

## Review Essay: On Settler Colonialism

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Brenna Bhandar: *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. (Durham, NC: Duke University Press, 2018. Pp. 280.)

Adam Dahl: *Empire of the People: Settler Colonialism and the Foundations of Modern Democratic Thought*. (Lawrence: University Press of Kansas, 2018. Pp. 272.)

Sarah Deer: *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. (Minneapolis: University of Minnesota Press, 2015. Pp. 232.)

Onur Ulas Ince: *Colonial Capitalism and the Dilemmas of Liberalism*. (New York: Oxford University Press, 2018. Pp. 232.)

As the late Patrick Wolfe phrased it, “settler colonizers come to stay: invasion is a structure not an event.”<sup>1</sup> Settler colonialism as a “structure not an event” captures the idea that settler colonial invasion of Indigenous lands should not be contained as a phenomenon of the past, but rather is continually reproduced throughout the history and present of settler societies such as the United States, Canada, Australia, New Zealand, and Israel. To say this is also to raise the question of how to trace and analyze the development, legitimization, and maintenance of the colonial structures in these societies: those built on the dispossession and occupation of stolen lands. To this end, Rita Dhamoon’s definition of settler colonialism helps in thinking of it as “not only a structure but also a process, an activity for assigning political meanings, and organizing material structures driven by forces of power.”<sup>2</sup> Dhamoon points us toward attending rigorously to this process in ideological, institutional, structural, and historical terms.

The four innovative and urgent books under review here address distinct and underattended features of this process. Brenna Bhandar’s *Colonial Lives of Property*, Onur Ulas Ince’s *Colonial Capitalism and the Dilemmas of Liberalism*, Adam Dahl’s *Empire of the People*, and Sarah Deer’s *The Beginning and End of Rape* shed insight on, respectively, the racialized meaning of property and personhood, the function of the idiom of political economy in liberal theory, the terms and constraints of democratic theory and constitutionalism

<sup>1</sup>Patrick Wolfe. “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research*, 8, no. 4 (Dec. 2006): 388.

<sup>2</sup>Rita Dhamoon, “A Feminist Approach to Decolonizing Anti-racism: Rethinking Transnationalism, Intersectionality, and Settler Colonialism,” *Feral Feminisms*, no. 4 (Summer 2015): 32.

in American political life, and the centrality of rape to settler colonial conquest and the effort to destroy Indigenous sovereignty.

In her book, Bhandar asks a pointed question: “How does one think identity outside of its relationship to property?” (178). The answer is one cannot, especially in settler colonial contexts. She argues that in the development of the settler colonial nations of Australia, Canada, and Israel, turning land into a commodity known as property went right along with defining through racial constructs which people did and did not have claims to ownership and who needed to be excluded or removed from the land that was to be turned into property. For Bhandar, the construction of land as property and human beings as racialized subjects takes place co-constitutively, not one as the fully formed causal force of the other. *Colonial Lives of Property* provides a roadmap of how this logic works by attending to the legal and theoretical production of the co-animated meaning of land and human bodies in property law and state practices.

The four chapters of the book—“Use,” “Propertied Abstractions,” “Improvement,” and “Status”—each reference a politico-legal mechanism for constructing human bodies and land as that which holds a particular value. The four mechanisms work together to generate and maintain the racialized logic of property through the production of an abstract relationship to it by “reduc[ing] land to paper” through surveying and mapping land and registering title (93). This “propertied abstraction” necessitates devising which people are capable of engaging in abstraction and which are not, who can demonstrate proper use of land and who cannot, and who has the capacity to improve land and themselves and who does not. Meeting these colonialist criteria garners one the status of claiming the right to the protection of their property in land and property of their person—as the self-possessed liberal subject of the settler colonial society—in constitutive contrast to those who do not qualify and thus are assigned another status as “an *other*,” such as “Indian status,” the nomad, or the trespasser. In Australia in the nineteenth century, the Torrens system of land registration instituted a “new grammar of property” that linked together the abstractions of land ownership with the abstractions of racialized normative subjects, and it served as a model for such settler colonial contexts as British Columbia in the nineteenth century (82). Similarly, in the Israel/Palestine context, the Bedouin were dispossessed by means of “of title registration ... the creation of the Green Patrol, a paramilitary force ... to displace the Bedouin under the pretense of nature preservation and environmental protection ... [and] the manipulation of the mewat land doctrine” that concerned what to do with uncultivated land (134). Here we also see how Bhandar links the role of propertied abstractions to the brute force of the state, as without the often violent enforcement by the settler state such title would not be worth the paper it is written on and would not have sustaining power to define the meaning and relationship of people to land. In all, Bhandar reveals through her groundbreaking historical and theoretical analysis the mutually constitutive production of the

