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The 'Labor' of Belonging

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ABSTRACT

This article examines notions of "labor" and "belonging" in contemporary indigenous-settler relations on the Wampanoag island of Noëpe, a place known all too well in the U.S. as "Martha's Vineyard." I focus on an ethnographic incident in which a Wampanoag fisherman stands before a town council on Noëpe and appeals for the right to fish in ancestral waters without penalty. Conceptualizing labor as agency, I am interested in the kind of work indigenous belonging demands in contested places. I am especially concerned about the vulnerability of small, financially stressed tribes and indigenous selves who must out-manuever the labored manipulations of settler law and regulation at the level of locality. What are the political alternatives for Indians who are not rich, who are not members of rich tribes? What kind of "labor" must small tribes exert in order to preserve and protect indigenous selves and articulations of self-rule? It is within an economy of labored belonging that this project situates indigenous agency and contemplates the intensity and complexity of its work.

INTRODUCTION

I am thinking at the moment about the way indigenous agency in southern New England risks injury from a certain species of malevolence; call it a malicious delight embedded in settler rulemaking and released in the heat of encounter. This unseemly aspect of the juridical reveals itself, at times, in private discourse; at other times in public domains in which indigenous assertions and settler performances-of-authority "labor" over diverging notions of belonging, "belonging" often reduced in these instances to fights over land and privileges associated with land. Indeed, it is the ongoing debate over land, a debate linked to the romance of conquest, that seems to incite the impulse I am identifying as the *play* of malevolence, as a kind of delight.

"We won!" an Anglo American said to me one day. I noticed the smile in his voice, the glee in his eyes.¹

What interests me here is the extent to which indigenous agency, laboring on behalf of its own notions of belonging, can counter, mediate, disengage or otherwise avoid emotional and psychic injury from what I perceive to be the gothic side of the law, the "law" being understood on this point in its full multifarious splendor, formal and informal.

This notion of the law as malevolent, as part-gothic, is in itself conceptually compelling. But the exploration I am embarking on here does not pretend to thoroughly examine juridical malevolence as such. What I will focus on, rather, is how tribal agency can contain, if not eradicate, the pernicious dimension of civil and statutory law in instances in which the human and political rights of indigenous selves and communities are placed at risk.

I am especially interested in small tribal nations in southern New England. Except for the casino-endowed Mashantucket Pequots and the Mohegans, both in Connecticut, most of southern New England's tribes and tribal communities – including those that are *not* federally recognized – are not financially advantaged, or are not financially advantaged enough to ward off juridical injury through, say, the formal allocation of state and municipal revenue derived from tribal enterprises. What seems to distinguish the circumstance of small, financially stressed tribal nations and their citizens are the hazards of raw exposure, those moments when inner selves find themselves sharing embodied space with that aspect of settler law in which articulations of justice seem affixed to a demand for sacrifice at the level of interiority.

This essay wants to know what kind of indigenous "labor" can mediate such impulses. Labor in this discussion is conceived foundationally here as the expenditure of social and psychic energy deployed in pursuit of concrete purposes and intentions, much of which has to do with the distribution of power over Indian land and Indian places.

Specifically, I examine the entanglement of labor, belonging, and injury in a southern New England, island town, the site of which is an iterative contest over the rights and privileges of citizenship in Indian territory. I approach this discussion against the particularity of place, place being itself labored, twisted as it is around an indefatigable debate over what it means to belong.

I start with place and its peoples.

Noëpe

Six miles or so into the Atlantic Ocean, off the southeastern coast of a territory now known as the Commonwealth of Massachusetts, sits an island the Wampanoag people call Noëpe or "land amidst the bitter waters" (Manning, 2001:22). The popular imagination knows this place all too well by its colonial name, "Martha's Vineyard," which in our time has become a favored respite for liberal democracy's American aristocracy – first the Kennedys, then the Clintons, and, more recently, President Obama and his family. At the southwestern tip of Noëpe is the Wampanoag territory of Aquinnah (pronounced "Ah-QUIN'-ah"). Aquinnah was once the seat of a major sachemship on an all-Indian island of some 3,000 Wampanoag inhabitants.¹ These days Aquinnah is a hamlet-of-a-town that claims not much more than 300 year-round residents, making it the second smallest town in the settler state.

Some 15,000 people live on Noëpe year round. The Aquinnah tribe represents a mere fraction of the year-round populace. At this writing, the tribe claims an official count of 1,099 members, of which only 68 live in Aquinnah, with another 298 tribal citizens spread across other towns on the island. Unable to find work on Noëpe, the remaining members reside off-island, mostly in mainland Massachusetts.² The tribe claims some 485 acres of tribal trust land, but not all of the acreage is contiguous, which means tribal lands quite literally co-exist alongside private residency and holdings of the town. Technically, the Aquinnah people are not reservation Indians. The island Wampanoags were federally recognized as a "tribe" in 1987, after a lengthy legal battle to recover tribal land. And then in 1997, after centuries of being called "Gay Head" (and they often still are), the island Wampanoags successfully petitioned the state to resurrect their indigenous designation. Absorbed by the Commonwealth as a "town" in 1870, Aquinnah doubles today as a regulatory extension of the state and as headquarters for the Aquinnah Wampanoag nation.

