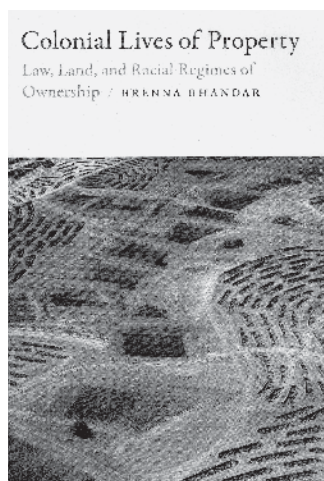


2 The Intimacy of Three Ideologies of Property: Use, Improvement, Propertied Abstractions and Status

A review of: Brenna Bhandar, *Colonial Lives of Property: Law, Land and Racial Regimes of Ownership* (Durham NC: Duke University Press, 2018).

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“The actual geographical *possession of land* is what empire in the final analysis is all about.” Quoting Edward Said in her introduction, Brenna Bhandar’s *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* demonstrates how colonialism dispossess through private property in land. She traces the genealogy of ideologies of property essential to the formulation of a racialized concept of the human, which in turn acted as the philosophical underpinning of the colonial enterprise. Exploring the role of modern property law in the formation of racial subjects in settler colonies, Bhandar presents historical cases in Canada, Australia, and Palestine. She connects these apparently distant geographies and demonstrates how intimately bound they were, and continue to be, through their encounter with European racial superiority formulated through three ideologies—use and improvement, propertied abstractions, and status—of landed property.

Bhandar’s book is not only an important contribution to the growing scholarship on the legal facilitation and management of colonial rule and dispossession—see Shiri Pasternak’s *Grounded Authority: The Algonquins of Barriere Lake Against the State* (2017), Sameira Esmeir’s *Juridical Humanity: A Colonial History* (2014), and Sarah Hunt’s dissertation “Colonialscape: Lighting the Intimate Fires of Indigenous Legal Pluralism” (2014)—but it also argues that it is impossible to grapple with settler-colonialism without considering the centrality of racial capitalism. Pulling from the theoretical contributions on race theory and global capitalism by Cedric J. Robinson and Stuart Hall, as well as more contemporary work

by Cheryl Harris and Ruth Wilson Gilmore, Bhandar shows readers how racial capitalism and settler-colonialism work together and through each other. There is an intimate relationship between the two not just in terms of characteristics and output, but because they need each other in order to formulate a definition of the human based in property. Her work joins a pool of recent scholarship invested in reading colonial archives against the grain and finding ways to piece together what the archives leave out.¹

Without falling into the trap of stripping different geographies of their specificity, Bhandar maps out the workings of settler-colonialism in different temporal and contextual spaces. In the three first chapters, she historicizes the coincidence of capitalism and private property by focusing on British philosophers and economists who helped develop theories of private property: John Locke, William Petty, Francis Bacon, and James Douglas of the Hudson Bay Company. Their writings went on to form the theoretical underpinnings of contemporary technocratic practices such as title by registration, the population census, surveying, and mapping. The survey was specifically used as a technology to measure the value of land and people, quantifying both and binding their value to one another. By presenting the political anatomy of colonization through the writings of these men, Bhandar unpacks the pillars of ideology that form racial regimes of ownership and constitute the legal architecture of dispossession. Taking us through the history of property’s characteristics—use and improvement, status and propertied abstractions—Bhandar disrupts the common view of property as natural, operating apart from distinctions of race and gender.

Much of the first two chapters is spent tracing the genealogy of modern property law. The idea of use explored in the first chapter was operationalized via the writings of the father of modern political economy William Petty and later taken up by colonial surveyor Joseph Trutch. The capitalist idea that land is there for us to profit from can be traced to these men. Trutch in North America, for example, said that “Indians had no rights to the land because they made no use of the lands, which were not of any actual value or utility”² to Indians. Through surveys of land and people, Trutch was able to draw a picture of the Indians as incapable of taking care of the land, while at the same time using imperial bureaucracy to secure personal fortune. These lands had to be saved from the unfit Indian. In Chapter 2, Bhandar demonstrates how the propertied abstraction of title registration as a form of record-keeping creates social and legal facts. In settler colonies, land titling systems extinguished relations to land that did not conform to capitalist norms: if you were not working the land, then you were not using it, which in turn meant you were not improving it and were unfit for progress. An example of this is the Torrens system in Australia of title by registration, a racialized logic of abstraction that rendered the Aboriginal land vacant and ripe for appropriation. This concept of abstraction was closely tied to improvement (the focus of Chapter 3), which functions

as both the ideological cause of systemic and structural violence against Indigenous people, and the proposed solution for settler crises of legitimacy.