self-possessed and possessive individual on one hand and “the figure of the Savage” on the other, and she does so with respect to the particularities of each settler colonial context (96). For example, Bhandar argues that in Canada the provisions of the Indian Act of 1866 “reflect the juridical construction of the Indian as the inverse of the self-possessive liberal subject,” serving as an example of how the “appropriation of land as property is contingent upon particular ontological qualities, and vice versa” (171). In other words, the possession of land as property co-animatively reinforces ontological presumptions about humans who are in proper “possession” of themselves, as the self-possessed, and those who are not.

Among its many interventions, Bhandar’s argument brings the role of colonialism and land dispossession into conversation with the concept of racial capitalism. Too often, studies of racial capitalism prioritize the dynamics of labor over those concerning land. *Colonial Lives of Property* upsets the land/labor distinction, rendering a siloed analysis of either dangerously incomplete. To this end, Bhandar offers an intellectual genealogy of the normative concept of the “use” of land in its constitutive relationship to the “use” and value of human bodies. To do so, she introduces us to the thought of William Petty, a precursor to Locke whom she calls a “progenitor of modern political economy” (39). Petty constructed his views and logics to support British colonial rule over the Irish and their lands in the seventeenth century. His insights and formulations had wider ramifications by helping to naturalize the epistemological and ontological presumptions supporting the European colonialist valuation of land and people grounded in statistical measurement and classification. Here we find an early version of what would come to be known as the eugenicist approach to race science. Bhandar’s innovation is to see this racialization as produced through the formation of a colonialist epistemology regarding land in constitutive relationship to human bodies. In this respect, the “beginnings of racial classification and taxonomy reflect the fact that the predominant way of seeing human life within emergent political economies of land, labor, and commerce were inextricably tied up with colonial spaces” (46). Petty’s logic gets reproduced as accepted truth in the work of the likes of Locke.

Through a genealogy of the epistemological and ontological premises of modern property law in colonial regimes, Bhandar shows how seemingly neutral mechanisms of abstraction such as land measurement and assessments, title registration, and record keeping rely upon and coproduce racialized presumptions about human beings. In other words, when discerning the contemporary “processes” of settler colonial reproduction, as Dhmoon advises us to analyze, Bhandar offers clear advice: follow the paper trail. In so doing, Bhandar is careful not to argue that property laws in Canada, Australia, and Israel work in exactly the same way. Israel settler state formation, in particular, was driven less by “economic and financial considerations” than the fulfillment of the collective priorities of the Zionist project (120), whereas in the Canadian and Australian cases the profit motive took

primary consideration in defining the value and status of land and people. While this is a valid distinction given that the Zionist project is explicit in its collective aspirations, the construction and prioritization of people deemed ideal Canadian and Australian subjects also indicates more than a measure of interest in shoring up national identities based around a white Christian norm of peoplehood in these contexts.

