

# Indigeneity, Settler Colonialism, White Supremacy

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Many scholars in Native studies have argued that the field has been co-opted by broader discourses, such as ethnic studies or post-colonial studies.<sup>1</sup> Their contention is that ethnic studies elide Native claims to sovereignty by rendering Native peoples as ethnic groups suffering racial discrimination rather than as nations who are undergoing colonisation. These scholars and activists rightly point to the neglect within ethnic studies and within broader racial-justice struggles of the unique legal position Native peoples have in the United States. At the same time, because of this intellectual and political divide, there is insufficient exchange that would help us understand how white supremacy and settler colonialism intersect, particularly within the United States. In this paper, I will examine how the lack of attention to settler colonialism hinders the analysis of race and white supremacy developed by scholars who focus on race and racial formation. I will then examine how the lack of attention to race and white supremacy within Native studies and Native struggles hinders the development of a decolonial framework.

## The Logics of White Supremacy

Before I begin this examination, however, it is important to challenge the manner in which ethnic studies have formulated the study of race relations as well as how people of colour organising within the United States have formulated models for racial solidarity. As I have argued elsewhere, the general premiss behind organising by “people of colour” as well as “ethnic studies” is that communities of colour share overlapping experiences of oppression around which they can compare and organise.<sup>2</sup> The result of this model is that scholars or activists, sensing that this melting-pot approach to understanding racism is eliding critical differences between groups, focus on the uniqueness of their particular history of oppression. However, they do not necessarily challenge the model as a whole—often assuming that it works for all groups except theirs. Instead, as I have also argued, **we may wish to rearticulate our understanding of white supremacy by not assuming that it is enacted in a single fashion; rather, white supremacy is constituted by separate and distinct, but still interrelated, logics. I would argue that the three primary logics of white supremacy in the US context include: (1) slaveability/anti-black racism, which anchors capitalism; (2) genocide, which anchors colonialism; and (3) orientalism, which anchors war.**

One pillar of white supremacy is the logic of slavery. This logic renders black people as inherently enslaveable—as nothing more than property. That is, in this logic of white supremacy, blackness becomes equated with slaveability. The forms of slavery may change, be it explicit slavery, sharecropping, or systems that regard black peoples as permanent property of the state, such as the current prison–industrial complex (whether or not blacks are formally working within prisons).<sup>3</sup> But the logic itself has remained consistent. This logic is the anchor of capitalism. That is, the capitalist system ultimately commodifies all workers: one’s own person becomes a commodity that one must sell in the labour market while the profits of one’s work are taken by somebody else. To keep this capitalist system in place—which ultimately commodifies most people—the logic of slavery applies a racial hierarchy to this system. This racial hierarchy tells people that as long as you are not black, you have the opportunity to escape the commodification of capitalism. Anti-blackness enables people who are not black to accept their lot in life because they can feel that at least they are not at the very bottom of the racial hierarchy—at least they are not property, at least they are not slaveable.

A second pillar of white supremacy is the logic of genocide. This logic holds that indigenous peoples must disappear. In fact, they must *always* be disappearing, in order to enable non-indigenous peoples’ rightful claim to land. Through this logic of genocide, non-Native peoples then become the rightful inheritors of all that was indigenous—land, resources, indigenous spirituality, and culture. Genocide serves as the anchor of colonialism: it is what allows non-Native peoples to feel they can rightfully own indigenous peoples’ land. It is acceptable exclusively to possess land that is the home of indigenous peoples because indigenous peoples have disappeared.

A third pillar of white supremacy is the logic of orientalism. “Orientalism” was Edward Said’s term for the process of the West’s defining itself as a superior civilisation by constructing itself in opposition to an “exotic” but inferior “Orient”.<sup>4</sup> (Here, I am using the term “orientalism” more broadly than to signify solely what has been historically named as the “orient” or “Asia”.) The logic of orientalism marks certain peoples or nations as inferior and deems them to be a constant threat to the wellbeing of empire. These peoples are still seen as “civilisations”—they are not property or the “disappeared”. However, they are imagined as permanent foreign threats to empire. This logic is evident in the anti-immigration movements in the United States that target immigrants of colour. It does not matter how long immigrants of colour reside in the United States, they generally become targeted as foreign threats, particularly during war-time. Consequently, orientalism serves as the anchor of war, because it allows the United States to justify being in a constant state of war to protect itself from its enemies. Orientalism allows the United States to defend the logics of slavery and genocide as these practices enable it to stay “strong enough” to fight these constant wars. What becomes clear, then, is what Sora Han declares: the United States is not *at* war; the United States *is* war.<sup>5</sup> For the system of white supremacy to stay in place, the United States must always be at war.