Aquinnah itself backs up to the ocean; so the land there is wet. Signs of moisture are everywhere. There are beaches and dunes, of course, but also marshlands of exquisite ecological fecundity, places where an egret can perform ballet, posturing on one leg. Sometimes the ocean's fog thickens to virtual tactility, and when it does, those parts of Aquinnah closest to the sea disappear. Not to be overlooked is the pervasive presence of a certain kind of bug that sometimes bloats up from so much water in the soil. Indeed, there is the sense that the sea has wrapped its immensity around Aquinnah and is poised to take back the town *and* its island, as surely someday it will (Oldale, 1992:171). Except for the sun, which dips into Aquinnah's ocean like a dazzling, giant orange, it is a solemn, isolated beauty, this place of the sea. When I was there at the start of the twenty-first century, there was no gas station in Aquinnah, no post office, no year-round store, not even a convenience store to buy water and milk. Electricity was not installed in Aquinnah until the early 1950s, and even now, electrical power is so unstable that those residents who can afford it install their own generators.

This hinterland simplicity, cocooned in a lonely elegance, makes me think about how places, when left alone, can sustain their better aspects, while people cannot. Somehow the very features that make Aquinnah delectable and for some, irresistible, do not extend to politics in Aquinnah, a paradox that becomes vividly apparent in indigenous-settler tensions magnified by the intimacy of a small, deceptively bounded geopolitical space laboring under the relentless scrutiny of an island regime bent on controlling Indians.

It is within such a space, amid such a paradox, that I situate the circumstance of the Aquinnah Indian "CJ" and then think about the parameters and possibilities of indigenous "labor" in the maintenance of belonging.

My reconstruction of CJ's *circumstance* begins on a winter day in mid-December 2002, when CJ – not his real name – found himself standing before the board of selectmen of the "town" of Aquinnah,

earnestly trying to explain why he should be able to fish in the pond of his ancestral home without penalty. CJ is a fisherman. He belongs to a clan of fishermen, as did his ancestors. Born and reared in Aquinnah, CJ had moved to another island town by the time he appeared before the selectmen. From the perspective of at least a few white residents in Aquinnah, CJ no longer qualified as a citizen of the town; he no longer *belonged* to the town, and thus no longer was eligible for privileges of town residency.

On that particular day, CJ appeared before the Aquinnah selectmen in response to a complaint from a town resident, someone who apparently questioned whether CJ should be allowed to scallop in Menemsha Pond, a large tidal pond about the size of a small lake in my estimate. Menemsha Pond, which feeds into the ocean, is partly owned by the town of Aquinnah and the other side, the eastern side, falls within the jurisdiction of the neighboring town of Chilmark. While the tribe maintains trust land in certain sections approaching the shoreline of Menemsha Pond, the pond itself – the water – belongs, by settler law, to organisms of the state.³ Non-residents in Aquinnah were allowed to scallop in the pond but only if they applied for and were granted a commercial fishing license and paid a \$200 fee.

I was in the selectmen's meeting that night,⁴ when CJ explained how he had paid the "\$200 bucks" for the license and how he had been working the pond, "bustin' my butt," as he put it, trying to provide for a wife who had cancer and a daughter with cystic fibrosis. He was letting everyone know that, indeed, he had adhered to town rules, had done what the town wanted him to do, that there was no cause for complaint. Yet, in that same gesture, CJ deftly steps outside of the juridical, insisting that his relocation to another town did not dislocate belonging. CJ did not dress up his remarks. What he said he said simply and directly. "I have spent all of my life up here. My ancestors and everything are up here."⁵ It was a difficult moment in public discourse. At one point during his address, CJ choked up. It was not a sob, not a breaking down, as such, but the kind of thing that happens when you are trying *hard* to say something *hard* and your emotions jam up somewhere along the mid-point of your throat. I sat there, taking notes, trying to be the anthropologist. But the scene was too weird, cast in a surreal haze that threatened to throw the cognitive materiality of history, memory, and lived experience out of focus. The moment did not make sense.

All three selectmen were present: Carl W., a "tribal member" (as they call themselves), and the two white selectmen, Mike H., married to an officer of the tribe, and Karl B., who routinely represented a non-tribal constituency that worried over too much tribal power. In addition to Carl W. and CJ, four other tribal members were in attendance, as well as three or four other non-tribal residents of the town, representing varied political relationships to the tribe. The attendance, by standards, was relatively strong. Aquinnah selectmen meetings typically were lightly attended.

One of the things I remember most, as CJ spoke, was absolute stillness. No one flinched. No one shifted in their seat in a demonstration of unease; no one cleared their throat. Afterwards, though, perhaps as a form of release, the conversation turned contentious, at times brittle. Karl B. recommended that CJ be given a week to produce proof of his residency in Aquinnah. Carl W., the tribal selectman, countered that if any proof was needed it was "evidence" that CJ "is *not* a resident." Then, Jason, another Aquinnah Indian, charged that CJ was being "harassed" and argued further that the abrogation of CJ's indigenous fishing rights was in violation of state law. Responding, Karl B. insisted that tribal members had waived their fishing rights when they signed a settlement agreement in 1983.⁶ And so the riposte went. Unsurprisingly, the fairness doctrine also was invoked during the debate, underscoring an argument that town regulations should be enforced indiscriminately. "We've always kept scalloping for Gay Head residents, and there are no exceptions to that," someone said. "The board of selectmen has to uphold shellfish regulation."

At the next meeting, a week later, the selectmen voted to attach a hardship provision to the extant town law, an accommodation that would allow CJ to apply for a non-resident commercial, fishing license that presumably would not cost him \$200. The addendum idea, introduced by Mike H., stipulated that candidates must have had 15 years of prior residence in Aquinnah and must be able to demonstrate financial need. Someone else suggested a residency requirement of only 12 years. The measure was to have been reviewed by the appropriate town committee and then sent to Boston for state review and approval. The proposed, new law clearly was custom-made for CJ, but at the same time, sought to control, through stipulation, the traffic of other "non-residents" – including other Aquinnah tribal members – who might also want to scallop in the pond without incurring the burden of a fee. While rescuing CJ, the selectmen drafted a rule intended to demonstrate the board's accountability as juridical guardians of the town, even though, as the tribal selectman noted at one point during the debate, "No one is beating the door down for commercial fishing up here."

