

# Concerning Cruelty, Clemency, and Commonwealths

*Daniel Sims*

## ABSTRACT

This article sees Jedediah Purdy's commonwealth as premised on Indigenous peoples and settlers learning to live in harmony, but as downplaying colonization and providing clemency to settlers. There is a snake in this vision of Eden: Purdy contends we only need to recognize what we have in common and work together, but Indigenous peoples refuse such recognition as an illegitimate demand.

## Introduction

In *The Prince*, Nicolo Machiavelli advises a would-be prince that “above all things he must keep his hands off the property of others, because men more quickly forget the death of their father than the loss of their patrimony.” Although written in the context of the Italian Renaissance, this advice clearly illustrates one of the key tensions between Indigenous peoples and settlers today. The latter took the patrimony of the former and, with a few notable exceptions, have not given any of it back. This situation is problematic because, as scholars Eve Tuck and K. Wayne Yang have pointed out, without concrete actions—like returning the land—discussions of a new relationship between settlers and Indigenous peoples become a move to innocence on the part of the former.<sup>1</sup> It is this outcome that unfortunately mars Jedediah Purdy's proposed commonwealth which, while providing a seemingly sustainable alternative to our current system, is premised not on settlers returning the land to Indigenous peoples but on Indigenous peoples and settlers learning to live in harmony on what is stolen land. In doing so it downplays the cruelty of colonization and provides clemency to the settler population, all in the name of protecting the environment. The end result is

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<sup>1</sup> Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 2-3.

that validity of Purdy's commonwealth is called into question.

### **Why Can't We Be Friends?**

*This Land Is Our Land* is a very American book.<sup>2</sup> It was written in the context of the Donald Trump presidency and deals with the rise in reactionary rhetoric aimed at challenging liberals, socialists, the left, political correctness, and environmentalism. It calls for a paradigm shift away from classical liberalism, neoliberalism, and partisanship. As Purdy notes, "we have made a world that overmasters us" (146). In place of the old world, he calls for "a world-renewing ecological commonwealth . . . that prizes the work of sustaining and renewing the human world" (148). He also calls for a return to civil discourse as well as the belief that hope and understanding can lead us out of the current situation (149). In this context the book makes perfect sense.

As someone who has spent his entire life in Canada, visiting the United States from time to time for personal and professional reasons, I find that watching what is happening there is much like watching my neighbors from my kitchen window. I can see what is going on, but I don't always have the entire story behind it. However, it is not hard to see that public discourse in the US has become incredibly partisan, especially under the presidency of Trump. Prior to the novel coronavirus, how I viewed the plight of my southern neighbor fell somewhere on a spectrum between concerning and entertaining. How I miss those days! Now I often find myself wondering about the decline of civilizations. It appears that the US saw the outbreaks in China, Italy, and Spain and said, "Hold my beer." Now my biggest concern is making sure its seemingly uncontrolled approach to a pandemic doesn't take root in Canada. The attempted coup on January 6, 2021 did not make me feel any more confident about the future of the American republic. On its face it appears that a shift away from the individualism of classical liberalism, the sacrosanct perception of capitalism found in neoliberalism, and the rampant partisanship that renders every state policy and societal goal as either left or right would help prevent this outcome from occurring. In this context too, the book makes complete sense.

Nevertheless, *This Land Is Our Land* is not just a treatise directed an

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<sup>2</sup> Jedediah Purdy, *This Land Is Our Land: The Struggle for a New Commonwealth* (Princeton: Princeton Univ. Press, 2019).

American audience. Liberalism, neoliberalism, and partisanship are not limited to the US, just as climate change does not stop at the border wall. Purdy's commonwealth is a proposed solution to a system that dominates the very world it is destroying. As an Indigenous scholar, I would argue that it appears to do so without taking into account Indigenous perspectives on what needs to be done, and as such it is important that we address the *khuda*<sup>3</sup> in the room.