Under the old but still dominant model, organising by people of colour was based on the notion of organising around shared victimhood. In this model, however, we see that we are not only victims of white supremacy, but complicit in it as well. Our survival strategies and resistance to white supremacy are set by the system of white supremacy itself. What keeps us

trapped within our particular pillars of white supremacy is that we are seduced by the prospect of being able to participate in the other pillars. For example, all non-Native peoples are promised the ability to join in the colonial project of settling indigenous lands. All non-black peoples are promised that if they conform, they will not be at the bottom of the racial hierarchy. And black and Native peoples are promised that they will advance economically and politically if they join US wars to spread “democracy”. Thus, organising by people of colour must be premised on making strategic alliances with one another, based on where we are situated within the larger political economy. Coalition work is based on organising not just around oppression, but also around complicity in the oppression of other peoples as well as our own.

It is important to note that these pillars of white supremacy are best understood as logics rather than categories signifying specific groups of people. Thus, the peoples entangled in these logics may shift through time and space. Peoples may also be implicated in more than one logic simultaneously, such as peoples who are black and Indigenous. This model also destabilises some of the conventional categories by which we often understand either ethnic studies or racial-justice organising—categories such as African American/Latino/Asian American/Native American/Arab American. For instance, in the case of Latinos, these logics may affect peoples differently depending on whether they are black, Indigenous, Mestizo, etc. Consequently, we may want to follow the lead of Dylan Rodriguez, who suggests that rather than organise around categories based on presumed cultural similarities or geographical proximities, we might organise around the differential impacts of white-supremacist logics. In particular, he calls for a destabilisation of the category “Asian American” by contending that the Filipino condition may be more specifically understood in conjunction with the logic of genocide from which, he argues, the very category of Filipino itself emerged.<sup>6</sup>

In addition, these logics themselves may vary depending on the geographic or historical context. As outlined here, these logics reflect a United States–specific context and may differ greatly in other places and times. However, the point I am trying to argue is that analysing white supremacy in any context may benefit from not presuming a single logic but assessing how it might be operating through multiple logics (even as these multiple logics may vary).

## **The Disappearing Native in Race Theory**

With this framework in mind, I will now explore how the failure to address the logics of genocide/colonialism negatively affects the work of scholars who focus on racial theory. Of course, the most prominent work would be Michael Omi and Howard Winant’s *Racial Formation in the United States*.<sup>7</sup> Their groundbreaking work speaks to the centrality of race in structuring the world. Omi and Winant demonstrate that race cannot simply be understood as epiphenomenal to other social formations, such as class. They further explain how race is foundational to the structure of the United States itself. As I will discuss later, their work makes important contributions that those engaged in Native studies will want to take seriously. At the same time, however, it generally ignores the importance of indigenous genocide and colonialism in its analysis of racial formations.

The one instance where Omi and Winant discuss colonialism at length is in their critique of the “internal colonialism” thesis—that communities of colour should be understood as colonies

internal to the United States. In rejecting this thesis, they do not differentiate Native peoples from “racial minorities”. Interestingly, they judge that the applicability of the internal colonialism thesis to the contemporary United States “with significant exceptions such as Native American conditions ... appears to be limited”.<sup>8</sup> But then they do not go on to discuss what the significance of this “exception” might mean.