The labor of performance

While the intricacies of local law matter critically in the politics of control, what interests me conceptually is the way in which notions of labor wrap themselves around questions of what it means to belong to a people and to belong to a place under bureaucratic duress, when an indigenous people and place strain against regulatory intervention. I am concerned that a technology of settler regulation, in an Indian town, demanded a certain kind of “work” from CJ, a certain kind of “labor,” the kind of labor that could choke a person up and provoke debate.

There are multiple layers of labor and belonging kicking about in the story of CJ. In its throbbing immediacy, there is the layer we see in CJ’s petition, a labored form of public exchange by which an Indian is able to obtain the right to fish, without fee, in his own pond. What intensifies an episodic moment of distress is the realization that CJ labors over the very thing he already possesses – the right to belong to a place and partake of its resources without penalty. Against such a logic, it might be argued that CJ’s appeal to the selectmen indexes a level of extortion that is even more troubling than, say, what Karl Marx theorizes in his classic formulation of surplus labor, or labor in excess of what is required – superfluous labor (Marx, 1977:325; Marx 1978:49). The desperate appeal of a frustrated subjectivity – a Wampanoag fisherman born and reared on the land and waters of his people; immersed, since birth, in the affirming wash of historical memory, and supported by a network of tribal kin and colleagues – arguably represents a mode of labor that never should have been required at all. Technically speaking, then, the very concept of surplus labor in CJ’s *exchange* easily could be construed (and dismissed) as so distorted it appears meaningless, except when superfluity is recontextualized against a logic by which settler societies tether belonging to codifications in “law.” What becomes superfluous in CJ’s labor is the regulation itself.

Yet, such explications do not exhaust CJ’s circumstance. They do not burrow deep enough. It is not just that a local regime’s performance of justice crudely appropriates Marx. I am suggesting further that affixed to settler regulation is a dimension of the juridical that demands not just acts of obeisance but the grinding down of agency itself. Arguably, what signifies danger in indigenous-settler encounters is precisely that dimension of settler law that would imperil subjectivities and ultimately incapacitate volition. Richard Rorty, inscribing the moral genealogy of twentieth-century America, associates this nasty side of the juridical – the side I am calling “gothic” – with a “delicious pleasure to be had from creating a class of putative inferiors and then humiliating individual members of that class” (Rorty, 1998:76). Such impulses are in one instance subtle and another crudely evident. They can be observed in the smile of colonial authority. They can be observed in the incantation of juridical rites that call upon the technologies of documentation and proof.

Critically, CJ labors to protect the integrity of his own law. Invoking ancestral pre-eminence, he tries to disentangle “sovereignty and subjection” (Hartman, 1997: 121). Still, the performative dimension of CJ’s exertions extracts a severe price on the part of the indigene, on the part of a fisherman compelled to participate in a superfluous exchange. It is CJ’s vulnerability, made public, that provokes the question of what settler labor, under the “law,” really wants to achieve at the level of intentionality? Is there, for instance, a certain type of indigenous performance, a certain genre of “labor,” that non-indigenous recognition labors to provoke in pursuit of a set of desires, some of which may be unspeakable and un-nameable within the rhetoric of jurisprudence and regulation? What precisely is it that settler law strives for in its relationship to indigeneity in the twenty-first century?

Curiously, the demand for performance seems routinely deployed in settler designs, especially in those schemes that seek to showcase liberalism in the project of bestowing indigenous recognition. As Elizabeth A. Povinelli demonstrates in her critique of liberal multiculturalism in Australia, performance, as a demand of exchange, emerges with regularity when settler regimes – whether local or national – gesture toward justice, fair play, and redemption in their recognition of indigenous rights. In Povinelli’s analysis, “Aborigines” in Australia are called on “to perform an authentic difference in exchange for the good feeling of the nation and the reparative legislation of the state” (Povinelli, 2002: 6).

Similarly, among neoliberals on Noëpe, there is, on the one hand, the “good feeling” of being able to claim the Aquinnah Indians as the last surviving Wampanoag stronghold on the island. (Islanders sometimes refer to the tribal community as “our Indians.”) On the other hand, there exists a persistent surveillance of virtually every move the “tribe” makes.

A political entity inscribed with power and potential power, the Wampanoag government neither can escape the gaze of juridical scrutiny nor altogether evade the lurking probability of adjudication. Indeed, for some settler regimes, one imagines that tribal governments become a performance-in-

anticipation, an articulation of indigenous vulnerability waiting to happen, waiting to reaffirm settler rule and release the injurious side effects of that rule. This entwinement of power, danger, and yes, pleasure, profoundly encumbers the agency of small tribes, an agency that not only concerns itself with assertions of self-rule but in its assertiveness also must mediate injuries associated with what I perceive to be renegade, settler impulses at play in the politics of rule making. Mediation clearly becomes a central concern in the story of CJ. Yet, mediation is not transformation, and it is transformation that arguably beckons agency's labor. Through what mechanisms, for instance, can the demand for humiliation and diminution – as terms of an exchange – be transformed into opportunities for power and utility?

