Unsettling Our Relationship to Things and People

A Conversation with Brenna Bhandar and Eva von Redecker

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There is a spectre haunting many public representations of de- and anti-colonial as well as feminist struggles. While popular media has quite widely covered (to varying degrees of hostility) recent protests, movements and campaigns\(^1\), one key aspect of the social critiques and political aims of activists and scholars alike remains suspiciously absent: property. Contrary to most dominant conversations about property in ‘Western’ public discourse, this one with and between Brenna Bhandar and Eva von Redecker draws important connections between these struggles and leaves simplified and ahistorical theses and assumptions behind. It refuses to debate (yet again) the notion, which many assume as self-evident and natural, that private property is the only, or most effective, remedy to hardship. Our starting point is a different one. By historicising property and its co-constitutive effect on the systems, institutions and meanings that produce our current world, we recognise the importance of challenging its supposed inevitability. The text is a continuation of a conversation that has been going on for many years, as Eva and Brenna’s work and that of their interlocutors, collaborators and comrades is testament to. Here, we debate issues around the temporal and spatial developments of modern property, and the adequacy of thinking about this through ghostly metaphors. Brenna and Eva dive into the centrality of land and the ambivalent potentiality of the law within regimes of ownership. Thereby, we also negotiate the possibility of non-appropriative settlement as well as non-possessive subjectivities. From here they discuss the ways in which ‘anti-accountability structures’ exhaust our capacities to act together, democratise decisions about property and develop responsible relations to ‘nature’. In the face of climate catastrophe, we are compelled to depropertise not only our imaginary but crucially social and ecological relations, to rehearse different modes of freedom and taking care of the world.

\(^1\) It is not a stretch to say that, especially since the uprisings for Black lives in 2020, popular media has feigned a renewed interest in decolonisation. Demands to defund the police, tear down monuments to colonisers, and decolonise educational curriculums at both universities and schools have all been covered. Furthermore, the renewed media attention on the #MeToo movement (10 years after its founding) has reappropriated discourse on the prevalence and brutality of sexual violence into narratives of proprietary self-empowerment. Contrary to this, for example, much reporting on the feminist strike movements, and movements against femicides and reproductive violence, especially in South America, Spain, Poland and beyond, has conveniently ignored the strong connection drawn between gender violence and the violence of capitalist property relations.
Harrison and Hannah: We all ‘met’ at a workshop entitled ‘Ghosts of Property’. Both of you work on how concepts of property developed in the past work on the present, coining the concept of ‘phantom possessions’ (Eva) or tracing the legacies of colonialism in colonial lives of property (Brenna). The (dis)continuities of past systems are framed in the terms of ‘legacies’, ‘traces’, ‘shadows’, ‘afterlives’, or ‘in the wake’ - how do you think about property today, and would describing it as ‘ghostly’ help understand how it works? Are there specific thinkers that help you make sense of temporal and spatial developments of modern property?

Eva: I think no one thinker taught me as much about the historical and geographical development of property as Brenna in her Colonial Lives of Property! As for the present nature of property, yes, ‘ghostly’ seems quite right, and yet also perhaps too weak. There is a violent presence of heavily policed boundaries of property, and then there are the spectral aspirations, the ghosts of past propertisation. When I speak of phantom possession, I am particularly interested in the entitlements that fill the void after liberal emancipation, after the dominant subjects lost some of the disposal over oppressed groups. Many came to experience that as an amputation of sorts. But there is also something else going on with the ghostly hold of property in the present. It is stunning to hold the thought of just how outdated the current paradigm of ownership is. The modern regime of property was philosophically justified and legally codified on the assumption of land as an infinite resource. That was wrong already then – it required the colonial apparatus of terra nullius, and the illusion of infinite further space for appropriation and settlement. But there was at least a partial truth in the Lockean observation that clearing ground might make it more productive – in the easily observable short term, that is. Now we live in societies in which land remains propertised and ever more things are rendered appropriable – even though we actually know that land is finite. In fact, due to extractivist and profit-seeking use of

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2 The ‘Ghosts of Property’ workshop was held at the Centre for Applied Philosophy, Politics and Ethics at the University of Brighton (online), 26-27th of May 2021. Speakers included Brenna Bhandar, Eva von Redecker, Harrison Lechley, Hannah Voegele as well as Mark Devenney and Leonie Clarke.


