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## Review

# Theft is property! Dispossession and critical theory

Robert Nichols,  
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In *Theft is Property!*, Robert Nichols offers a clear formulation of a vexing political dilemma confronting Indigenous peoples in the Anglo settler states of the USA, Canada, Australia, and New Zealand. Critics in these countries have long charged Indigenous peoples with advancing two apparently contradictory and untenable positions by insisting, on the one hand, that the land was stolen from its rightful owners and, on the other hand, that the land has no rightful ‘owner’ at all. Following Indigenous theorists such as Audra Simpson, Glen Coulthard, and Aileen Moreton-Robinson, among many others, Nichols’s core theoretical contention is framed in response to this accusation. He argues that these two seemingly contradictory claims in fact clearly capture what he calls the recursive logic of settler colonial dispossession. Recursive dispossession describes a complex process that creates property out of theft: producing conditions that compel the transfer of Indigenous lands to settlers, while recognizing Indigenous ‘ownership’ only in its negation. In short, not only is it possible that ‘what belongs to no one can in fact be stolen’ (p. 34), but it is precisely this act of theft that renders land legible as property.

It speaks to Nichols’s theoretical precision that *Theft is Property!* is not framed as an abstract act of ‘decolonizing theory,’ but is rather presented as an effort to clarify the operative logic of an ongoing colonial process. This is not to say that Nichols does not have more abstract, methodological aims in mind as well. Alongside his immediate political concerns, Nichols advocates a recursive method for critical theory more generally. This means that instead of building an ideal ‘theory of dispossession,’ he engages in a ‘historical reconstructive critique’ (p. 146), investigating the conceptual deployment of ‘dispossession’ itself and its relation to the historical processes it critiques and describes. Nichols makes a powerful case for historically attentive normative theorizing, resisting the common tendency to fall into either historical-descriptive work, or ahistorical, normative political philosophy. The latter faces particular criticism here. Nichols contends



that such approaches elide what they ought to investigate in colonial contexts, presupposing a critical vocabulary that is, in fact, produced by the processes in question. Rather, as Nichols puts it, ‘To understand a concept requires that we reconstruct the struggle of which it is a part’ (p. 12).

Chapter 1 begins with a condensed intellectual history of dispossession in Europe, charting how ‘dispossession’ emerged as a critique of feudal property regimes. Following this discussion, Nichols points to a contrasting history that begins in the early years of the USA. Nichols devotes particular attention to the role of squatting in American westward colonization, illustrating a process of recursive dispossession: squatters would settle on Indigenous land illegally but later have the opportunity to buy the land from the state at a reduced price, retroactively legitimizing their intrusion. Meanwhile Indigenous peoples were legally barred from purchasing land, while facing extraordinary legal and extra-legal pressure to exercise a conscribed ‘right to sell.’ Nichols follows the American discussion with brief examples of how this model was adapted by British authorities in Canada and New Zealand. Across these cases Nichols observes the formation of property regimes driven by state and market forces that recognize Indigenous ‘ownership’ only in the coerced act of transfer. These features produce a ‘relatively uniform effect’ (p. 50) across different contexts: the institution of property through theft.

In chapter 2 Nichols considers how dispossession has figured in the Marxist tradition by surveying contemporary works and engaging in a close reading of Marx’s account of ‘primitive accumulation’ in *Capital*, volume 1. The European genealogy of dispossession Nichols charts in the first chapter comes to a head with the anarchist claim that ‘property is theft.’ But as Marx argued in his response to Proudhon, this charge of ‘theft’ ahistorically presupposes the existence of ‘property.’ Nichols affirms these objections, and finds useful methodological tools in Marx’s dialectical, more historically attuned analysis. The limitation of the Marxist critique in this context is that Marxism has tended to focus on the *effects* of dispossession, rather than addressing dispossession on its own terms. Nichols finds some useful resources within the tradition to ‘disaggregate’ primitive accumulation, bringing dispossession into focus as a ‘*distinctive* category of capitalist violence’ (p. 82). Nonetheless, a fuller treatment of dispossession in these contexts necessitates a turn to Indigenous theorists, who are addressing, after all, ‘not an *example* to which the concept applies but a *context* out of which it arose’ (p. 13).