One possible reason that the “exception” of Native genocide is not fully explored is that it is relegated to the past. That is, Omi and Winant argue that the United States has shifted from a racial dictatorship characterised by “the mass murder and expulsion of indigenous peoples” to a racial democracy in which “the balance of coercion began to change”.<sup>9</sup> Essentially, the problem of Native genocide and settler colonialism today disappears. This tension is then reflected in some contradictory impulses in Omi and Winant’s analysis. On the one hand, they note that “the state is inherently racial”.<sup>10</sup> Their analysis of the state as inherently racial echoes Derrick Bell’s notion of racism as permanent to society. However, they do not necessarily share his conclusions. Bell calls on black peoples to “acknowledge the permanence of our subordinate status”.<sup>11</sup> He disavows any possibility of “transcendent change”.<sup>12</sup> On the contrary, “It is time we concede that a commitment to racial equality merely perpetuates our disempowerment.”<sup>13</sup> The alternative Bell advocates is resistance for its own sake—living “to harass white folks”—or short-term pragmatic strategies that focus less on eliminating racism and more on simply ensuring that we do not “worsen conditions for those we are trying to help”.<sup>14</sup>

While Omi and Winant similarly argue that the United States is inherently racial, they clearly do not want to adopt the pessimism of Bell. Consequently, they argue that a focus on institutional racism makes it “difficult to see how the democratization of U.S. society could be achieved, and difficult to explain what progress has been made”. The result is thus “a deep pessimism about any efforts to overcome racial barriers”.<sup>15</sup> Now, if the state is understood to be inherently racial, it follows that one would not expect racial progress, but rather shifts in how racism operates within it. Thus, under this racial realism framework, one is forced either to adopt a project of racial progress that contradicts the initial analysis that the United States is inherently racist, or to forgo the possibility of eradicating white supremacy. The reason for these two equally problematic options is that this analysis presumes the permanency of the United States. Because racial theorists often lack an analysis of settler colonialism, they do not imagine other forms of governance that are not founded on the racial state. When we do not presume the givenness of settler states, then it is not as difficult to recognise the racial nature of nation-states while simultaneously maintaining a non-pessimistic approach to ending white supremacy. Many people in Native studies believe alternative forms of governance can be developed that are not based on nation-states. We can work towards “transcendent change” by not presuming it will happen within the confines of the US state.

This tendency for theorists of race to presume the givenness of the settler state is not unique to Bell or Omi and Winant, and in fact appears to be the norm. For instance, Joe Feagin has written several works on race that focus on the primacy of anti-black racism because he argues that “no other racially oppressed group ... has been so central to the internal economic, political, and cultural structure and evolution of the North American society”.<sup>16</sup> He does note that the United States is formed from stolen land and argues that the “the brutal and bloody actions and consequences of European conquests do often fit the United Nations definition of genocide”.<sup>17</sup>

So, if the United States is fundamentally constituted through the genocide of Native peoples, why are Native peoples not central to the development of American society? Again, the answer is that the Native genocide is relegated to the past so that the givenness of settler colonialism today can be presumed.<sup>18</sup>

Jared Sexton, in his otherwise brilliant analysis in *Amalgamation Schemes*, also presumes the continuance of settler colonialism.<sup>19</sup> He describes Native peoples as a “racial group” to be collapsed into all non-black peoples of colour. Sexton goes so far as to argue for a black/non-black paradigm that is parallel to a “black/immigrant” paradigm, rhetorically collapsing indigenous peoples into the category of immigrants, in effect erasing their relationship to this land and hence reifying the settler colonial project. Similarly, Angela Harris argues for a “black exceptionalism” that defines race relations in which Native peoples play a “subsidiary” role. To make this claim, she lumps Native peoples into the category of racial minority and even “immigrant” by contending that “contempt for blacks is part of the ritual through which immigrant groups become ‘American’ ”.<sup>20</sup>

Of course, what is not raised in this analysis is that “America” itself can exist only through the disappearance of indigenous peoples. Feagin, Sexton and Harris fail to consider that markers of “racial progress” for Native peoples are also markers of genocide. For instance, Sexton contends that the high rate of interracial marriages for Native peoples indicates racial progress rather than being part of the legacy of US policies of cultural genocide, including boarding schools, relocation, removal and termination. Interestingly, a central intervention made by Sexton is that the politics of multiculturalism depends on anti-black racism. That is, multiculturalism exists to distance itself from blackness (since difference from whiteness, defined as racial purity, is already a given). However, with an expanded notion of the logics of settler colonialism, his analysis could resonate with indigenous critiques of *mestizaje*, whereby the primitive indigenous subject always disappears into the more complex, evolved *mestizo* subject. These signs of “racial progress” could then be rearticulated as markers of indigenous disappearance and what Denise Ferreira da Silva terms as racial engulfment into the white self-determining subject.<sup>21</sup> Thus, besides presuming the genocide of Native peoples and the givenness of settler society, these analyses also misread the logics of anti-indigenous racism (as well as other forms of racism).