‘resources’ over the course of the last centuries, the inhabitable surface of the globe is dramatically shrinking. In addition, even land in moderate climates is being destroyed due to industrial farming practices – soil erosion, salination, pesticide poisoning. So, there is a frayed and fragile ecological order underlying the old property regime, and still the liberal fairy tale that links property with prosperity and personal liberty lingers on.

**Brenna:** I think Eva’s comments about the fantasy of property ownership as the precondition for freedom, and the concept of land as an infinite resource, that lies at the basis of liberal philosophy are right on the mark. And this fantasy still informs our political imaginaries as well as the way a range of social goods and entitlements are structured by the state in liberal capitalist democracies. In terms of thinking about how property paradigms have shifted or developed temporally and spatially (and how they have also remained the same in some ways) I find thinking about the ‘racial infrastructures’ of what we call neoliberalism, as articulated by Ruth Wilson Gilmore⁶, to be very helpful. Her notion of racial infrastructures and the ‘anti-state state’⁸ is helpful in uncovering the ways that ownership under neoliberalism has been transformed through deregulation, the privatisation of social goods (like housing) and financialisation.

**Harrison and Hannah:** Eva, when we met you highlighted Karl Polanyi’s⁹ work on fictitious commodities to think about ‘fictitious property’ and how the propertisation of land occurs. Brenna, you noted the importance of real estate in indebting people through sub-prime mortgages prior to the 2007-08 financial crash. It seems then as though land remains pivotal to any discussion of property. If we assume that land is one of the foundational elements of living, property and appropriation, how can we reconceive this? Is it essential to reconceive the way we think about land? And is it ever possible to ‘settle’ without appropriating?

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⁷ Katherine McKittrick also discusses the spatial and temporal geographies of racial capitalism. McKittrick argues that: ‘Black matters are spatial matters. And while we all produce, know and negotiate space - albeit on different terms - geographies in the diaspora are accentuated by racist paradigms of the past and their ongoing hierarchical patterns’. See Katherine McKittrick, *Demonic Grounds* (University of Minnestoa Press, 2006), p. xii.


Brenna: Reconceiving of land as not-property is perhaps one important, or even fundamental part of addressing the ongoing colonisation of Indigenous lands, the intensity of extractivist industries and their relationship to climate change, and in urban contexts, the financialised real estate paradigm that is making it more and more difficult for people to find shelter and adequate housing. Perhaps it is important to be more specific, and to reconceive of land as a non-commodity. If we were to reconceive of land, or at least, some particular areas of land, as non-commodifiable, what would happen? It would remove these areas from land markets and open up the possibility for different kinds of use. It would open up space for a different set of values to inform how the land is used.

Not viewing land as a commodity or a resource to be owned privately, to be exploited, to be alienated, bought, sold, flipped and traded for profit, requires a massive and fundamental shift in worldview. Fortunately, we have many historical and contemporary examples of political communities (think about the Levellers in 17th England) or some First Nations in settler colonies such as Canada, who have, for a very long time, had relationships to the land that do not treat the land as a commodity. Rather, as with some First Nations, people relate to the land as something that has agency itself. (See for instance, the work of Robert Clifford, a WŚANEĆ legal theorist). There is a tremendous amount of diversity amongst First Nations in Canada, and I certainly don’t want to over generalise. But it occurs to me that the kind of Indigenous resurgence happening in Canada, Hawai’i and elsewhere show us, as non-Indigenous peoples, that there are many ways of inhabiting land that do not start from the premise of individualised ownership and commodification. I think it is also important to note that people who have lived on particular lands for generations, even where a discourse of Indigeneity is not present, develop a close attachment to that land, and paying close attention to those modes of attachment also speak to relations to land that far exceed the logic of the commodity form. This might also highlight the difference between small and subsistence modes of agriculture and agribusiness, a distinction key to thinking about the climate crisis.

