

Unsettled

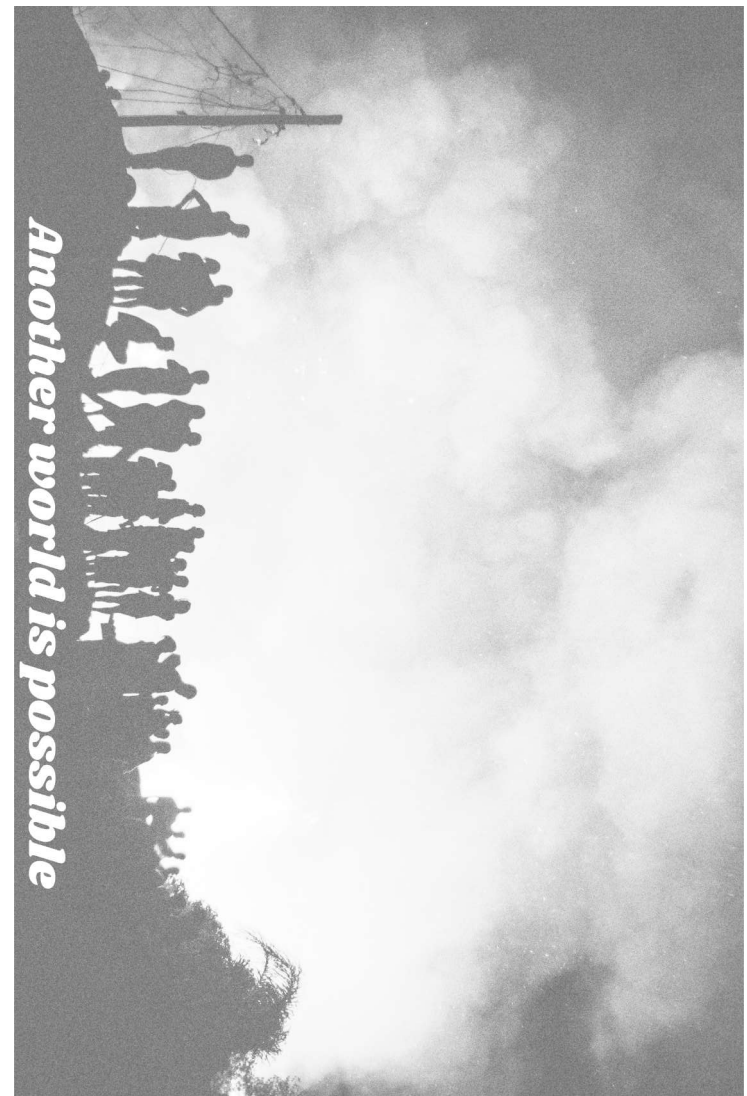
echo azure

Cover image: Photograph of an electric storm,
Tonopah, Nevada, August 10, 1904.

**Note: this is the first in what we hope will be an ongoing series on land. We explicitly do not cover here anything remotely comprehensive as to questions of land. For instance, we barely skim the topic of race/ism. This text is intended as nothing more than an opening salvo and attempt to spark thought and conversation.*

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Under capitalism land is divided by lines on a map and walls stretched across the earth. Land is dug-up, dynamited, and shot full of chemicals. Oils, minerals, and gas are extracted from deep within the earth and burned, melted, and molded into commodities which, like land, can be profitably exchanged. It is the unceasing pursuits of these profits - *capital* - which have brought about the environmental catastrophe(s) we face today.

In such circumstances, it has become somewhat common to read or hear about fantasies in which we can all collectively “build the commune” by “going back to the land.” We would be lying if we said we too do not sometimes fantasize about dropping out of this life to live in a cabin in the woods, but let us not deceive ourselves into believing to do so would be to exist in some alternate reality. If you want to grow your own food and shit in a bucket, be our guest. But doing so will not cause you to “leave this world behind.”

There is no *outside* of capitalism. It cannot be escaped, only destroyed.