We see the most sustained engagement with Indigenous political thought in chapter 3, which examines how a tradition of Indigenous counterdispossession has coalesced around a shared object of critique, namely dispossession. Nichols reconstructs arguments elaborated by historical Indigenous leaders, including an immanent critique of American hypocrisy advanced by William Apess, a Pequot minister and author; an external critique espoused by Hin-mah-too-yah-lat-kekt, or Chief Joseph, a leader in the 1877 Nez Perce War against the USA; and a reconstructive, pan-Indigenous critique expounded by Oneida political activist and



author Laura Cornelius Kellogg. Despite significant differences in argumentation, Nichols highlights a structural element to their common opposition to dispossession: all three figures found themselves on the receiving end of a process directed against them. Against critics who understand Indigenous movements as espousing metaphysical, identitarian claims, Nichols suggests that indigeneity can be understood (in part) as a political subjectivity forged through a shared experience of resistance to dispossession. He argues that this analysis enables us to understand Indigenous movements ‘as partisan or sectarian struggles against a historical process that has targeted them *in particular* but which nevertheless contains a dimension of concern to us *in general*’ (p. 99).

In chapter 4 Nichols turns to the Black radical tradition, where dispossession has also proven an animating concern. While more concerned with bodily dispossession than of land, the tradition faces a similar formal dilemma: how to critique bodily dispossession without accepting a colonial understanding of the self as property? Nichols finds methodological guidance in how Black feminist thinkers like Saidiya Hartman have tracked the shifting functions of ‘self-ownership’ through slavery and its afterlife. This scholarship reveals a distinct ‘structural negation’ of Black will: ‘to be dispossessed of oneself is to have a certain proprietary claim ascribed to one’s personhood under conditions that demand its simultaneous negation’ (p. 141). The conversation Nichols stages between Indigenous critique, Marxism, and Black feminism invites a structural investigation into differing processes of dispossession, while sharpening more general insight into how ‘proprietary interests are ascribed to racialized and colonized subjects in such a way as to limit their actualization to moments of negation’ (p. 142).

Where most of *Theft is Property!* is diagnostic, the conclusion pivots to a brief discussion of the positive ends of Indigenous counterdispossessive practices. Nichols focuses principally on successful Māori efforts to have land and waterways, including Te Urewera, Mount Taranki, and Whanganui, recognized as legal persons in Aotearoa/New Zealand. Nichols suggests that these initiatives represent ‘the emergence of a nascent regime of stewardship and care of the earth, guided by Indigenous leadership’ (p. 149). He also considers some serious obstacles and constraints facing these movements, concluding that they should be understood as part of a long-term project of challenging the basic structures of settler political orders insofar as they confront us with ‘the possibility of relating to the earth as something other than an object to be possessed’ (p. 160).

*Theft is Property!* is a self-assured book, comfortable with its scope and clear in its aims. Nichols makes his main argument very convincingly, but some considerations—such as his concluding discussion of counterdispossession—can seem somewhat curtailed. Some points of comparison would have also helped develop Nichols’s historical argument further to illustrate how this recursive process was ratcheted up globally. Nichols limits his international analysis to the imitation of the American model in the British Empire but makes a point of arguing



more broadly that the process of dispossession in the early eighteenth century USA ‘generated a qualitatively new, integrated global phenomenon—namely, the world market in land’ (p. 92). We also do not get much of a sense of how Nichols thinks the process of recursive dispossession compares to earlier (non-recursive?) modes of colonial dispossession in the Americas and elsewhere. While further elaboration would be welcome here, extended investigation certainly lies outside the scope of *Theft is Property!*, which does not aspire to offer a comprehensive history.

There is every reason to think that *Theft is Property!* will prove an important and influential book. It is an exemplary work of political theory, which makes its political and methodological arguments with exceptional clarity and precision. The dialogue Nichols stages, drawing from anarchism, Marxism, critical race theory, and feminism alongside Indigenous political thought, is sure to have a wide-ranging impact across multiple fields. Most significantly, *Theft is Property!* will prove a landmark text in studies of dispossession and counterdispossession, centering Indigenous scholarship and activism while elaborating a broader problematic that requires further attention and investigation.

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