Bhandar opens Chapter 3 describing Bedouin tent demolitions in the Negev desert of Palestine, in order to demonstrate how Israeli law privileges “European forms of cultivation” as evidence of improvement and claim to title, denying the uses of nomadic people, who have been “cultivating the land for decades” before Israeli settlement.³ In Chapter 4, she explains the way a regime of property can be tied to gendered and racialized identity-formation through the concept of status, which she calls an “identity-property nexus.”⁴ A succinct example of this is the 1985 Indian Act in Canada that brought about the category of Indian. Status as a juridical concept came to signify differential value along axes of race and gender. Indian, in this case, was defined in relation to the legal subjectivity of the self-possessed individual, who bears the status of the ideal citizen-subject: “Identity becomes affixed to specific property relations.”⁵ Indeed, Bhandar highlights that Indigenous land struggles have often been articulated by scholars and activists as struggles for recognition. But in Canada and Australia, moments of recognizing Aboriginal rights to land and resources are often also times when rights claims are captured within a juridical framework that denies First Nations sovereignty, laws, and concepts of ownership and use.

This capture by ideologies of property is further problematized in Bhandar’s presentation of the ideology of improvement in the Negev desert, where Palestinian Bedouins face home demolitions daily, sometimes even being forced to destroy their own. What is particularly compelling about this chapter is not the documentation of legal cases around home demolitions, which have been presented extensively by scholars before like Mansour Nasasra and organizations such as B’Tselem, but the way in which Bhandar is able to demonstrate how Zionism as we see it today is very much a product of European racial superiority. She points to Arthur Ruppin, a Jewish economist born in the German Empire and as one of the key theorists of Zionism, who wrote the *Sociology of the Jews*, which included a “Diagram of Jewish Racial Populations” to distinguish different types of Jews in order to decide who would be best to work the lands of the first kibbutz in what would become settler-colonial Israel. So, the same logic that deemed the Jew unworthy of European superiority, also formulated Jewish superiority over Palestinians in what became Israel. Furthermore, the Israeli apartheid regime will use the same criteria as other colonial enterprises: that the Bedouins did not cultivate their land, and so Israel claimed it in the name of progress. In a talk at the University of Toronto in 2017, Fred Moten extended the arguments of Cedric J. Robinson to suggest that “settler-colonialism was also an ‘intra-European affair.’”⁶ Bhandar beautifully demonstrates how European racial distinctions were embodied and recycled within the Jewish community, formulating categories of inclusion and exclusion.

We often intuitively understand how ideologies such as whiteness, Zionism, or settler-colonialism may be sitting at the same table, but it’s not always clear how and in what way. Bhandar’s *Colonial Lives of Property* is an excavation of the geography of these ideologies and their material implications, using the settler-colonial state as the exemplary nation-state. It is through her commitment to reveal the disastrous racial definition of the human formulated by and through logics of property that Bhandar successfully offers an eye-opening and intimate view of the crossovers between racial capitalism, whiteness, settler-colonialism, and Zionism.

At its very basic level, ideology is how people choose to govern themselves. A Lacanian theory of ideology points us to how people make sense of themselves and give meaning to the world they live in.⁷ Bhandar demonstrates how the active denigration and erasure by colonial power of peoples from different corners of the world was an exercise of ideology that became integrated into the material world through legal apparatuses and property practices formulated by colonial powers.

Bhandar concludes her book by offering a meditation on thinking otherwise about ownership and property, for readers concerned with practical strategies to “decolonize knowledge.” The final chapter argues that the only real problem-solving mechanism for dismantling racial regimes of ownership is a “radically different political imaginary of property.”⁸ The author insists that considering “the kinds of transformation of the self and our relations with one another are a precondition for wider and political transformations”⁹. There is no need to think of novel ways of interacting with land and with each other. Rather, as Bhandar points out throughout her book, there is a need to pull back into our modern lives the ways and understandings that people have been denied personhood for not succumbing to the colonial logics of property. Decolonizing knowledge is not about articulating new theories about the world *per se*, but recognizing excluded modes of being that have been around since before the inception of racial capitalism and imperialism, with entirely different relationalities between humans and land.

Endnotes

- 1 Readings worth mentioning include: Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015); Hazel V. Carby, *Imperial Intimacies: A Tale of Two Islands* (London: Verso Books, 2019); Saidiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval* (New York: W.W. Norton, 2019); and Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011).
- 2 Brenna Bhandar, *The Colonial Lives of Property: Law, Land, and Radical Regimes of Ownership* (Durham: Duke University Press, 2018), 57.

- 3 *Ibid.*, 118.
- 4 *Ibid.*, 150.
- 5 *Ibid.*, 157.
- 6 Fred Moten shared this concept with an audience at the University of Toronto, during a public conversation with Robin D. G. Kelly in 2017. Robinson argues that at its origins racism was an “intra-European” affair, in *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: University of North Carolina Press, 2000), 66–68.
- 7 Ernesto Laclau, “The Impossibility of Society,” *Canadian Journal of Political and Social Science* 15, no. 3 (1991): 24–27.
- 8 Bhandar, *The Colonial Lives of Property*, 193.
- 9 *Ibid.*, 194.