

A Right To Land and Life:  
On #NoDAPL and Rejecting the Logics of Settler Colonialism

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Last April, Indigenous water protectors at Standing Rock Sioux Indian Reservation were engaged in a “profoundly anti-capitalist” struggle with corporate power, writes Nick Estes in *Red Nation*, because, “Native bodies stand between corporations and their money” (Estes 2016). Yet Indigenous scholars and activists, including Estes, have argued that while the Dakota Access Pipeline (DAPL) is certainly about capital and its logics, #NoDAPL<sup>1</sup> should be understood first and foremost as a right to land and to life: a struggle for Indigenous sovereignty and Native liberation within the ongoing political project of the American liberal settler state. “Too few people,” writes Indigenous activist Kelly Hayes in *Truthout*, “start from a place of naming that we, as Indigenous people, have a right to defend our water and our lives.” Instead, according to Hayes, climate change “in a very broad sense” has become the “center of conversation” around the Dakota Access Pipeline (Hayes 2016). In short, for both Hayes and Estes, established and generalizable liberal discourses on environmental rights do not adequately capture the heart of the #NoDAPL struggle: a claim to Indigenous peoples’ fundamental right to survive and thrive.

In light of Hayes’ and Estes’ interventions, I ask: what gets lost when we discuss #NoDAPL as merely an environmental or anti-corporate issue buried within the broad sweep of progressive narratives around anti-capitalism, climate change, or human rights? How might we theorize #NoDAPL as not *just* an anti-capitalist struggle steeped in legible rights-based appeals, but also an anti-colonial struggle within specific contemporary settler political regimes? What might that shift reveal about settler modes of governance? In other terms, how does Hayes’ rights-based appeal—the “right to defend our water and our lives”—firmly situate itself within and against logics of settler colonialism<sup>2</sup>, and how might such a move open up modes of resistance, political subjectivity, and “refusal” for Indigenous water protectors at Standing Rock and beyond (Simpson 2014)?

In this essay, I situate #NoDAPL within a wider context of U.S. settler dispossession and contemporary liberal democratic state governance. I argue that by shifting our analytic focus from the *capital-relation* to the *settler colonial-relation*, we might develop a more critical discourse around the Dakota Access Pipeline protests vis-à-vis human rights that foregrounds Indigenous struggle and subjectivities of Indigenous peoples. Through an evaluation of Marx’s theory of primitive accumulation, I further argue that understanding capital in light of settler colonialism enables us to trace the specific set of *eliminatory strategies* and *eliminatory logics* at play with #NoDAPL. Drawing from key texts in Native Studies and Settler Colonial Studies, I argue universal liberal discourses on human rights obscure a more fundamental and a priori claim: Indigenous peoples’ fundamental right to land and to life. In doing so, I demonstrate how

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<sup>1</sup> The Dakota Access Pipeline protests, also known by the hashtag #NoDAPL, are grassroots movements that began in early 2016 in reaction to the approved construction of Energy Transfer Partners’ Dakota Access Pipeline in the northern United States.

<sup>2</sup> The concept of settler colonialism has re-emerged lately in Anthropology, Native Studies, American Studies and related disciplines. Scholars call it a structure that “endures” (Wolfe 2006) in which the “past is present” (Salamanca 2012) and use it as an alternative way of referring to some contemporary liberal democratic states (Simpson 2014).

the #NoDAPL grassroots movement informs a politics of resistance that speaks to the radical possibilities of Indigenous organizing in contemporary liberal democracies.

## I. Two Accounts? Comparing ‘Primitive Accumulation’ and Settler Colonial Accumulation

In this section, I place Marx’s theorization of capitalist dispossession in conversation with scholars of Native Studies. I argue Marxist theories of capitalist accumulation do not fully take into account the *particularities* of settler practices of dispossession.

In Marx’s *Capital*, capitalist dispossession is most clearly articulated through the theory of “primitive accumulation” (Marx, 507). Primitive accumulation, for Marx, refers to a historical process in which non-capitalist societies are transformed into capitalist formations through coercive and often colonial violence (Marx, 508). It is through this “originary” and initial dispossession that non-capitalist societies become societies in which wage labor and surplus value come to organize political economies (Marx, 507). Primitive accumulation, then, describes the process by which Indigenous peoples became dispossessed of their land in order to make way for capitalist accumulation.