This aside, for Bhandar it is the role of property logics and the production of the white liberal possessive subject that are the core of the problem, and thus “the undoing or dismantling of racial regimes of ownership requires nothing less than a radically different political imaginary of property” (193). To return to the matter of racial capitalism, then, her prescription is to attend to the colonial logics of property that are at the root of white supremacy in settler societies. As a result, antiracist projects and anticapitalist projects can find in property law and logics a cohering site of contention and refusal, which in settler colonial contexts makes them necessarily anticolonial projects. To Bhandar, it is the subjects and logics of property that a radical politics must deconstruct and reimagine. To this end, “if the figure of the self-possessed individual is the ideal standard against which racialized and gendered minority populations are measured, the notion of de-propertization must take it, or rather ‘him,’ as its target too” (179). Thus, Bhandar offers a connecting point of decolonization and abolitionist politics focused on decolonizing property relations and abolishing the standing of the self-possessive, normatively white and male, liberal individual of settler regimes.

Bhandar’s study and Onur Ince’s *Colonial Capitalism* have in common a concern with capitalist institutions, practices, and logics in colonial contexts. While Bhandar focuses on the legal and political theory undergirding property laws in colonial contexts, Ince turns his attention to the function of the idiom of political economy in the work of three British political theorists who seek to reconcile liberal normative positions with the colonial practices of the British Empire. Specifically, Ince’s book recasts the central arguments of liberal thinkers John Locke, Edmund Burke, and Edward Wakefield to read them as shaped by the imperative of disavowing the contradiction between colonialist capitalist practices in the Americas, India, and Australia respectively, and avowed liberal norms, notably contractual freedom and juridical equality. For Ince, in slight contrast with Bhandar, his concern is less how racializing logics in colonial contexts shape the perceptions of the colonized in European eyes than with how British thinkers seek to explain and even guide the economic practices of British colonizing institutions and their proxies, such as the East India Company. In this regard, Ince seeks to shift “the focus from who the colonized are to what the colonized do” (4). One can also read Ince as attentive to who the colonizers *are*, or who they think they *are*, and how this self-image needs to be emboldened through disavowal.

The book chapters attend to Locke’s justification of the “extralegal appropriation of land in America,” Burke’s critique of “militarized trading in India” as pursued by the East India Company, and Wakefield’s construction and legitimation of “elaborated schemes of dependent labor in Australasia”

(5). Stolen land, enforced commerce, and exploited labor comprise a critical triad of colonial capitalism. With Ince's reading of Locke, we find a meeting point with Bhandar, not only in that they both engage this thinker but that they do so with concern for the function of "propertied abstractions." For Ince, justifying the seizure of Indigenous lands in defiance of the liberal principle of contractual freedom concerned less the "conventional preoccupation with labor" in Locke than his focus on the role of money and monetization for forestalling a "loss of *potential value* and *actual value*" (46, 52). Whereas Bhandar attends to the measurement of use and the capacity for improvement, of people and land, Ince directs us to the priority of accumulation via enclosures, based upon a purported normative commitment to not letting land go to waste through communal holdings. The abstraction of turning *land into paper* for Ince is not about the registration of titles but about monetization. What is, in Locke's view, the inherent capacity for abstraction through monetization stands as implicit consent to engage in economic relations for the wider good, beyond the ephemerality of barter exchange. Those who do not utilize this capacity for exchange and accumulation through the fungible abstraction of money—in particular here Indigenous people of the Americas—are nevertheless "bound by a universal agreement of which they are at once already a part and yet to join." There is thus, in Ince's reading, an important role for how Locke constructs who the colonized *are*, as their "nebulous status" between the natural and the civil state confines their humanity and agency in European eyes while implicating them in the decisions and depredations of colonial capitalist practices that cause Indigenous peoples great harm, in loss of land and life (61).

