

Unit 5: Video 1 Transcript

Q5 Discuss your research on property formation and dispossession.

A: So what I'm currently working on is a big comparative project on what I call property formation and dispossession of Indigenous peoples, which is essentially two sides of the same coin. We habitually look at the dispossession of Native people or their marginalization or whatever the term might be used in some studies. And then other studies talk about, you know, the creation of settler societies and farms and so on as if they were two different things. And I want to connect those two dots. I want to start out with the recognition that there are thousands and millions of forms of property and none is better than another. They're just different. Which seems like a pretty self-evident point, but actually history is written as though we were proceeding from a more or less absence of property when Indigenous people were here by themselves. Or some kind of weak kind of property and then Europeans come along and they introduce property. Or they introduce private property. Or they take the first steps towards absolute and true and real property inland. And I'm trying to look at it just as, you know, Innu and Wampanoag people have different forms of property, and French people, and Spanish people, and English people. And none of them is—none of them's quite the same. None of them's fully stable and none of them are better or superior to the others. So you start out with that presupposition and you can—I think you can learn more about the encounter between these.

Anyway, so I decided to do this comparatively. I'm looking at central Mexico, New England, and New France comparatively. Different native societies in these different regions from hunting gathering people and—in Canada, to people with advanced agriculture and cities in central Mexico. And the way property is built up by colonizers is quite different in the different places. To take one example, the English, soon—the English feel the need in order to establish their form of property so that settlers can say this is my land, to eliminate Native title and Native presence. So the English system is you get rid of Natives and you get rid of Native property as a prerequisite to instituting English property. And the device they develop, it's not immediate,

but they develop a sort of treaty of session, you know. Or Indian deeds, as they're called in early New England. You know, we give you some blankets and some knives, possibly some money, and you surrender title to the land. And you get out of here. And so—now, that practice which we've normalized. We talk about treaty rights in Canada and so on, is actually a peculiarly English and actually, to some extent, Dutch practice. And the Spanish don't do it. And the French don't do it. And so this is why—and it's odd that no one's been more curious about this. There essentially are no land surrender treaties in New France until the British take over. There aren't any land surrender treaties. There are lots of treaties. There are lots of agreements. There are lots of understandings about land use, but there isn't a takeover. And that's partly—there's a variety of reasons for that. Partly because the form of land tenure the French use, seigneurialism, involves layered rights to the same piece of territory. So if a French seigneur comes along and has a certain zone as—he's claiming as his fief, his seigneury, and there happens to be a native band living there, doesn't matter. They're still there. It's still their land, and he still claims that this is his fief because they have different kinds of rights over the same land. And then there'll be settlers there, and there'll be other presences, and so a sort of a layered partial form of property right in land is normal with the French. The Spanish, who do tremendous damage in Mexico, and a lot of blood is shed, and they exploit Indigenous people tremendously, actually don't appropriate their land. At least not initially. They, in fact, guarantee it. They say you're now subject to the King of England, and this land is yours and it's primordial. And it's not yours because we say it's yours; it's yours because it was already yours when we came here, which the English never say to Indigenous people. So to fully explore how these different approaches to property and land work and how Indigenous people are affected. And of course the end of the story is the Indigenous people consistently get screwed. I think that will come as no surprise to you. But it's by very different processes and very different ways in these different jurisdictions. And so to bring out the full complexity of that in a comparative frame is what I'm after.