### **Cruelty**

In 1492, one hundred percent of the land now comprising the United States was owned by various Indigenous states. I am not the first to make such a statement. It is important that we make note of two words in it: "owned" and "states". It is a myth that Indigenous peoples had no concept of land ownership, and to suggest otherwise is either to downplay the seizure of this land or to exemplify New Age idealism.<sup>4</sup> After all, it sounds better to say the land was taken from a group that merely occupied and used it, rather than to admit that it was seized from a group that owned the land and therefore might want it back. It is the difference between the tragedy of the commons and plain theft. Purdy seems aware of the fiction of an unowned land when he states that "the dominant American claim has always been that the place belonged only incidentally to the peoples who had been here for thousands of years" (xv). However, he does not wrestle with the handmaiden of this fantasy: that Indigenous states owned the land. This omission makes sense, since part of downplaying what happened to Indigenous peoples is the erasure of Indigenous statehood and sovereignty from the conversation altogether. It does not sound as bad when one states that the land was taken from people who, in addition to merely living on and using it, had not

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<sup>3</sup> The Tsekêhne [Sekani] word for moose.

<sup>4</sup> This comment refers to the New Age movement, a hard to define religious, spiritual, and/or philosophical milieu that can be said to belong to modern esotericism and that generally calls for a heightened spiritual consciousness and transformation. From a European point of view, it often includes aspects of Eastern religions, spiritual beliefs, and philosophical schools, albeit viewed too frequently through the lens of orientalism rather than reality. What is sometimes overlooked is that it often includes aspects of Indigenous religions, spiritual beliefs, and philosophical schools, viewed through the lenses of colonial stereotypes and pan-Indianism rather than reality.

bothered organizing in any sort of political manner. Yet it happened, and today we are left to deal with the consequences.

Any way it is described, the US left Indigenous peoples with precious little of their homelands to hold onto. Today, roughly two percent is held in trust by the federal government for the survivors.<sup>5</sup> And although the Bureau of Indian Affairs claims a government-to-government relationship with the various tribal governments that exist,<sup>6</sup> and there is a rhetoric of tribes being domestic sovereign nations, the fact that this land is held in trust belies the reality that the relationship is not one of equal parties.

This current state of affairs is not unique to the US. In the settler state I live in, Canada, the federal government holds less than one percent of all lands for First Nations, Inuit, and Métis,<sup>7</sup> and there is little pretense that any of these Indigenous groups is sovereign. Yet in one aspect the US has proved quite exceptional: unlike most other settler states founded by the British Empire, the US currently seems more preoccupied with deciding if it should make itself great again than with paying lip service to reconciliation with Indigenous groups. Much to my disappointment, Purdy's book seems to be just one more voice in this preoccupation.

Two percent is a stark number. Yet, because Indigenous peoples lost more than just their homeland to the US, it hides more than just "a world historical land grab."<sup>8</sup> A failure to recognize this simple fact only further perpetuates colonialism. The land provided material resources to Indigenous peoples, and as a result along with taking the land went Indigenous economies, ways of life, and infrastructure that had existed in many instances for thousands of years. In the case of disease, both introduced

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<sup>5</sup> Bureau of Indian Affairs (BIA), "Frequently Asked Questions." *U.S. Department of the Interior: Indian Affairs*. <https://www.bia.gov/frequently-asked-questions>, accessed August 20, 2020. Native American Rights Fund (NARF), "Protected Tribal Natural Resources." *Native American Rights Fund*. <https://www.narf.org/our-work/protection-tribal-natural-resources/>, accessed August 20, 2020.

<sup>6</sup> Bureau of Indian Affairs (BIA), "Frequently Asked Questions." Native American Rights Fund (NARF), "Protected Tribal Natural Resources."

<sup>7</sup> Indigenous and Northern Affairs Canada (INAC), "Lands." *Indigenous and Northern Affairs Canada*. <https://www.aadnc-aandc.gc.ca/eng/1100100034731/1100100034735>, accessed August 20, 2020.

<sup>8</sup> Purdy, *This Land Is Our Land*, viii-ix.