As mentioned previously, it is important to conceptualise white supremacy as operating through multiple logics rather than through a single one. Otherwise, we may misunderstand a racial dynamic by simplistically explaining one logic of white supremacy through another logic. In the case of Native peoples, those with lighter skin may have greater “independence” to some extent than black peoples, relating to their position in the colour hierarchy. However, if we look at the status of Native peoples also through a logic of genocide, this “independence that accrues through assimilation” in fact is a strategy of genocide that enables the theft of Native lands.<sup>22</sup> Thus, Andrew Jackson, the seventh US president (1829–37), justified the removal of Cherokee peoples from their lands on the basis that they were now really “white” and hence not entitled to them.<sup>23</sup>

It is important to see how proximity to whiteness can enable different kinds of white-supremacist projects. For instance, Andrew Shryock has argued that because Arab Americans are classified as “white” in the US census they cannot be properly understood as “racialised”—i.e.,

“race” as a concept does not apply to them.<sup>24</sup> Essentially, they are sufficiently distant from blackness and close to whiteness on the black–white binary that they cannot qualify as racialised. But again, if we understand Arab Americans as racialised through a white-supremacist logic of orientalism, then it is in fact their proximity to whiteness that allows this logic of orientalism to operate. That is, while their proximity to whiteness may bestow some racial privilege, it is also what allows them to be cast as a “civilisation” that is inferior, but still strong enough to pose a threat to the United States. This “privilege”, then, is a signal not that they will be assimilated into the United States, but that they will always be marked as perpetual foreign threats to the US world order.

Similarly, in the case of indigenous peoples, it is the proximity to whiteness that allows them to disappear into white society. Cheryl Harris has brilliantly articulated how whiteness is constructed as “property” that is withheld from people of colour.<sup>25</sup> George Lipsitz similarly argues that white people have a “possessive investment in whiteness”.<sup>26</sup> However, these accounts of whiteness as property generally fail to account for the intersecting logics of white supremacy and settler colonialism as they apply to Native peoples. In this intersection, whiteness may operate as a weapon of genocide used against Native peoples in which white people demonstrate their possessive investment not simply in whiteness, but also in Nativeness. The weapon of whiteness as a “scene of engulfment” (da Silva) ensures that Native peoples disappear into whiteness so that white people in turn become the worthy inheritors of all that is indigenous.

To be clear, I am *not* arguing against the explanatory usefulness of a black–white binary. Nor am I arguing that lighter-skinned Native peoples are more oppressed than those who are darker-skinned. Recently, with the growth of “multiculturalism”, there have been calls to “go beyond the black–white binary” and include other communities of colour in our analysis. There are a number of flaws with this proposal. First, it replaces an analysis of white supremacy with a politics of multicultural representation; if we just *include* more peoples, then our practice will be less racist. This model does not address the nuances of how white supremacy is structured, such as through these distinct logics of slavery, genocide and orientalism. Consequently, scholars who challenge the so-called black–white binary do not particularly address settler colonialism any more than do scholars who focus on anti-black racism. These calls to go beyond the black–white binary often rely on an immigrant paradigm of “exclusion” from the settler state that does not challenge the conditions of the settler state itself.

In addition, I presume that Angela Harris and Jared Sexton’s interventions are primarily to draw attention to the anti-black implications of the call to go beyond the black–white binary rather than to render a full account of the dynamics of white supremacy. Thus, my point is not to invalidate the importance of those interventions. Rather, I think these interventions can be strengthened with some attention to settler colonialism. The consequence of not developing a critical apparatus for intersecting all the logics of white supremacy, including settler colonialism, is that it prevents us from imagining an alternative to the racial state. Our theoretical frameworks then jointly consolidate anti-black racism rather than destabilise it. This tendency affects not only the work of race theorists, but the work within Native studies as well. In the next section, I will focus on some of the work emerging in Native studies as it grapples with white supremacy.