Turning to Burke's critique of the East India Company's predatory and militarized commercial behavior towards India, what is on the line is the defense of the morality of the marketplace as a natural vehicle for promoting the public good. The disavowal at work here comes in Burke attributing "The Company's" plunder of India to a perversion of free market commercial capitalism. As Ince notes, to Burke this was "scandalous for three reasons," which I paraphrase as, first, this is not who the British people are, second, Indian society is an inherently commercial society that can and will thrive through free-market relations unlike Indigenous and African societies, and third, government is the problem, not the solution (94). Seen through Ince's eyes, Burke's strategies of disavowal are familiar to the manner in which, for example, the violence of US imperialism is often disavowed as not representative of the norms guiding America's self-imagined role in the world. Here we see a connection with the argument, cited by Ince, of Jeanne Morefield's *Empire without Imperialism*, by which deflection serves as a critical function for redeeming and sustaining empire's self-defined noble mission.<sup>3</sup> Instead

<sup>3</sup>Jeanne Morefield, *Empire without Imperialism: Anglo-American Decline and the Politics of Deflection* (Oxford: Oxford University Press, 2014).

of imperialism properly understood, Ince finds that theorists such as Burke disavow “the formative violence of capitalism” as a “colonial aberration, rather than the very means by which Indian land and labor were brought within the fold of capital” (101). Ince’s intervention not only stands as a vital rereading of Burke, it deserves to be positioned as informing the literature on the modes through which colonialism and empire are legitimated and perpetuated. Similarly, it is easy to read Ince’s interpretation of the lesser known Edward Wakefield’s proposals regarding the systematic colonization of Australia by poor white English settlers as resonant with the mass migrations of our time that place migrant laborers in vulnerable structural circumstances, ostensibly of their own choosing. In Wakefield’s model, English working classes need to be encouraged to migrate by a combination of the deteriorated circumstances in the metropole for laborers and a settler compact that provided a modicum of resources for migrating to hopefully a better life in Australia. However, this “voluntary” migration was on the terms and conditions set out by British imperial institutions and to a colony in which the British Empire claimed as Crown territory most available land, to be sold at its discretion. In this way, Ince notes, “state power could intervene at the level of institutional design to create expectations that would prompt individuals to act in line with the socio-economic objectives of systematic colonization” (147). Through this mode of systematic colonization, the control of labor migration to and laborers in the colony occurs implicitly, not overtly, which thus serves as the mechanism to disavow the notion that liberal norms of freedom of contract had been violated. In short, no one forced them to migrate, they “chose” it. Ince’s innovative readings of these three thinkers reframe liberal theory as intimately and constitutively bound up with the predations of colonial capitalism. The disavowals he traces not only reveal how liberal theory and theorists shield themselves from being tarred as a conspirator in the violence and plunder of land, commerce, and labor, but that these very disavowals revalidate liberal norms and self-image on up to our day and age. While for Ince it is the tension in the relationship between liberal norms and colonial capitalism that disavowal soothes, for Adam Dahl it is the relationship between democracy and dispossession in the eighteenth- and nineteenth-century United States that required similar treatment.

Dahl’s book turns the historical narrative of democratic theory in the United States on its head by demonstrating the centrality of the disavowal of settler colonization for the production of the imaginary of American freedom, equality, and democracy. Specifically, Dahl argues that “to uphold the legitimacy of American settler democracy, settler political thought must disavow the origins of democracy in colonial dispossession, and in turn erase the political and historical presence of native peoples” (5). But who or what is settler political thought? The *who* include our new friend Edward Wakefield, and the familiar names of Thomas Jefferson, Alexis de Tocqueville, John O’ Sullivan, Ralph Waldo Emerson, and Walt Whitman. The *what* includes



such legal directives as the Watauga Compact of 1776, the Pre-Emption Act of 1838, the Homestead Acts of the 1860s, and most important of all, the Northwest Ordinance of 1787, which provided a mechanism for bringing states into the Union. By Dahl's reading, the Northwest Ordinance—what he calls the Magna Carta of the Colonies (46)—is the true foundational document of the United States, because it “perhaps did more to build a settler colonial empire of continental proportions” (25). It did so by providing the foundational mechanism for accommodating the constituent power of settler popular sovereignty within the context of the constituted power of US federalism. Specifically, Article V of the Ordinance allowed for the “self-replication of democratic polities across the Trans-Appalachian West ... [which] enabled settlers who emigrated to retain their civic standing in the nation” (63–64). Through what Dahl calls the “colonization-constitution dialectic,” the Northwest Ordinance “incorporates colonization *qua* constituent power as the engine of imperial expansion. Just as the Constitution was a means of containing democratic excess in the state legislatures, Article V contained the democratic excess of settler sovereignty on the frontier” (64–65). Thus, instead of revolting masses, the Northwest Ordinance created settling masses.