(intentionally or not)<sup>9</sup> and endemic, the loss of land represented the loss of medicinal plants, animals, and minerals. Since many Indigenous knowledge systems were predicated on land-based learning, the loss of land disrupted Indigenous educational systems as well. The European style of education that the US was offering<sup>10</sup> was designed to take away Indigenous children both literally through forced removals and figuratively through assimilation. Indigenous peoples could resist, but more often than not this resistance was met, and continues to be met, with violence from American soldiers, law enforcement, and citizens. Violence was, and is, sometimes directed at Indigenous peoples for no other reason than being Indigenous. In this context, the Standing Rock protests in 2016-2017 over the Dakota Access Oil Pipeline were nothing new. One has to simply read through the comments online associated with the news of the *McGirt* case<sup>11</sup> to see how many settlers opposed the idea of giving anything back to Indigenous peoples regardless of how it was gained. Indeed, it is still too soon to completely understand what the repercussions of the US Supreme Court's ruling that the reservations of the so-called "Five Civilized Tribes" still exist are, although people are already declaring the death of the state of Oklahoma, if not the United States.

### **Clemency**

Perhaps it is this history that makes settlers feel uneasy about their relationship to the world and, to paraphrase Purdy, results in their search for a homeland.<sup>12</sup> Deep down they know what happened and are uncomfortable

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<sup>9</sup> Elizabeth Fenn, "Biological Warfare in Eighteenth-Century North America: Beyond Jeffery Amherst," *Journal of American History* 86, no. 4 (2000): 1552-80. Norbert Finzsch, "[...] Extirpate or Remove that Vermin<sup>2</sup>: Genocide, Biological Warfare, and Settler Imperialism in the Eighteenth and Early Nineteenth Century," *Journal of Genocide Research* 10, no. 2 (2008): 215-32. Philip Ranlet, "The British, the Indians, and Smallpox: What Actually Happened at Fort Pitt in 1763?" *Pennsylvania History: A Journal of Mid-Atlantic Studies* 67, no. 3 (2000): 427-41.

<sup>10</sup> I have many relatives who attended the Canadian equivalent of Indian boarding schools—residential schools—including my father, who attended the infamous Lejac Residential School in British Columbia. See Lyana Patrick's animated documentary, *The Train Station* (2020), for a recent portrayal of Lejac and its impacts on Indigenous families and communities: <https://www.imdb.com/title/tt13725996/>.

<sup>11</sup> *McGirt v. Oklahoma*, landmark US Supreme Court case, July 9, 2020.

<sup>12</sup> Purdy, *This Land is Our Land*, 8)

about it. The house is haunted because it was built on an Indian burial ground that their settler ancestors dug and used as the foundation. But what is to be done? How should North America deal with the sins of the past? And is it looking to show itself mercy and absolution?

One option is denial: simply deny that the colonization of North America was genocide or that it even happened. This outcome can be accomplished by effacing Indigenous histories and geographies until Indigenous peoples either are semi-mythic symbols of the past or of nature, or disappear altogether.<sup>13</sup> Commonly called “colonial erasure” in Indigenous studies, it highlights why so many educated non-Indigenous individuals are ignorant of Indigenous matters. As scholars such as historian Patrick Wolfe have noted, while the settler colonial relationship does not automatically equate to genocide per se, it does always include some sort of elimination.<sup>14</sup> In this instance it is knowledge that cannot be denied, although, as sociologist Andrew Woolford points out, the supposed line between non-physical forms of elimination and physical forms of elimination is not as clear as people often think it is.<sup>15</sup>

Denial can take many forms. Full repudiation is undoubtedly employed by some. It runs the risk, however, of being rendered ineffective if the contradicting information is so great that it shatters the suspension of disbelief, fights against popular discourse, or becomes the desired forbidden. History still recalls the 4th-century Greek arsonist Herostratus,<sup>16</sup> despite official attempts to render him anonymous. Full denial also suggests a binary between acceptance and denial that rarely exists. As numerous scholars have revealed, there is a far more effective intermediate zone in which one selectively remembers aspects of what happened and in doing so controls

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<sup>13</sup> Taiaiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences Against Contemporary Colonialism,” *Government and Opposition* 40, no. 4 (2005): 598.

<sup>14</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387.

<sup>15</sup> Andrew Woolford, “Ontological Destruction: Genocide and Canadian Aboriginal Peoples,” *Genocide Studies and Prevention* 4, no. 1 (2009): 81-97.