The social relations of capitalism and settler-colonialism are not merely “an identity” or “a place of privilege,” they are relations of power. “Settler” specifically is a relation of power between state and subject. A communist settler who “rejects their complicity” cannot overcome the fact the structure of settler-colonial society benefits settlers *as settlers*. Whether or not you “live in community,” or eat all your meals together, or make all decisions by popular vote or whatever, it will not change the fact of the land beneath your feet.

The settler cannot “return to” the land they have stolen, the land can only be returned.

To say the United States is a settler-colonial state founded upon the dispossession and genocide of Indigenous nations is not an accusation, but a historical reality.¹ In contrast to other forms of colonialism, in *settler*-colonialism, the settler comes with the intention of taking land to make a new home - to "settle" the land.² Crucial to this supposed settling is the conception of land as empty, as *terra nullius*. However, the very existence of Indigenous peoples refutes this supposed emptiness and calls into question the legitimacy of settler occupation. Therefore, the perverse logic of settler-colonialism marks Indigenous people and nations for elimination.³ This elimination takes many forms, but all are essentially rooted in *questions of land*. In Patrick Wolfe's famous words, "territoriality is settler-colonialism's specific, irreducible element."⁴ Conflict over land, *dispossession*, generally assumes two interrelated forms: conflict *for* the land in a material sense, and conflict centered upon conceptions of *what land is*.⁵

In U.S. settler-colonial society, the ongoing process of theft, destruction, replacement, and elimination of Indigenous peoples is facilitated by conceiving the territorial, legal, political, and economic shell of the settler-colonial state as the only legitimate apparatus to govern collective life on the land.⁶ From the outset, conflicts between the settler-colonizer and Indigenous peoples over land are "reconciled" through a rigged system: disputes are heard in the settler-colonizer's court, applying the settler-colonizer's law, are invariably viewed through the lens of settler-colonial capitalist social relationship to land. The necessity of Indigenous elimination within settler-colonial society then flows from this relationship to land: the Indigenous must be eliminated not only for who they are, but *where* they are, however, for Indigenous peoples, where they are is who they are.⁷

Endnotes:

- 1 Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 7 (2015); Harsha Walia, *Border and Rule*, 24 (2021).
- 2 Eve Tuck & K. Wayne Yang, "Decolonization is Not a Metaphor," *Decolonization: Indigeneity, Education & Society*, vol. 1, no. 1, 5 (2012)
- 3 Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research*, Vol. 8, No. 4, 388 (2006).
- 4 *Id.*
- 5 Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, 13 (2014).
- 6 Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad 171* (2019).
- 7 Wolfe, 388. (We would note however that not all Indigenous peoples are "from" the area they are now-living in.)
- 8 *Id.*
- 9 *Id.*
- 10 Thomas Jefferson, *Notes of a Conversation with George Hammond, 4 June 1792*.
- 11 *City of Sherrill, N.Y. v. Oneida Indian Nation of New York*, 544 U.S. 197, Footnote 1. (2005).
- 12 *Johnson v. McIntosh*, 21 US 543, 567-568 (1823).
- 13 *Id.* at 570.
- 14 *Fletcher v. Peck*, 10 US 87, 121 (1810).
- 15 *Cherokee Nation v. State of Ga.*, 30 US 1, 28 (1831).
- 16 George Washington, Letter to James Duane, (1783).
- 17 Achille Mbembe, *Necropolitics*, 24.
- 18 Frantz Fanon, *The Wretched of the Earth*, 45 (1963).
- 19 Dunbar-Ortiz at 15.
- 20 *Id.* at 21-22.
- 21 David E. Stannard, *American Holocaust: The Conquest of the New World*, 23 (1992).
- 22 Dunbar-Ortiz at 23.
- 23 *Id.* at 16.
- 24 Natsu Taylor Saito, *Settler Colonialism, Race, and the Law*, 31 (2020).
- 25 Coulthard at 13.
- 26 Mike Gouldhawke, *Land as Social Relationship, Briarpatch* (2020).
- 27 James Horrox, *A Living Revolution: Anarchism in the Kibbutz Movement* (2009), as cited in *Another Word for Settle: A Response to Rattachements and Inhabit* (2020).
- 28 Ediciones Ineditas, *Communization and Decolonization* (2019).
- 29 Klee Benally, *Accomplices Not Allies: Abolishing the Ally Industrial Complex* (2014).
- 30 *Id.*
- 31 Klee Benally, *Unknowable: Against an Indigenous Anarchist Theory* (2021).