Even more profoundly, Dahl makes the case that the spatial displacement of American democratic tensions westward and the disavowal of Indigenous dispossession due to that displacement are the fundamental dynamics of US political and cultural life in the eighteenth and nineteenth centuries. Appropriately, the central and largest section of the book is headed “Settler Colonialism and Democratic Culture” and begins with Tocqueville. Dahl argues that the racialization of colonial subjects in Tocqueville's *Democracy in America* needs to be thought of constitutively with the spatialization of the American republic, its settler expansion. In this way, Dahl follows a somewhat similar path to Ince in being concerned more with what the colonizers do than who the colonized are. The disavowal constructed through what Dahl aptly calls the “thoroughly cartographic” argument in *Democracy* occurs most notably in Tocqueville's claim that the absence of feudal economic and political structures made the American founding one in which the white citizenry was “born equal,” without a class struggle and revolution required to fundamentally reshape political and socioeconomic life (82). This absent-feudalism argument, which Tocqueville is the first of many to posit, is premised on the disavowal of the presence of Indigenous people and the role of violent Euro-American conquest. Thus, the terrain is clear, metaphorically and literally for Tocqueville, for enterprising “independent farmers” to view and act upon the space of western expansion, not as a site of collective conquest, but rather where they can carry out settling practices “under a form of enlightened self-interest” that so happens to serve the interests of the expansionist United States (85). The disavowal of Indigeneity and settler colonialism opens the way for white settlers to see in expansion a vehicle for individual self-

fulfillment and the development of the American democratic character. As such, Dahl rightly implicates Emerson's linking of individual "virtue and colonialism" and his defense of the Cherokee Nation against Indian Removal as really being a defense of Euro-American norms of civilization, which the Cherokees sought to adapt to, as one of the so-called Five Civilized Tribes (122). Similarly, Whitman's "democratic poetry exemplifies the 'typical settler narrative,'" by which Indigenous people's existences are disavowed as contemporary agents and the settler becomes Indigenous; thereby becoming the American representative man (148). In all, Dahl shows there is no outside to settler colonialism in the effort to understand the foundations and development of the United States, as settler colonization was consistently central to resolving and disavowing conflicts that faced the nation in the eighteenth and nineteenth centuries.

Dahl does leave us with an alternative at least. He offers the nineteenth-century example of William Apess, of the Pequot Nation. Apess invoked "Indian nullification" of the rule and authority of the US settler state. In so doing, Apess called the bluff of disavowal, for in asserting Indian nullification he did not demand that the United States live up to its democratic commitments, but rather exposed these commitments as premised on settler sovereignty whose feigned completeness is produced through disavowing the persistence and existential challenge of Indigenous sovereignty. In other words, by its very assertion "Indian nullification reveals the incomplete character of settler state sovereignty" and refuses the sustaining myth produced by disavowal. Apess thus places the terrain of this political contest not in the normative and institutional realm of the colonizer but rather in the gaps and fissures of it, in terms that refuse liberal democratic rule in a constitutional republic as anything more than a production masking the violent gains of settler conquest (165). Apess's challenge provides the model for Dahl's conclusion about what it would mean to build a democratic order in refusal of settler colonial rule, to decolonize it. For Dahl, building upon the insights of Joan Cocks and Mohawk scholar Taiaiake Alfred, the focus needs to be on a "nonsovereign conception of democracy" (189), which is one that does not fall back on a model of hierarchical rule over land and human and nonhuman beings. This prescription sits in contrast with that offered by Bhandar, who argued that radical imaginaries and attention should focus directly on devising nonproperty logics of relations among human, land, and nonhumans; ones that do not reproduce as normative the white liberal self-possessive masculine subject. Also, what counts as sovereignty for Dahl, through Cocks and Alfred, might not be the same as that which other Indigenous critical and legal theorists and activists see as central to their communities.