<sup>16</sup> Herostratus set fire to the Temple of Artemis to gain immortal fame. Despite (or perhaps because) mentioning his name was made a capital crime in Ephesus, we know more about him than about many of his contemporaries.

the larger narrative by deciding what is forgotten.<sup>17</sup> Nothing is denied per se; it is simply not talked about, and eventually the conversation moves on. Purdy acknowledges this form of denialism when he states that “denialism can stand for something broader: a refusal to see the things that tie us inconveniently together.”<sup>18</sup>

Two relatively recent high-profile examples of this purposeful nonacceptance of a connection are seen in two former British settler countries, Australia and Canada. In both, an apology was made in 2008 for the seizure of Indigenous children that was highly problematic. Australian Prime Minister Kevin Rudd’s apology and a subsequent report avoided directly labeling the seizure of children deemed “not Indigenous enough” as genocide but instead focused on a bright new future of reconciliation.<sup>19</sup> Canadian Prime Minister Stephen Harper avoided using words associated with colonialism when describing residential schools, and then later at a G20 conference claimed Canada had no history of colonialism.<sup>20</sup>

Whether or not he is aware of it, Purdy commits this intermediary form of denial when he deflects from dealing with the settler state and calls for decolonization by discussing inequality and how it intersects with race and racism. This deflection is best seen in Chapter Two: “Reckonings,” in which he examines the relationships between the environment, race, and class. In particular, he shows how one’s class affects the level of control one has over the environment (39) and yet how one’s relationship to the environment—Purdy notes the disposal of waste—shapes one’s class and race (42). In this sense, his commonwealth is a call for people from all classes and races to put aside the differences that divide them (45) and unify for the common good.

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<sup>17</sup> Lee Jarvis and Jack Holland, “‘We [For]Got Him:’ Remembering and Forgetting in the Narration of bin Laden’s Death,” *Millennium: Journal of International Studies* 42, no. 2 (2014): 425-47. Charles Stone and William Hurst, “(Induced) Forgetting to Form a Collective Memory,” *Memory Studies* 7, no. 3 (2014): 314-27. Vered Vinitzky and Chana Teeger, “Unpacking the Unspoken: Silence in Collective Memory and Forgetting,” *Social Forces* 88, no. 3 (2010):1103-22.

<sup>18</sup> Purdy, *This Land is Our Land*, 14-15.

<sup>19</sup> Tony Barta, “Sorry, and Not Sorry, in Australia: How the Apology to the Stolen Generations Buried a History of Genocide,” *Journal of Genocide Research* 10, no. 2 (2008): 201-14.

<sup>20</sup> Jennifer Henderson and Pauline Wakeham, “Colonial Reckoning, National Reconciliation? Aboriginal Peoples and the Culture of Redress in Canada,” *English Studies in Canada* 35, no. 1 (2009):1-26.

While in theory this call to action is good, it is maligned in the text by Purdy's apparent focus on whiteness and the plight of economically disadvantaged Whites in general (45-46). As he notes, in some instances White Americans are behind other groups in certain metrics (46). Furthermore, when one realizes that being White is all too often thought to be the norm and White Americans are not considered to have a race,<sup>21</sup> this focus on whiteness could be an example of "channel-switching"<sup>22</sup>—changing the focus to avoid talking about race and racism. And while it helps lead into Purdy's third chapter about how Americans are losing their homeland, it also represents a double shift, first away from an examination of colonialism and then from a discussion of race and racism. How Purdy expects to build his commonwealth without first dealing with the current situation is perplexing.

Regardless of how disadvantaged some White Americans may have become, one simply has to compare how protesters coded as White are treated in the US with protesters not coded as White, or protesting for causes coded as not White, to see that White privilege is alive and well. Whereas Black Lives Matter protesters were met the summer of 2020 with tear gas to allow for a president's photo-op, when supporters of that president tried to stage a coup in the winter, certain Capitol police officers aided and abetted them, even while some of these supporters were killing these officers' colleagues. A failure to deal with this hypocrisy, and in doing so snuff out White supremacy and settler colonialism in the US, would result in a new commonwealth that has more in common with the Commonwealth of Virginia during the Civil War than with Purdy's new ideal.