Is it possible to ‘settle’ on land without appropriating it? Appropriation can be an unstable and variable process. From a wholly negative point of view, we can think of

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histories of racialised settlers in places like Canada who were not allowed to ‘appropriate’ land insofar as their right to own land was circumscribed by forms of racial segregation (in the form of racially restrictive covenants or other legislative prohibitions). We can think of the internment of the Japanese Canadian population in World War II, and how their property was taken by the state and sold. In British Columbia, this amounted to 90% of the entire Japanese Canadian population, many of whom were Canadian by birth. So, the position of the racialised settler demonstrates how one can be a settler on Indigenous land but at the same time, subject to a racist state formation that works to keep racialised populations on the borders of citizenship and belonging.

From a more emancipatory point of view, perhaps the future will hold the possibility of living on land that is ensconced within decolonised, decommodified modes of governance. Perhaps as with struggles for housing that seek to expropriate buildings and the land upon which they sit from massive corporate landlords (as in Berlin), there will be other ways of creating communities where people have the time and money to live more fulfilling, less stressful, mutually enriching lives.

Eva: I find it interesting how Brenna moved from land to real estate and then to good living. Maybe that is the trajectory through modern appropriation and beyond! However, I struggle with the claim of the “priority” of land in some postcolonial discussions. Perhaps I am suspicious because it is so easy for me to think that way, having grown up on and living directly from the land. What escapes us while we focus on “land”? For many people in the contemporary world, their habitat is something else: apartments in the city, more or less embedded in welfare systems and many layers of administration. The movements trying to

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12 In Berlin, a strong tenant’s movement has rallied under the umbrella of “Deutsche Wohnen und co. enteignen” (“expropriate Deutsche Wohnen and co.”) to use a legal clause in the German constitution that allows for private property to be transferred into public ownership (Art. 15). On the basis of this, they push to socialise housing owned by large real estate firms/ that own more than 3,000 flats in the city. After years of organising by thousands of activists, the referendum putting the vote to the Berlin people won a landslide victory with more than one million Berlin citizens eligible to vote supporting it. It is unclear what is going to happen next since the referendum is not legally binding and the SPD-led new government in Berlin is averse to the campaign, but the pressure is high, there is now a large movement around housing that is well organised within the different local districts of Berlin, and the campaign has changed the discourse and made “expropriation” a central political issue – unthinkable in Germany only a couple of years ago. Eg. see Alexander Vasudevan, “Berlin’s Vote to Take Properties from Big Landlords Could Be A Watershed Moment,” The Guardian, September 29, 2021, https://www.theguardian.com/commentisfree/2021/sep/29/berlin-vote-landlords-referendum-corporate.
wrest housing out of the control of the investors form a crucial liberation struggle of the city, but that is not just about “land”.

And yet, we always need to bring the land back in. Even in decommodified housing those industrial city dwellers occupy more than the ground their buildings seal. They occupy what Kenneth Pomeranz13 and Pierre Charbonnier14 discuss as “ghost acres”, land used for their specific, market-mediated way of reproducing themselves. We talk about Earth Overshoot Day15 and resource overuse in richer countries. But we need to realise that this use is actually happening somewhere. It is happening on land that was covered by rainforests and is now feeding cattle, it is happening on intensively farmed soy monocultures. These farming practices employ hardly anyone, exhaust the soil, and often pollute the area they are in with pesticides. It’s not just an “overuse of land”, it is a lasting destruction of something which could, in principle, be intact and regenerated for millennia: soil. And what is intact soil? Again, a habitat of worms and fungi and bacteria. I wonder whether “land” in itself is not already a term shaped by propertisation, an abstraction into settle-able and sellable surface. That’s what I mean by “fictitious property”. It is not an object. But if you have the power to treat it as one, that might be self-fulfilling: in the end, the land is dead. Settling land without colonising might best be described as living in and through habitats with the intent of sustaining, even enriching their diversity and flourishing. Instead of conquering a place, making it live and last.

Harrison and Hannah: From our conversations thus far, it is clear you both find the self-possessive and self-owning subject who is presented before the law problematic. At the workshop Brenna, you outlined quite clearly how this (white, male, propertied, colonising) subjectivity is tied to an English concept of private property. Is subjectivity and the legal frameworks of personhood (and thus attempts at inclusion) always already doomed to fail for reinscribing these hierarchies/violences? Is it possible to do away with law? Is it

15 Earth Overshoot Day was developed by UK-based think tank, New Economics Foundation to ‘mark the [calendar] day when humanity’s demand for ecological resources and services in a given year exceeds what Earth can regenerate in that year’.
necessary to do away with/build institutions outside law in order to rethink what you, Eva, call propertisation?

