

The Racialization of Land: An Ontological Investigation into ‘Settler-Becoming’ and Land

Racialization

by

Ethan MacDonald

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AUTHORS DECLARATION

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

ABSTRACT

This thesis is concerned with an ontological premise about the genesis of the settler, and what settler-being implies for the development and dispossession of land. It argues that the racialization of land produces what is known as the settler-being, a distinct ontology developed by the archetypal Settler within the settler colony. This Settler views capitalist private property and elimination as fundamental characteristics that produce the subject *as* the Settler and is thus the consequence of varying colonial phenomena. Private property and capital accumulation in the context of North American settler colonialism reveal a tendency within the settler-colonial project to apply the characteristics of racialized capitalism towards the land, which settlers seek to colonize and ‘settle,’ thus revealing the subsequent process of racializing the land that they seek to control. Understanding the land as racialized helps make sense of tendencies within settler-colonial society, as the role that private property plays within the continent reveals the role that white supremacy plays in colonization, in capitalism, and settler-colonial ontology.

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INTRODUCTION

“Property will cost us the earth.”

– Andreas Malm (2021), *How to Blow Up a Pipeline*

In 2008, Prime Minister Stephen Harper offered an apology to Indigenous people on behalf of Canada, calling the treatment of children in the residential school system a “sad *chapter*” in Canadian history (2008, Para. 1). Recently, on July 25, 2022, the late Pope Francis attended the former Ermineksin residential school in Maskwacis, Alberta. Here, the Pope offered his apology for the role that the Catholic Church played in the residential school system and asked to be forgiven. He had also apologized to a delegation of survivors in Rome previously that same year; however, his apology was met with a mixed reaction.

On the one hand, there is power in an apology when it is sincere; the late Pope’s apology was something that many people felt was the beginning of reconciling the relationship between Indigenous people and settlers in Canada, even if it was just the beginning. In this view, the term “reconciliation” implies a return to a previously existing *positive* relationship between Settler and Indigenous, which comes with the difficulty of pinpointing when exactly, if at all, this relationship had existed. On the other hand, the long history of trickery and subjugation that the Catholic church had deployed in its participation in the colonization of Canada, alongside the Canadian government, had long involved the abuse of Indigenous peoples. From this perspective, can an apology be meaningful if you suspect that the offender will repeat their actions?

What further obscures these apologies is the fact that the Pope failed to rescind the papal bulls largely responsible for the justification of colonialism (Allen 2023, para. 1). These papal bulls come to formulate what is known as the *Doctrine of Discovery*: a series of papal legal arguments that justified colonialism by arguing that “it was their divinely ordained destiny to redeem the lesser humans of the world through the application of their unique moral virtues” (Moreton-Robinson 2015, 178). Discovery made it possible for European sovereigns to acquire “absolute title” to land in the Americas, to which its ‘discoverers’ “possessed the exclusive right of acquiring” (Eisner 2024, 1016). As Discovery would go on to become a legally codified mechanism within the settler colonies of North America, such as through the Marshal Trilogy in the United States (Eisner 2024, 1016), and through *St. Catherines Milling and Lumber Co. v. R* in Canada, Discovery had clearly impacted Indigenous peoples. The fact that the Pope would fail to rescind these initial papal bulls, in my view, makes the apology fall short.

What makes the failure to rescind these papal bulls more detrimental is the fact that the Truth and Reconciliation Commission (TRC), created to research and document the experience and testimonies of residential school survivors, had demanded that Discovery and *terra nullius* be repudiated. The apology failing to come alongside the repudiation of these papal bulls *responsible* for Discovery and *terra nullius* makes it difficult to think of the issue as resolved.

While the TRC had involved Indigenous leadership and had received praise from Indigenous leaders within the media, recognition-based politics, which is central to the TRC, is also argued by Indigenous scholars like Glen Coulthard to be a “pacifying discourse” (2014, 127) aimed at absolving the government’s use of assimilationist policies. Assimilationist policies again become reflective of the goal for settler society to *eliminate* Indigenous society, which is why scholars like Patrick Wolfe refer to it as a “Faustian bargain – have our settler world, but lose

your Indigenous soul” (2006, 397). This logic of elimination refers to the necessity of a settler-society (i.e., the *structural* element of the society) to eliminate the pre-existing society in order to gain access to the territory of the pre-existing society (Wolfe 2006, 388).

Coulthard observed how “in situations where colonial rule does not depend solely on the exercise of state violence, its reproduction instead rests on the ability to entice Indigenous peoples to *identify*, either implicitly or explicitly, with the profoundly *asymmetrical* and *nonreciprocal* forms of recognition either imposed on or granted to them by the settler state and society” (2014, 25). Indigenous skepticism of the TRC is fitting in this view, and is reflective of a sentiment of *too little, too late*. Survivors of residential schools have expressed an expectation of being forgotten about, with one survivor stating, “this is going to be one final hurrah for us and we’re just going to be placed aside” (Walker 2015, para. 8), and another Indigenous youth saying, “it’s difficult trusting the government and higher powers. How are we supposed to know you are keeping your words?” (Schwientek 2024, para. 15). Media narratives and Indigenous sentiments both represent a cautious hesitancy toward the future of reconciliation.

If we are then to run off this allegory of a book that Harper makes, with each chapter becoming another era for Canadian politics, in which chapter does the mistreatment of Indigenous people end? Does each chapter end with an apology to Indigenous people, or does the beginning of the book begin with a land acknowledgement? Where do apologies fit into the structure of the Canadian state?

J. Kēhaulani Kauanui in “A Sorry State: Apology Politics and Legal Fictions in the Court of the Conqueror” asks a similar question, referring to a state apology as a mere value statement on what is considered “right” and “wrong” within a given social order (2014, 114). As follows, a state’s apology can be seen as a reflection of the state’s agenda, imbued by a wider ideological

framework operating beneath it. This apology, this *agenda*, sets the tone for advancing the state's interests, such as the "meanings of national membership" (Kaunui 2014, 114). Reflecting on the TRC's 58th call to action, that the pope apologizes for the church's involvement in residential schools reveals how the timing of this apology is quite deliberate. The twofold nature of the pope's apology, that he reforms the Church's image and that he adheres to the TRC's call to action, enabled Pope Francis to set a liberalizing agenda to fix the Church's reputation. Of course, this did not happen overnight: years of pressure from Indigenous actors certainly influenced this outcome; yet the timing of this decision could not have been better for the Church.

What about Stephen Harper's apology in 2008? What we could see as an apology, we may also see as an agenda. This agenda, to reign in the colonial 'past' of Canada, seeks to ensure Indigenous participation in Canadian society going forward. But if the ideological nature of a state apology and its value statement on what is "right" seeks Indigenous participation in the social order, how does this social order differentiate from the alleged 'past'? My concern here is that we are seeking indigenous participation within a *colonial* social order, one which continues to seek out elimination. This colonial social order is therefore in dire need of further investigation.

Let us return to the legacy of residential schools in Canada and why an apology was warranted. Harper's apology recognized how the institutions assimilationist policies sought to remove children from their homes and to assimilate them into a settler culture, based on a belief which held Indigenous society as "inferior and unequal" (2008, para. 1). These institutions, as the government recognized, profoundly traumatized Indigenous peoples by fragmenting their families and perpetuating a traumatic cycle which included physical, emotional, and sexual abuse in the name of "killing the Indian in the child" (Harper 2008, para. 1). The developing apology over

the past decade has led to the government on October 27th 2022 finally being able to use the word *genocide* in reference to these schools, reflecting the United Nations *Convention on the Prevention and Punishment of the Crime of Genocide*'s second article, that there had been "an intent to destroy, in whole or in part, a national, ethnical, racial or religious" group (Raycraft 2022, para. 11). It seems that the social order which Harper had apologized for, was a single policy which was aimed at assimilating Indigenous children into Canadian society. It is an attempt to signal both to Indigenous people and to the rest of the world that Canada is *post*-colonial. That the social order which had determined that Indigenous children ought to have their culture destroyed no longer existed. That it is now the past, and that learning from the past is ultimately part of what makes Canada great.

However, the skepticism remains, and the damage is done. The apology is made not so that Indigenous society may recover, but so that Canadian society can not feel guilty about it. Audra Simpson provides an excellent summary of this posturing in "The State is a Man: Theresa Spence, Loretta Saunders and the Gender of Settler Sovereignty" wherein she states that:

in spite of the innocence of the story that Canada likes to tell about itself, that it is a place of immigrant and settler founding, that in this, it is a place that somehow escapes the ugliness of history, that it is a place that is not like the place below it, across that border. Canada is not like that place for many reason but it is especially exceptional now, because it apologized, it stood in the face of its history, it "reconciles" the violence of the past with its present and so, presumably, with this acknowledgment of wrongdoing, may move on. These emotional gestures, registered at an institutionalized, state level are undermined by an extractive and simultaneously murderous state of affairs. (2016, 1)

Canada tries to distance itself from the United States by using reconciliation as a new qualifier for its innocence. However, it is hard to appear innocent when the collective traumatization of Indigenous society had occurred *beyond* one policy decision, and more challenging when residential schools are part of a *myriad* of decisions and policies that had overall been made to construct the Canadian social order. This *social order* is settler-colonialism, not a one-off event caused by an archaic policy.

Patrick Wolfe states that settler colonialism is not a historic event, but rather, a structure (2006, 388). It is a structure, as it seeks to both *eliminate* the pre-existing society which is situated on the territory being ‘settled’, and to *construct* a new society in place of it; the tendency of a settler-society is therefore based on what Wolfe refers to as the logic of elimination. In Canada, residential schools are an example of settler-societies desire to eliminate the given Indigenous population, although the elimination of Indigenous society does not depend on merely one instance of this logic. The *structural* elements of settler colonialism persist beyond just the scope of the residential school system; missing and murdered Indigenous women, high incarceration rates, and the contemporary child welfare system all point toward a logic that continues to depend upon the literal disappearance of an Indigenous population.

Returning then to the apology provided by Stephen Harper, the *right* thing, which is being signaled by Harper’s apology, is nothing more than a value statement designed to signal to Canadians that the alleged chapter of settler colonialism is over. Yet, if settler colonialism continues to be one of the central structural elements of Canadian society, [alongside patriarchy, capitalism, etc.], it is so much more than a mere chapter in our history. It *is* our history, and it *is* our politics; it *is* our present. What can be seen here is the introduction of what Glen Coulthard calls a *shift* in the colonial domination of Indigenous people – one which had previously depended

upon the overt structural domination of them, to one which instead leverages *recognition* as the basis for accomplishing the settler-colonial goal of land dispossession (Coulthard 2014, 25). The politics of an apology fits aptly into this observation, as the seemingly contradictory liberalization of the settler-state toward Indigeneity is instead representative of the desire for colonial rule to “entice Indigenous peoples to *identify*, either implicitly or explicitly, with the profound *asymmetrical* and *nonreciprocal* forms of recognition either imposed on or granted to them by the settler state and society” (Coulthard 2014, 25). The contemporary version of settler colonialism within Canada no longer needs to have a residential school system to gain access to Indigenous territory.

The gesturing of an apology in conjunction with the politics of recognition in the role of dispossessing land thus signals a new form of settler colonialism; the great deal of skepticism which Indigenous people have toward these notions of “reconciliation” clearly ground themselves in these observations, as reconciliation implies a return to a previous relationship which was good for both parties, and yet has never been seen. The apology comes wrapped in the language of regret while simultaneously pulling the rug out from under the feet of those whom the state claims to be apologetic toward.

What ties reconciliation, recognition, and settler-colonialism into a single thread is the role that land plays. If the ‘goal,’ as Wolfe says, is to *eliminate* a pre-existing society so that a *new* society can take its place, then the land which the ‘previous’ society inhabited must necessarily become the land which the new society will construct itself upon. In other words, settler-colonialism cannot settle anything without obtaining land. This is an underlying logic that becomes the basis for the decisions that are made *by* the settler-state according to its relationship

and governance of Indigenous peoples – it necessarily depends upon the *dispossession* of Indigenous lands.

By dispossession, I am indebted to Robert Nichols’s articulation of *recursive* dispossession as a term which encompasses multiple configurations of “property, law, race, and rights” (2020, 6) that come to represent not *only* “that in large sections of the globe, Indigenous peoples have not only been subjugated and oppressed by imperial elites; they have also been divested of their lands, that is, the territorial foundations of their societies, which have in turn become the territorial foundations for the creation of new, European-style, settler colonial societies” (2020, 5), but *also* to denote how dispossession comes to represent the transformation of *non*-proprietary relations *into* proprietary relations (2020, 8). Dispossession therefore represents a structural merging of the *commodification* of land as well as the theft of it. It ties together the logic of elimination as one which requires the acquisition of territory by transforming it into a *property*-based experience.

The acquisition of territory thus becomes central to any discussion on settler colonialism. Dispossession at its core structurally functions as a mechanism necessary to ensure the continuation of the logic of elimination, and yet it also implies a necessary *experience* which actualizes through the *loss* and *gain* of the territory in question. So, if the construction of a European-style society depends upon continuous dispossession, what exactly is happening to the territory as it is being seized by colonial society, and what exactly is happening to colonial society when it seizes this territory?

As a starting point for this investigation, I believe that it is important to place the role which ‘the Settler’ plays within colonial society, as this Settler becomes the basis for understanding the development of the colonial social formation. First, by the Settler, I am referring to an

archetypal figure within the settler colony, one which exists as the functional *opposite* of the Indigenous person. If dispossession becomes a proprietary relationship between commodification and theft, then the *thief* should be analyzed as an entity which undergoes a transformation because of this dispossession.

This is the case due to the personal relationship and sense of entitlement that the Settler feels with the land; Wolfe refers to this genesis of the Settler as a process wherein the Settler *emerges* through “dispossessing, a ceaseless obligation that has to be maintained across the generations if the Natives are not to comeback” (2013, 1), resulting in the land becoming the “home” of both Settler and Indigenous. This irreducible condition reveals why land seizure becomes the upmost significant process which the settler-state can accomplish, as it legitimizes the Settler’s belief in the land *being* there’s, and is best summarized by Wolfe: “as the settler takes over the territory, so does the territory take over the settler – hence the distinctive vascular condition of having the land run in one’s blood” (2013, 1).

Further, by settler colony, I am also working with Wolfe’s description of settler colonialism and the belief that what distinguishes the settler colony from a “colony with settlers” is the emphasis which *elimination* has within the colony as a structure rather than an event (2006, 390). For this thesis, the emphasis on the role of elimination as a distinguishing factor of a settler colony is significant, as a pillar of settler-being is the assumption that the Settler ought to (and will) eventually eliminate indigenous society through processes of dispossession and assimilation.

The outcome of dispossession requires further investigation: how do these structural logics and processes inform the construction of the settler sense of self, its being, and its ontological coherence? What are the consequences of a societal and structural system built on the premise of elimination on the sense of self within that society, and how does the dispossession of

territory link these two things together? This investigation is important to answering this question, as the development of these structural necessities are responsible for the development of an entire way of being from within the colonial society, one which is necessarily at odds with the Indigenous society which the colonial one seeks to eliminate. Because of the ontological nature of this dilemma, it is therefore important to frame this as an ontological problem.

To answer this question, I seek to provide an ontological investigation into the nature of the settler-identity. Specifically, in this thesis I investigate the processes in which a person *becomes* a Settler. By doing this, I demonstrate that the series of phenomena which result in the creation of the Settler in the context of Wolfe's logic of elimination is produced by an effect which I understand as the *racialization* of land. The emphasis on the role which the Settler plays therefore requires an analysis on who constitutes a Settler within a settler-society.

To provide a definition of the Settler, a definition needs to be provided for Indigenous peoples, as the contrasts between their identities distinguishes the ontological properties associated with their proprietary relationships. Furthermore, understanding who *a Settler is not* allows for the creation of the Settler to be more easily developed. Indigenous people (or: Native's and 'Indians'), are an identity formed out of the context of colonialism, wherein *being indigenous* is produced as an *oppositional* relationship to a colonial society which had been produced. Indigenous peoples are thought of as the "original owners" of the land and yet are retroactively assigned this proprietary relationship through the development of the colonial society which seeks to replace them (Nichols 2020, 8). Indigenous scholars Taiaiake Alfred and Jeff Corntassel write that: "it is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world" (2005, 597),

further entrenching the dichotomous relationship that produces these identities. For this thesis, I am concerned with the Indigenous experience pertaining to the colonized Anglo-world — Canada, the United States, Australia, and New Zealand — with a particular focus on Canada and the United States.

Although it is not the primary concern for this thesis, before I can define the Settler, it is important to note that not everyone in the colonized world is one or the other. Jodi Byrd, borrowing from the African Caribbean poet Kamau Brathwaite, describes *arrivants* as another category of people who were “forced into the Americas through the violence of European and Anglo-American colonial and imperialism around the globe” (2011, xix). This, of course, is in reference to the descendants of the enslaved African’s who were forced into a system of chattel slavery. Arrivants cannot justifiably be referred to as Settler’s and yet do not possess the same characteristics which make up Indigenousness. Their distinct qualifier is a result of the *force* involved in their arrival into the territory, and both *resist* the colonial administration involved by the state and simultaneously are a part of it (Byrd 2011, xix). It would therefore be inappropriate, in my view, to categorize arrivants and the descendants of arrivants as either Indigenous or Settler.

This finally leaves the Settler. The Settler provides the other end of the oppositional relationship which constitutes Indigeneity, as the category of people who participate in the dispossession of Indigenous territories. Historically, settlers have their origins in Europe, and in our case, England.¹ As Settlers, they arbitrarily brought over their *values and expectations* as to what constitutes society and carried out a mission intended to fundamentally *change* the location in which they arrived (to settle). In this mission to create a new society, and with a different world view to

1. This is not to say that all settlers are English, but rather, that our primary concern is with the role of England in settler colonialism.

the Indigenous society which functionally serves as the *Other* for their project, the Settler comes to view the land as both the catalyst for the birth of a new society and the medium for which they are able to affirm their identity as *Settlers*. In doing this, the racialization of settler-being produces whiteness as a necessary qualifier for the categorization of one *being* a Settler.

This distinguishes, in contemporary multicultural settler democracy, between the *Settler* and an immigrant, because the process of developing settler society necessarily installed the customs and values of whiteness which were brought with them across the ocean; something which, in contemporary politics, racialized immigrants do not have the power to do (Vowel 2016, 31). To be a Settler is to therefore have a relationship toward the land which is functionally at odds with Indigenous society as a result of the similar place-based way of being within the society while simultaneously importing an ontology which views Indigenous society as inferior; it is a common sentiment amongst Settler's that: "their 'right to be here' attached particular capabilities, opportunities, and privileges to them, including a sense of ownership and authority, by virtue of their legal and social status as white immigrants. This notion of rights and the sense of belonging it engendered were reinforced institutionally and socially" (Moreton-Robinson 2015, 6). It contains the agenda of implementing whiteness as a foundational pillar of the new society, which is something which non-European descendants do not have the power to do.

Whiteness is therefore worth defining as well, although it is important to note that this term will be developed throughout the course of this thesis. Whiteness is a dynamic term, which I argue contains an innate attribute of race (as in, someone being a white² person) as well as an abstract set of expectations and criteria which are implemented into a given thing. Property, for example, comes to represent a form of whiteness which non-white people are able to participate

2. I do not capitalize 'white', yet capitalize other races, to decenter normative whiteness in this thesis.

within; while racialized people will never “become” white people, they are able to participate in the institutions and forms of ownership which are constructed on the premise of whiteness being the necessary qualifier for land ownership and values such as “civility and rationality”. It serves as “the invisible measure of who can own property” (Moreton-Robinson 2015, 6).