This then is not to throw overboard the idea of 'the commune' wholesale, as after all, we are communists. Instead, it is to examine the specific character of any supposed 'commune.' We would argue the establishment of the commune is not itself *a place*, but the establishment of a way of interacting with the world on non-dominating and non-exploitative terms, which is frequently expressed as *struggle over a place*. As Coulthard points out, these conflicts then are not just *for* the place, but over our very *relation* to place and the conception of *what place is*.

For us, likely to be communist then are measures which establish the commune at sites which disrupt, abolish, or negate the production and reproduction of capitalist *and* settler-colonial social relations themselves. The settler-state relation is a relation of power, to destroy 'the settler' it is necessary to destroy the state which creates and enforces the relation. Thus, likely to be communist are measures which reject and negate *any* attempted mediation by the state, institutions, and settler-colonial law. This also means the rejection of professionalized 'allies' which serve as intermediaries with the state.²⁹ We have no use for 'allies' - what we need are accomplices. "The work of an accomplice in anti-colonial struggle is to attack colonial structures and ideas."³⁰

The history and present in this settler state is one of continuous dispossession and denial of Indigenous self-determination. We therefore cannot recreate these forces and call them something else. As Klee Benally argued, "any liberatory impulse on these lands must be built around the fire of Indigenous autonomy."³⁰ Likely to be communist then are measures which tend this fire.

Settler-colonial strategies of elimination take many forms - but all call to mind questions of genocide.⁸ The United Nations Convention on the Prevention and Punishment of the Crime of Genocide defines five acts as genocidal. Any one of the five is considered genocide if committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: "(i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (iv) imposing measures intended to prevent births within the group; and (v) forcibly transferring children of the group to another group."

Using these five above-outlined acts as a guiding principle, the history of the United States is one of *continuous* genocide of Indigenous peoples. The United States acquired and maintains its territorial base through strategies of targeted killings, torture, interment, sexual violence, racialization, massacre, forced removal, sterilization, dispossession and land theft, among others. The denial of this genocide exists within the structure of settler colonialism itself; yet another strategy of elimination that disappears Indigenous peoples and nations into the past rather than acknowledges their real and continued existence and resistance today.

Almost invariably, settler narratives begin with the arrival of the colonizer - with so-called "Discovery." As a form of elimination, the settler narrative of Discovery is an erasure that asserts Indigenous non-existence by declaring an impossibility: the New World was "discovered" because it was "unknown." This claim of Discovery then renders invisible the millions of Indigenous people and countless complex societies already present for thousands of years in this supposedly "new" world.⁹

This is made possible - "legal" - in part because of a series of papal bulls handed down by Catholic Popes in the late 15th Century. In 1452, Pope Nicholas V issued *Dom Diversas*, which authorized Portuguese colonization: "We grant you... full and free permission to invade, search out, capture, and subjugate the Saracens (Muslims) and pagans and any other unbelievers... and to reduce their persons into perpetual servitude." 1454 saw the issuance of *Romanus Pontifex*, which further authorized seizure of land from non-Christians and gave permission to enslave such people. After Columbus returned from his voyage to the "New World," in 1493 Pope Alexander VI issued *Inter caetera* and *Dudum siquidem*, thereby dividing the "newly discovered" lands between Castile (Spain) and Portugal along an invisible line. We can see these papal bulls in action today, over 500 years later, by the speaking of Portuguese east of the dividing line, in "Brazil," while to the west of the line, Spanish dominates.