Eva: Actually, one of the results of thinking through what you brought up as the “haunting” character of the past is the insight that institutions can live on a long time after their abolition. They might even exert ever more erratic force. So “doing away with law” might well unleash the full and unrestrained violence of propertised subjectivity. This is what moves me to think through the potentials of depropertisation: Which practices can we build within and without the law that no longer accord domains of individual volition to a self-owning person? How can we start with interstitial and fleeting experiences of sharing, of stewardship and solidarity and think about what protects and translates them? If that is what “the law” did, then I would not be wary of it. Transforming the law also confronts us with the demand, articulated by abolitionism, to do away with the propertised violence of law enforcement. That the subject in breach of the law can lose their freedom and fall under the dominion of a democratic state, when dominion means quite literally to be locked up and stowed away, is the reverse image of the imposition of self-ownership onto persons. It never stops to shock me that our social contract only holds under the pressure of such a threat. Though it is of course no surprise that capitalist societies built on market competition and acquisition come with such an investment in punitive practices. This weird mix of total entitlement – ‘everything I can pay for could rightfully be mine’ – and total self-deprecation – ‘no matter how hard I worked, if I cannot afford it I do not deserve it’ – can only be held in check by fear.

Brenna: The notion of ‘doing away with the law’ needs to be modified, perhaps, to ‘doing away with the law as it currently exists’! I don’t think it is possible or desirable to abandon the legal remedies that can, on a good day, help protect the most vulnerable people in society. I do think that the predominant form of ‘rights’ assumes an individual subject, who is raced, gendered and able bodied. So, to draw on suggestions made by Angela Y. Davis16, what would the law look like if the subject of law was a collective one? What would the law look like if the presumed subject of right was a poor, racialised, queer person? What would

16Angela Y. Davis, “Abolition Democracy” in Abolition Democracy: Beyond Empire, Prisons and Torture (Seven Stories Press, 2005)
‘laws from below’ look like? What are the minor histories of equity in the common law that subvert and restrain the unbridled fantasies of freedom that shape individual ownership rights? These are some of the questions that for me, hold out pathways for transforming law as we know it. And of course, these pathways originate, generally speaking, from ‘outside’ of the law. Changes in legal form have only ever come after concerted political action on the street.

_Harrison and Hannah:_ Both of you trace the processes of property (and property law) formation. Brenna, you, focus on the constitutive role of the colonial encounter. Eva, you hone in on the concept of ‘propertisation’ which is not a finished process. Rather it continues in sometimes similar but often different ways - property continues to shape-shift.

Over the course of the pandemic, we have seen the incredible harm of intellectual property rights and patents. Namely the tightly controlled intellectual property of vaccines. Or (one which has irritated me personally), the proliferation of NFTs (Non-Fungible-Tokens) where the ownership rights over memes, tweets and jpeg files are sold for millions of dollars. We could also mention here the accumulation and use of data by tech companies and states. Forms of ownership change, yet modern private property appears to get ever more complex, more encompassing and more constricting. It is presented as the only way to organise our lives: shiny, new modes of property are always possible.

How can we reverse/work against this process and revive ontologies of property crushed by colonial regimes and neoliberal capitalist appropriation?

_Brenna:_ In some ways, your question is one about scale, and the different registers in which private property is operating. If we think about working against the conjoined processes of propertisation and commodification, and reviving and reinventing different ontologies of property (or ontologies of non-property?) then we may want to consider how this requires transformative work on the level of the individual, between individuals, at the level of kinship and community, of the workplaces we inhabit, and so on. Eventually, we arrive at the scale of the state, and that requires a different sort of discussion about the nature of sovereign power, and its relationship to the political economic form that has private property at its heart. But beginning with the individual, how do we begin a process of undoing or unsettling our relationship to things and people that are governed by proprietary logics? If property is fundamentally a relation between people in reference to things, can
this process of transformation happen outside of relations between people? How does this transformation require work at the level of the individual but always in relation to others? Can it be done outside of a community? How do we see people undertaking different and non-proprietary modes of relation with each other all the time? Are there ontologies of non-property hidden in plain sight? Do the mutual aid networks that sprang up at the start of the pandemic show us a counterforce to the murderous regimes of intellectual property that are preventing the vast majority of the world’s population from receiving a vaccine?