By racialization, I am referring to an ontological process wherein the arbitrary values of race which have been created by Europeans are applied to the land which is being settled; constructs such as *rationality* and *civility* are not merely designated to the groups of people who inhabit the land, but are derived from the land's state of development which the Settler perceives. This perceived land development racializes land by associating “wasted” land as being Indigenous, and “developed” land as settled. This produces an ontological effect wherein settler-being positions itself as the rational and civil subject on the land, while simultaneously using the land's development as proof of this superior being. Both land and private property become key to dissecting these compounding phenomena, as the dispossession of Indigenous land *results* in the creation of private property. It is a division which is created to impose supposedly “natural” traits onto the land to create the grammar of superiority and inferiority onto those lands and their people.

Aileen Moreton-Robinson's idea of *possessive logics* can help situate the relationship between land and private property. Robinson's possessive logic describes the rationalization of the perpetual reproduction and reaffirmation of the “nation-states ownership, control, and domination” (2015, xii) of land, which produces the *white* possessive logic as a set of meanings related to the ownership of property and the production of the nation. These logics tie together land ownership and private property ownership as an essential characteristic in the settler-identity. Juxtaposed to the ‘property’-ownership of Indigenous peoples, the white possessive logic places the

ownership of land and the development of private property as the rationalizing force behind these relationships.

Understanding land as racialized I believe will help make sense of the behaviours found within settler-colonial society from the perspective of an investigation into settler-colonial political ontology. I specify the *Settler* from the *settler* in order to apply the characteristics of an ontological investigation onto an archetypal figure of the Settler, to differentiate between Indigenous people as well as propertyless settlers. The archetypal Settler is the white, property-owning subject, which undergoes a self-actualizing process wherein the dispossession of Indigenous land *affirms* their identity as the rightful owners of the land. Through the process of land racialization, the settler-being is produced as an ontology centered around the belief that only the Settler is entitled to the land, and that only the Settler knows what is good for the land. Not all settlers in colonial society are property owners, but it is an important distinction to be made when investigating the creation of the Settler as a modern subject. By interpreting this topic as an ontological investigation, settler-being can be situated as a process which occurs as a result of land racialization.

HYPOTHESIS

From the above, in this thesis I argue that, as an ontological process of self-making, produced by the racialization of land, the settler-being emerges as the alleged ‘superior’ way of being. In other words, what I argue is that development of the settler identity depends upon the process of land racialization, as it is through that process wherein the sense of settler-superiority is able to emerge. Racialization becomes a structural feature of settler-colonialism that becomes, in excess of human interrelationality, applied toward the relationship which settlers have with settled land.

Understanding the land as a subject of racialization — as I show with my ontological investigation — exposes tendencies within settler-colonial society and capitalism which links together the Marxist theory of “so-called primitive accumulation” and the logic of elimination as identified by Wolfe. By linking these two concepts, the settler-colonial necessity to continuously dispossess Indigenous land from Indigenous people can be seen as a fundamental behaviour within settler-colonial society. The behaviour of settler-being is fundamentally linked toward the logic of elimination, as the contemporary Marxist analysis on primitive accumulation demonstrates how there is an economic necessity for capitalists to continuously be expanding into the “outside” of capitalism.

By contemporary primitive accumulation, I am referring to an updated version of Karl Marx’s account of the origin of capitalism – a theory which primarily credits the colonization of the New World, and the Enclosure Act’s, as being responsible. In Marx’s articulation of “so-called primitive accumulation”, Marx alludes to a violent, *historical* process of separating labourers from their property and means of production, stating that this initial process involved “conquest, enslavement, robbery, murder” (1887, 505) as a prerequisite for capital accumulation to occur. Contemporary discourse surrounding primitive accumulation argues this process as one which is *on-going*, and for the purpose of this thesis, I will take this position too, as this phenomenon is necessary for the development of settler-colonial society. I agree with scholars such as David Harvey and Glen Coulthard on the continuity of this issue, as capitalist settler society routinely dispossesses Indigenous territory as a means accumulating capital while simultaneously acquiring land considered to be “outside” capitalist social formations. Conversely, the “outside” of capitalism refers to the domination of non-capitalist social formations *by* capitalist social

formations. For this thesis, the outside therefore corresponds to land which had yet to be dispossessed by settler society.

Another significant contribution to the development of the ontology of the Settler comes from the classical liberal theorist John Locke, and in particular, his conceptualization of private property and its long-lasting influence in creating a privatized world of capital. While private property existed prior to Locke's conceptualization, Locke's theory of property has significantly impacted the use of private property in the construction of settler-being and needs to be discussed in detail to make sense of these consequences. An additional concern I have with Locke emerges due to what I argue is a *retroactive* Lockean influence on the Doctrine of Discovery, as his argument for property ownership is codified in cases like the Marshal trilogy, which itself has significantly influenced laws within settler society. Because of this, a significant portion of settler-being has a Lockean background.

I believe that it is important to bring Locke into this thesis because of the conceptualization of private property through the lens of *labour*; as labour is a justification used in the settler-being to both dispossess and racialize the land. Because I argue that Locke's theory is influential for colonial social relations, two Lockean consequences on settler-being emerge: first, that the labour theory of property views Indigenous proprietary relations as illegitimate due to their perceived lack of labouring, and two; that settler-being views property ownership as a distinct human characteristic, rendering the view that Indigenous peoples are disqualified from property ownership *and* being human. By applying the *inverse* of what Locke states to be an affirming method of self-actualization, he produces a theory which views the *lack* of mixing ones labour into the land as a marker for the irrationality of a given subject; the use of private property as the

anchor of what counts as a civilized society is therefore an important concept which needs to be analyzed, and John Locke can be used as an origin story for analyzing this.

This important development in Locke's theory provides a "solution" to what he otherwise views as land in "waste", land which is undeveloped and simultaneously (in his view) reflective of Indigenous society (1690, Sect. 37). This thesis does not seek to *affirm* this perspective, but rather, to make sense of the consequences of Locke's perspective and to provide insight into the notion of land ownership as it correlates to land racialization in the settler-project.

NOTES ON METHOD

The ontological exploration here is based off of Mathias Kramm's definition of ontology as a "way of being in the world, and a relationship between human-bodies and human-relationships" (2021, 716), and that a political ontology is therefore concerned with the role of governing those relationships. Understanding ontology through this lens allows for the investigation of settler-being to produce a competing ontology to that of Indigenous-being. It is worth noting that the investigation here is not to provide a justification for the behaviours of settler-being but rather to make sense *of* the settler-being and racialized land. When discussing Indigenous dispossession, it therefore becomes an important distinction that these ontological differences result in a completely different perspective on the land which is being usurped: occupation of land becomes *more* than occupation, it becomes an imposition of an opposite perspective on the nature of reality. Kramm looks to India to demonstrate the significance of these differing ontologies, and why it represents more than occupation:

An example of an ontological conflict is provided by Utsa Hazarika, who describes the struggle of the Dongria Kondh, an Indigenous people who live in the Niyamgiri Hills in the East Indian

state of Odisha, against Vedanta Resources, a multinational mining company. Both the Dongria Kondh and the mining company employ different ontologies with regard to a specific hill. The Dongria Kondh contend that their god, Niyamraja, resides in the hill, whereas the mining company takes the hill to be a 'large, lifeless deposit of bauxite. In this case, the ontologies do not merely mark a difference between two different ways of interacting with the environment; rather, as I demonstrate shortly, they imply different beliefs about what exists (2021, 717)

While this example is from a different colonial context, I argue that the point remains the same, and quite relevant to this thesis, indicates that different ontologies on the nature of land and the relationship that one has toward land results in competing perspectives about the *use* of land.

While my argument depends upon the notion that settler-being requires this ontological relationship toward land, as one which is functionally different than an Indigenous ontology, the settler-being's focus on enclosure, abstraction, and whiteness as ownership does not produce an opposition between indigenous relationality and settler property. Because of the previously mentioned characteristics of whiteness as property, Indigenous peoples can participate in capitalist property regimes without necessarily assuming the settler-being. The emphasis of the separate ontologies is to note that the use of property is not itself the key distinction, but rather, the structure of power which determines how the land can be imagined as a relation, a commodity, or a territory for a group of people.

To make sense of the role which is played in the racialization of land within the settler-colonial project, I will construct the settler ontological view of land in order to formulate the 'becoming' settler into a form of ontological discourse. I will demonstrate throughout this thesis that settler being is produced through a process in which settler-becoming dominates Indigenous society and produce a notion of superiority through the racialization of land as it becomes colonized. This process becomes a justification for the dehumanization of Indigenous people, as the

belief in what makes the Settler superior to Indigenous people is the process of settler-becoming and its effects on land.

A final note on ontology is that the “anthropological machine”, as Agamben calls it, has a tendency to *produce* the self through the antagonism of an Other (2002, 37). Through the process of transforming person to non-person, Agamben discusses this anthropological machine as a necessarily exclusionary force, and I seek to create a theory which leverages this machine by stating how the ontological development of the Settler is a consequence of the production of a worldview which views Indigeneity as non-human. Because of this, there is a clear white supremacist strand which runs throughout settler ontology. Understanding this as part of the ontological investigation means that the implication of settler-becoming produces a set of expectations about Indigeneity and land: that the anthropological machine interprets the exclusion of people from property-possession as a classification of those who are non-human, or what Agamben calls “the animal in the figure of a human” (2002, 38).

A second methodological pillar of this paper is a Marxist analysis on the genesis of capitalism, and its relationship to the settler-colony. Specifically, it is concerned with Marx’s concept of *primitive accumulation*, and how primitive accumulation participates in the production of land as a racialized being. The definition of primitive accumulation which I will be using throughout this thesis comes from Derek Hall, who refers to it as: “the enclosure of common land, and the concomitant separation from the means of production of the people who previously held it; on the creation of private property rights to the land; and on the eventual proletarianization of the dispossessed” (2013, 1585), which is a necessarily different definition which Marx provides, as Marx describes primitive accumulation as “nothing else than the *historical* process of divorcing the producer from the means of production. It appears as primitive, because it forms the

prehistoric stage of capital and of the mode of production corresponding with it” (1887, 506). The framework for this paper however will not be speaking of primitive accumulation as a historical process, but rather, a fundamental and on-going process of both capital accumulation and of settler colonialism and will look at David Harvey’s *The New Imperialism* to describe this as ongoing.

My adoption of these theorists is because of the critical insights which their analyses can provide for the development of my own thesis. While I weigh the difference between Harvey’s accumulation of dispossession and Marx’s original formation of primitive accumulation, I adopt these perspectives because they provide the best opportunity for us to blend Marxist philosophy with settler-colonial studies. The purpose of our Marxist methodology is therefore not to critique these theorists (although criticism *is* part of ‘weighing’ them), but rather, to build from what they provide and expand on my own theory of racialization.

CHAPTER OVERVIEW

Chapter one of this thesis, “Locking in on Locke: Unpacking John Locke’s Role in Settler Ontology”, investigates the impact which Locke had on the development of private property as a tool for further colonial development. In particular, the focus on Locke’s conceptualization of “waste” and “use” of land, *derived* from the labour theory of value, is used as a starting point for understanding how land racialization occurs and develops settler-being.

The second chapter of this thesis is titled “Tendencies of Capitalism: Primitive Accumulation, Dispossession, and Racialization”, and it aims to provide further analysis on the role which primitive accumulation plays in the dispossession of Indigenous territory, as well as the role which these accumulative practices play in settler-becoming. It provides an overview of

several Marxist theorists (Marx, Luxemburg, Harvey, Coulthard) as well as demonstrates why primitive accumulation is more than just a *historical* process. The goal of this section will be to further tie together the roles which capital accumulation play in the dispossession of Indigenous territory, and how through the process of primitive accumulation, settler-being emerges as an ontologically different perspective on how private property and land ownership correlates to having appropriately changed the land, thus incorporating an ontological investigation of this.

The third chapter is titled “The State: How Settler Being Emerges”, in which an investigation is provided in understanding the impact which the colonial state has on settler-being. Specifically, it will demonstrate how settler-being correlates to the behaviour of the settler-state to further accomplish these congruent goals of capital accumulation and land dispossession. One such important analysis which takes place within this chapter is an analysis on the Charter Company regimes and the role which these hybrid-regimes played in the eventual *settler* colonization of these territories. It will demonstrate how despite these hybrid-regimes existing in a different context then the later settler-colonial societies, the phenomena of primitive accumulation and settler-becoming correlate to an ontological difference which simultaneously begins the production of a racialized land.

CHAPTER ONE

LOCKING IN ON LOCKE

Unpacking John Locke's Role in Settler Ontology

The purpose of this chapter is to provide insight into the role which John Locke has played in the development of the Anglo-colonial conceptualization of *rightful* ownership concerning property. I argue that this is a significant position to start from, as it can help de-mystify the ontological “origin” of settler-being which depends upon Lockean conceptions of property. By periodizing Locke’s fifth chapter “On Property” in *Two Treatise on Government*, I will demonstrate how the Lockean notion of “waste” and “use” as categories of land use have become embedded in the legal construction of historic and contemporary colonial law. It further positions this thesis as being able to articulate colonial usage of property law as an influential component of settler-being in the scheme of land racialization. The notion of “use” and “waste” come to exhibit the signs of land as a racialized subject, thus warranting an analysis on the Lockean influence of colonial development and the retroactive justification of Indigenous dispossession.

THINKING ABOUT DISCOVERY

Indigenous dispossession first became justified by myriad legal and moral justifications that are rooted in a notion of superiority at the helm of settler-being. The Doctrine of Discovery and *terra*

*nullius*³ each provide an initial legal framework for which English settlers leveraged as a baseline for territorial acquisition. The Doctrine of Discovery initially formulated a hierarchical positioning of European sovereignty as the superior entity to the inhabitants of the Americas (Wolfe 2016, 141); this doctrine encompassed a set of expectations amongst the conduct between *European* power's in their behaviour in the Americas (Wood and Rossiter 2022, 13) through the power of the Catholic Church. The Church had long established a global papal jurisdiction which could be used to justify the conquest of Infidels for the purpose of Christianisation (Miller 2012, 855). It would proceed to undergo a legal codification across the Anglo-colonial world and became the foundational crutch of significant colonial legal cases which ultimately defined Indigenous sovereignty within Canada and the United States.

Discovery in both states provided a distinguishable superiority between land claims made by Indigenous peoples versus claims made by settlers. In the United States, 'Indian Law' is conceptually anchored by Discovery due to the initial justificatory role it plays in what is known as the Marshall Trilogy, itself being the genesis of historical and contemporary delegitimizations of Indigenous sovereignty and title (Eisner 2024, 1000). These three cases: *Johnson v. M'Intosh*, *Cherokee Nation v. Georgia*; *Worcester v. Georgia*, position the superiority of settler society on the premise that Indigenous peoples constitute a nation within a nation, dependent on the United States to allocate them Aboriginal title (Byrd 2011, xxii). By doing this, the relationship between Indigenous peoples trapped in the United States and their colonial government is one which relegated property as a delegation of sovereignty and power, which situated the "court of the conqueror" as the superior to Indigenous society (Harris 1993, 1723).

3. Latin for "land belonging to no one"

Consider *Johnson v. M'Intosh*: Discovery was leveraged as the basis for positioning Indigenous sovereignty as a secondary jurisprudence and produced colonial legislation that determined “title derived from private purchases from Native Nations could not be valid” (Eisner 2024, 1005-1006) under the pretext that “conquest gives a title which the Courts of the conqueror cannot deny” (Harris 1993, 1723). Indian title thus became subordinate to federal title on the basis of Discovery, Lenape scholar Joanne Barker details:

the entire self-fulfilling narrative of legal, moral, and social superiority offered in such claims to doctrine as Marshall's discovery reinvented a sovereignty for Indigenous peoples that was void of any of the associated rights to self government, territorial integrity, and cultural autonomy that would have been affiliated with it in international law at the time (2005, 14)

The significance of this case provided that the federal government had the right to legally extinguish Aboriginal title and simultaneously reinvigorated a longstanding arrangement of settler society which fulfilled its sense of superiority (Eisner 2024, 1009).

A curious development in the longstanding legacy of the Marshall Trilogy appeared across the northern border in Canada. Canada proceeded to use similar reasoning in the 1888 *St. Catherine's Milling and Lumber Co. v. R* by producing Aboriginal title claim as inferior to settler claims (Eisner 2024, 1005, Harris 1993, 1723). The Doctrine of Discovery had been interpreted as a guiding principle by the Privy Council by referencing *Johnson v. M'Intosh* as a “classic and definitive judgement” throughout the case (Reid 2010, 345); the crown's assertion of *sovereignty* stipulated that Crown title was established prior to the execution of any treaty amongst Indigenous peoples within Canada, meaning that all treaties made between Indigenous people and the Crown never resulted in an established Indigenous sovereignty (Drake 2018, 17), and found that “Aboriginals

did not hold a fee simple interest in their property (the kind of interest that non-Aboriginals typically have when they purchase property)” (Reid 2010, 345).

Such as Discovery, *terra nullius* conceptually originated in the authority of the Catholic Church and the papacy (Miller 2012, 900). It provided two definitions of *terra nullius* which could be used by Europeans: one which indicated land as literally being uninhabited, and the other indicating that “the governments, religions, and societies located there were ones that Europeans did not recognize as valid” (Miller 2012, 901).

For England, *terra nullius* enabled colonists to ‘discover’ lands based on the premise that they were void of *legitimate* inhabitants. This fictitious narrative of emptiness permitted the legal dispossession of Indigenous land while simultaneously embedding itself into the supremacy of the settler-being by imagining Indigenous society as “empty of meaning, of language, of presence, and of history before the arrival of the European” (Byrd 2011, 64). The ability to claim land as legally vacant according to the absence of property ownership meant that Indigenous territory was free to be appropriated — that the inferiority of Indigenous society legally produced *terra nullius* (Drake 2018, 2) as a consequence of their inferiority.

While in *Tsilhqot’in Nation v. British Columbia*, the Crown asserted “the doctrine of *terra nullius* ... never applied in Canada” (Borrows 2015, 702), it simultaneously claimed that “at the time of assertion of European sovereignty, the Crown acquired radical or underlying to all the land in the province” (Borrows 2015, 703). As a legal mechanism, the Crown’s assertion of absolute sovereignty and title claim over the *entire* province of British Columbia *depends* on *terra nullius* to legally function. The decision made by the Court however indicated that the Crown “could acquire de jure sovereignty over Indigenous peoples and their territories by mere assertion, which, like the discovery doctrine, seems to involve denial of pre-existing

sovereignty” (McNeil 2016, 719). There is a clear tension here between the claim that *terra nullius* never applied in Canada while simultaneously using the language of emptiness and pre-emptive sovereignty over Indigenous territory by virtue of the Crown’s assertion of itself onto the land, and it is simultaneously true that the Doctrine of Discovery played a significant role in the production of Aboriginal title as inferior.