The history and future of Indigenous sovereignty takes up a critical place in Sarah Deer's book. Deer, a citizen of the Muscogee nation and law professor, provides a vital convening point for the theoretical, historical, and political studies of settler colonialism. Deer argues that sexual violence resides at the



animating center of historical and contemporary settler colonial attacks upon the sovereignty of Indigenous nations. She also asserts that the historical practices of Indigenous nations to address sexual violence within their communities and the contemporary efforts to end the assaults on Indigenous women are themselves central functions of what Indigenous sovereignty should and needs to be. In short, “for tribal nations, defining and adjudicating gendered crimes is the purest form of sovereignty” (xvi).

Deer’s book needs to be read in light of the contemporary movement to raise awareness of Missing and Murdered Indigenous Women (#MMIW), which began in Canada and has become transnational. Deer’s personal, activist, and scholarly history deeply informs the book, as she has and continues to serve as a legal advocate for Indigenous women who have been subject to violence and unjust treatment in the US legal and political system. Out of her narrative of the history of sexual assault and settler conquest, Deer comes to the position that a true anticolonialist politics is necessarily feminist and oppositional to heteropatriarchy, and that feminism in turn must be anticolonial. However, “the many solutions proposed by mainstream feminists, who focus on patriarchy as the cause of gendered violence, are often a poor match for the responses of tribal societies” (24). In short, what Quechua scholar Sandy Grande calls “whitestream feminism” not only does not get to the core of the history and present of gendered violence, it leaves in place settler colonial structures and thereby does not address the experiences and claims of Indigenous women.<sup>4</sup> In many ways, whitestream feminism makes things worse by reproducing Indigenous women’s invisibility. This being so, Deer begins the book by setting out the function of colonial epistemology in the data accumulated about sexual violence. For while a significant percentage of sexual assaults are intraracial, the experience of Indigenous women is “the exception to this general rule,” as they “report the majority of assailants are non-native” (6). Given that sexual assaults in general are underreported, and that the expectation of settler policing and juridical institutions is that of intraracial assaults, Indigenous women’s claims are rendered doubly invisible, both underreported and met with skepticism when reported. Here, Deer sets out an important contrast between traditional Indigenous law and US settler colonial law. As it regards traditional Indigenous law she offers the example of early nineteenth-century Mvskoke written law and practices which placed at the epistemological and ethical center the experiences and preferences of women who are victims of sexual assault, whereby, for example, a “rape victim had legal standing to participate in sentencing decision” (17). An approach that prioritizes the testimony and judgment of the victims of sexual assault not only

<sup>4</sup>Sandy Grande, “Whitestream Feminism and the Colonial Project: A Review of Contemporary Feminist Pedagogy and Praxis,” *Educational Theory* 53, no. 3 (Summer 2003): 329–46.

contrasts with US settler colonial law, it challenges the basis of the principle of coverture whereby for most of US history the rape of a married woman was deemed more a property crime against the husband than a crime against the woman. In short, he was the victim, not her. We find then a connection back to Bhandar's argument, as this speaks to how property logics function—as Bhandar discussed in her chapter “Status”—in racialized and gendered ways to the detriment of those constructed as other to the white masculine self-possessive liberal individual.

