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Settler colonial logics and the neoliberal regime

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It is often assumed that while both capitalism and the modern state may originate in processes such as primitive accumulation, imperialism and colonialism, and conquest, modernization in both the political and economic spheres gradually leaves those stages behind, allowing for some form of cosmopolitan transnational globality to emerge. In particular, settler colonialism and primitive accumulation have been understood to belong to early stages of capital expansion and accordingly to be formations lodged in the past. This introduction argues that the ongoing history of settler colonialism forms a crucial terrain through which to understand military occupation and the formations and practices of the neoliberal state that has emerged to regulate and promote a new regime of accumulation. It also explores the ways in which the formations of the contemporary state, whether military, economic, political, legal or cultural, may remain grounded in apparently peripheral or outmoded modes of domination. Understanding the neoliberal regime of accumulation in terms of its continuing debt to such histories will have a crucial bearing on the organization and articulation of resistance and dissent in the present.

We live in an epoch that is witnessing the transformation of the state and its governmental institutions. The so-called global war on terror, which has been used to legitimate an inordinate increase in the development of surveillance technologies and their deployment against the citizenry, has coincided with global regimes of austerity. Increased state expenditure on armaments and security devices produced by private corporations goes along with cuts to, and the privatization of, state-furnished public services, from fundamental utilities such as power and water to schooling, healthcare and social welfare. This new mode of accumulation generates the requirement for a new form of state. In this still-emergent state formation, which we may call neoliberal, the state's role is being redrawn to furnish a conduit for the more rapid distribution of what were once public goods into the hands of corporations.

This new mode of accumulation is effectively a renewed movement of enclosure, this time of a 'second commons' – that is, of those public goods historically wrested from the state by social movements in compensation for the original loss of commons: social security, public utilities, education and, in the form of both urban and national parklands, even the remnants of public space. These public patrimonies of the modern liberal state that emerged from an earlier moment of enclosure and dispossession represent vast storehouses of capital, resources, services and infrastructure. Held in common for generations, these are now targeted for expropriation and exploitation. The crisis of profitability that confronted capitalism in the early 1970s led to

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economic restructuring on a vast scale, from the off-shoring of manufacture, enabled by post-Fordist modes of ‘flexible’ production and by containerization, to the sustained assault on the welfare state. In the so-called ‘industrialized world’, such measures took place mostly piecemeal and therefore over an extended period. Elsewhere, the transformation was concerted, violent and totalizing in its ambitions, requiring the establishment of fascist (or, in the State Department’s euphemism, ‘authoritarian’) regimes. Famously, Salvador Allende’s Chile was the first state to be subjected to the kind of make-over that would furnish the model, sometimes partial, sometimes wholesale, for what was required to impose the emerging neoliberal mode of governance: a violent coup, the disposal of political opponents, the rapid privatization of the economy, the suppression of trades unions and other democratic social movements, and the installation of a severe and permanent regime of policing in the name of public order.

Naomi Klein has termed the principles that guide such radical transformations of whole societies ‘the shock doctrine’ and suggested that the right-wing dictatorships of Latin America furnished the ‘laboratories’ for the emerging legal and political institutions that neoliberalism, initially dubbed ‘monetarism’ or ‘Thatcherism’, would seek to install. Later, she argues, such naked interventions as military coups would be less frequently required, economic crisis itself being sufficient pretext for the imposition of capitalist ‘reforms’ that had been tested in the violent laboratories of the global south.¹ Even then, however, the necessity for the increasing deployment of intensified policing remains: part of the ‘shock’ that economic crisis administers, like natural disasters and the artificial disasters of war and occupation that have proven peculiarly profitable to capitalist corporations, is the large-scale destruction of older productive forces and the unemployment of large numbers of people, many of whom are consigned to a permanent class of the redundant or under-employed. The increasing reliance on automation in production as well as the extortion of higher rates of productivity from workers faced with precarious employment in deindustrializing economies have made redundant populations seem likely to become a constant feature of neoliberal states. Elsewhere, in the former colonial world, huge subaltern segments of the populace are unlikely ever to be absorbed into the labor market in a meaningful way. Faced with the prospect of disaffected, unincorporable masses, both internationally and domestically, the problem for the neoliberal state – for which this surplus population is a condition of its economic regime – is how to manage and contain the threat it poses. The paramilitarization of the police domestically and the deployment of the actual military in the operations of permanent war redefined as policing have become the norm, lately under the alibi of the war on terror and homeland security.