The 'shed case'

A year before CJ made his appeal before the board of selectmen, the tribe asserted its right to build on tribal land without prior approval of the "town." In what some tribal officials called a jurisdictional "test case," the Aquinnah Indians quietly devised their own text of bylaws for the governance of tribal building and zoning projects. As far as tribal officials were concerned, the tribal bylaws supplanted the need for town intervention. But when the tribe started building a shed and small pier at its shellfish hatchery on Menemsha Pond in the spring of 2001, town officials balked, insisting on a town permit. The tribe made no attempt to comply, and on March 30, the town's building inspector issued a cease and desist order to the tribal chair. Then on May 1, 2001, the building inspector obtained a "verified complaint" from a state court on Noëpe. The stand-off escalated into full-scale litigation. Tribal officials sought redress in a U.S. District Court, only to have the case remanded back to state court.

Before the case was over, the nearby towns of Chilmark and West Tisbury, an island regulatory body known as the Martha's Vineyard Commission, a citizens' group of year-around and seasonal non-tribal, Aquinnah residents, a private trust representing a wealthy family whose property abuts the tribe's shellfish hatchery, and the state attorney general's office all harnessed their support in a legal battle seeking to reverse tribal autonomy in what was essentially a zoning case.⁷ When CJ went before the board, the town-tribe litigation already was in full motion; the tribe's assertions of self-determination already had been greeted by a bloc of settler resistance determined to contain and control tribal power and what may have been perceived as tribal privilege.

From what I could discern, fear was the primary provocateur in the "shed case." Some white islanders, particularly those in the seat of island rule, seemed overly concerned that the tribe, if left to its own resources, would put a casino on Noëpe, or, if not a casino, a sprawling hotel, something big and "gaudy." Such a development would achieve two imagined things: It would ruin the ecological balance of the island, its petulant beauty, and, no doubt, would meaningfully rearrange the order of political power on Noëpe. The fight was intense. The tribe's legal arguments privileged technical interpretations of sovereign immunity, a form of protection by which federal recognized tribes are bestowed immunity against lawsuit in land cases. The plaintiffs countered that the tribe had waived sovereign immunity when tribal officials signed the 1983 settlement agreement, the same settlement agreement the selectman Karl B. invoked in his argument with Jason. In September 2004, the shed case went before the Massachusetts Supreme Judicial Court in Boston, on appeal, where the island Indians predictably lost.⁸

The lawsuit tore the little hamlet of Aquinnah in half. Public discourse turned visceral and nasty. It got so nasty that a couple of non-tribal residents in Aquinnah confided at the time that they were not well liked in the town, or had "lost friends," because of their support of the tribe. Talk about racism began to circulate among some members and supporters of the tribe, representing a level of critique that seemed grossly incongruent when placed against the island's gloss of liberalism. Then, sometime after a notably stormy public debate in December 2003, I began to perceive what appeared to be a shift in tactics among detractors of the tribe. No longer was the tribe itself the object of direct critique, exposing critics of the tribe to charges of racism. Instead, local critics began to target the town selectmen, citing their inability to attract new sources of revenue in a town that had no year-around business enterprises.

Revealingly, the town's fiscal condition was linked to the tribe. In a lengthy letter-to-the-editor published just a month before the state high court ruled against the tribe, one non-tribal, Aquinnah resident suggested that the town should investigate "federal impact aid" as a source of new revenue. The federal money, he argued, would help compensate the town for a loss in its tax base, a loss tied to a tribal housing community that is not required to pay state education taxes.

The writer further called for a public accounting of negotiations that had been under way for a couple of years between officials of the tribe and town. Concluding his missive, the writer advised the selectmen to appoint a “Wise Persons Commission”

to conduct definitive research into, and supply an analysis of: the principal town-tribe agreements; availability of federal impact aid; the status and results of the ongoing town-tribe negotiations; and the truths and myths of town revenue flow, now and in the future.⁹

Two of the selectmen under scrutiny during this period were the same two who had engineered CJ’s rescue in 2002. The third selectmen, Karl B. had been replaced by Jim N., a retired school teacher. Jim started out in support of the litigation against the tribe but changed his position in favor of the continuation of out-of-court talks between tribe and town officials. All three selectmen unanimously voted in December 2003 to pull the town out of the lawsuit, which is how it came to be that all three selectmen found themselves in a metonymic relationship to the tribe, inheriting the displeasure/pleasure of the tribe’s critics. Notably, local critique of the selectmen demanded adherence to a genre of bourgeois credentialism and administrative proficiency derived exclusively from Western knowledges and applications (Bourdieu, 1984; Appadurai, 1986).

There is nothing especially novel about local contestation in tribal assertions of sovereignty. Wherever one finds Indians, one finds hard-working, organized resistance, state control, and the brittle poetics of political discourse (Goldstein: 850). On a relatively small island-place like Noëpe, in tiny towns like Aquinnah, the dynamics of bourgeois labor in the work of countering indigenous belonging and the rights associated with indigenous belonging are vividly evident and dramatically felt. What is of interest here are the ways in which indigenous agency can manage settler intrusion, without being maliciously managed *by* it, without sacrificing the tender-most parts of human-ness as a condition of exchange.

I imagine Carl and Mike, the two selectmen who rescued CJ that day, walking away from the experience with a sense of achievement. Yet, CJ is still subject to the vagaries of politics, one of which is the changing landscape of political actors. In a nightmare scenario, CJ could construct a lifelong career out of trying to convince townspeople in Aquinnah – again and again – to let him fish in his own pond. In a grotesque mimicry of a marionette, every few years CJ could be jerked one way and then another by the force of politics. There are better ways for sure. In 2002 in Quebec City, I presented a paper at an ethnohistory conference, addressing some of the issues the Aquinnah Indians were encountering on the island. Afterwards, a Dakota woman approached me and said three words, *only* three words.

She said, “Get a casino.”
She said it again. “*Get* a casino!”