In this regard and in the context of nineteenth-century conquest of Indigenous territories, the disavowal of Indigenous women as agents with legitimate standing made them subject to sexual violence with virtual impunity as a practice that facilitated territorial conquest. Sadiya Hartman, among others, makes a roughly analogous argument regarding the status and treatment of Black women during chattel slavery, whereby “slavery conscripted the womb” for the reproduction of slave labor via assault with impunity upon enslaved women's bodies.<sup>5</sup> Similarly, with a focus on territorial conquest rather than slave labor reproduction, Kahnawake scholar Audra Simpson argues that “Native women's bodies were to the settler eye, like land, and as such in the settler mind, the Native woman is rendered ‘unrapeable’ (or, ‘highly rapeable’) because she was like land, matter to be extracted from, used, sullied, taken from, over and over again, something that is already violated and violatable in a great march to accumulate surplus, to so called ‘production.’”<sup>6</sup> Deer's book elaborates and extends our grasp of the dynamics to which Simpson refers by retelling the history of US–Indigenous tensions, conflicts and negotiations through a lens centered on not only colonial assaults on land and gendered bodies but also on the effort of Indigenous nations to resist and fight against them as an expression of their sovereignty. For example, the 1862 US–Dakota War that led to the mass execution of the thirty-eight Dakota men on President Abraham Lincoln's orders began in no small part when Dakota warriors went to the defense of Dakota women against sexual assaults by white settlers in their territories. As Deer notes, in fact “many so-called Native rebellions, outbreaks, or uprisings have been linked to the rape of Native women” (49). Deer offers a similar corrective regarding treaty relations between the US federal government and Indigenous nations. Sexual assault by white settlers

<sup>5</sup>Sadiya Hartman, “The Belly of the World: A Note on Black Women's Labors,” *Souls: A Critical Journal of Black Politics, Culture and Society* 18, no. 1 (Jan.–Mar. 2016): 169.

<sup>6</sup>Audra Simpson, “The State Is a Man: Theresa Spence, Loretta Saunders and the Gendered Costs of Settler Sovereignty,” *Theory & Event* 19, no. 4 (2016). The two feminist theorists Simpson credits with this insight are Andrea Smith in *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End, 2005) and Jacki Rand in *Kiowa Humanity and the Invasion of the State* (Lincoln: University of Nebraska Press, 2008).

against Indigenous women was so pervasive in the post-US Civil War expansionary period—fueled by such measures as the Homestead Act—that there were “nine treaties with thirteen tribes signed between 1867 and 1868” (57) that included, upon the insistence of Indigenous leaders, a clause that secured promises from the United States to arrest and punish “bad men among the whites, or among other people subject to the authority of the United States, [who] shall commit any wrong upon the person or property of Indians” (56). These “bad men” clauses show how Indigenous leaders made the prevention of sexual assault a central plank of their sovereignty in treaty negotiations with the US federal government. As Deer makes clear, this is far from a historically archaic dynamic. In the twenty-first century, the “bad men” reside in what are called man camps, which refer to the temporary and mobile facilities set up along, for example, pipeline routes to house men who work for such extractive industries as oil companies. Oil pipelines—such as the Dakota Access Pipeline that the Water Protectors at Standing Rock sought to stop—often transgress the territories and reservations of Indigenous communities. The workers of these man camps, like the white settlers of the nineteenth century, prey upon Indigenous women and girls of the local communities, and do so with virtual impunity, falling between the cracks of tribal, state, and federal jurisdiction. The twofold point Deer makes with this example and throughout the book is that the fights for Indigenous people’s sovereignty and against sexual assault are inextricably linked. To engage one without the other is to fail on both counts. Also, this necessarily involves opposing the expansion of what Ince calls colonial capitalism, a force of exploitation and predation upon land and bodies.

So, what is to be done? Deer’s invocation of Mvskoke traditions early in the book holds throughout as an example of Indigenous traditional law that is a living alternative to settler law and logic and a refusal of the settler view of the meaning of land and of human and nonhuman beings—as extractable, as property, as fodder for the use of others—and this includes refusing the imposition of heteropatriarchal norms. As she notes, in the Mvskoke traditions the “framework for gender can also be described as *nonbinary complementary dualism*, wherein binary gender lines are fluid without fixed boundaries” (19). With Indigenous legal traditions in mind, Deer attends to the gaps and inadequacies of US settler legislation and legal decisions that address crimes against Indigenous people through a settler frame. The major laws and decisions she discusses include the Major Crimes Act of 1885, Public Law 280 in 1953, the Indian Civil Rights Act of 1968, and the 1978 Supreme Court decision in *Oliphant v. Squamish*. Each of these legal directives from the US settler state prioritized the delimitation, if not elimination, of tribal sovereignty, while measures for addressing sexual assault and other crimes against Indigenous people, especially by nonnative people, were secondary to and in fact usually reinforced the plenary power of the settler state. Nevertheless, Deer argues that working within settler juridical and political