## **Whiteness in Settler Colonialism**

As mentioned previously, many Native studies scholars have refused engagement with ethnic studies or critical race theory because they think such engagement relegates Native peoples to the status of racial minorities rather than sovereign nations. Yet, even as Native studies articulate their intellectual framework around sovereignty, some strands within them also simultaneously presume the continuance of settler colonialism. Glen Coulthard's groundbreaking essay, "Subjects of Empire", sheds light on this contradiction.<sup>27</sup> He notes that in the name of sovereignty, Native nations have shifted their aspirations from decolonisation to recognition from the settler state. That is, they express their political goals primarily in terms of having political, economic or cultural claims recognised and/or funded by the settler state within which they reside. In doing so, they unwittingly relegate themselves to the status of "racial minority", seeking recognition in competition with other minorities similarly seeking recognition.

One such example can be found in the work of Ward Churchill. Churchill offers searing critiques of the United States' genocidal policies towards Native peoples and calls for "decolonising the Indian nations".<sup>28</sup> Nevertheless, he contends that we must support the continued existence of the US federal government because there is no other way "to continue guarantees to the various Native American tribes [so] that their landbase and other treaty rights will be continued".<sup>29</sup> Thus, in the name of decolonisation, his politics are actually grounded in a framework of liberal recognition whereby the United States will continue to exist as the arbiter and guarantor of indigenous claims. In such a framework, Native peoples are then set up to compete with other groups for recognition. Thus, it is not a surprise that Churchill opposes a politics that would address racism directed against non-indigenous peoples, arguing that Native peoples have a special status that should take primacy over other oppressed groups.<sup>30</sup> Such analyses do not take into account how settler colonialism is enabled through the intersecting logics of white supremacy, imperialism, heteropatriarchy and capitalism. Consequently, when Native struggles become isolated from other social-justice struggles, indigenous peoples are not in a position to build the necessary political power actually to end colonialism and capitalism. Instead, they are set up to be in competition rather than in solidarity with other groups seeking recognition. This politics of recognition then presumes the continuance of the settler state that will arbitrate claims from competing groups. When one seeks recognition, one will define indigenous struggle as exclusively as possible so that claims to the state can be based on unique and special status. When one wants actually to dismantle settler colonialism, one will define indigenous struggle broadly in order to build a movement of sufficient power to challenge the system.

Thus, Churchill's work replaces a black-white binary with an indigenous-settler binary. While, as I have argued previously, this latter binary certainly exists, our analysis of it is insufficient if not intersected with other logics of white supremacy. In particular, we need to look at how "settlers" are differentiated through white supremacy. Much of the rhetoric of the Red Power movement did not necessarily question the legitimacy of the US state, arguing instead that the United States just needs to leave Native nations alone.<sup>31</sup> As Native activist Lee Maracle comments: "AIM [the American Indian Movement] did not challenge the basic character or the legitimacy of the institutions or even the political and economic organization of America; rather, it addressed the long-standing injustice of expropriation."<sup>32</sup> Native studies scholars and activists, while calling for self-determination, have not necessarily critiqued or challenged the United

States or other settler states themselves. The problem arising from their position, as Maracle notes, is that if we do not take seriously the analysis of race theorists such as Omi, Winant and Bell that define the United States as fundamentally white supremacist, then we will not see that it will never have an interest in leaving Native nations alone. Moreover, without a critique of the settler state as simultaneously also white supremacist, all “settlers” become morally undifferentiated. If we see peoples in Iraq simply as potential future settlers, then there is no reason not to join the war on terror against them, because morally they are not differentiated from the settlers in the United States who have committed genocide against Native peoples.

Native studies scholar Robert Williams does address the intersection of race and colonialism as it affects the status of Native peoples. Because Williams is both a leading scholar in indigenous legal theory, and one of the few Native scholars substantially to engage critical race theory, his work demands sustained attention. Consequently, I consider his arguments in greater detail.

Williams argues that while Native nations rely on the Cherokee nation cases<sup>33</sup> as the basis of their claims to sovereignty, all of these cases imply a logic based on white supremacy in which Native peoples are seen as racially incompetent to be fully sovereign. Rather than uphold these cases, he calls on us to overturn them so that they go by the wayside as did the Dred Scot decision.

