

Colonial Lives of Property. Law, Land and Racial Regimes of Ownership. Edited By Brenna Bhandar. Global and Insurgent Legalities Series. Durham: Duke University Press, 2018. 280 pp., \$99.95 (Cloth).

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Colonial Lives of Property is organized around four chapters—Use, Propertied Abstractions, Improvement, and Status—each presenting a key topic shedding light on the book’s key issue, the “property-identity nexus” (p. 30). This was “forged by a juridical apparatus that structured and justified [the] appropriation of indigenous land and the creation of reserves” (p. 151; also see pp. 149, 163, 185). The four chapters follow a detailed introduction on how, in three settler colonies (Australia, Canada and Israel/Palestine), ownership drew on racial regimes. It thus “excavates the juridical formation constituted by modern property law and the racial subject” (p. 6), where race forms a “variable amalgam of social, cultural, and biological markers” (p. 8). The four topics anchor an innovative analysis of land ownership *as* racial regime, in areas beyond the usual black-white dichotomy.

In her introduction Bhandar develops an innovative, substantial, and sometimes thick theory on property and property laws, seen as primarily a means for legitimizing the possession of land, the ultimate objective of colonial power (p. 3). She argues that private property law in early modern England cannot be understood without the analysis of land appropriation in its colonies and mandates, as “modern property laws emerge along with and through colonial modes of appropriation” (p. 3).

Chapter 1—Use traces the complex history of the relation between uses of property and property ownership, as well as their current manifestations. The chapter focuses on British Columbia, in both the settlement period and the 2014 Indigenous title case *Tsilqhot’in v. British Columbia* (pp. 61–74). Bhandar shows how the province’s politics of preemption associated racial inferiority with particular forms of land use, criminalizing seminomadic forms of territorial occupation and use.

Australian laws diminishing Aboriginal systems of land tenure that did not conform to an economic and legal system based on an ideology of

the possessive individual is the central issue of *Chapter 2—Propertied Abstractions*. Quantification of both land and agricultural labor were used to assign racialized economic valuations to colonial populations. Laws coercively defined the degree of immobility necessary, to establish legal ownership of the land. Consequently, land ownership in the colonial state was codified according to racial taxonomies of human life, locating Aboriginal people low on the scale of civilization (p. 103)—a practice also seen in the Palestinian case (p. 108).

Chapter 3—Improvement examines the way Zionist settlers viewed indigenous Palestinians' modes of cultivation as evidence of inferior intellectual capacity. "Land that required improvement was a consequence of its stewardship being in the hands of people who themselves required improvement" (p. 112). Working the land became part of a Zionist narrative of successful construction of the nation, rooting the territoriality of Zionist political claims. The emergence of modern property law defined according to particular types of cultivation and use was tied to the elaboration of "racial thinking that relegated indigenous people to the margins of civility and deprived them of the status required to be owners of their land" (p. 113).

These findings draw attention to the ways legal identity and access to land are bound to the juridical category of "Indian," in particular in Canada. *Chapter 4—Status* argues that Indigenous status is a "legal fiction that designated a position [...] rather than the person herself" (p. 151). Status also joined abstract racial and gender characteristics to specific property relations (entitlement and access to land). Access was for a long time determined by an individual's gender and marital status: when marrying outside, Indian women and their children were legally excluded from the legal status of First Nation, and thus denied access to Indigenous lands. This racial regime established the equivalence between the juridical category of "Indigenous," and its property correspondence, the land reserve. It created a double valence that "emerges when legal status and the privileges and the value afforded by the bearer of such status, become affixed to the bodies of those occupying a specific juridical category" (p. 150).

With *Colonial Lives of Property*, Bhandar shows how in geographically as well as historically diverse contexts of settlement colonies, whiteness is a currency (pp. 177–8) that possesses the "critical characteristics of property [such as] the right to use and enjoyment, the reputational value, the power to exclude" (p. 7). Her demonstration of how whiteness forges an ideological frame to define "cultural authenticity," (p. 151) as a

mechanism of federal recognition ensuring control over Indians, is particularly eloquent. In this regard, she demonstrates that colonial constructions of the figure of the self-possessing individual (white and male), as opposed to racialized and gendered subjects of colonization (not white, not male), have given rise to metropolitan forms of subjugation in the modern UK. She draws a particularly striking conclusion showing how exclusion fosters assimilation: the creation of reserves, as bounded spaces kept outside of and insulated from the market economy and mainstream society, constitute anachronistic spaces that encourage “first nations to assimilate by placing them in the extreme margins of the young settler national-state” (p. 158).

Having followed the argument until the end, the reader might wish for short illustrations of how the property-identity nexus has always been challenged and subverted. In fact, as Bhandar pleads for the necessity to better know where we live (p. 182), such examples would have been welcome, to complete her demonstration. In addition, this is a dense book whose succinct chapter titles offer little orientation within the overall conceptual structure, sometimes fostering a sensation of circularity, especially in Chapter 2. Still, this is necessary reading for scholars interested in broader understanding of race issues and the striking permanence of legal systems implemented during (and through) colonization. The book’s breadth, focus, and in-depth analysis of the co-production, in settlement colonies, of property, ownership, personhood, and taxonomy, sheds light on on-going mechanisms of exclusion.

***Race and the Making of American Political Science.* By Jessica Blatt. American Governance: Politics, Policy, and Public Law. Philadelphia: University of Pennsylvania Press, 2018. 216 pp., \$55.00 cloth.**

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Race and the Making of American Political Science is an interesting and important book about the origins of political science as an academic