institutions is a necessary evil for the sake of harm reduction and greater Indigenous representation. As compromising as is US settler policy-making, in the end for her it is matter of accepting that not seeking to impact US governing rules and practices presents a “more fundamental threat to self-determination of tribal nations than the drawbacks federal reform could ever be” (97). Here, then, Deer offers the reader a window on the fraught process of working at once within and against US settler colonial institutions. In so doing, she acknowledges the pragmatic necessity in the short term while maintaining that settler institutions are no replacement for strengthening tribal governance to generate long-term, structural measures and practices not just to reduce sexual violence, but to end it. Thus, moving beyond the theoretical parameters of conservative, liberal, and even radical theory for conceiving and addressing sexual assault, Deer asserts that “there is a need to consider a fourth category of rape law theory; an indigenous theory” (114). For example, instead of Western models of restorative justice, Deer looks to a model of “*peacemaking* as a shorthand way to refer to a wide array of dispute resolution processes that are based on tribal principles of balance and harmony” (123). This theoretical approach is grounded in traditional Indigenous laws, and on that basis Deer ends the book with an impressive, detailed, and fairly comprehensive list of proposals that include transforming rape law and reconsidering the forms of and roles for punishment, protection orders, criminal law, civil law, incarceration, banishment, re-education, tort law, and confidentiality. Deer’s study ends up being the most prescriptive and policy focused of the four books under review and it also speaks most explicitly to the contemporary legal and political context of the US settler colonial state, a product of her work as an advocate for victims and for public policies to address sexual violence and strengthen tribal sovereignty.

In all, one cannot come away from reading these books without reflecting on how colonialism, especially in settler contexts, shapes and affects the fundamental terms and experiences of political, legal, economic, and cultural life in ways that those of us who are of a settler background take for granted, and are usually blind to. These studies also offer important points of contention that speak to the active and urgent debates regarding how to intervene analytically and politically in settler colonial structures and processes and imagine and enact a decolonized world. These debates are driven by questions such as: What is the meaning and what should be the focal point of decolonization? How does one address the interrelationship of colonialism with racial capitalism and heteropatriarchy? Where and how does one pinpoint the key logics of settler rule in order to critique, refuse, restructure, or abolish them? Bhandar places the fundamental focus on property logics in settler colonial contexts as inescapably tied to the racialized meaning of personhood. Ince argues that there is too little attention paid to the function of political economy in theoretical studies of the history of colonialism, to the detriment of being able to clearly identify and challenge its modern manifestations. Dahl concludes that refusing the disavowal of settler colonialism

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should lead to refusing the model of sovereignty in a decolonized imaginary. Deer sees the affirmation and expression of Indigenous sovereignty as inextricably tied to ending sexual violence in Native America. While there are tensions among their views, I would suggest they are productive tensions, neither incommensurable nor collapsible. A connective tissue one finds across all four studies is the explicit or implicit attention to the function of disavowal in the process of reproducing and maintaining settler colonialism as a structure. Disavowal in this context means neither erasure nor ignorance exactly, but rather the refusals, rationalizations, and marginalizing practices that forestall political acknowledgment of and attention to the violence, dispossessions, and predations of settler colonialism. Ince and Dahl attend to disavowal directly, while in Bhandar's and Deer's studies it is implicit but no less pertinent as it concerns the lack of attention to the racialization of peoples and lands and to sexual violence against Indigenous women and girls. In the end, these books refuse such disavowals through studies that stand, on their own and together, as a forceful call for greater attention to settler colonialism, colonial capitalism, and Indigenous people's perspectives in scholarly analysis and political activism.