On paper, this case affirms Aboriginal title as “ownership rights similar to those associated with fee simple, including: the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land’ the right to the economic benefits of the land; and the right to pro-actively use and manage the land” (Tsilhqot’in Nation v. British Columbia 2014, Sect. 73). Yet the rights conferred by the Crown also stipulate that Aboriginal title is a burden to the Crown’s innate sovereignty over Indigenous territory, and that the Crown’s underlining authority over Aboriginal title sets the grounds for legally justifying its superiority over Aboriginal title land. Consequently, when Indigenous people in Canada are able to own Aboriginal land, it is a legally weaker form of ownership than simple private property.

As a legal concept, *terra nullius* and the Doctrine of Discovery permeate contemporary settler-colonial society. In contemporary Canadian politics, Discovery still operates as the foundational principle which grants Indigenous people Aboriginal title instead of *sovereignty* (Drake 2018, 21). The retroactive naming of Indigenous peoples as the “original owners” which Nichol’s describes as dispossession simultaneously occurs in the allotment of Aboriginal title to Indigenous peoples by asserting Aboriginal title as a contractual position wherein Indigenous peoples were Crown dominions and thus lacking sovereignty to begin with (Reid 2010, 343). By doing this, Discovery finds itself at the core of the Crown’s ability to arbitrarily grant and dissolve protections for Indigenous peoples; Aboriginal title instead represents a usufructuary right,

which are rights of occupation and use, not underlying title. It additionally means that Indigenous peoples with Aboriginal title do not have the right to transfer *dominion* over the land, because their right to the land is only a mere occupancy (Wolfe 2016, 144). Thus, “all Aboriginal land rights are limited in Canada. Any land right can be contravened if the government deems such a move necessary for economic or other reasons” (Reid 2010, 351).

These are significant truths. Discovery and *terra nullius* continue to be significant legal justifications in the Anglo settler-colonial world, and it is not terribly bizarre that Canada would reference an American court hearing to justify its own colonial project. These logics that are pertinent to the settler-colonial paradigm result in a particularly important emphasis being placed on Discovery and *terra nullius*, as they are important in the states ability to articulate its sovereignty and superiority to Indigenous land claims in the first place. It produces Aboriginal title with a pacifying effect, but it is still ultimately able to do as it may please with the land. There is a reason why Indigenous peoples in Canada call upon the government to repudiate Discovery and *terra nullius*, because it has longstanding effects on the current relationship which exists between Indigenous peoples and the Settler government.

These reflections are important to preface a discussion on Locke because they can help demonstrate the Lockean principles which are embedded in the development of the settler-being. By demonstrating that Discovery and *terra nullius* are both historically and currently contingent, the coming reflection on Locke’s theory of property and the notion of “waste” and “use” are conceptually significant anchors in the production of land as a racialized subject.

THE LOCKE SHOCK: HOW TO BE A PROPERTY OWNER

The subject of this investigation will now turn to the theory of property as developed by John Locke in *Second Treatises of Government*. In the fifth chapter, Locke establishes an argument which situates God⁴ as the foundational justification for one to become a property owner. Because Locke argues God had given the world to humanity in common, he believed that God has consequently also tasked humanity with the project of making *use* of the land (1690, Sect. 26), and that by necessity, the land and its resources *ought* to be appropriated so that they are beneficial to humanity, which distinguishes the resources from their unappropriated selves.

Consequently, what exists in common can only be made of *use* if the resources are being taken out of their natural state; farming those resources becomes the method in which humanity can separate itself from “the wild” and damned. Locke provides insight in this introductory view of God and property ownership with the juxtaposition of Indigenous people in North America as wild in the same sense that nature is wild: that the lack of appropriation of these resources is already in itself a demonstration of the lack of value being created out of the resources in the first place. Locke believed that North America is the perfect example of what the entire world would

4. Now, the *urgency* of doing this is likely a result of Locke’s Calvinism. This is because of the Calvinist doctrine of predestination, a belief which argues that “by the decree of God, for the manifestation of his glory, some men and angels are predestined to everlasting life, and others foreordained to everlasting death” (Weber 1992, 60), which is significant because it leads to the faith having a belief in the “objective” glory of God, which can be demonstrated through success in hard work (Weber 1992, 69). So, it is likely an influence into why Locke argued that one *ought* to appropriate land through mixing labour with it, because God would reward you for it.

look like prior to the development of private property regimes in the name of God, stating that: “in the beginning all the world was America” (1690, Sect. 49).

By *removing* a thing from the commons, then, one can become the private owner of that thing. One is justified in their private ownership of something due to Locke’s belief that humanity has *self*-ownership, and that we all have property in ourselves (1690, 27). Because the first thing everyone comes to own is their body, and because God has given us our bodies, the labour which we exert essentially means that whatever unowned thing we may exert our labour upon becomes extensions of our selves, and thus our property (Locke 1690, Sect. 27). This creates a personal relationship toward ownership, as it comes to possess our labour which we can view as our selves. This logic furthermore applies to the acquisition of private property, as mixing labour into the common land demonstrates that the person had a rightful ownership of the property (Locke 1690, Sect. 30).

The other way which one may come to rightfully own land (to Locke) is by purchasing the land, as Locke argued that currency can come to represent labour which does not spoil: “by a tacit and voluntary consent, found out, a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one” (1690, Sect. 50), and thereby justifies a persons right to possess more property than attainable in a barter economy (Weymark 1980, 282). Through this, money comes to represent a non-perishable form of labour, enabling the ownership

of far greater quantities of property ownership which adheres to the spoilage proviso (Locke 1690, Sect. 50).⁵

Because property is an extension of labour, the role of labour in removing a thing out of the commons means that the removal does not require the consent of anybody, as the argument states the commons exist to be appropriated (Locke 1690, Sect. 28). This is an argument on a similar basis as *res nullius*,⁶ a configuration of legal thought practiced in Europe that concerned itself with the matter of “original title” in a given object without ownership (Nichols 2020, 19). The claim which governed *res nullius* helped produce a colonial logic of dispossession that purported *terra nullius* as the narrower species of *res nullius* that leveraged the conceptual ambiguities of *res nullius* to justify dispossession (Nichols 2020, 156). By establishing property to *be* owned, *res nullius* as a legal concept adopted “an older language of common ownership to new purposes” (Nichols 2020, 156), a process which theorists like Locke leverage in order to use the commons as a justification for dispossession.

Consequently, the role of labour in the creation of property is necessary as a process of producing individual entitlement to a given thing; mixing ones labour into the *land* would thus mean that land can come to be individually owned by a process of “improving” the land so that one may “lay out something upon it that was his own, his labour. He that in obedience to this command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that

5. An additional component of Locke’s theory which is important to note is the spoilage proviso: Locke believed that the rational land-claiming subject would not over-indulge in this process because God had granted humanity “as much as any one can make use of to any advantage of life before it spoils ... nothing was made by God for man to spoil or destroy” (Locke 1690, Sect. 31)

6. Latin for “nobody’s thing”

was his property, which another had no title to, nor could without injury take from it” (Locke 1690, Sect. 32).

Without this improvement, land otherwise exist in a state of *waste*. Locke refers to waste as being the natural condition of common land prior to its labouring, and that the potential richness of the land without its appropriation indicates that it is ultimately better for mankind for the land not to be wasted (1690, Sect. 37). By waste, Locke is indicating that the land is in a condition “left wholly to nature, that hath no improvement of pasturage, tillage, or planting, as indeed it is, waste” (1690, Sect. 42). In his development of waste, he refers to America as an example of this condition: “whether in the wild woods and uncultivated waste of America, left to nature, without any improvement ... a thousand acres yield the needy and wretched inhabitants ... as ten acres of equally fertile land do in Devonshire, where they all well cultivated?” (Locke 1690, Sect. 37). And so, it is therefore *virtuous* to develop the land, as its development provides greater productivity to society.

The association of labour and land ownership produces the image of those who own land as being *deserving* of the land due to the labour which they had demonstrated to be as justification for the possession of that land, and in this, produces the image of land ownership as a virtuous trait which is associated with the ability of a person to simply work hard. Ownership becomes not merely about possession, but about the creation of the self as a virtuous being. This reasoning commodifies land into a productive body *and* abstracts it into a medium to which a person can affirm their relationship to God; the inverse effect of this consequently meaning that the person who does *not* own land does *not* have virtuous characteristics.

In exploring Locke’s theory of property, I have so far set out to demonstrate how property ownership becomes a virtuous characteristic. It does so by associating the commons as being

God's gift to humanity, and that our transformation of the land is our duty. What has yet to be demonstrated is how these Lockean principles pertaining to *use* and *waste* are retroactively applied to *terra nullius* and Discovery and have significantly contributed to the justification of these legal concepts. By exploring the ontological significance of Lockean property in the coming section, I will simultaneously demonstrate how the settler-being internalizes *waste* and *use* as justifications for their supremacy.

COLONIAL CONSEQUENCES: HOBBSIAN OR LOCKEAN?

Throughout the proliferation of settler society, the concoction of various justifications stemming from multiple philosophical and legal mechanisms continuously produced an effect aimed at the dispossession of Indigenous territory. I have so far presented Locke as an important figure in the colonization of the English-speaking world but have yet to explain how these Lockean principles helped exacerbate the arguments of *terra nullius* and Discovery. This therefore warrants a discussion on how these concepts of *waste* and *use* have been leveraged to justify dispossession before discussing this as a racializing effect.

Before I can begin my discussion on the Lockean characteristics of dispossession, it is important to discuss another English philosopher whose ideas are pertinent to the ever-evolving logic of settler colonialism. The development of settler colonialism in Canada has simultaneously encompassed *Hobbesian* mechanisms regarding the proprietary relationship between subjects and the *sovereign*, and particularly, the assertion of Crown land in Canada. I will take some time here to extrapolate these compounding theoretical behaviours before ultimately demonstrating that the Lockean characteristics of use and waste take precedence over some identifiably Hobbesian mechanisms.

Hobbesian, of course, refers to the theoretical insights developed by Thomas Hobbes, an English philosopher who wrote his *Leviathan* in the same century as Locke's *Second Treatise on Governance*. Regarding property, the Hobbesian perspective is considerably different from Locke, as Hobbes believed that private property emerged from the civil law of a state, and does not emerge out of natural law in the same fashion which Locke believed (1651, Ch. 24, Sect. 2). This would therefore mean that the state becomes the arbiter of property, and that the Sovereign has the power to interfere with the property of another person (Hobbes 1651, Ch. 24, Sect. 4); the view that property does not exist until only after the state has enabled its existence, is itself based on Hobbes articulation of the state of nature, which he infamously depicted as "solitary, poor, nasty, brutish, and short" (Lopata 1973, 205). He also articulated this as being the case for Indigenous peoples in North America (Kowal 2011, 27).

The development of colonialism in Canada appeared on lines which, at first glance, appear more in line with these Hobbesian perspectives on the sovereign than Locke. The production of the commons into Crown land in Canada underwent a process wherein the *sovereign* Crown asserted its right over the *unsovereign* Indigenous world; the production of "The Crown" itself became a type of land claim, predicated on the basis of Discovery and *terra nullius* (Wood and Rossiter 2022, 13).

However, the basis for the Crown's assertion on the land following Hobbes's theory began to root itself in the language of use and waste that Locke greatly emphasized. The vast and dramatic assertion of the Crown over Indigenous territory represented a dual commons, which historians such as Allan Greer argue as becoming an "Indigenous commons" and "colonial commons" (2012, 372). By colonial commons, he distinguishes the colonial commons as "an area of

settler hunting, timbering, foraging, and above all grazing” as a location that ultimately will become the sight of a new society (Greer 2012, 376).

The future oriented nature of settler colonialism (Wood and Rossiter 2022, 10) made for Crown land to become a type of colonial commons based on the premise that the land was *waiting* to be used more efficiently, and thus the Sovereign was justified in its land claim over Indigenous society. Consider the case of British Columbia: the Crown had tasked the Hudson’s Bay Company to create a settler-colony on Victoria Island, wherein settlers would then “take up as private property based on agricultural settlement and resource industries” (Wood and Rossiter 2022, 36). It followed a Hobbesian method of creating property out of the alleged *terra nullius* land and then proceeded to follow a Lockean method of allotting the Crown land to become privately owned; governors of the colony such as Joseph Trutch believed Indigenous peoples were “savages who were not candidates for rights to their claimed land ... he felt that they were of no value or utility to the lands and in turn felt that granting land title was against the good of the colony” (Kowal 2011, 34), a process reflective of the Hobbesian Sovereign creating a private property regime invoked by the language of utility and good use of the land. By revoking Indigenous title and outright denying its existence, settlement and property ownership became much easier. This process turned the Crown’s territorial sovereignty into a literal, property-based settlement regime (Wood and Rossiter 2022, 38).

And so, within the creation of the settler society, land can remain as Crown land or become privately owned. Yet the characteristics of Crown land are resemblant of this Lockean belief that land is better off being developed, and that the Crown’s ownership of the land rather than Indigenous ownership places the land in a position to *become* privately owned. It operates as “public” land, like a form of commons, but is managed with a clear racial and colonial

paradigm based on a notion of responsibility. The Crown holds the land not as a neutral stewardship, but as a place-holding mechanism for future colonial use, one which Greer argues to be private property formation that resembled enclosures (Greer 2012, 379). In some respects, the development of colonialism is not entirely Lockean. However, what *is* true is that “property formation and state formation therefore proceeded in tandem; they were, in important respects, different aspects of the same process” (Greer 2012, 385), which I argue is indicative of a Hobbesian influence on an otherwise Lockean private property regime based on the notion of transforming the “wasted” commons.

As *terra nullius* and Discovery continued to be used as a legal justification for the colonization of the Americas, Lockean language pertaining to good-use and waste became codified. Locke’s imagination of Indigenous territory as “squandered *terra nullius*” (Murray 2022, 7) can be seen in the Marshal Trilogy; in *Johnson*, Justice Marshall echoes Lockean sentiment that “to leave Indigenous Americans in possession of their country was to leave the country a wilderness” (Hobert 2024, 22), which play into the dehumanizing rhetoric which Marshall deploys throughout the trilogy. This rhetoric again is echoed in Canada, with cases such as *St. Catherines* deploying “civility” as the basis for arguing that Indigenous peoples live in a “primitive state” (Drake 2018, 9), which itself became the basis for arguing Aboriginal title as a secondary title to the underlining sovereignty of the Crown.

Locke’s theory of property has, in some part, influenced the rationale behind Indigenous dispossession. While Hobbesian characteristics are present within the colonial story of Canada, the notion of *waste* and *use* grounded legal arguments of *terra nullius* and the Doctrine of Discovery as legitimate reasons to claim the land. Locke’s influence on these two legal concepts is applied retroactively, his theory affirms these ideas and provides them the greater philosophical

basis for creating a moral argument about one's responsibility to develop the land to a greater extent. The development of the *Settler* (rather than settlers) becomes the manifestation of this argument, and the coming section will now connect Lockean property theory with the settler-being to explain the racializing process which occurs.

ONTOLOGICAL CONSEQUENCES

First, it is important to note that the *Settler* as a subject is one who has the *capacity* to be a landowner while still maintaining their identity, as their identity is *affirmed* by the process of mixing labour and land. For Indigenous peoples, however, private-property ownership was used as a vehicle for assimilation; the enfranchisement of Indigenous peoples routinely involved granting “civilized” individuals the legal rights of a British citizen, such as the ability to be a private property owner. The *Gradual Civilization Act* of 1857, for example, was aimed at “the progress of Civilization among the Indian tribes” for the “gradual removal of all legal distinctions between them and Her Majesty’s other Canadian Subjects, and to facilitate the acquisition of property” (Kirkby 2020, 612); thus when an Indigenous person comes to be a private property owner within this colonial context, it is representative of a gradual erosion of Indigeneity.

This can finally lead to a distinction between settler-being and Indigeneity, one which situates the *Settler* as an ontologically distinct category, based on these precedents of property ownership. The primary concern here with Locke is ultimately the colonial consequences of the development of a labour theory of property; the emerging ontological viewpoint which Locke had developed by rationalizing the affirmation of the self through the insertion *of* the self into property corresponds to the development of an anti-Indigenous philosophy which had intimately connected itself to settler colonialism throughout the coming centuries.

The first consequence of Locke's theory of property is that it disqualifies Indigeneity and its relationship toward land ownership as a legitimate ontology. John Locke clearly believes that it is irrational to not be developing land and to appropriate its resources, as when he discusses the state of nature, he writes that "in the beginning, all the world was America" (1690, Sect. 49). By referring to the world in the state of nature as America, Locke is stating that the development of society necessarily depends upon the notion of civilized society emerging from property ownership in its first place, and that all other relationships with land are irrational and uncivilized. Locke's influence on the settler-being results in the belief that property ownership is the key qualifier in civility and rationality, and that consequently, the absence of private property indicates a type of inferiority. This inferiority, in our ontological investigation, results in the Settler regarding Indigenous-being as illegitimate, which therefore *disqualifies* Indigenous-being from property ownership. In other words, the lack of property ownership (in the Settler sense) in Indigenous society itself becomes a qualifying characteristic of Indigenous-being. Should Indigenous-being come to situate itself on the basis of private property ownership, it can no longer maintain itself as Indigenous-being. The result of this indicates that the existence of property-ownership affirms the settler-being while simultaneously harms Indigenous-being, as the Settler comes to claim that Indigenous-being never had any concept of landownership, and thus never had any entitlement toward it. The relationship that Indigenous people therefore had with the land was not a relationship of ownership, it was (according to Locke) a usufructuary relationship wherein they were as wild as the fruit and venison which they could eat.

Locke's theory further exacerbates the logic of colonial conquest: the "discovery" of the so-called "New World" was the discovery of a rich continent with no *civilized* inhabitants, but instead, a mere occupancy unsimilar to English society. In view of this, the idea of the New

World being empty becomes the norm: *terra nullius* as a justification for the colonization of the world becomes more than just a legal mechanism, it becomes an ontological view: that because of the fact there was now a view that the civilized self was the property-owning self, the lack of private property in these lands warranted their colonization. By developing *terra nullius* into a wider ontology, Locke's theory of property is applicable to the Settler because of its ability to position superiority into a colonial framework. It establishes the Settler as the rightful owner of property, and Indigenous concepts of property as deficient.

In this sense, the labour theory of property rationalizes dispossession before it takes place: those who are not using the land are not improving it, which is an affront to God. If land is not improved, it can be rightfully claimed instead by Settlers who can claim it by labouring upon it. This sentiment, that land and labour are mixed together, is something which is significantly tied to colonial capitalism, something which Brenna Bhandar claims to be "inextricably bound to one another" (2018, 41). The fact that these are bound together means that, like undeveloped land, non-industrious people are just as unproductive. This in turn reflects the Lockean idea that God's gift is for the *industrious* and the *rational*, which has the reverse effect of condemning societies which lack these characteristics; in Bhandar's words, "if men are not industrious and productive workers of the land, the land will be, like them, worth less, perhaps even worthless" (Bhandar 2018, 41), which is the sentiment that was carried over to North America by colonists. This perspective entirely dismisses Indigenous society from any sort of legitimate relationship toward land.

