

ROBERT NICHOLS.

*THEFT IS PROPERTY! DISPOSSESSION AND
CRITICAL THEORY.*

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Samuel Piccolo
University of Notre Dame

Robert Nichols begins *Theft is Property!* by explaining the dilemma in which Indigenous movements often find themselves. These movements put forward two positions: One, that colonised lands have been stolen from them; and two, that land cannot (and should not) be possessed by a person or a group of people (6). These movements then come under fire for supposedly having contradictory principles, for critics ask how land can be stolen if it was never owned in the first place. Nichols' answer, meticulously argued, is that colonial dispossession has operated in such a way that ownership was ascribed to Indigenous peoples only after their land had been taken away. He calls this concept 'recursive dispossession.' Over the course of four well-researched chapters, Nichols interweaves Marxist, critical, Indigenous, and radical Black theory to explain how recursive dispossession works.

First, Nichols draws historical parallels between the intra-European land seizures during the transition from feudalism to capitalism, and the colonial seizures of Indigenous territories in North America and New Zealand. (Almost exclusively, Nichols' focus is Anglo colonialism.) Next, he outlines Marx's analysis of capitalist land seizure in Europe. Third, Nichols argues that Indigenous thinkers have long proffered their own critique of land dispossession. Finally, Nichols argues that both of these theories of land dispossession have substantial similarities to the theories of bodily dispossession that appear in radical Black theory.

Nichols concludes on something of a positive note. He observes that in New Zealand, parts of the land have been codified in law as having personhood, codifications that approximate Indigenous Maori understandings. This sort of project, he hopes, provides a model of how our relationship with the land could be rethought in a manner other than the extractive-ownership one that has been dominant for centuries. Nichols challenges scholars to look to Indigenous thought, outside of the Western tradition, for these alternatives.

Before assessing the success of Nichols' book, I must say that he very clearly envisions it as a contribution to the field of critical theory. He understands this to be a field of study that seeks human emancipation in circumstances of domination and oppression, without looking for a

universal normative system (10-11). The book is highly effective within this scope. Nichols laments that critical theorists have failed to adequately address Indigenous concerns because they have simply applied their own language to these struggles. To improve on these failures, Nichols treats Indigenous thought as if it is 'always already voicing a mode of critique' (13).

In doing this, however, some limitations to Nichols' scope appear. Foremost is his treatment of 'Indigeneity' as something entirely formed in resistance to colonialism. Nichols is right to explain that, prior to colonialism and even early on in its historical progress, Indigenous nations did not see themselves in unity with each other and have only done so in resistance to colonialism. But this is only half the story. While 'Indigeneity' was surely formed in part by a shared resistance, it was also shaped at least equally as much by shared cultural, spiritual, and philosophical practises and beliefs. Nichols seems to suggest that such 'thick' markers of identity are only pertinent now for individual Indigenous nations. But nearly all Indigenous thinkers place at least as much emphasis on these shared positive (cultural, spiritual, etc.) elements—with roots in pre-colonial practices—of their identity as they do shared negative (resistance to colonialism) ones.

This leads Nichols to treat Indigenous thought as simply another form of critical theory, albeit one forged in a different fire. Indeed, he appears to use the terms 'Indigenous thought,' 'Indigenous critique,' and 'Indigenous critical theory' interchangeably throughout the book. This is a questionable assumption. While Indigenous thought has certainly been greatly affected by colonialism, its roots stretch back prior to colonialism, and understanding it as a critique seems to underplay its fundamentals. At its core, contemporary Indigenous thought might be better understood as a comprehensive paradigm that characterises a way of life—or more accurately the paradigm synthesises what is common to a family of ways of life. Critical theory, meanwhile, can never provide guidance for a way of life; by definition, it is always secondary to such comprehensive theories.

Nichols' treatment of Indigenous thought as a critical theory means that he focusses on Indigenous resistance at the expense of discussing the actual positive substance of Indigenous thought. This is most apparent on the subject of land ownership. Early in the book, he quotes Indigenous thinker Patricia Monture-Angus, who explains that, for Indigenous peoples, ownership means acting with responsibility for the land, not doing whatever one wishes with it. Nichols' epigraph comes from Leanne Simpson's work, and Simpson writes that Indigenous possession of land involves deep ethical commitments to all that inhabit it.

Nichols' reluctance to engage with these thick parts of Indigenous thought may be a result of his commitment to discussing land conflict in

political terms, rather than in ontological ones. But the material from Couture and Simpson makes clear an ontological conflict between their ideas and those of the Western mainstream, without which the political conflict would be far less pronounced. Nichols praises the practise of giving legal personhood to parts of the land in New Zealand, and we are left with the impression that this, too, is more politically significant than it is ontologically.

But is this the right way to think of it? Might not substantial ontological shifts be necessary to clear the path for such a political change? New Zealand has a far higher population percentage of Indigenous people than either Canada or the United States, and in New Zealand there could already be enough ontological support for such laws to make them politically feasible. I hazard a guess that the vast majority of non-Indigenous people, especially in North America, cannot even conceive of how elements of the landscape could be 'persons.'

Before we can think about making such changes, then, we must first think about what these changes would mean. In order to understand elements of the landscape as being 'persons,' what would have to be true about the world? What sort of philosophy of nature, very different to the predominant one in Western society now, would explain this? I am not saying that such a new philosophy of nature is incorrect because it diverges from the current Western consensus. If anything, environmental damage in the past several centuries indicates that we in the West are getting something terribly wrong. Rather, I am saying that such a new philosophy needs to have a thick, positive vision of how the world is constituted and, if political change is to occur, many people will have to be shown a new positive vision and be somewhat convinced by it. Nichols provides glimpses of the vision Indigenous thinkers have, and these glimpses alone are enough to convince us that we ought to take a closer look to see more. It falls upon us to do this if we are serious about not only hearing what Indigenous people are saying, but also meaningfully considering whether these visions might correct or replace some of our own.