Right away, I conjured images of the famous Foxwoods casino. Would CJ have had to appeal publicly for his right to fish in the waters of his ancestors if he had been, say, a Mashantucket Pequot? Casinos still may be controversial, and there still are unresolved tensions in relationships with state and local regimes (Cattelino, 2008; Light and Rand, 2005; Hosmer and O’Neill, 2004). But what I believe the Dakota woman was getting at is a tacit understanding that casino labor and the state revenues that flow from casino labor go toward the preservation of baseline dignity in the caretaking of indigenous belonging and being.

In writing about the casino success of the Florida Seminoles, Jessica Cattelino notes that ideologies of indigeneity and money intersect in ways that make “junctures of fungibility – the points when people exchange, redirect, and resignify money – especially political for American Indians” (Cattelino, 2008: 103). Even while the Florida Seminoles incite the envy of non-Indians who want some of that casino money, the Seminoles themselves are using economic development enterprises to instill an ethic of tribal self-reliance and, importantly, to gain control over capitalist exchange. Cattelino does not overlook the challenges of being a rich Indian in a highly successful capitalist venture, but the materialist dimension of tribal self-reliance clearly indexes a level of liberation that forecloses unmediated political interference from antagonistic local forces.

The thing is: More than ever, money – a lot of it casino money – performs as a determinant, as a meaningful interlocutor, in the redistribution of political power in small-town localities. Tribal revenue-sharing with states and municipalities across the nation-state totaled \$8 billion in 2005 (Ibid:168). In Massachusetts, a 2008 report commissioned by the Commonwealth estimates that the creation of three casino resorts in Massachusetts would generate a total of roughly \$1.5 billion a year in gross revenues and nearly \$597 million in annual government revenue.

Each of the three casinos, according to one study, would create 4,377 “direct” jobs and stimulate the production of another 0.5 jobs elsewhere in the local economy, creating a total of 20,000 new employment opportunities.¹⁰

But for the tribes in Massachusetts who want gaming, there is one stubborn obstacle. Unlike Connecticut, home to the enormously successful Foxwood and Mohegan Sun casinos, Massachusetts has not authorized high-stakes, casino gambling. Although Deval Patrick, the state’s current governor, has enthusiastically embraced the inauguration of high-stakes gambling, the state legislature at this writing has yet to approve it, and in Massachusetts both the governor and the state legislature, under state law, must separately approve high-stakes, casino-type gambling. Still, the Massachusetts Indians court the promise of casino labor. Under former tribal chair Beverly Wright, the Aquinnah people tried unsuccessfully for a number of years to enter the gambling business, not on the island but in and around the New Bedford-Falls River area. From all indications, a number of Aquinnah Wampanoag tribal members still want a casino, and in recent years there have been reports of collaboration talks with another tribe. Meanwhile, the Mashpee Wampanoag on Cape Cod, separately, have announced *their* intent to go into the gambling business. The Mashpee, federally recognized in 2007, are the sister tribe to the Aquinnah people.

The perception that casino money and other economic initiatives free up self-reliance and thus free up indigenous agency constitutes a driving vision for small, federally-dependent, indigenous governments. Whether or not Indian and non-Indian critics actually *like* the idea of indigenous nations doing casinos (Indians themselves are not in full agreement on the issue), there is no denying that the containment of settler antagonism has a better chance of succeeding when indigenous governments are willing to share significant material assets. What, then, does the *absence* of big money imply for the toil of a small tribe of less than 2,000 people, a tribal community besieged by the demographic and political labor of an authoritative presence?

While a lot of the current discourse on indigenous peoples indexes the agency of larger indigenous nations or indigenous nations with profitable economic enterprises, the political reality of small tribal governments that cannot or cannot *yet* display healthy monetary profits represents another aspect of tribal lives, an aspect that reveals the raw intensity of indigenous actions at the moment of exposure. For small, not-rich tribes, the issue of managing settler wrath becomes a matter of higher risk. Indigenous agency in small tribes indeed may look for the cracks in settler law and delve into those cracks with ingenuity and verve, but it is an ingenuity that positions itself alongside a vulnerable heroic.

Still here?

Settler colonization, as Patrick Wolfe notes, was premised on the elimination of indigenous societies. But the project of elimination in its imagined finality never was fully achieved; the conquest of America never was completely accomplished (Wolfe, 1999: 2). Not only did a few hundred thousand American Indians survive centuries of genocide, but the indigenous population in the U.S. has rebounded at nearly 2.8 million or as much as 3 million, if “Native Hawaiians” are included in the numbers.¹¹

On Noëpe, colonial attempts at dispossession began in 1641, when an agent of the Earl of Stirling “sold” Thomas Mayhew and his son, Thomas Mayhew, Jr., the island of Noëpe, as well as Nantucket and two smaller islands, Muskeget and Tuckernuck (Banks, 1966: 80).¹² A year later, Mayhew, Jr. would embark on a campaign to Christianize the island Indians. Over the next 35 to 40 years or so, dispossession would accelerate amidst a confluence of developments. By 1674, the Wampanoag population on Noëpe would plunge from 3,000 to 1,500, the result of a lethal cocktail of European, epidemic diseases (Manning 2001). Among the most consequential and immediate effects of the scourge was not just death itself but the social disorientation and demoralization of epidemic loss. Indeed, I would argue that the appeal of Christianity was tied to a perception among some Indians that the Christian god and its emissaries not only could physically heal the sick but could restore Indian power (Silverstein, 2005:24,121).¹³ Some Wampanoag, those who resisted Christianity, moved up-island and merged with Aquinnah, where Christianity did not find a grip until the early 1660s, about 20 years after the rest of the island (Manning). Stubborn, the Aquinnah people have managed to maintain an uninterrupted presence on Noëpe throughout southern New England’s colonial and neocolonial histories.

