

Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*, Durham: Duke University Press, 2018. ISBN: 978-0-8223-7146-5 (paper); ISBN: 978-0-8223-7139-7 (cloth)

In the global present, the emergence of new regimes of neoliberal accumulation have proved that neither capitalistic expansion nor (settler) colonialism belong to bypassed stages of history (Lloyd and Wolfe 2016; Veracini 2019). On the contrary, contemporary modes of capital accumulation continue to perpetuate forms of racially inscribed dispossession and appropriation. In settler colonial contexts such as Canada, Australia or Israel/Palestine, land appropriation remains the triggering engine of different accumulation strategies that are oriented towards the encroachment of the settler constituency and the erasure of Indigenous communities, a process that constantly regenerates itself.

Therefore, if taking possession of the land and controlling it are the primary objectives of colonial endeavours, which legal, economic, political-philosophical and cultural infrastructures have historically sustained this process and are currently favouring its renewal? Addressing this question in *Colonial Lives of Property*, it is no coincidence that Brenna Bhandar begins her book with a quote from Edward Said's magisterial work *Culture and Imperialism* (1994). In his book, Said examines the relationship between Western cultural artefacts, especially novels, and the formation of imperial attitudes – referred to as “imaginative geographies” (Said 2000) – that have nurtured colonial ambitions of territorial possession and favoured the process of “Othering” of the native.

In *Colonial Lives of Property*, Bhandar, in line with her field of expertise, approaches the question from a seemingly different perspective, the one of property law. Far from a purely jurisprudential understanding of it, property law is presented here as the means through which the double process of dispossession and repossession of lands is operationalized in (settler) colonies. In addition, it also encapsulates dominant narratives and representations used by colonial powers to set the distinction between those who are entitled to property ownership and those who are not.

Colonial Lives of Property's main argument is that modern property law and racial subjects mutually produce one another in colonial contexts. This reciprocal relationship between race and property is captured through the concept of racial regimes of ownership. Bhandar elaborates three

main racial regimes of ownership – namely, the logic of improvement, the logic of abstraction, and the concept of status – each of which unfolds in one or more chapters. The book’s structure is, in fact, truly innovative: far from a classic chronological order or a geographical repartition of case studies, each chapter traces “different economic, political-philosophical, and cultural rationales for specific legal modalities of ownership that appear at different historical junctures in settler colonies” (p.26). Yet, the overall logic underlying the distribution of content into different chapters isn’t always evident to the reader who is accompanied in a constant and challenging travel between the centre and the edges of the empire and different temporalities. A book structure that nonetheless supports Bhandar’s arduous task of proving that the rationales and legal techniques inherent to the racial regimes of ownership travel as well, in both time and space in relation to settler needs of capital accumulation.

The first chapter, “Use”, explores the relationship between land use and property ownership. Since the early modern era, the use of land and its improvement, according to the parameters of cultivation set by English agrarian capitalism, have been used as a justification for ownership and as a proof of racial superiority. In fact, in the settler colonies, setting forms of European cultivation as the parameter to become modern subjects of ownership, has positioned Indigenous uses of the land as unproductive and its inhabitants as non-modern, inferior humans in need of improvement. In this frame, improving the value of the land and its people emerge as a justification for land appropriation.

The second chapter, “Propertied Abstractions”, investigates how, from the 19th century onward, an increasingly commoditized vision of land has transformed the idea of property from a set of relations premised on the use of the land into more abstract concepts of property ownership reflected in the system of title by registration. The system of title by registration firstly appeared in South Australia to protect the rights of those – settlers – who, in a Lockean fashion, had mixed their labour with the land. Property titles not only represented the culmination of a process that emphasized the exchange value of the land on the market at the expenses of its use value; it also encapsulated ideas of racial superiority according to biologically grounded notions of race. In different settler colonial contexts, the lack of an intelligible system of ownership in the eyes of the settlers was used to forge the concept of *terra nullius*. The latter became the ground for legally

dispossing the Indigenous populations who were unable to claim land rights because deemed nomadic, un-settled.

The third chapter, “Improvement”, rather than examining a regime of ownership, provides an account of how the logic of improvement has been adopted by Zionist settlers in a two-fold effort of, on the one hand, freeing Palestinian land from its Arab inhabitants by denigrating their modes of cultivation and ownership, and, on the other hand, re-establishing a connection between the exiled Jew and the land of Zion.

The fourth chapter, “Status”, examines the identity-property nexus inherent to the Canadian federal government’s 1876 Indian Act. The Indian Act is a state-sanctioned policy that determines “what persons are entitled to hold, use or enjoy the lands and other immoveable property” (p.158) within the economically and politically segregated space of the Indian reserve relatively to their status. Status is a legal category that defines who is “Indian” based on blood quantum, considered a rightful scientific measurement of race in the 19th century, and on gender. If a woman of Indian status married with a non-status person, she had her status removed too, with consequent exclusion from property and residency rights within the reserve. Here, Bhandar rightly points out that property and race work in conjunction with other structurally embedded axes of oppression in settler colonies.