The second consequence is that it uses property as the justification for settler-supremacy. It is a virtuous and righteous act to obey God, and because Locke states that "God, when he gave the world in common to all mankind, commanded man also to labour" (1690, Sect. 32),

indicating that there is a moral duty to subdue the land into one's own possession. Because God had commanded people to do labour, and that labour "necessarily introduces private possessions" (Locke 1690, Sect. 35), societies which do not have a private-property regime are also societies which are morally inferior. In this view, they are *Godless*. Settlers who subdue, till, and sow any part of the land are consequently carrying out the orders of God on the land, which they view as the ultimate authority and justification for their actions. By doing this, the Settler legally and ontologically has the capacity to mix their labour into the land and undergo a *moral transformation* of the land; it is consequently virtuous to enclose land as your own, and it creates the view that the Settler is consequently the rightful *being* to own property. To Locke, private property is not merely just a legal entitlement, it is an indicator of a civilization's rationality; the notion of rationality once again becomes central to the bias which the English had had toward Indigenous people in their encounter with them, not having ownership of the land is structurally implied by Locke to demonstrate a less-than status toward those who are in control of private property.

For example, the "wild Indians" which Locke speaks of are implied to be *wasting* the land, and Locke states that when people appropriate the land by enclosing it, they "increase the common stock of mankind: for the provisions serving to the support of human life, produced by one acre of enclosed and cultivated land, are (to speak much within compass) ten times more than those which are yielded by an acre of land of an equal richness lying *waste* in common" (1690, Sect. 37). With emphasis on *waste*, Locke's writing about property is applicable to my notion of the Settler due to its alleged demonstration of the superiority of the Settler, as it is the Settler who brings these values. What can be seen from this perspective is ultimately that to own land is to be fully human and righteous, and that the inverse of this is to dehumanize and

demonize those who do not own land. This perspective, when considering the role which *terra nullius* and Discovery play in *contemporary* settler society, is indicative of a Lockean perspective on property use. This Lockean perspective uses notions of waste and use to provide a *moral* imperative for the Settler; if people are not improving the land, the Settler can take it upon themselves to fulfill God's plan and improve the land, which is an important consequence which can be observed from Locke's philosophy.

LOCKE AND LAND RACIALIZATION

The production of settler-being, wherein the Settler has the capacity to affirm their identity through their ownership of property as "useful", categorizes Indigenous ontology as inferior *because* of the lack of development and privatization. The perceived lack of development which English colonists had observed within North America fueled an association between productivity and the efficiency of a given people. Many early English colonists in North America *prior* to Locke's writing had suggested similar views toward the efficacy of Indigenous governance, suggesting that Locke's writings are potentially echoing a sentiment amongst English colonists regarding the use of the land. For example, Robert Cushman (an English colonist in New Plymouth) had argued that the lack of industrious development made by the local Indigenous communities was demonstrative of their "intellectual faculties" (Murray 2022, 8). Cushman had argued instead that the lack of commodification which had taken place locally ought to be used ultimately as a justification for the dispossession of the land.

Terra nullius land according to Cushman demonstrated a common sentiment which viewed the lack of development on the land as a reflection of the inability for Indigenous people to be considered civilized, because an *industrious* and *rational* society would have been able to

take the land *out* of the “common” state which God had first placed the world into. By taking land out of the common state which God had put it into, landownership becomes the qualifier for distinguishing between civilized and uncivilized. Bhandar states that the “racial regimes of ownership emerging in North America, is cast almost entirely in civilizational terms” (Bhandar 2018, 48).

Landownership then becomes a representation of the ability for a group of people to demonstrate their rationality; it simultaneously holds that the labour which one can ‘mix’ into the land is labour which demonstrates one’s rationality. Locke’s argument on agricultural efficiency provides more evidence for unpacking how these concepts generate racialized land. The dichotomous relationship between the “virtuous” settled land and the “uncivilized” Indigenous land are regularly produced as a justification for the dispossession of land and are routinely justified by the absence of enclosures and the improvement of agriculture (Murray 2022, 10). Another prominent colonist, John Winthrop (the first governor of the Massachusetts Bay Colony), routinely cited agricultural development and irrational use of land as a justification for the dispossession of Indigenous territory. Winthrop believed that “this savage people enclose no ground, neither have they cattle to maintain it ... and why may not Christian’s have liberty to go and dwell amongst them in their waste lands and woods” (Flanagan 1989, 592), which is reflective of a fundamentally different ontology regarding the way one can appropriately *be* somewhere.

In “The Coloniality of Being”, this notion that Others cannot *be* the way which the Settler *can be* is expressed through Maldonado-Torres’s expansion on the Cartesian *cogito ergo sum*. I agree with Maldonado-Torres’s expansion on the Cartesian formula which is expanded upon through the aforementioned *ego conquiro* as it results in the formation of the Cartesian “I think, therefore I am” becoming “I think (others do not think, or do not think properly), therefore

I am (others are-not, lack being, should not exist or are dispensable)” (Maldonado-Torres 2007, 252) because it reveals the nuance involved in the ontological perspective in the coloniality of ontology. It places the Settler’s subjectivity as legitimate *through* the denial of being toward the colonized.

This ontological distinction which Maldonado-Torres provides regarding the Cartesian formation becomes an important distinction to make when extrapolating the idea of land as a racialized subject because the value which property ownership plays in the racialization of land results in the same *ego conquiro* revolving around an axis of land dispossession. My expansion of this premise to center land in this issue would therefore be: “I own land (others do not), therefore I am (others are not)”, with the inverse consequence being “others neither improve nor own, therefore they are not”. This expansion is pertinent to the issue of land racialization because it seeks to establish the same ontological anchor which Maldonado-Torres provides as a connection between the idea of settler-being and land racialization. The settler-being produces racialized land because it allows the Settler to be the basis for legitimate being and therefore the legitimate *users* of land, and results in a superiority of settler-being which dehumanizes Indigenous society for the purpose of land dispossession. This is why landownership therefore becomes so central toward the development of land as a racialized subject: because it is through landownership that the settler-being is able to validate itself and invalidate its Other.

This also makes sense of why landownership in the view of Locke permeates legal thought through the association of property ownership as being a process of personhood, wherein personhood becomes the baseline for rights to be articulated (Nichols 2020, 122). It does this because of the emphasis of the self in the development of being as a result of owning land; the structural position of the Settler produced by settler-colonial power and relationships becomes

the symbolic and structural representation of the process wherein land becomes a racialized subject, as the settler-being produces the effects wherein access to land as property becomes the basis for a legitimate way of *being*. The racialization of land thus produces the view wherein undeveloped land becomes wasteful, and the lack of a property-owning society represents that societies overall deficient way of being.

This is why having property *in* itself becomes the baseline for articulating oneself *as* human, because it is through owning property that the Settler is able to affirm their identity while simultaneously detaching themselves from the Other. Locke's theory primarily does this by the assertion of property being a characteristic found *within* the self, that "every Man has a *Property* in his own *Person*" (Nichols 2020, 122), and that this view had become an organizing grammar within British-colonial society; the association between property ownership and the possession of rights, which are often cited as being influenced by Locke, become a basis for articulating land as a racialized subject.

The organization of society according to ownership of the self and the association of property as a fundamental right which is found within natural law has the inverse effect wherein a society which does not have a property-owning group fundamentally is a society which does not have any rights at all. The Settler, when faced with "unimproved, under-productive, wasted and vacant lands" (Murray 2022, 7), views the land as a wasteland devoid of humanity. The lack of development therefore becomes the basis for racializing land as having been wasted by the people living on it, and the notion that the land had been wasted is one which correlates to the colonial perspective on the appropriate use of the land. Had the land been developed by a proper subject, the land would not be a waste. This superiority which the settler-being possesses is produced by land racialization is therefore one which encompasses all Settlers as being the

appropriate subjects which are compatible with property. The Indigenous subject, through the process of land racialization, is one which is relegated to a position wherein they are considered wasteful, irrational, and uncivilized. As a result of the racialization of land, settler-being positions itself as the only legitimate way of using land.

John Locke's perspective on private property and the labour theory of property is significant, as the articulation of land as being *wasted* or in *good-use* indicates a racializing mechanism that focuses on land. While it may not be his original contribution, as the sentiment of land way-ing in waste predates Locke, Locke provided the framework for using this argument as a means to justify an end goal of dispossession. Likewise, the right one has to property in the self reveals an entitlement one has to property, and that this entitlement is deeply connected to the creation of the settler-being.

What makes this important for our investigation is the way in which we ought to consider the role of landownership, as it consequentially serves as an origin story for the contemporary configuration of private property regimes in the context of North American colonization. The Settler brings an ontological view of property which enables a way of being that they consider to be righteous and morally superior to that of an Indigenous-being, meaning that there is a structural belief which develops out of this relationship to land. The ability to say who is and who is not fully human as a result of these beliefs of land ownership coincide to an ontology which is developed by the Settler in their interaction within the land they colonize, and at its core is the belief that there is an innate duty to have land be at the centre of its project.

Of course, this view merely serves as a genesis of a wider view: it is not that Settler's are intimately aware of the philosophy of John Locke, but rather, that his ability to grant legitimacy to the belief that Indigenous proprietary relations were inferior to that of the Settler has helped

shape the development of settler-colonialism. While this is a good point to start from, it requires further theoretical analysis to understand how the settler-being emerged as an ontology. This warrants a discussion of the economic system found within the colonial systems, and how their proprietary relations to capital influenced the development of settler-being, and its land racializing machine.

CHAPTER TWO

TENDENCIES OF CAPITALISM

Primitive Accumulation, Dispossession, and Racialization

The purpose of this chapter is to provide an explanation for a set of characteristics which are found within settler colonial society. Specifically, I aim to provide an analysis on the behaviours which capitalism uses as a mechanism of colonizing land and consequently creating a settler-identity. For the scope of this thesis, I will be discussing the development of capitalism alongside colonialism *after* Locke's *Second Treatise on Governance*, because Marx's chapters on *Primitive accumulation* in *Capital vol. I* argue that colonialism is *one* of the many factors which contributed to the development of capitalism, and due to the focus on Locke in the previous section, will continue from this point on.

I will provide an analysis of the role of what Karl Marx calls *primitive accumulation*, and to then situate myself within this discourse to carry my discussion forward. By exploring the following Marxist theorists, my goal is to leverage their arguments to articulate my own argument concerning the racialization of land. Reproducing these theories and adopting them to my own makes it possible to articulate land as a racialized concept through the lens of primitive accumulation, as an economic function of a settler-society and apply this necessity to focus on Indigenous land as a site for dispossession as a process tied to settler-being. By ontologizing primitive accumulation, settler-becoming emerges as a projection of a Settler-strata which racialized

Indigenous land according to its ability to generate capital while simultaneously depending on its “unused” state as a site of future expansion.

Following this, there needs to be further discussion on the subsequent emerging discourses which succeed Marx’s definition of primitive accumulation: Rosa Luxemburg’s theory of imperialism as well as David Harvey’s theory of *accumulation by dispossession* need to be explored to carry on the discussion as to how capitalism depends upon the encirclement of Indigenous territory, and the eventual destruction of Indigeneity. Further analysis by Dene scholar Glen Coulthard helps further elaborate on the connection between primitive accumulation and present practices of Canadian settler colonialism. These discussions are necessary to begin with in order to understand how they correspond to the development of settler-being and the production of land racialization.

FROM LOCKE TO MARX: COLONIALISM TO CAPITALISM

I would like to open this chapter with understanding the connections between Locke and Marx, so that I can then provide the link between settler colonialism and capitalism. First, both theorists are concerned with property. While Locke’s theory argues that property is a natural right, Marx instead argues that private property serves as an obstacle to an individual’s freedom (Birdal 2007, 40). As a departure from Locke’s view on property as a natural right, Marx’s labour theory of value is written in the context of 19th century capitalism; in this context, Marx’s theory retroactively seeks to understand how capitalism up until this point had developed. The labour theory of value, in short, argues that a commodities value is determined by its use-value (its objective usefulness) and its labour value, which becomes a representation of the labour put into a commodity (Marx 1887, 32).

A common thread here between these two theorists is the emphasis on the role of labour; Locke argues that mixing labour into land grants the individual the right to take the land out of the commons, and Marx argues that the labour which is mixed into a commodity is a characteristic in the value of such a commodity (1887, 28). Yet Marx's labour theory of value contains a similar notion of value to which Locke's theory of property contains: this belief that natural resources are not valuable in their natural state, without an individual's labour. Raw resources in their natural settings can only have their value fully realized through the abstraction of labour within it; the measurement of value within those resources can only truly be recognized because of the labour embodied within it (Marx 1887, 29).

This is an interesting parallel to begin this discussion. If the value of a given object is the labour which is mixed into it, how does private property come to be an obstacle to an individual's freedom, and what does this have to do with colonialism? Marx claimed individual property as a political freedom, in the formation of bourgeois society, results in the preservation of the right to property as a hierarchical limitation on all other rights, and that this hierarchy forces "the individual to view his fellow man as an enemy standing in his way of the acquirement or preservation of property" (Birdal 2007, 49). Property ownership would therefore mean that the "doubly free" proletarian, which Marx describes "as a free man he can dispose of his labour-power as his own commodity, and that on the other hand he has no other commodity for sale" (1887, 120), does not possess any right due to his lack of private property. Therefore, the lack of private property becomes a formation of rights which situates the propertyless worker beneath the rights of the property-owner, which is why it is an obstacle to a person's freedom. This system which emerges however requires further investigation, as its origins provide the connection between this topic and colonialism.

The answer to this can be found within *Capital's* “the Secret of Primitive Accumulation”. Borrowing from Adam Smith’s “previous accumulation”, a theory concerned with the origins of capitalism, Marx writes in Chapter 32 of *Capital* that the vicious cycle of capitalist accumulation must have been preceded by this previous accumulation (1887, 505). Marx, however, adapted Smith’s theory to demythologize the origins of capitalist accumulation. Smith describes accumulation as something which is seldom seen prior to division of labour within society, and that once society is theoretically able to divide labour accordingly, there still exists the problem of where the capital which was necessary to purchase another person’s labour emerged from. Specifically, Smith states “a weaver cannot apply himself entirely to his peculiar business, unless there is before-hand stored up somewhere, either in his own possession, or in that of some other person, a stock of sufficient to maintain him, and to supply him with the material and tools of his work, till he has not only completed, but sold his web” (2005, 222); the problem essentially states that the mode of production which existed prior to the emergence of capitalism requires the labourer to consistently *be* a labourer in order to maintain their livelihood.

For the weaver to be able to control another person’s labour, the weaver needs to have somehow accumulated an amount of capital prior to their effort to control another person’s labour to sustain themselves as well as purchase the other person’s labour. Because of this difficulty, Marx sets out to discover how it was possible for people to have been able to accumulate enough capital prior to the creation of capitalism for this circuit to be initiated. Essentially, the problem which emerges here is the “original sin” of capitalism, describing this process as a movement wherein “money is changed into capital; capital surplus is made, and from surplus value more capital. But the accumulation presupposes capitalistic production; capitalistic production presupposes the pre-existence of considerable masses of capital and of labour power in the

hands of producers of commodities” (Marx 1887, 505), essentially discovering a paradox in the theoretical consideration on the origins of capital. How does capital come to exist if there is a requirement for capitalist production to exist?

According to Adam Smith, this previous accumulation emerges from a position wherein a particularly wealthy individual, who had had the opportunity to accumulate enough capital by saving up their earnings, is eventually able to begin this process by employing another labourer (2005, 222). Political economy required there to be a process wherein the owners of money and the means of production are able to buy the labour of another group of people and required there to be a group of people who are free labourers. This opportunity, however, is left omitted from Smith’s theory: Marx notes this and makes the comparison to Smith’s previous accumulation to the “original sin” in theology, which is “supposed to be explained when it is told as an anecdote of the past. In times long gone by there were two sorts of people; one, the diligent, intelligent, and above all, frugal elite; the other, lazy rascals, spending their substance, and more, in notorious living” (1887, 505). Thus, Marx concerns himself with the circumstances underpinning this opportunity.

Marx describes this as “the complete separation of the labourers from all property in the means by which they can realize their labour. As soon as capitalist production is once on its own legs, it not only maintains this separation, but reproduces it on a continually extending scale” (1887, 505). What becomes an essential characteristic for the genesis of capitalism is the requirement to have a group of people separated from their means of production in order for them to be labourers of the people who have control over these means in the first place; the process which separates people from their means of production Marx describes as a historical occurrence,

meaning that once a system of capital is established, the process of primitive accumulation is complete.

By separating people from their means of production, the creation of a bourgeois property rights regime requires a *violent* process to occur, described as “conquest, enslavement, robbery, murder” and “briefly force” (Marx 1887, 505). Here, we find the connection to colonialism, as Marx described primitive accumulation as accomplished within two processes: first; the Enclosure Acts in Britain, and second; colonialism. Briefly, the Enclosure’s Act referred to a process in England wherein the ‘commons’ began to become privately owned land through enclosure (Marx 1887, 511). Marx believed that the disappearance of communal land is a significant portion of primitive accumulation, however, I will be focusing on the colonial aspect of this argument, as this thesis is heavily based in future developments made by scholars like Harvey and Coulthard on the subject.

Now, part of the reason why Marx is concerned with primitive accumulation is because of his focus on *expanded reproduction*; the concept of reproduction for Marx is integral to his system, because he believes that “whatever the form of the process of production in a society, it must be a continuous process, must continue to go periodically through the same phases” (Marx 1887, 399). The circuit which Marx describes as expanded reproduction is a macroscopic perspective on capitalist accumulation beyond the individual, one which continues the conversion of “the commodity-capital into money the surplus-product, in which the surplus-value is represented, is also turned into money” as a element of the annual reproduction of capitalist society in whole (1956, 300).

It is important to note that expanded reproduction is the basis for Marx’s endeavour into understanding the origins of capital. For this reason, in the introductory chapter on *Primitive*

Accumulation, Marx states that “we have seen how money is changed into capital; how through capital surplus-value is made, and from surplus-value more capital” (1887, 505), and that this circuit presupposes the pre-existence of one-another. To Marx, this therefore warrants the discussion of primitive accumulation as preceding the “vicious cycle” (1887, 505).

Continuing with this theory, Marx points out that the necessary resources for the accumulation of capital to occur prior to the emergence of a capitalist system in Europe were to be found in the discoveries of the New World (1887, 531), as “the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalled the rosy dawn of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation” (Marx 1887, 531); the meaning of which indicates that in order for there to have been an emerging capitalist system there required there to be a colonial system. From this colonial system, it was made possible for there to be such an immense amount of capital to exist to then be used to employ the doubly-free proletariat of Europe.

This idea, for Marx, was a historical process. By denoting this idea as historical, Marx believed that this process of primitive accumulation in Western Europe was “more or less completed” (1887, 541), and that it was a matter of time for this process to be finished elsewhere. In these conditions wherein the process had not yet been completed, they had, at least, infiltrated the ruling classes of those societies (Marx 1887, 541). This process, called *primitive* by Marx due to its historical nature, is argued to be the “historical process of divorcing the producer from the means of production.” (1887, 506), which merely means it represents a “prehistoric stage” of political economy (1887, 506). This distinction as a historical process, not yet completed yet influential, is important for our discussion of the settler-being, as the *Settler* comes to be the “influential strata” (Marx 1887, 541) in the hierarchical binary of Settler-being above Indigenous-being.

The *Settler* subject once again comes to have the *capacity* to influence settler society by influencing economic development (and therefore settler development) through the dispossession of Indigenous land, which I will elaborate as a continuous process shortly.