For many local and state regimes, this intransigent presence and the potential power of surviving tribal nations necessitate constant management, a task complicated by issues of accessibility.

As Philip Deloria suggests in his examination of the “hobbyists,” the one thing settler regimes cannot be are Indians themselves, a condition that disallows direct control of tribal power (Deloria 1998). Unable to completely displace indigenous identity or become Indians themselves, non-indigenous residents worried over tribal power and agency inevitably invoke ideas about “Indian blood” and the perceived primacy of “Indian blood.” Antisovereignty perceptions, for instance, continue to associate tribal power with the formidability of “blood” and ancestry, producing complaints that biological exclusivity unfairly bequeaths indigenous governments with special economic and political advantages (Goldstein, 2008). Images of racial tribalism or “blood” tribalism persist, even as indigenous scholars, such as J. Kehaulani Kauanui (2008), Audra Simpson (2007), Kimberly TallBear (2003), Michael Yellow Bird (2005), and Robert Warrior (1995) champion more nuanced and inclusive understandings of what indigenous belonging means.

Yet, while critics of tribal sovereignty whine about tribal racialism, popular discourse continues to insist that all “real” Indians be full-bloods, adorned with long streaming, straight black hair, Asian-like features, and brown – but not black – skin. This *body* discourse persists despite clear evidence that increasing numbers of indigenous people in North America no longer reflect the phenotypical image of the classic “Hollywood” Indian (Yellow Bird, 2005). In southern New England, native peoples have been “mixed” for centuries, and like indigenous peoples elsewhere in the region, the Aquinnah Indians are at times imagined as “not real” and thus eligible for political elimination.¹⁴ Once, when I corrected an instance of misrecognition of my own heritage, an islander rejoined, “You mean you are *not* one-sixteenth Wampanoag?”

In the absence of military muscularity, settler regulation and the poetic posturing of public discourse now seem to constitute the legitimate means, of choice, by which tribal, indigenous power can be controlled and contained in twenty-first century local America.¹⁵ Indeed, as Amy Den Ouden notes, “legitimacy” remains the central dilemma of contemporary “conquest.” How legitimacy is to be manufactured and normalized is a “cultural problem” entwined with the “material, inherently violent project of imposing and enforcing a system of domination” (Den Ouden, 2005:10; see also Povinelli, 2002). It is within constructions of neoliberal legitimacy and its calibrating effects that the discursive pre-eminence of blood becomes a juridical tool too tantalizing to ignore.

Yet, though derisive, “race” and “blood” talk has not been able to diminish the status of the island Wampanoags as a federally recognized, indigenous people, and, indeed, it is the federal dimension of Wampanoag nationhood – as much as issues of “blood” politics – that seems to accentuate settler fear in the context of belonging. Of critical concern to the island regime would be the “land-into-trust” feature, which allows the federal government to place parcels of land aside on behalf of federally recognized tribes. While indigenous Americans understand “trust land” as an illusive feature that only *looks* as if land deeds have been transferred to a tribal government, trust land in a practical sense does offer some protection against the encroachment of market forces, while mediating the intrusion of state laws and taxes (Wilkins and Lomawaima, 2001; Pevar, 1992; Cohen, 1942). Indeed, it would be the acquisition of additional trust land on Noëpe that would allow the tribe to build a casino on the island, an outlandish idea given the long, isolated winters that transform a New England summer resort into a winterland of snow and frigid winds and waters.

When packaged together, indigenous ancestry and federal recognition conjure images of local Indian autonomy beyond the reach of island rule. As one Indian-friendly islander on Noëpe put it, “They don’t need me; they’re outside of me.” The task of settler rule – and thus the “labor” of settler rule – is to manage both indigenous belonging and the federal standing of a “tribe” in such a way that indigeneity remains within the confines of non-indigenous control. Thus, when it was announced that the Massachusetts Supreme Judicial Court had ruled against the tribe in the “shed case,” one of the attorneys for the plaintiffs reportedly remarked, in apparent triumph, that the judgment of the state high court “means that the regime that we always expected would be in place *is* in place.”¹⁶

Creative labor

The implications for indigenous agency in this discussion do not always translate into ideal choices and actions. For instance, what does the parroting of bourgeois labor do to indigenous assertiveness in those situations in which indigenous actors must out-manipulate their manipulators, sloughing through the grit of small-town politics? In such instances, indigenous agency exposes itself, sometimes radically, as neither “pure” nor immune to danger. Indeed, almost anything is better than the circumstance CJ found himself negotiating in his navigation of settler systematicity. But, again, what are the accessible alternatives for an Indian who is not rich, who is not a member of a rich tribe?

Another way of approaching these issues, a better way, I think, entails an assessment of indigenous agency as creative labor. The very notion of creative labor implies multiple trajectories. Among its variations might be those midnight strategies that yield to expediency, strategies that fiercely, if not ideally, get the job done in emergencies of expediency. Yet, there are other times when the thing to do is to emphatically and unequivocally say “No!” This I have seen, as well, on those occasions when the Aquinnah people have put aside lingering family rivalries and have filled up town hall in support of their “tribe.” In Rhode Island, the Narragansetts, fed up with failed attempts to convince the state to allow tribal gaming, physically clashed with state troopers when the governor ordered the raiding and closing of a Narragansett cigarette shop in the summer of 2003.¹⁷

Theorizing indigenous nationalism, Kahnawake Mohawk Taiaiake Alfred openly denounces what he calls the “integrationist approach” of indigenous representatives who traffic in compromise with the state (Alfred, 2005:126). What he and a growing number of other indigenous scholars are calling for is a reformulation of tribal agency, a repositioning that decenters the “state” in indigenous articulations of self-determination, preferring instead an ideological approach that privileges indigenous families, communities, spiritual and cultural orientations, and intertribal relations as the nexus of political strategy (Byrd and Heyer, 2008; Corntassel, 2008). The idea is to pursue self-determination on terms defined by indigenous nations, not by settler regimes.