Working at the intersection between law, economy, settler colonial and critical cultural studies, Bhandar bridges the field of post-colonial studies, which has largely contributed to identify colonial culture as a locus of colonial power, with other disciplinary fields that are more concerned with on-the-ground workings of settler colonialism. In doing so, she produces an enlightening analysis of the discursive mechanisms through which Indigenous populations have been racialized and dispossessed of land.

Each chapter is built through a rigorous examination of a variety of materials, including government papers, statutes and bills, court cases, field interviews and observations. Such a rich collection of sources dovetails a review of scholarly debates on property and dispossession with respect to social relations of race, gender and class, thus creating a fascinating analysis of how racial regimes of ownership have spatial and temporal continuities and discontinuities.

Spatially, this book provides an original and detailed account of the cross-national circulation of legal practices and racial ideas among different colonial sites and the place-specific

articulations that have shaped specific structural relationships around the land, both discursively and materially. As such the logic of improvement designed by English political economist William Petty to further the objectives of agrarian capitalism in Ireland in the 17th century has reappeared in British Columbia in the 19th century and in Palestine/Israel at the turn of the 20th century when Zionist thinkers elaborated on agricultural work as a means of establishing a Jewish homeland in Palestine.¹

Palestine/Israel is also the case in point used by the author to demonstrate that settler colonial past is present. In fact, to appease its hunger for land, the Israeli state relies on a combination of different legal techniques of ownership that have emerged at different historical moments. Physical possession, use of military force and occupation coexist with other techniques of dispossession such as the manipulation of previous legal orders to prove that Palestinians don't own the land and are incapable of using it, along with legislated forms of racial discrimination. Rather than a linear and sequential movement from possession to registration and individual property titles, settler colonialism uses these techniques of ownership and inherent processes of racial subjectification in a recombinant manner in order to meet its imperatives of land appropriation.

The question that arises here is whether these rationales and modes of ownership are able to grasp other colonial and post-colonial realities and to what extent they can also explain current forms of racial exclusion and eviction in the global North. The absence of any reference to the grounds on which the author has based her choice to include certain case studies – for instance, settler colonial societies that have spent a significant amount of time under British rule – while excluding others, is somewhat regrettable.

This book represents a significant step towards (re)thinking critically how access to and ownership of the land continue to be informed by racial systems of property law. Yet, it is the non-absolute and non-historically ubiquitous character of all racial regimes of ownership that reveals, according to the author, the potential for radical political transformation. Political transformation is conceived here not as a recognition-based approach that seeks reconciliation with racially excluded

¹ Petty is described by Bhandar as an inventor, entrepreneur, physician and progenitor of modern political economy (p.39). While serving the British army in Ireland, he developed a surveying method to measure, map and value the appropriated lands. Petty's method consisted in fusing together the value of the people in relation to the productivity of their land. Accordingly, improving the value of both land and people has been used in Ireland and in other settler colonies as a justification for Indigenous dispossession and displacement.

groups by granting them access to property rights as defined by liberal settler-states; it is rather envisioned as a radical transformation of the grammar of property itself. Undoing racial regimes of property entails unveiling and understanding the ontologies of property relations that have been suppressed through different repertoires of colonial dispossession and rethinking property as a system of reciprocal, non-exploitive and non-dominant relations within and between people and the land. It consequently opens the question of how Indigenous populations have continue to develop, along with and in spite of settler colonial encroachment upon the land, their understanding of property relations and their attachments to place. To further this project, it seems important, firstly, to explore how racial systems of property law restructure themselves conjointly to capitalist modes of accumulation in settler colonial contexts, a topic that is raised but not sufficiently explored in the book. Secondly, to adopt a framework that, while remaining attentive to the structure of settler colonialism, engages with Indigenous people' sense of place and relationships of belonging to the land. As suggested by many Indigenous scholars and activists, it is more urgent than ever to acknowledge that Indigenous people's relation to place is not only determined by the physical possession of a certain geographical space; it is also "conceptual, experiential, relational and embodied" (Smith et al. 2018). Thinking of place in this way has the potential to unsettle what Roy (2017) and Porter (2014) have defined "the dissociative nature of property", a primary logic underpinning settler colonial societies.

Colonial Lives of Property is a brilliant book. It is a story of colonization, dispossession and erasure of Indigenous history, geography and modes of life; but it is also a reminder that property relations can be reimagined away from predatory colonial-capitalistic relations. This book doesn't speak the language of the past but the one of imminent urgency.

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11

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October 2019