I therefore take it as axiomatic that a “winning courtroom strategy” for protecting Indian rights in this country cannot be organized around a set of legal precedents and accompanying legal discourse that views Indians as lawless savages and interprets their rights accordingly ... I ask Indian rights lawyers and scholars to consider carefully the following question: Is it really possible to believe that the [Supreme] Court would have written [the landmark 1954 civil-rights case] *Brown* the way it did if it had not first explicitly decided to reject the “language in *Plessy v. Ferguson*” that gave precedential legal force, validity, and sanction to the negative racial stereotypes and images historically directed at blacks by the dominant white society?<sup>34</sup>

Williams shows that Native peoples, by neglecting the analysis of race, have come to normalise white-supremacist ideologies within the legal frameworks by which they struggle for “sovereignty”. Native peoples can themselves unwittingly recapitulate the logic of settler colonialism even as they contest it when they do not engage the analysis of race. Williams points to the contradictions involved when Native peoples ask courts to uphold these problematic legal precedents rather than overturn them:

This model’s acceptance of the European colonial-era doctrine of discovery and its foundational legal principle of Indian racial inferiority licenses Congress to exercise its plenary power unilaterally to terminate Indian tribes, abrogate Indian treaties, and extinguish Indian rights, and there’s nothing that Indians can legally do about any of these actions.<sup>35</sup>

However, Williams’s analysis also tends to separate white supremacy from settler colonialism. That is, he argues that addressing racism is a “first step on the hard trail of decolonizing the present-day U.S. Supreme Court’s Indian law” by “changing the way that justices themselves talk about Indians in their decisions on Indian rights”.<sup>36</sup> The reason for this “first step” is that direct claims for sovereignty are politically more difficult to achieve than minority individual rights because claims based on sovereignty challenge the basis of the United

States itself.<sup>37</sup> The result is that Williams articulates a political vision containing many of the contradictions inherent in Omi and Winant's analysis. That is, he cites Derrick Bell to assert the permanency of racism while simultaneously suggesting that it is possible to address racism as a simpler "first step" towards decolonisation.

I believe that when the justices are confronted with the way the legalized racial stereotypes of the Marshall model can be used to perpetuate an insidious, jurispathic, rights-destroying form of nineteenth-century racism and prejudice against Indians, they will be open to at least considering the legal implications of a postcolonial nonracist approach to defining Indian rights *under* [my italics] the Constitution and laws of the United States.<sup>38</sup>

If the implications of Bell's analysis of the permanency of racism are taken seriously, it is difficult to sustain the idea that we can simply eliminate racial thinking in US governance in order to pave the way for "decolonisation". Consequently, Williams seems to fall back on a framework of liberal multiculturalism that envisions the United States as fundamentally a non-racial democracy that is unfortunately suffering from the vestiges of racism. He says: "I do not believe that the Court is a helplessly racist institution that is incapable of fairly adjudicating cases involving the basic human rights [and] cultural survival possessed by Indian tribes as indigenous peoples. I would never attempt to stereotype the justices in that way."<sup>39</sup> He seems to imply that the Supreme Court is not an organ of the racial state; it is simply a collection of individuals with their personal prejudices.

In addition, the strategy of addressing race first and then colonialism second presupposes that white supremacy and settler colonialism do not mutually inform each other—that racism provides the anchor for maintaining settler colonialism. In the end, Williams appears to recapitulate settler colonialism when he calls for "decolonizing the present-day U.S. Supreme Court's Indian law" in order to secure a "measured separatism for tribes in a truly postcolonial, totally decolonized U.S. society".<sup>40</sup> As we have seen, he holds out hope for a "postcolonial nonracist approach to defining Indian rights *under* [my italics] the Constitution and laws of the United States", as if the Constitution itself were not a colonial document. Obviously, however, if the United States and its Supreme Court were "totally decolonised" they would not exist. In the end, Williams's long-term vision for Native rights does not seem to go beyond state recognition within a colonial framework.