In relation to the saturation of our lives with proprietary forms of technology, I don’t think we can really consider the task of ‘depropertisation’ without thinking about neoliberalism, as you point out in your question. The shifts over the last decades, with the neoliberalisation of housing, for instance, has meant an increasingly complicated set of ownership relations, involving the proliferation of contractual arrangements that mirror the fragmentation of ownership, control and management of property. These arrangements have multiplied the forms of profit that can be generated from the housing market, and at the same time, have created an ‘anti-accountability structure’ that makes it very difficult for a person to know whom to contact or register a concern or complaint with, when it comes to, for instance, social housing or private rented dwellings. Confronting neoliberalism then, is about democratising decisions about how property should be held, by whom, and for whom, and how it should be managed. That doesn’t sound very radical or sexy but consider how difficult it is to wrest that sort of power away from developers, builders, and corporate landholders.

Eva: I love this term, “anti-accountability structure”! That opens up so much. I mean, we could say that the idea of the modern individual is in itself an anti-accountability-structure, the creation of a subject who “owes nothing to society.” And the liberal notions of politics based on the rights of this individual is an anti-accountability-structure to nature, just as property is, despite the rhetoric of obligation, in itself an anti-accountability-structure to objects. As owner, you hold the *ius abutendi* and may abuse and destroy what is yours.

But of course, this structure needs to be investigated in its concrete instantiations. On the object side, we have the paradoxical development that digital assets undermine the assumed characteristics of property: they multiply easily and thus are near impossible to destroy. The fascinating thing about NFT is the way that algorithms and processing power are set to work to individuate an otherwise infinitely replicable “object”. The scarcity needed
to motivate appropriation is openly and intentionally produced “shiny new forms of property,” as you put it in your question.

I have the impression that the access to many social rights, and to services around basic needs such as shelter, often has a double structure: it is publicly assured, yet practically barred by many layers of unintelligible codification and negligence. I guess that is part of what you mean, Brenna, with “anti-accountability”. If that is propertisation, then definitely not on the model of enclosures with fences and hedges. Rather, it is a variant of the latest mutations of property: the codification of access to an immaterial good, a good that only exists because it is enshrined in law. Such access used to be mediated through bureaucracy and is now more and more translated into digital infrastructures, blended with the profiles we use on private big tech platforms. And in one way that is highly neoliberal because it responsibilises the individual and punctures political institutions with private interests. But I also think that there is something distinctly different at work in digital capitalism. Neoliberalism transposes market logics on many areas of society, but big tech firms now privatise these markets. That’s a re-feudalisation of sorts, and goes along with the increase of rentier-income and informal labour-contracts shaped as bogus self-employment. Anti-accountability again.

_Harrison and Hannah:_ On the 19th of July 2021, the UK government removed almost all Covid-19 restrictions, celebrating the awfully named “Freedom Day”. The association of “freedom” with the lifting of social safety measures amidst rising infections and the spread of ever more dangerous variants has made us wonder about what freedom has come to mean in this hegemonic sense. Similar associations of freedom and the demand to ‘do whatever one wants’ can be seen in right-wing protests (which are often engulfed in conspiracy theories) against Covid-19 restrictions in Germany and elsewhere.

Your work helps us understand what this conception of freedom might have to do with proprietary orders. You both describe how new orders or regimes of property have created a promise of radical, unlimited freedom - precisely because of how modern property provides this free ticket to use, alienate and destroy one’s own property as one pleases.