For Marx, it was through colonialism that England was able to begin its ascent into capitalism; while this is his primary example, Marx also extends the argument at times to encompass Western Europe as the starting point for capitalist accumulation. The beginning of capitalist accumulation is seen with the end of feudal exploitation, which primarily takes place in the 16th century, although Marx notes this also took place sporadically between the 14th and 15th centuries as well (1887, 506); the expropriation of agricultural producers, is “the basis of the whole process” (1887, 506), as it underwent this process.

By this point, it is important to unpack primitive accumulation in a further manner, and why my emphasis is on the colonial violence associated with it and not the Enclosure Acts. As for the development of primitive accumulation, I take that it is important to understand the developments which theorists such as Rosa Luxemburg, David Harvey, and Glen Coulthard have provided to adapt primitive accumulation throughout the history of capitalist accumulation, as each theorist had adapted Marx’s theory to fit into their respective lifetimes, and why each theorist argues that primitive accumulation is an on-going process.

The issue of the *continuity* of primitive accumulation is the primary purpose of this discussion. While scholars such as Robert Nichols have noted that Marx is guilty of interpreting primitive accumulation as a historical stage in the process of capitalist accumulation (2020, 63), it has also been the case that “critical theorists of various stripes have attempted to explicate, correct, and complement Marx’s account of primitive accumulation” (2020, 62) due to the significance it played as a process of dispossession. One such theorist who expands on Marx’s

argument is Rosa Luxemburg, who reworked primitive accumulation into a continuous feature of capitalist expansion (Nichols 2020, 64). Luxemburg adapted Marx's theory to state that capitalism depends upon land accumulation, which Rosa Luxemburg notes when stating "imperialism is the political expression of the accumulation of capital in its competitive struggle for what remains still open of the non-capitalist environment" (1913, 426). There are two things to note here. One, the definition of imperialism which Luxemburg uses, and second, the nuances of this "non-capitalist environment".

First, Luxemburg's definition of imperialism is considerably unconventional to the more dominant Marxist understanding; Lenin, for example, in *Imperialism, The Highest Stage of Capitalism*, referred to imperialism as "that stage of development at which the dominance of monopolies and finance capital is established" (1916, 67), and this itself has become the relatively accepted state-sponsored position on the matter. Yet, I believe that this definition fails to get at the colonial consequences of imperialism, as it instead maintains that the criterion for imperialism is the domination of capital in a given area. Yet, while this domination is maintained as an *aspect* of Luxemburg's definition, Lenin's instead posits that capitalist accumulation can only be imperialism when it has reached its "highest stage", which ignores the necessity for non-capitalist spaces to have been expanded into for primitive accumulation to occur. Wolfe calls Lenin's definition a "strategic decision" rather "than analytical" because of his desire to justify revolution to the Russian proletariat, and not because it provided nuance to this discussion (1997, 393). For this reason, Luxemburg's definition of imperialism I find to be more fitting.

Second, the notion of the "non-capitalist environment" is itself an idea which has undergone quite the transformation. Primitive accumulation conceptually depends upon the expansion into the *outside* of capitalist accumulation in order to lead to a capitalist genesis, and yet what the

outside has looked like throughout the history of capitalist accumulation has changed. In the context of Luxemburg's *The Accumulation of Capital*, imperialism as a method of enforcing the circulation of capital could be demonstrated in the violence involved in expansion into the 'outside': "Modern China presents a classical example of the 'gentle', 'peace-loving' practices of commodity exchange with backward countries. Throughout the nineteenth century, her history has been punctuated by wars with the object of opening her up to trade by brute force" (1913, 367). And yet, evolving alongside the *continuity* of primitive accumulation, this 'outside' expands beyond a mere geographical location, but now additionally represents a *relationship* between a non-capitalist social formation and a capitalist-social formation; I take Rajesh Bhattacharya's description of the 'outside' to currently represent this, wherein a relationship of dominance over *non-capitalist* social formations emerges within a capitalist social formation (2019, 149). I take this position because this formation of the outside allows for contemporary versions of capitalist accumulation, which take place in settler colonies like Canada, to consist of both types of social formations: an indigenous "non-capitalist" formation, and a Settler capitalist formation. The argument which Luxemburg furthers from Marx could not be applicable in the case of 21st century imperialism without this expansion.

Further developments made by David Harvey bring primitive accumulation into the age of neoliberal capitalism. Harvey writes *The New Imperialism* concerned with the crises of overaccumulation found within capitalist society. Related to expanded reproduction, Harvey praised Marx and Luxemburg for recognizing how market liberalization will produce "serious and growing instabilities culminating in chronic crises of overaccumulation" (2003, 144). It is particularly important for this thesis to note the spatio-temporal fixes which Harvey identifies, as the spaces wherein the reproduction of these crises occur manifest in the dispossession of Indigenous territory

in the context of the Settler society. He first refers to the spatio-temporal solution as a “metaphor for solutions to capitalist crises through temporal deferment and geographical expansion” (Harvey 2004, 65) which historically has been seen through imperialism that continues to exist as a method of providing expansion paths for capital accumulation.

An issue which Harvey identifies within the spatio-temporal fix is that geographical expansion from capitalist accumulation *threatens* a preexisting value which exists in those territories, and when referring to the dispossession of already capitalist markets, it “leaves behind a trail of devastation” (2004, 66) resulting in the devaluation of that territory. Territorial expansion which results in the export of capital and labour (for our focus, the creation of a settler-colony) is one such method used by capital in order to alleviate this problem of overaccumulation. Once capitalism is established, “the surpluses generated in Britain in the nineteenth century found their way to the United States and the settler colonies like South Africa, Australia and Canada, creating new and dynamic centers of accumulation in these territories which generated a demand for good from Britain” (Harvey 2004, 67), meaning that the spatio-temporal fix can be seen as a process tied to primitive accumulation.

The spatio-temporal fix encompasses the historical dimension of primitive accumulation because it is referring to the process of which land accumulation corresponds to the security of further capital accumulation. It is not just a historical process but rather a process which continuously reinvents itself, and Harvey’s contribution states that the newest manifestation of this renewal is accumulation by dispossession.⁷ Like Luxemburg, Harvey notes that imperialism is the

7. Harvey uses this term to mean primitive accumulation, as he believes it to be more appropriate due to the “historical” connotation which primitive implies, which contradicts the ongoing nature of the concept (Harvey 2004, 74). For the sake of consistency, I only refer to accumulation by dispossession in reference to Harvey.

way in which these processes can ensure that capitalism, in the face of its contradictions, can continue to survive despite these issues. The systemic necessity of primitive accumulation demonstrates for the purpose of this thesis that there is an overall necessity of capital to continuously expand beyond where it currently exists, and dispossession corresponds to that function.

I have stated throughout this section thus far that these processes are tied to the dispossession of Indigenous territory and will now provide further theoretical consideration regarding this process. The final theorist whose development of primitive accumulation I find to be significant for the proliferation of my own argument is Coulthard's. His argument is particularly concerned with the process of primitive accumulation as a tool for dispossession in Canada, and how aspects of Marx's theory of primitive accumulation are applicable to the process of dispossession. Echoing the preceding theories of Luxemburg and Harvey, Coulthard echoes these continuous processes as a persistent upheaval of Indigenous society to the benefit of neoliberal reproduction alongside a reproduction of *colonial* social formations (2014, 9).

The reproduction of colonial social formation as a basis for investigating primitive accumulation is helpful for understanding the territoriality at heart of settler colonialism. Through the development of settler society, the necessity for Indigenous labour became increasingly unnecessary; the transition from mercantile to capitalist accumulation demonstrated how the primary goal of land dispossession took precedent over the secondary goal of cheap Indigenous labour yet still included this labour when it was helpful to settler development (Coulthard 2014, 12). For Coulthard, the insight from centering colonial social relations in discussion of primitive accumulation revealed the following insight:

Increased European settlement combined with an imported, hyper-exploited Non-European workforce meant that, in the post fur-trade period, Canadian state-formation and colonial-capitalist

development required first and foremost *land*, and only secondarily the surplus value afforded by cheap, Indigenous labour (2014, 12)

I opted to provide this quotation for its emphasis on the role of land in this project. To me, dispossession in both the capital-centric view of Harvey and in the colonial-centric view of Coulthard reveal the importance of land in the mind of the settler-being, as in both instances, the dispossession of Indigenous territory provides an economic and developmental process. In the capital-centric sense, dispossession provides a solution to the crises of overaccumulation as a means of stabilizing capitalist economics, which provides itself the temporary stability needed for settler society to persist. On the other hand, the emphasis on the colonial social relations created by primitive accumulation still reveals the nature of settler colonialisms territoriality, as it takes Indigenous labour as a secondary “bonus” of settlement – superfluous, but nice.

These colonial social formations are particularly important to address for a theory of land racialization. By shifting the focus from a capital relation to a colonial relation (Coulthard 2014, 10), the emphasis on primitive accumulation becomes one concerned with the processes involved in the destruction of Indigenous society, and not *just* capital accumulation;⁸ one such benefit of seeking to approach primitive accumulation from this perspective is to enable greater depth in interpreting the ‘progressive’ politics of egalitarian settler colonialism, which indeed can be applied to our own analysis on the relationship between Settler and Indigenous-being.

8. Marx’s concern with expanded reproduction limited his investigation of the actual state of the colonies, and instead he merely sought to use the colonies as a means to an end of understanding capitalist accumulation (Coulthard 2014, 11)

Consider, for example, the previously mentioned assimilationist policy of Indigenous private property ownership. Upon the grounds of assimilating Indigenous peoples into a property-owning subject, the Settler simultaneously seeks to have their identity destroyed based on an ‘enfranchisement’. In a society heavily based on the ownership of property (one based on the notion of *capacity* to privately own), the *exclusion* of property ownership would indicate a hierarchical binarism between owner and non owner. While this *is* the case, the category of “owner” is in-itself a racialized subject, wherein one who has the capacity to be an owner is one who adheres to the aforementioned Lockean-Settler values; the enfranchisement of Indigenous peoples based off the premise of “civilizing” those (private) propertyless peoples by granting them the legal capacity to own private property invokes a similar version of Settler equality (Kirkby 2020, 612), and yet results in dispossession occurring. Emphasis on the colonial social relation put forward by Coulthard illuminates these principles of primitive accumulation.

What are the primary insights which have thus far emerged because of discussing these theorists? I would say that the development of primitive accumulation from historic to ongoing has significantly placed continuity at the heart of the problem. The insights provided by Coulthard regarding this continuity make sense as to why settler colonial society seeks to assimilate Indigenous peoples through their inclusion in private property, as the location of many First Nation’s communities are adjacent to highly valuable resources, results in “disciplining Indigenous life to the cold rationality of market principles” (2014, 13). Additionally, the spatio-temporal analysis of accumulation by dispossession has a simultaneous weight which demonstrates the production of space as a “territorial division” which opens access to cheaper resources in lieu of already available ones (Harvey 2004, 66). The social landscape of capitalist accumulation and the consequential necessity for it to expand and displace I believe are necessary insights that can

be used to produce a theory of land racialization based on these claims; applying a colonial social relation to these sites of expansion and destruction reveal that the spatio-temporal fix which settler society requires is at the expense of Indigenous society for the purpose of dispossession. Emphasis on colonial social relations still puts forward the point that dispossession structurally appears as dominant in the historical and contemporary relationship of Settler and Indigenous (Coulthard 2014, 12).

These spaces which Coulthard and Harvey discuss come to represent the “outside” which Bhattacharya describes: a non-capitalist social formation found within the confines of a capitalist one, *created* by the necessity of capital to have spaces which it may dispossess. Harvey’s fixes alongside Bhattacharya’s own outside produce the notion that these sites of dispossession are the result of the creation of the capitalist space, and how this produces the non-capitalist space as “the victim of fresh waves of primitive accumulation when capitalist accumulation requires access to natural resources and other means of production locked up in the non-capitalist space” (2019, 148), wherein accumulation by dispossession temporarily satisfies capital.

Yet, these capitalist and non-capitalist social relations are further nuanced by positioning them as colonial social relations; the production of the outside of capitalist accumulation as both a geographical dimension as well as a social category are responsible for a further fracturing of the influential strata within Settler society, and additionally reveal a settler-being which depends upon the ability to recurrently dispossess Indigenous land while simultaneously excluding it from the “inside” of capitalist social relations.

This occurs, in my view, on the following basis: first; by producing the outside of capitalist social relations *as* racialized land, Indigenous society is placed in a continuous “place-holding” position for capitalist development and thus extends the view that Indigenous society ought

to be assimilated into an individualistic, capital-oriented being. What Harvey calls the “quasi-imperial” (2004, 76) search for spatio-temporal fixes to overaccumulation demonstrate a behaviour which views non-capitalist social relations as a site for the future expansion of a Settler project, and that in its place-holding position, the land is characterized to be “waiting” for development. Second, it legitimizes the settler-being’s supposed ‘superiority’ by blaming Indigenous society *for* its position as the outside of capitalist social relations. Common stereotypes of inefficiency, laziness, and mismanagement are applied to Indigenous societies when they fail to act upon the exploitable natural resources their communities and produce a reverse affirmation for the Settler that commends the Settler’s own ability to have appropriately developed the land which they have gotten to appropriate.

In totality, the primary insight provided by theorizing primitive accumulation as the genesis of capital accumulation as well as its place as a reoccurring phenomenon and not merely a historic event places profound emphasis on the role which *land* plays in capital and becomes clearly associated with settler-colonial dependency on land accumulation in order to further the logic of elimination. Glen Coulthard summarizes this process by saying that primitive accumulation “forcefully opened up what were once collectively held territories and resources to privatization (dispossession and enclosure), which, over time, came to produce a ‘class’ of workers compelled to enter the exploitative realm of the labour market for their survival” (2014, 7), which I believe overall demonstrate that the connection between settler-colonial behaviours as well as behaviours found from within capitalist behaviour demonstrate that there is a significant link between capital accumulation and land dispossession. By strengthening the ties that exist between these two phenomena, understanding settler-becoming as a process which simultaneously produces land as a racialized subject begins to emerge as a pattern found throughout colonial

society. The developments which further scholars have made toward primitive accumulation and dispossession further expose these behaviours.

SETTLER-BEING AND LAND RACIALIZATION: THE OUTSIDE AS AN OUT-SIDER

The subject of this investigation thus far has been concerned with elaborating on previous theories of primitive accumulation and has sought to extrapolate the characteristics relevant to a discussion of primitive accumulation as an impact on settler-being. Indeed, primitive accumulation and capitalisms “outside” construct Indigenous territory as the site for future expansion not currently within the helm of capitalist social formations. Beyond this, the colonial social formation which Coulthard identifies reveal a behaviour that seeks to individualize and equalize Indigenous peoples according to the belief that the goal of society must be to have as many people become Settler-like. As a project of racialization, settler colonialism and its territorial core require that the dichotomy between the “good” “settled” “inside” of capitalism routinely dominate the “bad” “uncivilized” “outside” of capitalism. The temporary relief which Harvey assigns to accumulation by dispossession sets the stage for understanding how lands racialization occurs. This section therefore will consist of an elaboration of this topic.

Marx calls primitive accumulation a necessary annihilation for capitalist accumulation to occur (1887, 539). Yet, the annihilation of the outside of capitalism, in contemporary capitalist settler society, instead is a recurrent event. This recurrent annihilation, then, is deserving of an ontological analysis. In this turn, settler-becoming emerges as an identifiable ontological position wherein the arrival of the Settler into the colony refers to the arrival of a “bundles of rights and value” that assumed their superiority (Harris 2004, 177). The recurrent annihilation of one

society in place of the settler-society is important for the ontological aspect of this investigation, as the annihilation of the previously existing social formation from the outside of the capitalist world is tied to the logic of elimination as well as the ontology of the Settler. For this reason, primitive accumulation cannot just be a historical process. It is a worldview *from* the capitalist social formation; it is a necessity *within* the capitalist formation and is lived within the capitalist-colonial social relation.

This worldview itself becomes the expression of a racism which connects the ideas of race and suspicion into the mind of the colonizer: that the annihilation of a preceding society is an expression of the *ego conquiro*, a view which necessarily articulates the European as the unquestioned conqueror of the racialized ‘barbarian’ (Maldonado-Torres 2007, 245). The *ego conquiro* becomes the *backdrop* of the Cartesian *ego cogito* and illuminates the methodical scepticism central to the understanding of the (Settler) self as a superior conqueror. Maldonado-Torres emphasizes this point because it reveals that the relationship between colonizer and colonized reflect this sort of necessary annihilation based on a fundamental difference between the “soul or mind and the body; and likewise, modern articulations of the mind/body are used as models to conceive the colonizer/colonized relation” (2007, 246).

And so, recurrent annihilation becomes the practice of the *ego conquiro*, it provides the affirmation needed to the formula of the sense of being which enables it to justify itself on the basis of conquest. The reason that I mention the *ego conquiro* is because it now represents an individual reflection of colonial social relations at the individual unit. The Settler comes to make up the *ego conquiro* as much as how primitive accumulation comes to make up the society which it builds. If we are to reflect on the influential strata of the Settler society, this relationship of

recurrent annihilation reveals itself on the individual basis as a manifestation of the Settler's ability to affirm their identity as the *true* native of the given colony.

Moreton-Robinson, for example, when talking about the Australian settler-colonial experience, discusses how white Australians experience their own "nativeness" as "a profound attachment" that derives from a personal experience (Moreton-Robinson 2015, 7). This attachment, as a "White Australian nativeness", represents an individual-level method in which the colonial social relation reproduces recurrent annihilation, due to the *dialectical* relationship between dispossession and elimination. The place-based identity of Indigeneity means that, for the Settler to take the land and call it their own, is itself an act of elimination; the *material* basis of the identity is taken for the Settler's development and thus makes it possible for the Settler to affirm their being as *ego conquiro* and as the Settler.

The recurrent annihilation in this aspect reproduces itself as a limb of primitive accumulation. On the individual colonial social relation, we can see that the settler-being produces a view which affirms the self as a conqueror, and as a settler of land. Yet, the *societal* capital-colonial relation of primitive accumulation maintains the necessity for land-based dispossession as a means to stabilize capital by expanding into the 'outside' and to affirm settler-being. These aspects of colonial society which are revealed through such an analysis on the intricacies of primitive accumulation reveal an ontology which centres land at the heart of its being.

The tension between these two place-based identities reveals a land racialization which turns land into the medium for which supremacy can be constructed. Because of this initial perspective on the role of property in the settler-being, and because of the initial racialization of land as wasteful or productive, the emergence of capitalist accumulation further entrenches and diversifies the racialization of land as being one which justifies the Settler in the dispossession of

further Indigenous territory. Capitalist accumulation and Indigenous dispossession results in the production of a further racialization, wherein the lack of land development is considered to be *irresponsible* in the wake of capitalist accumulation. The previously dissected necessity for capitalism to consistently be expanding into its “outside” while simultaneously needing to have further land to dispossess from Indigenous society as a result of the logic of elimination results in a further racialization. The expectation of self-sufficiency and the consequences of settler-society forces Indigenous people into a position of dependency on the Settler; land becomes the site of Settler extraction when it is under the “mismanagement” of Indigenous ownership, and it racializes the land as a terrain of value categorized into racial axes of accumulation and productivity.