Interestingly, the strategy of depositioning and repositioning resembles the “cultural activism” of Mayan leaders and intellectuals in Guatemala, where cultural autonomy – the privileging of Mayan languages, traditional dress and other customary practices – proclaims its own politics. The centering of Mayan cultural identity not only addresses critical concerns, such as the demise of some indigenous languages, but ideally will enable Mayans to assert autonomy without inciting the wrath of a Ladino government that has proven itself willing and capable of activating state terror in genocidal proportions. Of concern among scholars such as Carol A. Smith is the extent to which Mayan intellectuals can reform education and cultural policy within the Guatemalan government without being “absorbed” by the very discourse Mayans are attempting to resist (Smith, 1991; Cuxil, 1996; Warren, 1998; Hale 2006).

I would not presume here to hierarchicalize any of the above strategic trajectories on the basis of a perceived ideal. Rather, what I have tried to underscore in my examination of CJ’s situation are the extreme pressures small indigenous communities confront in quotidian encounters with settler regimes. It is precisely because of the extremity of on-the-ground politics and its particular situatedness that I argue for a range of possibility. For small, financially-challenged tribes, performances of political agency often do not appear in the raiment of pure political autonomy. Not even the wealthy, casino tribes seem to be able to achieve unilateral autonomy, an argument Cattelino makes in her discussion of sovereignty and “interdependencies” (Cattelino, 2008:161).

Still, the repositioning of indigenous agency and the decentering of institutionalized settler interventions index critical changes in the tone, texture and strategic efficacy of indigenous-settler politics. For example, in recent years tribal officials have organized a powwow on Noëpe. I would argue that the powwow not only publicly underscores the primacy of indigenous cultural performance but may strengthen the island tribe’s connection to off-island tribal participants, thus countering the social and political claustrophobia of island isolationism. Of interest is the extent to which a sustained increase in intertribal activity would enhance tribal power on Noëpe and attenuate political and personal vulnerability in moments of indigenous-settler conflict.

Conclusion

One way of approaching the sheer enormity of it all is reflected in a critique Audra Simpson proffers when she observes the enduring efficacy of “historical perceptibility,” the way perceptual interventions of a colonial past continue to apportion social and political possibilities that, in effect, can “empower and disempower Indigenous peoples in the present.” (Simpson, 2007: 69). Simpson’s concerns raise questions deeply relevant to an analytic on colonial and neocolonial notions of belonging. Is settler belonging overdetermined, still, by Lockean impulses, impulses that transformed land as a metaphor of meaning, rich in the signification of indigenous epistemology,¹⁸ into the capitalist object of exchange we know as “property” (Arneil, 1996; Goldstein, 2008; O’Brien, 1997)? Is settler belonging overdetermined, still, by legitimizing and objectifying technologies of regulation, process, and public discourse (Warner 1990, 8)?¹⁹ To what extent does the technocratic artifactuality of settler belonging harbor the glee that seems to shadow settler engagements with indigenous assertiveness, engagements that arguably produce and traffic in injury?

What begins to emerge in an inquiry like this is the polyvalent character of “belonging,” its discordant meanings and extreme edges. Perhaps what is needed, then, is a more thorough examination of the constitutive elements of belonging, the kind of examination that fearlessly exposes. David E. Wilkins and K. Tsianina Lomawaima predict that indigenous agency will continue to reevaluate and regroup in articulating its relationships to inherent rights, land, and power (2001: 97). I would like to see settler discourse critique settler belonging with the same zeal and reflexivity.²⁰ I am, in effect, calling for more labor but labor of a different nature and purpose, a purpose that wants to break away from the tautologies of a malevolent, colonizing history.

What, in all this, is to be said of belonging? I leave this meditation haunted by a couple of dangling, foundational concerns: Must belonging *be* labored? And what does it mean when belonging is not just labored but labored on all sides?

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¹ The precolonial population of Noëpe typically is estimated at 3,000, although one Wampanoag source insisted that as many as 5,000 Indians lived on the island prior to colonization.

² These population statistics are listed on the website for the Wampanoag Tribe of Gay Head (Aquinnah). The site can be accessed at www.wampanoagtribe.net/Pages/Wampanoag_Planning/profile?textPage=1. The website information included here was last viewed on August 7, 2009.

³ Specific information on how the waters and shoreline of Menemsha Pond are demarcated by jurisdiction is outlined in Paragraph 10 of the *Joint Memorandum of Understanding Concerning the Settlement of the Gay Head, Massachusetts Indian Land Claims*. This document, more popularly known as the “settlement agreement,” was signed in 1983 by representatives of the Wampanoag Tribal Council of Gay Head, Inc., the Town of Gay Head, the Taxpayers’ Association of Gay Head, Inc., and the Commonwealth of Massachusetts. The settlement agreement ended nearly 10 years of litigation initiated in 1974 by the Gay Head (now Aquinnah) Indians in an attempt to recover tribal lands. The lawsuit was filed in federal court against the Town of Gay Head. For more information on the litigation, see *Wampanoag Tribal Council of Gay Head, Inc., et al. v. Town of Gay Head, et al.* (1974) 74-5826-G.

⁴ I began my anthropological fieldwork on Noëpe in 2000, after receiving permission from the late Donald Malonson, who was chief of the Aquinnah tribe at the time. My fieldwork extended over a three-year period, and I devoted a fourth year to archival research on the island.