Settler Colonial Studies and Native Studies are two disciplines broadly concerned with theorizing logics of dispossession, capital, and resource exploitation. Some scholars forcefully take up Marxist accounts to productively describe U.S. modes of colonial violence. Other scholars insist there are significant distinctions between primitive accumulation and settler colonial practices of dispossession. Using Indigenous scholar Glen Coulthard in *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition* as my guide, I ask: How might Native Studies scholars revise, extend, or destabilize Marxist analytic frameworks to evaluate the specific modes of primitive accumulation within settler-colonial states in ways that might be of more critical use to understanding the Dakota Access Pipeline standoff?

Nick Estes’ insight in *Red Nation* is a helpful entry point. For Estes, capitalist accumulation in Indigenous communities goes beyond the expropriation of Native labor into a new proletariat class. Instead, settler colonial dispossession represents an *ongoing* “exploitation of our river and lands” (Estes 2016). For Estes and other scholars, a heightened focus on *land*—not merely labor—represents a central paradigmatic shift that signals a specific kind of dispossession within settler colonial projects.

Marx, in contrast, writes in *Capital* that once the expropriation of agricultural populations from the land was complete (Marx, 510), the question of land was more or less closed. For Marx, this new class of Indigenous proletariats engaged in wage labor marked a distinct and historical transformation from *primitive accumulation* to *capitalist accumulation* proper (Marx, 516).

Patrick Wolfe’s brilliant monograph “Settler Colonialism and the Elimination of the Native” refutes Marx’s historical account. Wolfe first demonstrates that settler colonialism is a land-centered project: “Land is life—or, at least, land is necessary for life. Thus contests for land can be—indeed, often are—contests for life” (Wolfe, 387). He continues: “territoriality is... settler colonialism’s specific, irreducible element” (Wolfe, 393).

In focusing on land, Wolfe argues that the originary violence that Marx saw as marking an epochal transformation from primitive to capitalist accumulation was not merely the preconditions of capitalist accumulation, but rather the *ongoing conditions* of capitalism's very existence and reproduction. Such conditions Wolfe terms "the logic of elimination," which he argues has become "an organizing principle of settler-colonial society rather than a one-off (and superseded) occurrence" (Wolfe, 393). Invasion, for Wolfe, is not an *event*; invasion is a structure that "endures" (Wolfe 2006) in which the "past is [made] present" (Salamanca 2012).

Following Wolfe, we might reframe the contemporary struggles of Indigenous peoples like those at #NoDAPL beyond Marxist accounts of a *proletariat struggle* against modern bourgeois society towards a historicized understanding of #NoDAPL as an enduring and ongoing contestation over land and against elimination.

Further, Wolfe reveals an insightful structural contradiction that is constitutive to settler colonialism: that settler colonialism is, in part, a *failed project*. As Audra Simpson argues in *Settlement's Secret*: "the condition of Indigeneity in North America is to have survived this acquisitive and genocidal process and thus to have called up the failure of the project itself" (Simpson 2012). In other terms, the "logic of elimination" has failed to eliminate Indigeneity in North America, and therefore, the simple fact of Indigenous existence points to the failure of settler colonialism at the same time as it reveals the continuous nature of Indigenous dispossession.

If, as Wolfe and Simpson argue, primitive accumulation in settler colonial contexts is not just an initial violence or historical starting point, but rather a constitutive and continuous character of colonial and capitalist society in the present, how does the "structure of invasion" maintain and reinvent itself in liberal democracies, where originary state violence against Indigenous populations is thought to be an era of the past, settled or complete?

## **II. Logics of Elimination in Multicultural Liberal Democracies**

Starting from the claim that settler colonialism is, in part, a failed or *unsettled* project, in this section, I argue that the "eliminatory strategies" of contemporary liberal democracies like the United States and Canada represent a historically continuous, but divergent form of state violence as compared to non-colonial forms of state violence and earlier forms of settler colonial violence. I then trace how such 'eliminatory strategies' are deployed at Standing Rock. In short, I ask: how has the rise of ostensibly multicultural and liberal democracies, equipped with rhetorics of inclusion and human rights, changed the 'eliminatory strategies,' forms of state violence, and biopolitical management enacted by contemporary settler states upon Indigenous peoples today?

Historically, state violence has been part-and-parcel to processes of dispossession. Violence, as theorized by Marx, was a key component to the expropriation of Indigenous lands in pre-capitalist formations. Primitive accumulation, for Marx, was a very violent process in which capitalist modes of production are introduced "dripping with blood and dirt" (Marx, 538). Yet primitive accumulation and the notion of originary violence does not adequately capture the manifold ways capitalism and colonialism operate today in contemporary multicultural liberal democracies, especially with regards to state violence and coercion.