The alleged mismanagement of the “outside”, which in contemporary context refers to Indigenous reservations, itself produces an ontological category of racialization. The treatment of this land corresponds to a belief that the land is unowned due to the lack of Settler development, and results in the view of the land as containing a surplus population. Production of an outside of capitalist accumulation implies the categorization of people as having value according to their ability to participate in accumulation, or the relegation of a group of people as being a part of a “prehistory” of being (Bhandar 2018, 36). The alleged prehistoric state of capitalisms outside, which in this instance refers to Indigenous land, results in the production of an ontological categorization of primitiveness associated with the lands inhabitants and an overall sense of helplessness. Capitalist social formation and the prevalence of a Settler capitalist strata would therefore require that the capitalist outside be “relatively autonomous and independent of capital” (Bhattacharya 2019, 149) while simultaneously being subject to a domination of this social formation. Because this ‘prehistoric’ condition alongside the domination of the settler-being, primitive accumulation and the outside of capitalism produces a racialization of land wherein

primitive accumulation as a capitalist logic views Indigenous territory as both the site of future accumulation and as undeserving due to its prehistoric condition. It produces an ontological foundation based upon the ability of the subject to become civilized and represents the subject in itself: the state of the land is the state of the subject.

It does so by leveraging the lack of financial independence as *proof* of the inability for the people to manage their own resources, which in turn becomes part of an overall narrative that depends upon the ontological belief that the lack of development *proves* a sense of superiority. The Environics Institute for Survey Research for example found that in 2016 10% of the Canadian population's worsening opinion on Indigenous people cited that Indigenous people receive special treatment from the government, and that one in four in this group viewed that Indigenous people took advantage of the "handouts" which they relied on (2016, 13). Similarly, Ontario Premier Doug Ford had stated that Indigenous peoples cannot continuously expect generosity from the government "when you literally have gold mines, nickel mines, every type of critical mineral that the world wants, and you're saying, 'No, no, I don't want to touch that, by the way, give me money'" (CBC 2025, para 11). While Doug Ford apologized for this statement, it is reflective of a sentiment which is not uncommon within a settler-society when discussing Indigenous people. The overall expectation of the use of land becomes racialized in this instance because it is reflective of a notion which views Indigenous people as unable and unwilling to "solve" their issues.

This represents land racialization because it speaks to an overall sentiment of land having been improperly used. The decision to treat the land as dysfunctional because of a lack of proper oversight reduces land as either being valuable or not based on its ability to create capital according to the expectations of the settler-being; yet only through the act of improvement and settler-

acquisition wherein the outside of capitalism can become the inside resulting in a change in occupancy. To *be* the inside requires there to be this transformation in the first place, or else it becomes representative of that form of prehistory which capitalist accumulation requires in times of crisis. Primitive accumulation produces racialized land by position Indigenous land as unintelligible because of the absence of an enclosed space representing property. Territory which lacks the “settler work imperative” results in a view from the settler which explicitly demands that dispossession occurs for the sake of the settler-being; it produces settler-being as a necessary outcome of land acquisition, becoming “not merely a change of ownership but a genesis, the onset of a whole new way of being – for both parties” (Wolfe 2013, 1). The process wherein this genesis occurs requires primitive accumulation to continue the colonial processes of appropriation (Harvey 2004, 74) in order for there to be a perpetual racialization of space.

CHAPTER THREE

THE STATE

How Settler-Being Emerges

In the preceding chapters I have established that there is a distinct ontological Settler subject that emerges because of land racialization, and the economic principles of capitalist accumulation and the existence of private property as a regime of labour results in what I refer to as settler-being. The process wherein one becomes *the* Settler – settler becoming – is one which can be elaborated upon through an understanding of the role which the state plays in the development of a settler-colonial society. As I will argue in this chapter, the state itself becomes a tool of settler-ontology. By becoming the vehicle for the generation of the private property regimes, the state provides the power necessary for both creating and enforcing laws and norms onto Indigenous society to accomplish the goals of elimination and land accumulation. It is thus a necessary step in this thesis to provide a theoretical exploration of the Settler state as well as a *practical* exploration of the types of policies which emerge from settler-society which can carry these goals. By understanding this, it will be possible to tie together these phenomena in order to address what I call the racialization of land, a phenomenon which plays out alongside the processes of Settler-becoming.

I will begin by establishing what “the state” is, and to do so will explore both Marxist and non-Marxist perspectives to establish a working definition. A secondary component of this

chapter is the exploration of the actual development of the settler-state in North America and the differences between what Heather Whiteside calls a hybrid-regime and a settler-colony (2022, 1356) in order to provide further nuance to the development of settler-being. While these are distinct forms of governance and manners in which the state may operate, they both ultimately serve the purpose of introducing the necessary foundations for there to be an ontological process of settler-becoming. Thus, both serve the purpose of racializing the land itself. Finally, in this chapter, I will examine examples of policies as well as general behaviour found within these two types of regimes to demonstrate how these policies are necessary to further the logic of elimination and for the creation of private property.

THE STATE: THEORETICAL CONSIDERATIONS

The state, conceptually speaking, seems simultaneously matter of fact and elusive. It is a term which is frequently used, yet actual definitions of what it is differ both in content and intensity across the social sciences. As such, to narrow my consideration of what the state is, and subsequently what its role is in the ontological process of Settler-becoming, I will consider multiple theoretical perspectives in order to provide this critical analysis. Focusing on Marxist and non-Marxist perspectives enable a critical exploration of the role which violence plays in the establishment and maintenance of colonial capitalist society. Further, because this thesis has been concerned with Marxist concepts like primitive accumulation, it makes sense to continue these discussions through our Marxist lens.

According to Wallace Clement in “The Corporate Elite, The Capitalist Class, and the Canadian State”: “one of the essential roles of the state in capitalist society is to create and protect the ‘rights’ of private property. These ‘rights’ are the basis of capitalist society for they sanction

the claims of some classes to control others” (1977, 226). It is significant here that Clement is referring to the functional role of the state as being a generative entity which seeks to create private property, as capitalist society requires that private property exists to control other groups of people. Of course, Clement is not speaking of an Indigenous-Settler relationship, he is speaking of a bourgeois-proletarian relationship, wherein the proletariat is *free* from private property ownership. I however believe the sentiment of this passage to be a good starting point for developing a theory of the state in the context of settler colonial ontology, as it provides insight into the role which private property plays in the subjugation of groups of people, as well as how private property sits at the *core* of the capitalist state’s apparatus. This, however, does not define what the state *is*, but instead demonstrates what the state *does*. Yet as a starting point, I will take this notion of the state as being the authority in the development of private property into consideration. In exploring what it is that the state *does*, it becomes clearer how to define what the state *is*.

The beginning point for discussing the role of the state when considering the development of the Settler-being is whether the role of the state is one which exists to serve the purpose of creating a settler “class” or not. Consider Evgeny Pashukanis’s account of commodity exchange: because legal subjectivity emerges from the form of economy and class relations which exist in society, those who are involved in market transaction (i.e., the bourgeois class) are also those who have the organizing power *of* the state (2003, 136). As Paschukanis puts it, “the state as an organisation of class rule, and for waging external wars, neither needs nor admits of any legal interpretation. This is an area where so-called *raison d’état* holds sway, which is nothing but the principle of naked expediency” (2003, 137). For him, this is an indication that law emerges from the commodity form and *reflects* said form. Under capitalism, laws emerge from the need for capitalist relations to have a coherent manifestation, and this is therefore

consequently reflected in the state itself. What we can gather then from Paschukanis's theory is that the state is not *just* a political form, but also a legal one which produces private property as the basis for commodity production. Ontologically speaking, the application of this form of reasoning toward developing a theory of the state within settler-being requires that the development of private property and the state correspond to an influential Settler strata or Settler subject. The settler-colonial state is an organization of Settler rule, and it operates under these conditions so that it may create the Settler through the laws which ultimately produce the Settler as the property-owning subject. By enforcing legal relations which actualize the Settler through the existence of private property, the state is also a reflection of these political expressions.

Elsewhere we also find other theories of the state within the Marxist tradition, such as that of Nicos Poulantzas, who offers a different perspective than those of more "traditional Marxists," such as Marx, Luxemburg, and Lenin. This traditional perspective, according to Poulantzas, considers the state to be equivalent to political domination, and that the dominant class decides to "construct" the state according to the needs and interests of the ruling class (1980, 13). Thinking against such perspectives, Poulantzas rightfully, I argue, asks "why, in general, does the bourgeoisie seek to maintain its domination by having recourse precisely to the national popular state – to the modern representative state with all its characteristic institutions?" (1980, 12). He asks this because the bourgeoisie does not *always* benefit from the actions of the state. Thus, why would the ruling class create the state then? Poulantzas states that the bourgeoisie do not create the state "*ex nihilo*", but rather, that there instead is more likely a "class utilization" of the already existing phenomenon of the state (1980, 14). This would consequently mean that the state is not *just* the political domination of a ruling class. The state then, refers to "a peculiar material framework that can by no means be reduced to mere political domination ... the state is not created *ex nihilo* by

the ruling class, nor is simply taken over by them: state power (that of the bourgeoisie, in the case of the capitalist state) is written into this materiality” (Poulantzas 1980, 14), which I believe provides another key insight into developing a working theory of what the state represents within this thesis.

These sorts of material frameworks for understanding the nature of the state also, I argue, correspond to the colonial functions of capitalist accumulation in the sense that the material conditions which emerge as a result of primitive accumulation accomplished by the settler-state result in an influential Settler-strata which ultimately leverages these existing frameworks in order to dominate political society through the existence of the state. In this case, we can treat that influential Settler-strata as a sort of “class” involved in the domination of that peculiar material framework. For now, it is worth considering that the conclusion which is pulled out of Poulantzas indicates that the state is a semi-autonomous being, and that this autonomy results in what seems to be, at times, contradictory policies to the benefit of the settler strata.

Yet another Marxist perspective worth considering is Antonio Gramsci’s concept of hegemony. Considering the origins of the concept of hegemony, Thomas Bates states that the Marxist idea that “every state is a dictatorship” is analytically useless at the time of Gramsci’s writing, because it made it “impossible to distinguish between forms of rule and to interpret properly the character of historical periods” (1975, 351), and that this distinction can be revealed *through* hegemony, which Bates defines as “political leadership based on the consent of the led, a consent which is secured by the diffusion and popularization of the world view of the ruling class” (1975, 352). This is important for articulating the role of the state because domination from one class by another is performed through the state apparatus at a *cultural* level – that the way of living according to that class is made out to be *the* way of living, and that cultural hegemony ultimately becomes

the tool for determining the state's initiatives. Gramsci talks about the state as a multitude of private initiatives which "form the apparatus of the political and cultural hegemony of the ruling classes" (1999, 526), and then lists the education system and the court as examples of these initiatives. Thinking of this in the context of North American settler colonialism we can also begin to see the ontological role that the state plays in settler-becoming: creating this ideological common sense amongst Settlers within the settler colony distinctly serves the purpose of normalizing settler society while simultaneously contributing to the aspect of "us" and "them" within society. Further, the settler state produces these outcomes by way of creating *and* leveraging private property as the means of differentiating from the "Other". In this sense, the hegemony of the ruling class contributes to the development of legal and racial ontologies along the lines of property ownership. The state form of settler-colonialism is one which leverages land dispossession and ontological racialization as a means for developing the settler-being through a process which provides the apparatus for institutions to accomplish these goals. This is a significant consideration again for the development of a theory of the state which will be used in this section.

A final brief definition of the state I would like to provide is from Max Weber. Weber states that, when tasked with defining the state, it may only be done "in terms of the specific means peculiar to it, as to every political association, namely, the use of physical force" (1946, 1), and specifically, that violence is intimately tied with the state. Weber states that the relationship between the state and violence is one which characterized *by* the fact that the state has the "monopoly of the legitimate use of physical force within a given territory: (1946, 1), which again is another fundamental characteristic to consider when thinking of the state. The creation of the settler state certainly requires that the positive and negative effects of settler colonialism are legitimized

through the state apparatus, and the institutions which are given the ‘right’ to violence require that they share the influence of power given to them *by* the state.

If we are to take all of these definitions into consideration, I believe that we can reach the following definition: the capitalist state is a violent apparatus which has the right to violence over a given territory, which is governed by the hegemony of the ruling class, in order to facilitate the creation of private property, and the overall legal system which affirms these behaviours.

I find that this definition provides insight into the previous discussions made in this thesis thus far; the right to violence over a given territory, for example, can be seen in the states legitimacy to relocate Indigenous peoples for the purpose of “using” the land more efficiently as they deem necessary. Then, there is the governance of such a state: the ruling “class” of the state, and for our investigation, the influential Settler strata, influences the laws which further legitimize the dispossession and elimination of Indigenous-being. Take, for example, the previously discussed *St. Catharines Milling*: influential Settler corporations are able to tackle the sovereignty and legitimacy of Indigenous title specifically to be able to have laws created which protect capital interests and therefore Settler interests. Then, as for the facilitation of private property, the state is able to arbitrarily assert sovereignty over “discovered” land, turn it into Crown land, and allot it to the Settler as a regime of private property.

This state legitimizes settler-being. It does so by providing the legal apparatus to create and destroy societies based on the backdrop of settler-being as the only legitimate being. All of these functions act as a cacophony of the settler-being in action; it is through the becoming-settler ontology which crystalizes the settler-being alongside the formation of the settler-state; it reaches a stage wherein settler society is able to justify settler-being by virtue of the functioning of settler-society. In other words, these two entities are dialectical. The answer to their emergence would

thus warrant a deeper analysis on how settler-becoming acts as a stage of experimentation which acts as settler-beings genesis.

This warrants two discussions. One on how we might be able to see the settler-becoming through the example of the hybrid-regime, and two, on the laws and policies of the settler state. How do these theoretical explorations manifest in a settler-colony? The use of private property as a vehicle of dispossession is enabled *through* the state apparatus, and the development of a settler-society alongside the development of a settler-state result in the settler-becoming emerging at the same time as what is referred to as a hybrid-state: the charter-companies which played a role in the colonization of North America did not act in the traditional sense of the state, but laid the foundation for the development of the state responsible for the settler-being.

HYBRID STATES AND SETTLER-BECOMING: EXPERIMENTAL SOCIETY

The purpose of this section is to provide nuance into the role of the state in colonization, and to then ontologize this type of state to explore the impact which it has in the development of settler-being, and the development of the settler-state. The first thing which needs to be done, then, is to provide a definition of what a hybrid-state is and to then historicize this state's role in colonization. By distinguishing between the type of state that the Hudson's Bay Company was and the type of state Canada was by confederation, it becomes possible to explore much earlier settler-being as an emergent ontology based on the elimination of Indigeneity.

At the moment, my argument has been that the Lockean characteristics of colonialism in North America have revealed a settler-being based on principles of proper "use" of land, which the Settler thereby used to justify dispossession. The nature of dispossession, as dissected with our discussion on primitive accumulation, has been demonstrated to be a recurrent phenomenon that

proliferates a colonial social formation as well as a capitalist social formation. These two phenomena as an ontological foundation both serve as a basis for which the settler state emerges, and it is through these foundations that the settler state is able to confirm itself to be the superior being. This confirmation of the settler state's alleged superiority is also demonstrative of a land racializing mechanism, as the settler state's apparatus allows further legitimacy toward the association of 'rationality' and 'productivity' with whiteness.

Yet, the process of establishing settler-being, settler-becoming, underwent a transformation over hundreds of years of colonization. What further complicates this is that the governance of these early colonial regimes was far more ambiguous than the contemporary governance of settler states today, as England's use of charter-owned companies primarily fueled expansion across the continent for about two hundred years. So how did the charter-owned companies of the early seventeenth century contribute to the development of the settler-colonial capitalist state, and why does this matter for settler-being? The hybrid-state refers to a corporate entity with a quasi-sovereign government that is subservient to its home empire while simultaneously serving as a bridge that "the public-private divide at a time when national territories were incoherent and states contended with layered sovereignty" found necessary (Whiteside 2022, 1547). Company-states served as both corporate entities seeking to accumulate profit and as states that granted "extensive sovereign powers" as "engines of imperialism and capitalism" (J.C. and Andrew 2020, 1).

These hybrid-states provide a unique insight into settler-becoming for a variety of reasons. The first reason is for the role which private property played in these colonies. As a result of companies existing at a time where Europe was "pre-industrial, mid-mercantilist, late-feudal" (Whiteside 2022, 1535), private property and private land ownership existed *alongside* publicly owned company lands; colonization in the new world was *undertaken* by these private companies

that were “given charters to explore, to seek profits, and to obtain lands while also making claims for jurisdiction” (Bhambra 2020, 310), and yet were still farmed as “common company property and governed by company leaders” (Whiteside 2022, 1550). Yet Bhambra indicates that this initial stage of capitalism is colonialism *through* private property (2020, 311), calling it “the transformation of land and labour into property, into commodities, through processes of appropriation, possession, and enslavement” (2020, 311). It is worth noting as well that Bhambra’s use of the phrase private ownership is similar to the version which I use as well, which states that the dispossession of land constitutes a type of private ownership by “individuals, companies, or through the extension of the crown’s dominion” (2020, 311), meaning that dispossession in this view involves a necessary production of a type of private ownership. Regardless, private ownership of land alongside the view of the land being *terra nullius* meant that Settlers were able to impose a *being* of private property in these lands *prior* to the actual settlement of the land, as the ontological figure of the “savage” meant that land ownership was going to be the solution toward making use of the land.

Thus, when these systems of private ownership first came into being, the settler-becoming began its steps toward settler-being. The settler-becoming takes the view of land being *terra nullius* and colonizes that land as a system of producing private ownership. It views this “wasted” land as land waiting to be used, and that the mere occupancy of Indigenous peoples represented both an unfit stewardship of the land and as a categorical surplus population which ought to be eliminated. The use of private ownership within the hybrid-states operated within the bounds of settler-becoming as a way of differentiating between ‘settled’ and ‘uncivilized’ land; denoting land as containing a mere Indigenous *occupancy* implies a lack of *attachment* to the land, which is the same justification which Moreton-Robinson describes Settlers as using to argue for their own ‘nativeness’ to

their respective colonies (Moreton-Robinson 2015, 7). This reveals a further racializing effect. This effect views the personal experiences of the privately owning Settler's land as legitimate and worthy of consideration, but the personal experiences of the commonly owning Indigenous person as illegitimate and unimportant. The Settler's *ego conquiro* viewing the Indigenous person as non-human relates back to my articulation of "I own land, therefore I am" as the basis for this racialization, as the dehumanization of Indigenous peoples becomes the means for disregarding any sort of personal experiences which might constitute a justification for Indigenous possession. It centres private land ownership *as* proof of being, making Indigenous-being a type of nonhumanness. Thus, the settler-becoming develops alongside the regime of property ownership in the Anglo colonies, and these regimes were able to use private property ownership as the justification for Indigenous dispossession.

Take the Virginia Company as an example: a private-public system of ownership saw that agrarian production in Virginia would mean that farmed-commodities would be company-owned land, and yet financial crises had made the company so underfunded that the company enticed stockholders to invest in Virginia by granting land to *develop* to their liking at a quantity of 100 acres per share (Whiteside 2022, 1541). In this instance, "colonialism through private property" signals that private ownership of land was enticing to the eventual settler and was part of an agenda to ensure the survival of these regimes. Furthermore, dispossession of Indigenous land and its transfer into the control of company states indicate that the formation of an eventual state would necessarily depend upon these notions of rightful ownership on the basis of waste and development.