That said, this critique is in no way meant to invalidate the important contributions Williams does make in intersecting Native studies with critical race theory. It may well be that the apparent contradictions in his analysis are the result less of his actual thinking than of a rhetorical strategy designed to convince legal scholars to take his claims seriously. Moreover, while conditions of settler colonialism persist, short-term legal and political strategies are needed to address them. As Michelle Alexander notes, reform and revolutionary strategies are not mutually inconsistent; reformist strategies can be movement-building if they are articulated as such.<sup>41</sup> In this regard, Williams's provocative call to overturn the precedents established in the Cherokee nation cases speaks to the manner in which Native sovereignty struggles have unwittingly built their short-term legal strategies on a foundation of white supremacy. And as Scott Lyons's germinal work on Native nationalism in *X-Marks* suggests,<sup>42</sup> any project for decolonisation begins with the political and legal conditions under which we currently live, so our goal must be to make the most strategic use of the political and legal instruments before us while remaining

alert to how we can be co-opted by using them. But in the end, as Taiaiake Alfred<sup>43</sup> and Coulthard argue, we must build on this work by rethinking liberation outside the framework of the white-supremacist, settler state.

## **A Kinder, Gentler Settler State?**

What is at stake for Native studies and critical race theory is that without the centring of the analysis of settler colonialism, both intellectual projects fall back on assuming the givenness of the white-supremacist, settler state. On the one hand, many racial-justice theorists and activists unwittingly recapitulate white supremacy by failing to imagine a struggle against white supremacy outside the constraints of the settler state, which is by definition white supremacist. On the other hand, Native scholars and activists recapitulate settler colonialism by failing to address how the logic of white supremacy may unwittingly shape our vision of sovereignty and self-determination in such a way that we become locked into a politics of recognition rather than a politics of liberation. We are left with a political project that can do no more than imagine a kinder, gentler settler state founded on genocide and slavery.

### ENDNOTES:

1. See, for example, Elizabeth Cook-Lynn, “Who Stole Native American Studies?”, *Wicazo Sa Review* 12, no. 1 (spring 1997), and Winona Stevenson, “‘Ethnic’ Assimilates ‘Indigenous’: A Study in Intellectual Neocolonialism”, *Wicazo Sa Review* 13, no. 1 (spring 1998).

2. Andrea Smith, “Heteropatriarchy and the Three Pillars of White Supremacy”, in *The Colour of Violence: The Incite! Anthology*, ed. Incite! (Cambridge, Mass.: South End Press, 2006).

3. For a work that traces the lineage of slavery to the prison–industrial complex, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

4. Edward Said, *Orientalism* (New York: Vintage, 1994).

5. Sora Han, “Bonds of Representation: Vision, Race and Law in Post–Civil Rights America” (Ph.D diss., University of California, Santa Cruz, 2006).

6. Dylan Rodriguez, *Suspended Apocalypse: White Supremacy, Genocide, and the Filipino Condition* (Minneapolis: University of Minnesota Press, 2010).

7. Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York and London: Routledge, 1994).

8. *Ibid.*, p. 47.

9. Ibid.

10. Ibid., p. 82.

11. Derrick A. Bell, Jr., “Racial Realism”, in *Critical Race Theory: The Key Writings That Formed the Movement*, ed. Kimberlé Crenshaw et al. (New York: New Press, 1995), p. 306.

12. Ibid., p. 308.

13. Ibid., p. 307.

14. Ibid., p. 308.

15. Omi and Winant, *Racial Formation*, p. 70.

16. Joe R. Feagin, *Racist America: Roots, Current Realities, and Future Reparations*, 2nd ed. (New York: Routledge, 2010), p. xii.

17. Ibid., p. 34.

18. Feagin acknowledges that the United States is fundamentally built on indigenous genocide and black labour. However, in the contemporary scene, he contends that society is organised along a black–white binary (on which other communities of colour are placed in the middle). Here, Native nations whose genocide is foundational to the United States disappear, only to reappear as part of the collection of “Latinos ... Asian Americans, and others [who] have been able to use these new civil rights mechanisms to fight discrimination” (p. 256). Again, with the presumption of settler colonialism, the question of Native nations as nations no longer arises; Native peoples are simply racially discriminated-against minorities who can be collapsed into all other people of colour. Feagin argues that Native peoples were privileged because they were allowed “more independence or freedom, albeit ... as individuals only if assimilated” (p. 33). Assimilation is read then as a relatively benign marker of racial progress rather than as a process of genocide (as I explain in greater detail later in this article).

19. Jared Sexton, *Amalgamation Schemes: Antiblackness and the Critique of Multiracialism* (Minneapolis: University of Minnesota Press, 2008).

