence of the coproduction of racial value and property ownership, rendered possible by a logic of abstraction that was central to emergent capitalist forms of property and the racial subjection of indigenous peoples and their lands and resources'.

From the mid-seventeenth century onward, further catalysed with the taxonomies of racial science dur-

ing the late eighteenth and nineteenth centuries, Euro-American presuppositions of race and racial difference attributed value to those persons accorded the capacity and will to properly appropriate and claim possession through particular methods of improvement. In conversation with the work of Cheryl Harris, Ruth Wilson Gilmore and Denise Ferreira da Silva, Bhandar persuasively argues that colonisation 'produced a racial regime of ownership that persists into the present, creating a conceptual apparatus in which justifications for private property ownership remain bound to a concept of the human that is thoroughly racial in its makeup'. Bhandar can be likewise productively read alongside scholars such as Aileen Moreton-Robinson, Shona Jackson, Iyko Day, Tiffany Lethabo King and K-Sue Park, each of whom emphasise how distinct yet interdependent formations of colonisation and race underwrite the logics of possession and property, and each of whom reject the conventional division between analytics of land and labour as obscuring the work of conquest and colonial domination.

An especially crucial insight developed by Bhandar has to do with the particular valences of possession and property in the rationalisation of colonisation and occupation. She argues that 'possession, despite having been surpassed by the modern grammar of property that is built on a logic of abstraction, remains central to the reality of property relations in the settler colony'. While the abstracted hierarchical categories of racial classification work in tandem with the abstract character of the commodity form of real estate, in settler colonial contexts both work together to ostensibly secure possession. Colonial authorities cast specific practices of improvement and cultivation oriented towards market exchange as conforming and confirming propriety and proprietary rights. Thus, 'a concept of value emerged that linked the improvement of land through particular kinds of use (cultivation for commercial purposes) to the improvement of populations who were not capitalist tenant farmers or engaged in waged labour within emerging capitalist agrarian markets'. Legally recognised use of and claims to property, formalised in such key endeavors as registration by title, substantively disavowed and sought to erase Indigenous forms of habitation, subsistence and relations to land.

Bhandar productively focuses on the extent to which the idea of improvement served as a principal mode for

the articulation of racial regimes of ownership. She demonstrates how and why 'improvement was to be measured by agricultural production and the capacity to engage in rational – that is to say abstract – thought as an economic actor'. With improvement understood as the animating and irrepressible logic of colonisation, 'the appropriation and cultivation of land was integral to the progression from a state of nature to a civilised state of being'.

This version of improvement enshrined notions of historical progress whereby private property came to be the culmination of reason and 'civilisation'. Ultimately, 'without ownership, and the law that accompanies it, there could be no civilisation'. And indeed, as with conflicts today such as Indigenous resistance to the Canadian siege on the Wet'suwet'en and the anti-gentrification actions of the Red Braid Alliance, it is precisely the logics and logistics of improvement, progress and (colonial-capitalist) civilisation that are rejected.

Another crucial example of the ideology of improvement as justification for colonial dispossession and disavowal examined by Bhandar are Zionist rationalisations for Israel's relentless and murderous expropriation of Palestine. She specifies here that her argument is concerned with 'the brand of political Zionism that had ... explicit territorial aspirations, which clearly prevailed in the mode of colonisation pursued in Palestine'. Focusing on Zionist theorists such as Arthur Ruppin, author of the 1926 tract *The Agricultural Colonisation of the Zionist Organisation in Palestine*, she argues that colonisation is organised by logics of possession not limited to the goals of economic profit, resource exploitation and capital accumulation. Jewish settler labour as a redemptive practice of cultivation 'became the prime basis for establishing a moral and legal right to land in Palestine'.

Agriculture is directly linked to the historical discourse of planting and plantation – colonisation as enacting the biblical allegory of 'planting the garden'. For Ruppin, the United States and the state of California in particular loom large in the imaginary of colonisation justified by agrarian practice. The frequently quoted passage from Crèvecoeur's 1782 *Letters from an American Farmer* conveys the colonial specificity of this appeal for its affective fusion of cultivation and property as more than simply the accumulation of wealth: 'The instant I enter on my own land, the bright idea of property, of

exclusive right, of independence, exalt my mind ... What should we American farmers be without the distinct possession of that soil? ... No wonder we should thus cherish its possession.' Ruppin similarly asserts with regard to Zionist settlers that 'The new settlers look upon agriculture not only as the means of existence, but as the source of a new national life'. For Ruppin, the racial difference between Jews and Arabs provided the ultimate explanation for Jewish superiority and why Arab labour could not serve as a comparable source of claims to belonging and nation.

The Zionist assault on Bedouin peoples further exemplifies displacement facilitated by the valorisation of particular relations to place and the erasure of others. Zionist recourse to ideologies of 'planting' as becoming rooted in place are deployed over and against the attributions of Bedouin nomadism. As Bhandar argues, the Israeli state's 'determination to deny the historic and contemporary presence of Bedouin on their land requires the constant and repeated destruction of the very evidence of their ownership – settlement in the form of homes, villages, and crops'. This categorical erasure of Bedouin peoples, by defining them as only historically transient and essentially without the capacity to possess, finds multiple resonances across the book, where colonial property regimes acquire life through juridical contrivances on behalf of dispossession, racial subjection and differential devaluation of people cast as without will or self-ownership.

The book's fourth chapter presents a searing explication of this process as manifested in what Bhandar calls the identity-property nexus. Here, she tracks the gendered and racialised formation of what C. B. Macpherson theorised as the self-possessed individual in relation to the production of 'Indian status' in the Canadian settler colonial context. During the mid-nineteenth century, a series of legislative acts attached Indian status to particular bodies and places such that 'the Indian as a juridical category and the Indian reserve marks a specific historical conjuncture, one in which identity and property relations were explicitly bound to each other, constituting a core dimension of an apparatus of colonial knowledge and governance'. The Canadian state rendered Indian

status and access to reserve land for First Nations women dependent on the dictates of patriarchal marriage law and the implicit logic of blood quantum. Status in effect functioned as a form of patrilineal and patriarchal racial categorisation.

Such intimate technologies of transmissibility and division worked to disrupt or deny Indigenous kinship networks and relations to the land. Bhandar links her analysis of status and the identity-property nexus to Étienne Balibar's recent work on John Locke, which focuses on the relationship between the *Essay Concerning Human Understanding* and his theory of property in the *Two Treatises*. By bringing Balibar's reassessment of Locke to bear on the confluence of subjectivity and colonial appropriation, Bhandar traces how the 'move from a metaphysics of interiority to colonial governance' renders ideas of racial superiority inseparable from the formation of constituent property itself. Addressing the far-reaching consequences of Bhandar's assertion that 'the figure of the self-possessive individual, and the juridical counterpart found in Indian status, can only be undone in tandem' becomes a more conceivable project thanks to the discerning analysis and critical genealogy that she provides.

*Colonial Lives of Property* is a vital contribution to scholarship that is working to understand the entanglements of settler colonialism and racial capitalism. Bhandar's account of the racial regimes of ownership does not simply add nuance to already familiar analyses of race, property, law and empire. She also proposes a profound rethinking of 'the ways in which we understand, practice, and perform modes of subjectivity that are rooted in possession and domination are intimately bound to the juridical apparatus of private property relations'. Bhandar argues that this mode of subjectivity cannot be undone without the abolition of private property and its legal infrastructure. With this horizon in mind, *Colonial Lives of Property* offers invaluable critical resources for an anticolonial antiracism grounded in a radical de-propertisation and in possibilities for living otherwise.

**Alyosha Goldstein**