These hybrid-regimes *wanted* to arrive at the basis of statehood, and this can be seen in the Virginia Company's Instructions to George Yeardley, wherein it is stated that the goal of Virginia

is “to plant in Virginia so to prepare a way and to lay a foundation whereon a flourishing state ... be raised” (Bemiss 1957, para. 2), and that these goals can be accomplished through the transfer of land toward the company. What is also important to note here is that the settler-becoming still is initialized by the distinction of *us* and *them* and can be seen through the exclusion of Indigenous peoples from the labour and ownership of property within the colonies. Jamestown, for example, in 1607 faced a labour shortage, and imported “undesirables” from England to alleviate this issue (Whiteside 2022, 1540), and yet continued to violently persecute Indigenous peoples because of the necessity to dispossess them of their land. Settler-becoming emerges here too, for this exclusion of Indigenous labour despite the clear need for it demonstrates how the priority for white English labourers reflected the view only white (English) migrants could provide valuable labour. While Indigenous labour had come to represent a sort of “bonus” to their dispossession, the emphasis remained on the importance to continue to import future settlers in order to continue to reinforce the emerging settler-being.

As for the Hudson’s Bay Company (HBC), settler-becoming at first glance might appear to be obscure. While the company’s 1670 Charter asserted itself as the “absolute and true lords and proprietors” over 3.8 million square kilometres (J.C. and Andrew 2020, 94), it remained simultaneously true that the HBC saw English settler’s as undermining the companies interest in trading fur with local Indigenous peoples (J.C. and Andrew 2020, 96). In this regard, how would a settler-being emerge out of a charter-company, if the charter company explicitly disliked the arrival of Settlers? The answer to this is a matter of external pressure: as the HBC continued to compete with its neighbouring North-west Company, it sought out ways to compete with its rival and felt that its own settler-colony “would supply provisions and labour to the fur trade” (Gerhard

1996, 9), and that would eventually lead to the HBC absorbing the North West Company in 1821 (J.C. and Andrew 2020, 131).

And so the HBC developed the Red River colony as an agricultural settlement which offered Settlers land in exchange for their service as producers; in this instance, the Red River Colony as an extension of the HBC ultimately resulted in a form of property ownership which would be demonstrated through enclosures, and that the settlement for the most part respected these claims (J.C. and Andrew 2020, 35). So as not to deviate too far from our discussion of the settler-becoming, the purpose of this example here is to provide some nuance between these hybrid-regimes and a settler colony: these regimes acted primarily as *companies* interested in profit and are notably different from the contemporary functioning or understanding of the state, yet when they felt compelled to deploy Settlers as a basis for aiding in the companies monopoly, the same principles of property ownership emerged as the basis for alleviating the companies troubles. Settler-becoming in the HBC instead demonstrates the transforming process wherein employees of the HBC simultaneously became Settlers, providing the set of characteristics which come to constitute the Settler, which itself comes to provide the basis for the emergence of a capitalist-colonial state.

These characteristics primarily emerge out of the *ego conquiro* in the development and transformation of the hybrid-regime into the settler state. The formulation of rationality as the basis for being alongside our own articulation of being as private property ownership emerged within the Red River Colony as a gradual process of withering the ontological authority of Indigenous-being, or as the fleeing of the “ontological resistance” (Maldonado-Torres 2007, 253) alongside the rise of a settler-being. The Red River Colony in the heart of Cree and Métis territory underwent what Irene Spry calls “the great transformation”, a process wherein land went from “‘common property’ ... to ‘open access’ resources, and finally, to ‘private property’” (Gerhard 1996, 5), a

process which simultaneously saw the *dispossession* of land from local Indigenous peoples due to this lack of ontological resistance.

Racialized as “half-breeds”, Métis people were offered “a fast-track version of the Indian enfranchisement legislation applied in eastern Canada” (Chartrand 1991, 470) which failed to protect the lands (or even provide it Indian title) and instead gradually ensured elimination and replacement. The overall goal for the land was to “fill up quickly with an Ontario population and would yield a profitable return for the money expended on it” (Chartrand 1991, 473), and that by allotting individual, alienable fee to Métis *individuals*, a gradual eroding would take place that would ultimately result in the transfer of that land to a Settler. The first Lieutenant-Governor of Manitoba articulated this belief as follows:

so far as the advance and settlement of the Country is concerned, it would be infinitely better to give a Half-Breed a title in Fee to his lot. He might make bad use of it ... he might sell it for a trifle ... still the land would remain, and in passing from the hands of a man who did not know how to keep it ... [would] the most likely ... turn the lands to valuable account (Chartrand 1991, 473-474)

Thus, we see the notion of supremacy in the Settler’s use of the land. While the Métis’s “half-breed” identity allowed for the government to fast track their assimilation, the notion remained that they did not know how to properly use the land. Their ability to be landowners was instead situated on a belief that they would eventually need a Settler to take control.

What I have demonstrated with this section is that, upon analysis on the development of the hybrid-regimes, settler-becoming can be seen as an emerging phenomenon. This phenomenon primarily emerges out of the articulation of the Settler as being the superior land-owning subject, and that dispossession would occur as the charter-company gradually introduced private property

to the lands. While the HBC did not necessarily want to have Settlers arrive, the gradual creation of settler colonies such as the Red River colony, still led to the production of a belief that Indigenous land ownership was deficient compared to a Settler's property. This thereby enabled the settler-becoming to emerge as a process that became continuously strengthened until the eventual formation of a settler-state. This next section will analyze the role of the modern state beyond the hybrid regime and will further extrapolate settler-being as a racializing process by looking at the laws developed within them.

THE SETTLER-STATE: LAW AND POLICY OF PRIVATE PROPERTY

Ownership of private property is an essential condition of this development of the white Settler, and at this point, (as in, by the 19th century and the decline of the hybrid-regime) laws had been drafted in order to naturalize this, such as American Federal Indian Law or Canada's Indian Act. The fact that the "mechanisms through which the state organizes individual property ownership, which is primary to the overall apparatus of governance that characterizes the colony" (Bhandar 2018, 18) not only exists as a basis for arriving at the goal of eliminating Indigenous society, but as well as to turn dispossession into 'nation-building'. This is a process which is central to the settler-becoming, as the transformation of the hybrid-state into the settler-state is now one which has naturalized the settler as *the Settler* and not just the company employee. This is how the hegemony of the settler-subject and the formation of the settler state legitimize their actions through the state apparatus: "the courts and police ... the school, the store, and the local government office, enforced compliance to a new political order and at times sought to impose a new culture" (Engle 1991, 890). The creation of a new political order and the establishment of a new *being* allows the

legal apparatus which erected to establish a basis to “reshape culture and consciousness” (Engle 1991, 891) within the colonized space.

The first example of the law providing this function within the settler-state is the use of English Common Law as a vehicle for dispossession and settler-colonialism. English Common Law “was also an abstract, generalized means of normalizing and managing people and nature within the purview of the state and at the expense of local custom” (Harris 2008, 176-177), meaning that the arrival of English Common Law into British Colombia (as an example) indicated the very imposition of a new culture spoken of earlier. English Common Law as a way of being for English people and its development in the colonial state meant that the expectations of English society had thus developed the settler-subject beyond just being the trader: these expectations of *law* and *society* make it possible for the English colony to establish these values. English Common Law and its imposition onto Indigenous people was the literal forcing of “bundles of rights and values that were foreign to their ways and were defended by courts, the procedures of which were often impenetrable” (Harris 2008, 177), and the working of labour benefited off of these laws existing as completely foreign.

For example, the *Master Servant Law*, a law concerned with employment contracts which required employees “perform their duties faithfully, and employers to pay wages when due” (Harris 2001, 49), was inequitable and fundamentally skewed in favour of the employer, who could seek legal recourse over breach of contract. Indigenous fishermen in British Columbia were charged according to the *Master Servant Law* because of this (Harris 2008, 177). Of the four examples which Douglas Harris provides, each case involves “a native” or “half-breed” being offered better payment than what their original employer Samuel Herring had provided them, and Herring had brought each of them to court and had had some of them arrested as a result of this (2001, 49).

This example provides insight into the functioning that these laws have in the elimination of Indigenous people, because it demonstrates how when Indigenous labour *is* necessary to the functioning. As Harris states:

these cases reveal an imposed legal system beginning to delimit a role for Natives in the fishery even if the specific legislation designed to regulate the industry was not yet enforced. The exchange between Native fisher and non-Native processor, once described as trade, now more closely resembled an employment relationship ... the law of master and servant ... could be enforced by individuals through the courts and jails (2001, 54)

The crime of wanting better pay, of course, does not change the fact that these laws are arbitrarily imposed at the expense of Indigenous people. While this applies to proletarianized Settlers too, the focus of this quotation is to emphasize the arbitrary nature of the application of these bundles of values, and how they specifically impacted Indigenous-being, which occurs as a process of placing Indigenous people as subservient to an influential Settler. When the Settler finds it necessary to employ Indigenous labour, it is labour which can be enforced by the state. The imposition of English Common Law becomes a process wherein the state forces Indigenous people to “make live” in the material conditions which they are subjected to.

Common Law of course also involves a set of expectations about the role of private property. There are several policies which correspond to the dispossession of Indigenous land to the benefit of the Settler’s own property right. First, *fee simple* refers to a process in English Common Law wherein a person may acquire the right to a given piece of land, and represented a fundamental right to the land which could potentially last forever (Harris 2008, 177). The laws which govern these rights are Lockean and colonial.

Secondly, I would like to discuss pre-emption as a legal mechanism for the acquisition of land. Pre-emption refers to a process wherein “British subjects ... could acquire unoccupied, unreserved, and un-surveyed Crown lands in British Columbia ... not being the site of an existent or proposed town ... Indian reserve or settlement, in fee simple” (Douglas 1861, 1), and produced a surplus of Settlers who could gain access to land by demonstrating that they had improved said land. This notion of mixing one’s labour into the land becomes a process wherein the state provides the legal basis for Settlers to become the owners of property according to their ability to *take* land to their liking. This gave a Settler the ability to “wander through the woods until he hits upon a spot that suits his fancy, where he puts down stakes locating the lot broadside on a river or a road as best suits his notion” (Diamond 2022, 88), and demonstrated the fact that so long as the notion of land improvement existed, Settler’s had an innate superiority to the use of land because of their belief in ‘developing’ the land. Pre-emption rights were successful in the increase in rates of settlement, because it was a very accessible method in becoming a landowner. A year after pre-emption, “254-pre-emptions had taken place encompassing approximately 50,000 acres” (Diamond 2022, 89), and demonstrated that it was a clearly set agenda by the government that land dispossession was necessary for the development of the colony. The ease to which Settlers could obtain land was tied to the fact that it is a necessary step in the elimination of Indigenous society.

The final example of the law being an entity which legitimizes settler-colonial society are the laws which govern indigenous peoples in the first place. In Canada, the *Indian Act* serves this purpose. In the United States, there are a collection of court decisions and accumulated laws generally referred to as “federal Indian law”, and in Australia, a similar case. For Canada, the *Indian Act* serves as a prime example of the ability for the Canadian settler-state to “make live” and “make

die”, as the *Indian Act* sets to ‘define’ Indigenous people and regulate every aspect of Indigenous life in Canada (Fullenwieder 2018, 426).

By ‘Make live’, I am referring to the Foucauldian expression of biopower, wherein he theorized the processes of the sovereign’s ability to “take life or let live” when considering the “Others” (surplus-population) of a given society (Foucault 1978, 136). The states power to ‘make’ live when considering Indigenous people refers to regulating Indigenous bodies to become compliant with a set of conditions which positions Indigenous society in a more manageable position (Pasternak 2015, 318), such as a position of dependence on the federal government.

Returning to how the *Indian Act* serves this purpose, we shall consider the following example: first, the set of definitions which the Indian Act establishes within Canada. It defines what an “Indian” is, what a “band” is, what a “child” is, what their “designated land” is, and so on. The *Indian Act* also provides a set of ‘protections’ and ‘benefits’ to *registered* or *status* ‘Indians’, which provides an incentive to declare to the governments one’s identity. The ability for an Indigenous person in Canada to gain their status is a complicated and bureaucratic process which has resulted in two distinct categories of *status* and *non-status* ‘Indians’ (Palmater 2014, 29).

The difficulty involved in becoming a status-‘Indian’ is because of the desire for the state to legally eliminate the protections and recognition which Indigenous people are granted through the *Indian Act*; registration to become a status-‘Indian’ in Canada requires proof of descent from parents or grandparents who are also registered or who are entitled to be registered (Palmater 2014, 35), and involves a complicated and slow process which ultimately comes down to the discretion of the Registrar. Difficulty in accomplishing this registration would thus mean that a persons claim to their Indigeneity would not be federally recognized and would thus accomplish a legal elimination of that person’s identity.

Of course, the arbitrary rules for defining a person's status also existed so as to restrict the number of registered 'Indians': From 1876-1985, for example, required that the applicant was related to "a male person of Indian blood" (Palmater 2014, 35). Conversely, the same act had stated for more than one hundred years that if an Indigenous woman were to marry a non-Indigenous man, that she would *lose* her status as a registered 'Indian' (Palmater 2014, 35). While these policies have been amended, there continues to exist a relationship of policy in Canada seeking to govern Indigenous society and functionally cause their extinction through a policy regime.

A contemporary example of this can be seen through on-going gender discrimination found within the *Indian Act*; "blood-quantum" (a blood-based rule which seeks to define ones indigeneity by 'how Indigenous' they are) in on-going legislation like Bill C-31 is still aimed at an assimilation-based model, seeking to limit Indigenous peoples ability to gain their status by implementing a "half-blood" requirement for gaining status (Palmater 2014, 36).

Returning to the previous theoretical articulation of the state, it becomes clear here that law emerges from a commodity form and reflects them. The laws reflection of the Settler-strata's necessity to dispossess (and eliminate) reveal the ontological nature of the state which we are investigating. First, the settler-becoming and hybrid-state's transformation into the settler-being within our previously theorized state indicates that, as a necessity to produce Settler supremacy, that the laws within settler society affirm the settler-being, realized through colonial-capitalist social relations. The hegemony of the Settler-strata results in a worldview which seeks to control society through the same courts and laws which arrived alongside the settler that brought about the "bundles of rights and values" which Cole Harris speaks of. The state's apparatus and the violence which it monopolises is not just violence through warfare, but violence through the bundles of rights and values which correspond to the supremacy of the settler-subject. As previously stated,

from 1876 to 1985, an Indigenous woman would lose her status if she had married a non-Indigenous man. While this policy had been amended so that it would no longer be the case, the *Indian Act* as a contemporary policy within Canada still seeks to result in the elimination of Indigenous society, as seen through current configurations of blood-quantum politics. The repeal of the previous provision post 1985 continues to complicate Indigenous status and accomplish a gradual elimination of Indigenous society in an era of recognition-based assimilation.

THE SETTLER-STATE AND ONTOLOGY: VALID BEING AND INVALID

The settler-states ability to codify the Indigenous Other is significant for the colonial project as it grants the ability of the state to “shape, guide, or to affect not only the conduct of people but, also, the attempt to *constitute people* in such ways that they can be governed” (Fullenwieder 2018, 426), which indicates that settler-colonialism and the state is biopolitical insofar that it seeks to accomplish the goals of Indigenous elimination through the state apparatus. It is thus important to note that the colonial practices of the state and the law which correspond to these practices do not exist *just* in the early colonial history of the given society, but instead permeate throughout the society as a structure and not an event (Wolfe 2006, 388). The *Indian Act* as an example of the biopolitical functioning of the settler-state is significant because it demonstrates that the decisions made by the state and its outcomes are calculated decisions aimed to strengthen and give legitimacy to the settler-being. Overall, the state and the laws which emerge from it seek to perpetuate the functioning of settler society and result in an observable ontological distinction between Indigenous and Settler and is perpetuated and legitimated through the state.

First, the idea of sovereignty has its origins as a theological term to legitimize the Monarch’s “divine right” to rule as head of state (Barker 2005, 2), but underwent a transformation in

meaning as power withered away from European monarchy. Yet the definition of sovereignty has maintained emphasis on the ability for a nation or group of people to justify their jurisdiction and territorial integrity over a given area by demonstrating that they had developed a form of civilization which *proved* their sovereignty, and that the alternative to this would result in a group of people who “merely roamed upon the lands to acquire the material goods needed to survive” (Barker 2005, 3). By conceptually linking sovereignty and civilization, settlers were able to justify their conquest and settlement of these “empty” lands. By doing this, settler-being disqualifies Indigenous society from ever having been sovereign, and that by virtue of *terra nullius*, Settlers had no duty to consider Indigenous peoples in their transformation of the land. Sovereignty therefore existed for the settler-state and for the English, but not for Indigenous people. Because of this, the current legal meaning of sovereignty stems from a definition which was retroactively used to justify the elimination of indigenous society to construct a Settler society.

Taiaike Alfred has referred to this by stating “the challenge before us is to detach the notion of sovereignty from its current legal meaning and use in the context of the Western understanding of power and relationships” (1999, 54). This exposes a difficulty in wondering if the term could ever be taken out of the context of English domination, especially in Settler society. The reason for this domination is because the state more generally requires that there be a domination of some group of people, and in the settler-state, the racialization of Indigenous people and their biopolitical domination becomes central to the way which the state can articulate itself. The logic of elimination and the destruction of the previous society came to be articulated through the language of sovereignty and statehood as a justification for the elimination of Indigeneity.

Indigenous conceptions of the state (or rather, the lack thereof) are not monolithic and are far more diverse than the European and settler-state which I am describing. Because of this, a “pan-

Indigenous” description will be provided in lieu of this. Personal relationships, alongside clan affiliation and kinship, are “prominent features of social and political organization” within Indigenous society (McNeil 2016, 91), with the land having a profound spiritual and cultural significance. The emphasis on the land’s significance from a cultural perspective and not on an extractive capital-based perspective reveals the significance which political ontology has on sovereignty and statehood, because sovereignty is “inextricably connected to being in and of our lands and follows a relational logic” (Kramm 2021, 718), which is a completely different conceptualization of sovereignty and being than the settler-state can provide.

The lack of spiritual (or cultural) connectedness to the land from the settler-society reveals the significance of articulating sovereignty in a way which is beyond the scope of a European legal understanding, as the settler-ontology is “disconnected from the life forces that sustains and is based on an indivisible supreme authority was inherited from the historical tradition of patriarchal white sovereignty” (Kramm 2021, 718). Because of this, the *lack* of a hierarchal order (McNeil 2016, 93) within Indigenous society (which the Settler could identify as similar to their own order), the general “statelessness” of North America and the application of sovereignty post-Westphalia is functionally designed for the purpose of denying Indigenous society the right to *be* valid in the claim for sovereignty.

The role of the state, then, is to merely provide another justification for the creation of the Other; it can be used to create the legal apparatus to distinguish between person and non-person, and to determine whether or not a way of being is valid in the scope of the colonial project. Sovereignty then as a means of justifying colonial domination requires there to be a reckoning with, as “the usefulness of forcing Indigenous reality into the forms [semantics] developed by Europeans” (Barker 2005, 24) is highly questionable. In my view, the justification of the settler-state, and

the creation of the settler-being, is constructed through these processes of delegitimizing Indigenous being. The creation of the settler-being and the construction of a new society in place of the “uncivilized” one is done as a process of legitimizing the settler state as the proper means of being. The existence of the state therefore becomes further proof of the Settler’s superiority, and the *construction* of the state becomes a self-affirming process. Likewise, the lack of the state is, in this view, merely a representation of the lack of overall civilization of a given area. It is *terra nullius* on an ontological level. This is why it is questionable if Indigenous reality can be shaped into the European definition of what sovereignty can reasonably be, because this is the same reality which has constructed an entire way of being on the premise that it is superior to the one which it is ultimately seeking to have destroyed.