20. Angela Harris, “Embracing the Tar-Baby: Latcrit Theory and the Sticky Mess of Race”, in *Critical Race Theory: The Cutting Edge*, 2nd edition, ed. Richard Delgado and Jean Stefancic (Philadelphia: Temple University Press, 2000), p. 443.

21. Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007).

22. Feagin, *Racist America*, p. 39.

23. During the Trail of Tears in which the Cherokee nation was forcibly relocated to

Oklahoma, soldiers targeted Cherokee women who spoke English and had attended mission schools for sexual violence. They were routinely gang-raped, causing one missionary to the Cherokee, Daniel Butrick, to regret that any Cherokee had ever been taught English. See E. Raymond Evans, "Fort Marr Blackhouse", *Journal of Cherokee Studies* 2, no. 2 (1977), p. 259.

24. Andrew Shryock, "The Moral Ambiguities of Race: Arab American Identity, Color Politics, and the Limits of Racialized Citizenship", in *Race and Arab Americans before and after 9/11: From Invisible Citizens to Visible Subjects*, ed. Amaney Jamal and Nadine Naber (Syracuse, N.Y.: Syracuse University Press, 2008).

25. Cheryl Harris, "Whiteness as Property", in *Critical Race Theory*, ed. Crenshaw et al.

26. George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998).

27. Glen Coulthard, "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada", *Contemporary Political Theory* 6, no. 4 (November 2007).

28. Ward Churchill, "Marxism and the Native American", in *Marxism and Native Americans*, ed. Ward Churchill (Cambridge, Mass.: South End Press, 1983), p. 202.

29. Ward Churchill, "Introduction: Journeying toward a Debate", in *Marxism and Native Americans*, ed. Churchill, p. 1.

30. Ward Churchill, *Struggle for the Land: Indigenous Resistance to Genocide, Ecocide and Expropriation in Contemporary North America* (Monroe, Maine: Common Courage Press, 1993), p. 419.

31. For example, prominent Native studies scholar Vine Deloria, Jr., once argued that there was nothing particularly problematic with the US political or economic system: "It is neither good nor bad, but neutral." Similarly, one Red Power activist explained why he is not a revolutionary: "We, the Native people have NEVER been a part of your (non-Native) society, therefore our acts are not of the revolutionist; rather a separate People seeking to regain what is rightfully and morally ours." (Both citations from Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* [New York: South End Press, 2005], p. 188.) Prominent AIM leader, Russell Means, has further argued that Native sovereignty could be guaranteed by "free market capitalism" and "the Constitution" (Russell Means, *Where White Men Fear to Tread* [New York: St Martin's Griffin, 1995], pp. 482, 542). In fact, he filed a lawsuit urging the US court system to *expand* the infamous *Oliphant v. Suquamish* decision which prohibits Native governments from arresting non-Native peoples on their land to prohibit them also from arresting Native non-tribal members. The *Oliphant* decision is largely responsible for the fact that Native women suffer such high rates of violence on reservations. It prohibits tribes from addressing violence in their communities and positions reservations as areas where non-Natives can violate women with impunity. See Amnesty International, "Maze of Injustice", New York, Amnesty International, 2007.

32. Lee Maracle, *I Am Woman: A Native Perspective on Sociology and Feminism*, 2nd ed. (Vancouver: Press Gang Publishers, 1996), p. 100.

33. The cases decided by the Supreme Court under John Marshall as Chief Justice (1801–35) that are understood as determining Native nations to be domestic, dependent nations.

34. Robert A. Williams, Jr., *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America* (Minneapolis: University of Minnesota Press, 2005), p. xxxiii.

35. *Ibid.*, p. 151.

36. *Ibid.*, p. xxix.

37. Sovereignty is “inherently problematic for the dominant non-Indian society and its judges in a way that the more general types of minority individual rights at the center of the struggle for racial equality represented by *Brown* were not. It’s much harder, in other words, to secure recognition and protection for highly novel forms of Indian group rights to self-determination and cultural sovereignty in American society than for the far more familiar types of individualized rights that most other minority groups want protected”. (*Ibid.*, pp. xxxv–xxxvi.)

38. *Ibid.*, p. 164.

39. *Ibid.*, p. xxvii.

40. *Ibid.*, p. 172.

41. Alexander, *The New Jim Crow*.

42. Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010).

43. Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom* (Toronto: University of Toronto Press, 2005).

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