The effect of these papal bulls upon the United States too cannot be understated - far from simple expression or phraseology, claims of "discovery" still (*still!*) form the bedrock of U.S. property law. In 1792, then Secretary of State Thomas Jefferson proclaimed that the doctrine of discovery was binding international law applicable to the U.S. government.¹⁰ As recently as 2005, U.S. Supreme Court Justice and liberal hero Ruth Bader Ginsburg pointed to the "doctrine of discovery" to deny the Oneida Indian Nation sovereignty over their lands.¹¹ According to this doctrine, (i) to discover a place is to gain sovereignty over the land there; (ii) discovery is only possible by "civilized" nations; (iii) to be civilized is to put the land to "productive use." From the outset then, the doctrine of discovery and settler conceptions of "sovereignty" found there are a rigged game.

In mainstream economics, land is one of the so-called "factors of production" alongside labor and capital. Marx subjected this 'trinity formula' to critique by demonstrating how capital is not *a thing*, but rather "a social relation between persons which is mediated through things." Similarly, Mike Gouldhawke has argued *land* is not a thing, but a social relationship between all living and non-living beings - "land is the terrain upon which all our relations play out, and it can even be seen as a living thing itself, constantly shaping and being shaped by other life forms."²⁶

Social relation to land under capitalism is one of control, domination, and exploitation - the proverbial dividing, digging, and dynamiting we covered earlier. But what then does it mean to abolish these relations? It is tempting, as we have noted, to think we can somehow *escape* into something else. Perhaps, as some have put it, we could start by simply fleeing into "the wilderness" to establish "cooperative communities without exploiters or exploited."²⁷

Except, in the real-world example above, the people who said these words, and actually established such communities, were Zionists carrying out the "settlement" of Palestine. And if we can recognize there is nothing remotely communist in such actions, we must extend that same analysis to the land beneath our feet. The buying of a plot of stolen land by a bunch of "radicals" to "live communally" is not a communist measure, it is yet another conveyance and recording in the immense accumulation of property titles. In the words of Noche, "if the communism Marxists, and some anarchists, are attempting to establish retains the same settler-colonial relationship to the land then its not communism at all."²⁸

But the United States, alongside other such settler-colonies, does not simply have “a history” of dispossession based upon assertions of “emptiness” and “non-use.” Such dispossession is *ongoing*. As Glen Coulthard has observed:

Stated bluntly, the theory and practice of Indigenous anticolonialism, including Indigenous anticapitalism, is best understood as a struggle primarily inspired by and oriented around *the question of land* - a struggle not only *for* land in the material sense, but also deeply *informed* by what the land *as a system of reciprocal relations and obligations* can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms, and less around our emergent status as “sightless proletarians.” I call this place-based foundation of Indigenous decolonial thought and practice *grounded normativity*, by which I mean the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure our ethical engagements with the world and our relations with human and nonhuman others over time.²⁵

If we look across this shithole nation, we see example after example of such struggles - from the construction of oil pipelines, to the digging of lithium mines, and the building of police training facilities. These struggles are, of course, materially for the land upon which these sites sit, but the *underlying* struggle is over the social relation to land itself.

Writing for a unanimous court in the 1823 case *Johnson v. McIntosh*, Chief Justice John Marshall declared "Discovery is the foundation of title... and this overlooks all proprietary rights in the natives."¹² Marshall opined "the great nations of Europe" had discovered the North American continent, and thus sovereignty over the land rested in whichever European nation had made the discovery. The Indigenous land in dispute in *McIntosh*, in 'Illinois,' had been "discovered" by England, and thus English sovereignty there passed to the United States after their victory in the American Revolution. Therefore, the Court ruled the United States, as sovereign, held the *exclusive* right to extinguish Indigenous title to land in Illinois, either "by sword" or by purchase. The result of the *McIntosh* decision then is that the Indigenous sale of land can *only* be made to the United States government. Possessing a monopoly on the right to purchase Indigenous lands, the United States then created for itself a grand bargain by ensuring it could purchase Indigenous land at the lowest possible price.