The lack of a private property regime in these societies also therefore justified their domination. Indigenous possession of the land and its lack of development, or because the land was left in its “natural state”, represented a waste of land to the settler view (Harris 1993, 1721). Of course, this waste of land is a result of the expectations of ownership and statehood which have been developed through this paper. However, the racial ordering which takes place within the settler-society results in whiteness as being a primary characteristic of property ownership which distinguishes the Settler. Cheryl Harris notes that the role of property, law, and the state all provide insight into how Indigenous dispossession is justified as a racial process. If sovereignty is understood as a “product of power through the state” (Harris 1993, 1724) which depends on the naturalization of rights and powers over the “conquered” people, then the court of law provides an arena for using property ownership as a justification for white supremacy. She describes the use of courts as a justification for dispossession as having *whiteness* infused in the value of property ownership: “it was solely through being white that property could be acquired and secured under the law. Only

whites possessed whiteness, a highly valued and exclusive form of property” (Harris 1993, 1724), which provides further insight into how the state leverages property and law as part of the apparatus of conquest. It creates the rules for ownership based on ontological distinctions which justify white supremacy.

The overall purpose of this section is to provide some nuance into the role which the state, law, and private property plays in the settler-being. By providing this framework alongside the previously chapters, the overall point of this thesis has been to establish a solid foundation for understanding settler-being. By having a view of settler-being and understanding what the foundational elements of a settler-society consists of, what also becomes observable is the process of land racialization. As a result of the settler-being coming into existence, the land which the settler-society develops simultaneously becomes *racialized* land. The ontological distinction between Settler and Indigenous alongside the development of these aforementioned phenomena seek to install whiteness as a value into the land which the Settler seeks to exist upon. Private property, capital accumulation, and state-formation each play a significant role in the racialization of land, and as a result of these interconnected phenomena, land itself consequently becomes racialized.

LAND RACIALIZATION AND THE STATE

The state’s participation in the development of settler-being, as seen through its legal apparatus, involved in the creation of private property and justification for the dispossession of Indigenous land. The ability for the state to influence the conduct of both Settler and Indigenous being is produced through the racialization of land, as this is a process wherein whiteness becomes associated with the productivity of land and the ability for the Settler to consequently *be* a valid property-owning subject. While discussing the attributes of whiteness and its relationship to

property, Cheryl Harris links whiteness to the most valuable form of property ownership, one which can be associated with the ability for Settler's to dispossess Indigenous people based on their "racial and cultural otherness" (1993, 1721). The ambiguity of Indigeneity, to Harris, meant that Settlers were justified in their dispossession of Indigenous land so long as the land had continued to remain in a state of *waste*; the appropriate means of possession had therefore granted the state apparatus the legal justification for demonstrating why Indigenous land was "the appropriate object of settlement and appropriation" (1993, 1722).

Land racialization involves the same dynamic of assigning value to whiteness as the baseline for whether or not land is considered valuable. In this sense, it involves itself in the same process wherein Locke describes the labour theory of property: the essence of what makes land valuable in the ontological terrain is whether or not the *properties* of whiteness are installed. It should be noted that the *properties* of whiteness are to be considered *separate* from the *characteristics* of whiteness: racialized ownership of private property represents a participation in the same forms of land racialization and capitalist social domination because it involves itself in the reproduction of the same processes of capital accumulation. The perspective of the state therefore does not require that only a white subject can be a property owner, but that the characteristics of whiteness (the alleged profitability, rationality, and civility) are implemented to land otherwise considered to have been wasted.

The law which propels the implementation of whiteness into the land therefore serves as an ontological vehicle to arrive at a colonial destination. Both Paschukanis and Poulantzas provide that the state exists as *more* than just a dominating force, but as a legal structure which uses social relations as a baseline to organize class. The observations made by Paschukanis help reveal this through the discussion on commodity form reflecting the laws which govern a state;

commodity form provides the basic form which legal subjectivity can emerge from, and so one's relationship to the means of production is therefore one's position in the organizational power of the state (2003, 137). When Paschukanis speaks to the dependence which the state has on the bourgeoisie (on banks and capitalist associations) (2003, 138), we see how the state is not external to capital, but internally structured by its actions. Application of this theory in the settler-colonial context reveals an ontological consequence: the settler state depends upon the Settler in this same fashion by necessity of the settler-being, wherein the *laws* which install whiteness into the land and perform the racialization of land are produced by the necessity for there to be a property-owning Settler subject. This is significant because it means that the laws which the state leverage as a basis for settler-being and land racialization are not merely imposed, but instead reflections of an overall way of being which presumes the initial superiority of the settler-subject and inferiority of an Indigenous Other. Whiteness becomes more than just the ability to own property; it becomes a reflection of the society which produces laws that mirror its needs. The laws which the society produce therefore are laws which perpetuate the repression of Indigenous people to the benefit of the settler society.

Poulantzas's contribution to the notion of social relations and law provides insight into how the law is used to codify a publicly organized condition of repression (1978, 77). The ability for the state and its apparatus according to the *laws* which they develop are consequently leveraged to perpetuate the repression of Indigenous society for the *necessity* of the settler-being. The apparatus of law and its extensions (such as police and education) are reflections of the violence needed to maintain the supremacy of the ruling-class: while Poulantzas speaks of the bourgeois class and the laws which are structurally biased to their benefit, this is applicable to the case of the Settler subject within the settler colony as well. This can be seen, for example, in the cases

wherein property ownership (and whiteness) are delegated as the superior claim to land than an Indigenous land claim.

An example from the United States which reflects this organization of settler society comes from *Johnson v. M'Intosh*, wherein both parties made claim to land “through title descendant from different Indian tribes” (Harris 1993, 1723). Chief Justice John Marshall, based on the Doctrine of Discovery, characterized the case as a request for ejectment based on the private purchase against the holder of a federal land claim (Eisner 2024, 1005, Harris 1993, 1723). Marshall’s decision meant that Indigenous people, as a result of discovery, did not have the legal authority or sovereignty to transfer the land to whomever, and was thereby unable to convey title outside the court “of the conqueror” (Dörr 2019, 309, Harris 1993, 1723). Law as an organizational tool of class power and social relations, as characterized by Paschukanis and Poulantzas, manifests as a legal distinction which fractures Indigenous sovereignty into an inferior national entity to that of the conquering court, a hierarchical binarism which necessarily places whiteness as the nucleus of legitimate property ownership and superior to Indigenous claims to the land (Wolfe 2013, 258). Whiteness becomes the qualifier for land ownership based on the foundational ontological belief that the land in its “wasted” state cannot be considered valuable until Indigenous title underwent the ontological transformation of settler-becoming into settler-being.

And interestingly, in Canada, Indigenous title similarly is subjected to scrutiny along the same lines as *Johnson*. The 1888 judicial backing of *St. Catharines Milling and Lumber Co. v. R* explicitly indicated that Indigenous title merely represented an *occupancy* rather than a distinct title to the soil – that it was “over-run by them rather than inhabited” (Nichols 2020, 45-46). This notion of the land being ‘over-run’ by Indigenous people develops the land as a racialized subject according to the notion of waste and mismanagement because it views the occupancy of

Indigenous people as a burden to the rational and industrious development of the white Settler. Land racialization ultimately results in a process wherein the following formula occurs:

Indigenous people do not have property. If Indigenous people *claim* they have property, they merely possess a primitive relationship toward it. If they appeal to the courts, they possess an inferior claim to property to that of the Settler. If their claim to property is legitimate, then it is no longer wasteful land, and it is because it possesses the traits of whiteness.

This example indicates that the decision to deny Indigenous peoples the ability to transfer land *unless* it is to be transferred to the sovereign who “discovered” the land demonstrates how dispossession is a process which occurs because of the organization of social relations *by* the state into a machine designed to eliminate Indigenous society (Nichols 2020, 46). This organization of society into one which benefits the Settler through the notion of superiority is amplified by the ability for the Settler to have the land be racialized; it expands beyond the means of governing territory into one which constitutes the Settler as a subject of rational property, and the Indigenous subject as an ontological deficiency in a spatial order.

Whiteness as a positive qualifier of property and Indigeneity as a negative logic of proprietary interest is therefore one which results in land becoming an ontologically distinct category, wherein the use of the land becomes a reflection of the legitimacy of its inhabitants. Law as it exists is reflective of the social binarism of supremacy-inferiority which benefits the Settler in its relation to commodity form. While not all Settlers are bourgeois, the archetypal Settler in this system which produces supremacy ultimately is one which places the Settler as the ruling class *over* the Indigenous subject. Land is made to reflect and reproduce this racial order. The Settler becomes the subject whose being is made legitimate through the land’s transformation *into* property, in distinct contrast to Indigenous peoples who are seen as *surplus* and *wasteful* on their own

territory. Land is the medium through which racial being is therefore assigned, and through which the state can legally justify the process.

CONCLUSION

This thesis initially began with a reflection on the politics of an apology, and the role which recognition plays in the proliferation of a settler-colonial society. The domination of Indigenous society presents itself as a shapeshifter: throughout the transformation which it continuously undergoes, it can at times be difficult to understand the various forms which it takes. It further becomes more difficult when these forms are presented in a way which suggests that these decisions and discourses are being made in *favour* of Indigenous society. This, to me, is why an analysis on an apology felt like an appropriate place to begin the discussion which occurred. What do we do with an apology for something which is ongoing?

The answer to this question lies in what Indigenous scholars and activists decide to do in the future of decolonial discourse within the Anglo-colonial sphere. Robin Wall Kimmerer offers her perspective as one which describes the hoarding of material things equivalent to being “constipated with wealth, bloated with possessions, too heavy to join the dance” (2013, 381), and I believe this to be pertinent to the discussion on whether an apology can be accepted during an ongoing action. Land dispossession results in this inability to participate in meaningful reconciliation because Settler’s remain “guarding their stuff” (Kimmerer 2013, 381). The conversation on whether reconciliation can occur has to first reconcile with the fact that Settler’s are unable to participate in this conversation while continuing to proliferate the effects of long-term settler-colonialism. It must place emphasis on the truth *prior* to reconciliation.

For an apology to be meaningful, for these conversations to be constructive, there needs to be an initial recognition of the fact that the foundations for building reconciliation are completely unbalanced. This imbalance not only exists between Settler’s, but amongst Indigenous people as well (Wolfe 2013, 16). For as long as these problems exist, colonial violence and land

dispossession will not be able to be meaningfully addressed, let alone be apologized for. It further becomes the case that a way of being based on the leveraging of the ‘Other’ as inferior, for the direct purpose of affirming the self as superior, reveals a way of being in the world which is fundamentally shaped out of this perceived difference.

In this thesis, an analysis was made on the role of political ontology in the settler-colony. The construction of a Settler identity is grounded in the deconstruction of an Indigenous identity: through the process of turning land into a terrain for racialization, I have argued that the settler-being is an amalgamation of multiple phenomena aimed at the legitimacy of settler-being *over* an Indigenous-being. Because of this, the focus of this investigation has been primarily on the archetypal *Settler*: it is a distinct category of being which necessarily requires that the development of the self occurs on a frontier based on the dispossession of Indigenous land. This identity becomes constructed on the grounds of racialization: the development of the Settler, the settler-becoming, undergoes a process wherein the Settler identifies the self as being superior due to the relationship which the Settler has toward land, and the role of land itself.

When considering this, several phenomena interlink with one another to produce what I have termed the racialization of land. These phenomena are thus explored in each chapter of this thesis to develop the nuances required to make sense of these logics. Racialization’s application to the land becomes more than just a structural feature of settler colonialism – it becomes a common thread which links together Marxist critiques of capital accumulation and extracts significant consequences out of Locke’s description of land as “wasted” or “used. The Marxist theory of so-called primitive accumulation and the logic of elimination reveal that dispossession is the economic anchor of capitalist accumulation: but what further becomes developed by this

exploration of political ontology is that the settler-being functionally depends on these phenomena to produce the settler society which currently exists within the Anglo-colonial sphere.

This then segued into the first chapter of this thesis, which provided an “origin story” for private property as a racialized regime. In this chapter, the primary concern was the ontological development which had occurred between the wedding of *civility* with *property*, and how Locke’s theory of property provided a significant contribution to the development of this perspective. While Locke’s writings succeed English colonialism in North America by about one hundred years, his theory of private property, and in particular, his emphasis on land as being “wasted” or “used”, cemented themselves in both the settler-being and in the laws which justified dispossession.

First, it used the language of Christianity in order to produce the argument that private property was a naturally occurring phenomenon. The notion that God had placed mankind (and as I developed: the *Settler*) on Earth to take the land *out* of the commons in order to maximize the value of earth simultaneously produced a view that Indigenous-being was *incapable* of doing so. This distinctly separates Indigenous individuals from Indigenous-being, as an Indigenous individual can come to own property, so long as it results in their assimilation into the settler-being. The resulting failure to have realized this English expectation of value meant that the land was left in a state of waste, which had become a reflection on the abilities of Indigenous people to take care of themselves. This belief, as they had argued, meant that the lives of Indigenous people were therefore not representative of a civilized and rationalized society, which became an initial view for how Indigenous society behaved as a whole.

Following this development, Settler society had deemed themselves as superior. This notion of superiority meant that Settler society was justified in the dispossession of Indigenous land

because the land had been left in this state of decay. It served to retroactively further justify *terra nullius* and the Doctrine of Discovery, which stipulated that the “empty” state which the “undeveloped” land had existed in permitted English colonists to take the land. What is developed in this argument, as I have shown, is that the land comes to reflect racialized characteristics itself. The negative characteristics of “waste” and “decay” were applied to the land as an ontological distinction between the virtuously superior settler-being. This was demonstrated by unpacking the ontological distinction made by the Settler who affirms their being *through* the ownership of property: it became the ultimate distinction between “civilized” and “uncivilized”, *us* and *them*. Land served as the medium for which racial ordering could occur.

The second chapter, provided an economic analysis on the role of settler-colonialism. Specifically, it analyzed the Marxist theory of so-called primitive accumulation, and how this theory had been developed by future theorists such as Rosa Luxemburg, David Harvey, and Glen Coulthard. Primitive accumulation as a topic is significant for this thesis because it provided the economic reasoning as to why the settler-society expands into what is referred to as the “outside” of capitalist social relations. The dispossession of Indigenous territory thus ties together these two topics, which ultimately served the point of demonstrating how capitalist accumulation and the transformation of land into private property occurred. The racialization of land had occurred here through the transformation of the “outside” into the “inside”: it was demonstrated how the Settler views the mismanagement of Indigenous territory as an opportunity to further generate capital, since Indigenous people were incapable of doing so. This view allowed for land to be racialized according to its profitability and to create narratives about Indigenous people’s ability to manage their territory: a popular sentiment held within settler societies is that Indigenous people were *greedy* and *depended* on the generosity of the Settler and created a view which turned

Indigenous people into an *unwilling* subject. Because of their unwillingness to generate capital, the land was racialized as wasted, and therefore “outside” of Settler society.

The third chapter analyzed the role of the state in this process and developed a theory of the state to analyze how the law and state apparatus is used in order to accomplish the legitimacy of the Settler. The modern settler state and the settler-being provided the basis for establishing the Settler as the owner of private property and thus established legal personhood as the property-owning subject. By doing this, land had become ideologically and morally secured through its development. Through education, media and the construction of a national identity, biopower and the management of Indigenous society became legally codified as a reasonable and morally righteous thing to do. Racialization occurs through the state’s legal assignment of *whiteness* to property ownership. Whiteness not only became the qualifier for property ownership, but the value for which property could *be* legitimate property. This was demonstrated through the examples of the United States and Canada, wherein the laws dismissal of Indigenous title claim demonstrated a hierarchical binary which situated *Settler* property ownership as superior to the Indigenous claim, a process which had ultimately demonstrated that the land had been racialized according to its development.

Each chapter provided throughout this thesis has aimed to develop the argument that the settler being is produced through a process which requires land be racialized in order to dominate Indigenous society and establish a sense of superiority within it. The ontological synthesis of each chapter provides a philosophical, economic, and legal description as to how these compounding phenomena reveal a racialization of land. Indigeneity thus becomes the target of an entire ontology dedicated to the demise of indigenous society. Just as the logic of elimination fundamentally requires that Indigenous land be dispossessed for the development of a new settler

society, the settler-being requires that Indigenous society become the target of racialization. The explanatory power of land racialization enables discussions within settler-colonial studies to identify processes within the settler-being which correspond to the association between contemporary phenomena which position Indigenous people as “lazy” while simultaneously blames Indigenous society for its poverty. The combined analyses of the three preceding chapters indicate that the development of settler-society necessarily depends on this racialization, because it is *through* this racialization that settler-society is ultimately able to construct its narrative of superiority, which thus becomes justified through the logics of capitalist accumulation and legal theories of property.

FUTURE IMPLICATIONS

I believe that while this thesis has uncovered a significant phenomenon, it has only begun to scratch the surface. Future work on this project I believe would benefit from a greater comparative analysis between multiple Indigenous ontologies compared to the developed settler-being, as it would allow for greater nuance to be implemented into this topic. While I include indigenous perspective in this thesis, greater exploration in Indigenous philosophy would allow for greater nuances to be developed in this issue. My view of pan-Indigenous ontology also limits the experience of colonization from the Indigenous perspective to North America, and yet settler-colonialism is a global phenomenon.

When I had originally began to first conceive of the idea of land as a racialized subject, my attention was drawn to Gaza. It is my belief that the violence taking place through the settler-colonialism of the state of Israel is deserving of its own, entire analysis. My interest in the topic

of land racialization had emerged out of reflecting on the genocide taking place, as I dwelled on Wolfe's warning at the end of "Settler Colonialism and the Elimination of the Native":

Since settler colonialism is an indicator, it follows that we should monitor situations in which settler colonialism intensifies or in which societies that are not yet, or not fully, settler-colonial take on more of its characters. Israel's progressive dispensing with its reliance on Palestinian labour would seem to present an ominous case in point (2006, 403)

And so, as my thoughts developed, I felt as though that part of the settler-colonial experience was that the land itself began to be the medium wherein racial characteristics were applied. As this project developed, I had to come to the decision that, for the scope of this thesis, I would maintain a particular focus on North American settler-colonialism and only drew upon the example of Australia when its point applied to North America's experience. Yet, I feel that this settler-being, although containing its own nuances within the case of Israel, once again consist of the same racializing effects. In particular, what comes to mind is the images of Israeli settlers terraforming Palestine to look more like Europe, while simultaneously displacing the Indigenous Palestinian's who had lived there for generations (Vázquez, Alcocer and Martella 2025, 7). It further reveals a racializing effect, to me, because the justification which Israeli settlers had used for the terraforming campaign was based in the notion that the dessert had been unsuitable for inhabitants, and used this terraforming as a basis for erasing the existence of the Indigenous Palestinian's living in this "wasteland" (Vázquez, Alcocer and Martella 2025, 1). I ultimately believe that this topic is deserving of its own dedicated analysis.

On the topic of different colonial experiences, another development which I believe that this thesis could undergo for future work would be one which expands beyond the sphere of the

English colonized world. French, Spanish, Portuguese, Belgian, and other forms of European colonization.

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