⁵ Although Aquinnah is situated on the southwestern end of Noëpe, islanders use nautical terms to designate directions. According to island nomenclature, Aquinnah is considered an “up-island” town, which is why CJ says “up here.” Oak Bluffs, on the far northern end of the island, is considered “down-island.” There are six distinct towns on Noëpe. (CJ’s quote reflects my note taking during the board meeting.)

⁶ See above reference to *Joint Memorandum of Understanding Concerning Settlement of the Gay Head, Massachusetts Indian Land Claim*, Paragraph 10.

⁷ In the first court hearing, heard by Justice Richard D. Connon in a Dukes County Superior Court on Noëpe on February 13, 2003, the plaintiff was Jerry Weiner, building inspector of the Town of Aquinnah, and two interveners: the Gay Head Taxpayers Association (which later changed its name to the Aquinnah/Gay Head Community Association) and the Benton Family Trust, represented by its trustee, UMB Bank. In subsequent stages of the litigation, “friend of the court briefs” were filed by the Martha’s Vineyard Commission, the Town of Chilmark and the Town of West Tisbury. By the time the Massachusetts Supreme Judicial Court heard the case on appeal, the state attorney general’s office had joined as an intervener. See *Building Inspector and Zoning Officer of Aquinnah [FN1] & others [FN2] vs. Wampanoag Aquinnah Shellfish Hatchery Corporation & another. [FN3] SJC-09211*.

⁸ See *Building Inspector and Zoning Officer of Aquinnah [FN1] & others [FN2] vs. Wampanoag Aquinnah Shellfish Hatchery Corporation & another [FN3]*, as referenced above.

⁹ Carlos Montoya, “Town in trouble,” *Vineyard Gazette*, 26 November 2004, p. 15.

¹⁰ These statistics were published in a 2008 report entitled, “Projecting and Preparing for Potential Impact of Expanded Gaming on Commonwealth of Massachusetts.” The study was compiled and published by Spectrum Gaming Group, self-identified as “an independent research and professional services firm.” A copy of the report can be accessed on the firm’s website at www.spectrumgaming.com. (Accessed on August 1, 2009.)

¹¹ These population estimates originate from the website of the U.S. Census Bureau. The figures represent counts for 2003. The website can be accessed at <http://eire.census.gov/popest/data/national/tables/NC-EST2003-asrh.php>. I last accessed the website on August 7, 2009.

¹² The Muskeget and Tuckernuck islands mentioned by Banks most likely are now part of what is known as the Elizabethan Islands.

¹³ For a more detailed representation of the connection between death and Christian conversion see Experience Mayhew, 1727, *Indian Converts: or, Some account of the lives and dying speeches of a considerable number of the Christianized Indians of Martha’s Vineyard in New England*, London: Printed for S. Gerrish, Bookseller in Boston in New-England; and sold by J. Osborn [etc.]. The testimonies and confessions of early Indian converts in southern New England suggest that some Indians perceived the Christian messiah and his intermediaries quite literally as healers, as physicians, who could combat death and disease more effectively than their own indigenous healers, who had been unable to arrest the devastation of the epidemics. The seventeenth-century Indians of southern New England seemed a practical people. Sachems and healers were expected to perform their jobs competently and effectively. Mayhew understood the significance of healing among the indigenous islanders and willingly performed as a healer himself, adopting the customary English practice of bloodletting. See also Thomas Mayhew’s *Glorious progress of the Gospel amongst the Indians in New England*. 1649. London: Printed for Hannah Allen.

¹⁴ Because they are an Atlantic coastal people, the Aquinnah Wampanoag are believed to have been exposed to a number of different immigrants and travelers, including English and Irish, Portuguese and Cape Verdian, African Diaspora, and quite possibly a Nordic people who visited Noëpe around 1,000 AD, according to Aquinnah Wampanoag legend. The latter possibility is reinforced by Graeme Davis’s work, *Vikings in America*.

¹⁵ The privileging of regulation and other forms of the juridical does not preclude military force, as was demonstrated in the summer of 2003, when the state police raided a smoke shop on Narragansett land in Charlestown, Rhode Island. A physical skirmish resulted from that confrontation.

¹⁶ James Kinsella, "Massachusetts High Court Rules Wampanoags Waived Sovereignty," *Vineyard Gazette* (10 December 2004, p. 7). I added the italics to the quote to reflect emphasis and inflection in a perception of meaning.

¹⁷ For a summary of the resulting litigation, see *Narragansett Indian Tribe, Plaintiff, Appellant, v. State of Rhode Island and Providence Plantation, et al, Defendants, Appellees*. No. 04-1155 United States Court of Appeals for the First Circuit 449 F.3d 16, 2006 U.S. App. LEXIS 17472.

¹⁸ In her essay, "Godi'Nigoha': The Women's Mind and Seeing through the Land," Deborah Doxtator demonstrates how Haudenosaunee (Iroquois) epistemology reflects an intimate unity between land and the consciousness of Haudenosaunee women. She examines what can go wrong when unity between human mind and the land is disturbed or denied. Her commentary underscores a discontinuity between Western epistemology and the natural world in which human beings live. Doxtator's essay appears in a 1997 art catalog produced for an art exhibition at the Art Gallery of Ontario in Toronto.

¹⁹ Note, for example, Warner's discussion on how printed-up legal forms proliferated in colonial New England, legitimizing legal formality for virtually every societal transaction.

²⁰ I am of the opinion that "race" theory constitutes a critical dimension of studies related to "belonging." Yet, I would argue that an analysis of settler belonging cannot be exhausted by "race" theory alone, or by elucidations on "class." As I emphasize here, what seems needed is a more thorough examination of the constitutive elements of belonging.