### **Commonwealth**

On page xiv of *This Land Is Our Land*, Purdy states that "the American commonwealth has been blocked again and again by division and exploitation." It could be said that by speaking of Indigenous peoples and settlers I too am creating a binary and contributing to the forces preventing

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<sup>21</sup> Richard Dyer, "The Matter of Whiteness," in *White Privilege: Essential Readings on the Other Side of Racism*, 2nd ed., edited by Paula Rothenberg (New York: Worth Publishing, 2005), 9-10.

<sup>22</sup> Robin DiAngelo, "Popular White Narratives That Deny Racism," *Counterpoints* 497 (2016): 236.



Purdy's commonwealth from coming into existence. In a certain sense, this allegation is correct. However, I would argue that I am trying to prevent the perpetuation of a relationship that has existed in the US since contact. Indigenous peoples have too often been asked to give up something in the name of the common good. That Purdy's commonwealth is more abstract than a hydroelectric dam does not make it categorically different. The same can be said about the environmental movement. The racism of many of its spiritual founders (e.g., James Madison, John Muir, and Gilbert Pinchot) may no longer be front and center, but to suggest—as Purdy seems to do in his fifth chapter—that this element has disappeared or become incidental in the movement is idealism at its best. Numerous scholars have pointed out how racist the contemporary environmental movement can be, especially with regard to paternalism, Eurocentrism, and perpetuation of the view that White people know better than other groups and need to save the world.<sup>23</sup>

It is therefore imperative that any changes to the movement, such as Purdy proposes, first address not only its colonial and racist past but also its colonial and racist present. In recent years it has been commonly said in Canada that truth must come before reconciliation. The same applies to Purdy's commonwealth. While it may be true that we have created a world that could very well spell our doom, it is equally important that any new worlds we bring into being are not tainted by the old. Asking Indigenous peoples to share their stolen patrimony based on the rationale that it will be better for everyone is a fine example of a colonial mindset, as in the assertion that a pipeline will be good because it will create jobs for everyone and the profits can be used to build a better world.

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<sup>23</sup> Finn Lynge, "Indigenous Peoples Between Human Rights and Environmental Protection: An Arctic Perspective," *Nordic Journal of International Justice* 64, no. 3 (1995): 489-94. Kristen Lyons and Peter Westoby, "Carbon Colonialism and the New Land Grab: Plantation Forestry in Uganda and Its Livelihood Impacts," *Journal of Rural Studies* 36 (2014): 13-21; Jessica Parish, "Re-Wilding Parkdale? Environmental Gentrification, Settler Colonialism, and the Reconfiguration of Nature in 21st Century Toronto," *Environment and Planning E: Nature and Space* 3, no. 1 (2020): 263-86; Damien Lee, "Windigo Faces: Environmental Non-Governmental Organizations Serving Canadian Colonialism," *Canadian Journal of Native Studies* 31, no. 2 (2011):133-53; Robert Nelson, "Environmental Colonialism: 'Saving' Africa from Africans," *The Independent Review* 8, no. 1 (2003): 65-86; Jason Young, "Environmental Colonialism, Digital Indigeneity, and the Politicization of Resilience," *Environment and Planning E: Nature and Space* (January 2020):1-22.

**Conclusion**

A common question is, What needs to be done to rectify the colonial situation? Just as common is the Indigenous response: The land needs to be returned. For the most part, this solution has not been tried, and in the rare instances where it has been tried, far too many people have been concerned about what Indigenous peoples will do with the land and what this means for the future of the settler state. The McGirt case highlights this reality. In *This Land Is Our Land* Jedediah Purdy provides a challenging solution to the current environmental emergency we are facing. He points out how since we built this world, we can rebuild it to our benefit: All it will take is to recognize what we have in common and work together. However, Indigenous peoples see this recognition as demanding that they share the land with settlers, whether they like it or not. Until Purdy deals with this snake in his proposed Garden of Eden, colonialism appears to be part of his best-case scenario.

*Daniel Sims, a member of the Tsay Keh Dene First Nation, is an Associate Professor and Chair of the Department of First Nations Studies at the University of Northern British Columbia in Prince George, B.C.*