This is not to say that overt and deadly state violence is precluded from liberal democracy's treatment of Indigenous peoples. As portrayed by television broadcasts, intense state violence has emerged from Standing Rock, where media images of militarized police brutality, pepper spray, rubber bullets, and attack dogs have documented the continued abuse received by Indigenous peoples and allies. "Political violence," writes Estes, "[is a] tactic of state repression" for both "water protectors who engage in nonviolent direct action to disrupt the construction of the pipeline *as well as* those not engaged in direct actions" (Estes 2016).

For both U.S. and Canadian settler societies, overt and visceral state violence is not the *only* means by which states enact harm on their Indigenous subjects. But what does state violence look like within multicultural liberal democracies, who are committed at least rhetorically to state benevolence—enacting state care and recognition upon Indigenous peoples? Estes points us to one such mode of enactment: constant surveillance. The state no longer relies merely on visceral force, but is engaged in a whole host of practices and eliminatory strategies that respond to the purported commitments of multicultural liberal democracies, including the deployment of what Audra Simpson calls in the Canadian settler context a "politics of recognition" (Simpson 2014).

In *Mohawk Interruptus: Political Life Across the Borders of Settler States*, Audra Simpson argues that the "territorial project" of settler colonialism that includes the accumulation of land has moved "through time to become, in liberal parlance, the 'problem of difference'" (Simpson 2014, 19). Liberal democracies like Canada have over the last thirty years, increasingly framed the self-determination efforts of Indigenous peoples in Canada within the register of "recognition." By politics of recognition, Simpson is referring to the now vast modes of recognition-based strategies within liberal multiculturalism that seek to manage Indigenous claims to self-determination with settler sovereignty by accepting and accounting for Indigenous identities and "difference" within the pluralist settler state. The politics of recognition, while less viscerally violent from previous strategies of settler elimination, is no less violent; indeed, such elision and assimilation of difference enacts real violence upon First Nations peoples in Canada, but is merely made more palatable under an ostensibly tolerant liberal democracy where "recognition is a multicultural solution" and elision of difference is the "trick of toleration" (Simpson 2014, 20).

At Standing Rock, the U.S. government in April "allowed" the presence of the encampment per the Army Corps of Engineers. Estes documents this exchange, writing that "the #NoDAPL encampment, in an exercise in Native sovereignty, sits atop lands claimed by the Corps, who only recently 'permitted' the camp's presence." "Permitted" here is used by Estes in quotes, and rightly so. Indigenous people have always had a right to existence, but within the power configurations of the U.S. settler state that seeks to assert itself as having the authority to "permit" and therefore stake a particular propertied ownership over the land, this right is reframed within liberal principles and confers on the state the power to become the ultimate arbitrator on matters of recognition and sovereignty. This is why "political recognition is a technique of settler governance," writes Simpson (Simpson 2014, 20). The authority to grant "permission" by the U.S. settler state to recognize the Standing Rock Sioux Indians' right to exist on the camp is false because, as Simpson argues, Indigenous sovereignty precedes—and

therefore could not come from—a politics of recognition. The structural contexts within which recognition claims are articulated and judged are decidedly not neutral: they are deeply inflected with settler colonial power.

### **III. Conclusion**

In conclusion, writers should foreground Native struggles and the settler colonial context when discussing #NoDAPL. Framing #NoDAPL broadly in the registers of anti-capitalism or liberal discourses on human rights obscures the Indigenous peoples' fundamental demands for Native self-determination, and further, risks upholding a politics of recognition deployed by settler states to manage the "problem" of Indigenous difference. Such a politics, as I have argued, represent a continuation of Wolfe's "logics of elimination" that are constitutive to the ongoing conditions of settler violence.

Nick Estes writes: "The colonial state does not possess, and never has possessed, the moral high ground." This is true, and has always been true. Indigenous people have always had a right to exist and a right to collective self-determination over their land. Blanketing #NoDAPL into the apparatus of narratives around anti-capitalism or liberal notions of human rights not only short-changes the efforts of water protectors at Standing Rock, but also risks replicating the very power dynamics that Indigenous peoples have struggled against for centuries. Instead #NoDAPL advocates and water protectors, especially non-Indigenous advocates, should be clear to center Indigenous perspectives. This includes the ability for Indigenous people to make rights-based appeals that extend outside of normative and legible liberal discourse of human rights and Indigenous peoples' rights to self-determination beyond settler terms of recognition. #NoDAPL water protectors *are* making such claims: "Water is Life," a collective claim to existence, a right to land and to life that opens up futures for Indigenous people to both survive and even thrive.

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