Eva, you have criticised the “wretched freedom of being a self-owner”. In _Revolution for Life_ (forthcoming) you posit how “self-ownership alone is a very meagre fortune indeed.
In fact, it is an imposition and not a freedom.”\(^{17}\) Because of this, you say “[t]he revolution for life begins where the revival of freedom shakes off the afterlife of property.” In a similar manner, Brenna, you look for different conceptions of freedom that go beyond the freedom to use, alienate, destroy property so enmeshed in racial and colonial legacies. Both in the workshop and your book you turn to Michi Saagiig Nishnaabeg scholar and artist Leanne Betasamosake Simpson, who describes freedom as based in collective, embodied “whole body intelligence” relations, in the “loving, creative, innovative, self-determining, inter-dependent and self-regulating community”.\(^ {18}\) Drawing on people like Avery Gordon\(^ {19}\), you ask, “in contemporary times, what might it mean to “own nothing” as a practice of (preparing for) freedom? Perhaps this requires a recognition of how we are unwittingly caught by the lure of the self-possessive individual in the ways we work, live, and relate to one another, not simply as an abstraction.”\(^ {20}\) Can you tell us a little bit more about how you think about this relationship between property and freedom and how “we” understand the concepts in dominant and/or resistance ways? What might it actually mean to “own nothing” as a practice of freedom?

For me (Hannah), this also makes me think of Ursula K Le Guin’s book The Dispossessed\(^ {21}\), where Shevek, one of the main characters, puts forward “You own nothing. You are free. All you have is what you are and what you give.” Can this be understood and practiced in the context of this world (rather than the anarchist planet Shevek lives on)?

**Eva:** Heaven, yes, I could go on for a long time about the grip of a boastful and authoritarian notion of freedom in our current political conjuncture! We have a long tradition of left-Hegelian critique of the liberal notion of freedom. “Negative freedom”, if you want to use Isiah Berlin’s\(^ {22}\) terminology. I find that literature absolutely crucial. But quite frankly, it does seem to me as if we are up against something else, and something more sinister, right now –


“authoritarian freedom” as Wendy Brown calls it.\textsuperscript{23} One could say that the “classic” critique of liberal freedom is a critique of the contractarian subject: freedom reduced to mere unconstrained choice between predefined options; the other as the limit or “barrier” of my own freedom. That is too narrow to achieve collective self-determination and substantial agency, but it is a good enough start. But what good left liberals are up against now – and what various dispossessed groups have been up against for a long time – is the other aspect of liberal freedom, that of the possessive subject. The subject who can only experience their freedom within a domain of full and unrestrained disposal. It is almost as if only the unreasonable, abusive use of one’s breath – be it in slurs or in virus-spreading – assures some people of their freedom. And that is the core of the propertised understanding of liberty as individual sovereignty: that you get to inhabit the right to destroy, the \textit{ius abutendi}, alongside mere access or use-rights. It also posits the other as “barrier”. But as a barrier to be trampled down in pursuit of one’s own liberty. So yes, if that were freedom, I would rather submit my individual will entirely, and if property remains tied to that, I’d rather renounce all claims to worldly goods. But what good would it do, seen from a vantage point of care for the world and not my soul? Thus, to me, much as I love Ursula LeGuin, the revolutionary project is not to live voluntarily dispossessed on a different planet, but to learn how to take better care of this one. Depropertising social and ecological relations goes along with a readoption of life, of material conditions and social reproduction. Or maybe it does not ‘go along’ with it. It is the same thing. Depropertisation is readoption of the living world in a different mode than the one dictated by the capitalist property regime.

\textbf{Brenna}: Yes. I don’t think it is a coincidence that the authoritarian notion of freedom so prevalent in places like the U.S. have been fostered by a political movement headed by a slumlord. I think the pervasiveness of rentierism in contemporary global economies is in some ways linked to the free floating and viral assertion of the ‘unrestrained freedom’ that Eva speaks of. Individualism taken to the level of the nation state, possessive nationalism that fuels xenophobia, racism, patriarchy, homo- and trans-phobia, vaccine nationalism and so on. So to think otherwise, to begin to imagine how to cultivate different notions of freedom, requires us to ‘depropertise’ our political imaginations, and also, to recognise in the here and now, where uncommodified social relations, and uncommodified forms of

social reproduction help sustain our lives. I think one of the most beautiful aspects of abolition is the notion of rehearsal, of practices that have long helped to sustain us that are grounding and seeding a different future. Having said that, in this time of climate catastrophe, it does feel like a moment for political tactics and strategies that will force change at a pace adequate to stave off disaster.

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