In this asymmetrical warfare of the entitled against the disenfranchised, the deadly if preposterous situation emerges that the most highly armed states in the world assure their populations that they (or their interests) are under a permanent state of siege, diffusely threatened by rag-tag platoons of the dispossessed who, despite the considerable differences between them, uniformly qualify for the indiscriminate designation ‘terrorists’. To note this is neither to endorse the kaleidoscopic variety of ideologies and religious beliefs that motivate such groups, nor to collapse into a single framework of resistance the very diverse phenomena they represent. It is, rather, to problematize a narrative that, for over a decade, has legitimated the violent rise of the neoliberal state, with its multiplying encroachments on the civil liberties that were, at least in name, the hallmark of liberalism; its endless conduct of war in the name of peace and freedom; its inhuman treatment of refugees and asylum seekers internationally; its infliction of austerity, incarceration and police brutality on growing segments of its populations domestically; and its arbitrary and lethal interventions globally in the name of humanitarianism. From the hard right to the liberal center, from the faux frontier bluster of George W. Bush to the moralizing condescension of Barack Obama, the same rhetoric of defensive and pre-emptive action against enemies that externally surround or internally infest the nation reigns. At the same time, anti-immigrant

scare-mongering conflates migrants, whether driven by economic or political necessities, with terrorist enemies, militarizing the borders of states in the name of security. Never has Walter Benjamin's aphorism that, from the perspective of the oppressed, 'the "state of emergency" in which we live is not the exception but the rule'² seemed to express so general a condition.

It is highly significant that the distinctive characteristics of this emergent global regime have been locally prefigured in modes of repression developed internally by settler colonial states. As Israeli architect and specialist on urban warfare, Eyal Weizman, has argued, for instance,

the West Bank can be seen as an extreme model – perhaps a laboratory – of a territorial and urban conflict that can take place in other places. Globalization takes the periphery straight to the center, the frontier between the First and Third worlds starts running through the middle of world cities.³

Weizmann's phrasing signals a genealogy for contemporary transformations in the longer history of colonialism as a repertoire of both tropes and practices of social control, brought together today in Israel's operations as a settler colonial state, anomalous only in that its project of expansion remains unfinished.⁴ The notable convergence of Israel and the USA (together with an ever-compliant Australia), expressed as much in their political solidarity as in their military and security collaborations, suggests to us a wider historical affinity between states that share a settler colonial history, one that continues to impress itself on both psychic and institutional formations. In this respect, to Weizmann's invocation of the first and third worlds, we should add the histories of dispossession and resistance through which Indigenous peoples of the 'fourth world' have shaped our understanding of the dynamics of settler colonialism and its lessons for the present.

We suggest that the fundamental continuity between the historical development of European settler colonialism and the present-day development of the neoliberal world order resides in the exigencies of managing surplus populations. So far as settlers have been concerned, the salient surplus has, of course, been the Native population, whose refractory presence has prompted a range of techniques of elimination – from outright homicide to various forms of removal and/or confinement, and, once their numbers have been appropriately reduced in the post-frontier era, to Natives' assimilation into settler society – techniques that have met with mixed success in the face of Native modes of resistance which have varied as creatively as the settlers' own repertoire of strategies. In this overall historical process, the key shift is the ending of the frontier, which generally coincides with the consolidation of the settler state, and which is typically marked by intensified programs of Native assimilation, so many mopping-up exercises for civilization. Thus it is consistent that Israel, which remains bogged down in an incomplete expansion of its frontier, should rigorously eschew any semblance of Native assimilation, insisting instead on the sharpest of distinctions between Palestinians, who may or may not be citizen/residents of the Israeli state, and members of the so-called 'Jewish nation' wherever they may live. The exclusion of the Palestinian population is particularly apparent in the ease with which shifting economic and demographic circumstances – especially the large-scale immigration of Arab-Jews (*Mizrahim*) and Russians – have transformed what was once a reserve Palestinian labor force into a largely unemployed surplus. Bereft of potential productive utility, and with pauperization attenuating its value as a market, the Palestinian population has become subject to policies of removal and confinement that recall those adopted by other settler states while the expansion of their frontiers remained incomplete.