To justify discovery and the idea that discovery was only possible by "civilized" nations, the Court turned to the enduring settler myth of *terra nullius* - of land being open, vacant, and virgin, available for "settlement." Although not a legal doctrine in and of itself, the *McIntosh* Court nevertheless relied upon the concept. Crucially, the Court asserted Indigenous people could not have property rights because they did not "use" the land: "According to every theory of property, the Indians have no individual rights to land; nor had they any collectively... for the lands occupied by each tribe were not used by them in such a manner as to prevent their being appropriated by a people of cultivators. All the proprietary rights of civilized nations on this continent are founded on this principle. The right derived from discovery and conquest can rest on no other basis."¹³

To the *McIntosh* Court, to "use" the land meant to cultivate it, and this supposed lack of use by Indigenous peoples was the distinction between them and the "civilized nations." In the earlier case *Fletcher v. Peck*, Chief Justice Marshall, again writing for a unanimous U.S. Supreme Court, characterized Indigenous use of land as follows: "What is the Indian title? It is a mere occupancy for the purpose of hunting. It is not like our tenures; they have no idea of a title to the soil itself. It is overrun by them, rather than inhabited. It is not a true and legal possession. It is a right not to be *transferred* but *extinguished*."¹⁴ Later, writing for the majority in *Cherokee Nation v. State of Ga.*, Justice William Johnson opined that Indigenous tribes were "wandering hordes, held together only by tie of blood and habit, having neither laws or government, beyond what is required in a savage state."¹⁵

Needing land, the sovereign law of the settler colony conveniently declares Indigenous rights to land as illegitimate by claiming Indigenous "non-use," conceptually placing the Indigenous as outside "civilization." By the logic of settler colonialism, Indigenous peoples then are proclaimed *unhuman* - as "savages" who exist only within the natural landscape, part of the proverbial "wilderness" that is the negative dialectic of "civilization." The triumph of civilization then is dependent on the elimination of the wilderness, and therefore the wilderness, and the Indigenous themselves, is marked for elimination. As conceptualized by George Washington, "the gradual extension of our settlements will as certainly cause the savage, as the wolf, to retire; both being beast of prey, tho they differ in shape."¹⁶ The particular spatialization of settler colonialism, which "gradually extends" its settlements into Indigenous lands then creates a "frontier" where law can be suspended by the sovereign - a zone where both state and settler violence is deemed to operate in the service of "civilization."¹⁷

Although the U.S. settler colony rests its sovereign legal claims to property on supposed Indigenous non-use of land, the settler knows perfectly well that "no phraseology can be a substitute for reality."¹⁸ Even if we (reluctantly) accept the *McIntosh* framing of "use" as being cultivation of the land, the Indigenous peoples of North and South America have "used" their land for literally thousands of years. The domestication of plants took place roughly simultaneously around 8500 B.C. in seven separate places around the globe - with three of those places being in North and South America. In the arid lands of what is now called Arizona, Indigenous peoples were practicing agriculture by 2100 B.C., digging long and complex irrigation canals to grow corn, beans, and squash.¹⁹

By 1450, decades before Columbus sailed from Spain, the Indigenous peoples and nations of 'Arizona' had built an interconnected series of canals over eight hundred miles long to grow crops in the desert.²⁰ In 1542, describing his sea voyage along the southern coast of California, the Spanish explorer Juan Rodriguez Cabrillo continually noted in his journal vast fields of maize, carefully grown groves and an abundance of food.²¹ Over four hundred years before *Fletcher*, the city-state of Cahokia, in so-called Illinois, supported a population of tens of thousands, larger than London at the time.²² Over one hundred years before *McIntosh*, a French traveler through Iroquois lands recorded that each Iroquois village was surrounded by six square miles of cornfields.²³ The "productive use" justification for the appropriation of Indigenous lands is belied by the settlers' knowledge of this extensive agricultural cultivation within Indigenous communities, as well as the fact that until the mid-1860's, much of the "productive use" of land in the U.S. settler colony was done so by enslaved peoples of African and/or Indigenous descent.²⁴