Locally, therefore, Israel is straightforwardly settler colonial and bears comparison in important respects to the respective histories of settler societies such as Australia or the USA in the eras before these societies had completed the initial seizure of Native peoples' land and inheritances. Globally, however, the twenty-first century context in which Israel is seeking to complete the seizure of what remains of Mandate Palestine differs crucially from the nineteenth-century

context in which settlers in Australia and North America completed their seizure of the Native estate. Globally, the dispossession of Indigenous peoples in Australia and North America took place in the context of (and formatively enabled) the titanic growth of industrial capitalism. As Karl Polanyi observed, doing scant justice to Marx, an unprecedented feature of the emergence of industrial society was the sheer scale of the investment that was involved in factories. Not even shipbuilding had previously come close to the financial input required by the establishment of factories, with their heavy plant and infrastructure. Nor had any previous investment required maintenance for the length of time that it took factories to become profitable. To vouchsafe these investments, and to project factories' viability forward through generations, required the total reorganization of society, complete with novel forms of surveillance, policing and war-making, that marked industrialization in the nineteenth century.⁵ This much is hardly novel. For our purposes, the crucial feature of the great nineteenth-century transformation is that it did not necessarily conduce to permanently superfluous populations. Rather, working populations grew dramatically. In addition to providing capital with its labor, the industrial proletariat provided a market for the fruits of its own alienated production. True, temporary labor surpluses were generated in the course of the periodic slumps and depressions that overtook the capitalist economy, especially after the 1870s, but this labor could be re-employed, even if only for warfare, once industrial demand was reinstated. Moreover, throughout this period, colonial settlement provided an outlet for the Malthusian excess, industrial society's surplus poor, who departed their Dickensian slums for Indigenous people's stolen homelands.

The present situation is entirely different from the socially expansive context of nineteenth-century industrial capitalism. As many have noted, in the phenomenon of automation, capitalism has, as it were, over-succeeded, not only freeing itself from dependence on troublesome human labor but thereby simultaneously generating a population that, in contrast to waged labor, is not even much use as a market. As distinct from resistant Natives, this human surplus is produced within capitalism rather than external to it. In common with Natives, however, it obstructs rather than enables capitalist expansion. It is in relation to this community of redundancy, we believe, that settler colonialism's inventory of local strategies is becoming increasingly congenial to neoliberalism's emergent world order.

As we have noted elsewhere, in relation to Black people in the contemporary USA,

the blatant racial zoning of large cities and the penal system suggests that, once colonized people outlive their utility, settler societies can fall back on the repertoire of strategies (in this case, spatial sequestration) whereby they have also dealt with the Native surplus.⁶

In this connection, we might view the phenomenon of warehousing, characterized by Klein, Jeff Halper and, above all, by Mike Davis,⁷ as prefigured in the late-nineteenth-century Indian reservation. The comparison may also serve to qualify the pessimism that consideration of this topic understandably engenders. Territorial concentration is both confining and enabling. From the settlers' point of view, Indian reservations may have originated as holding pens for conquered peoples, but they also constitute unsundered, albeit diminished, repositories of Native sovereignty, focal points for survival and renewal.

State strategies for managing the warehoused surplus evince characteristics that are distinctly settler colonial in relation to other forms of colonialism. In particular, the spatial confinement of unwanted populations recapitulates the territorial adjacencies of settler colonialism, which differs from blue-water colonialism in its spatial imbrication of metropolis and periphery.⁸ In expanding across continuous territory, settler colonialism seeks to render the outside inside, a process that necessarily produces enemies within. The intimacies of conquest militate against indiscriminate procedures, encouraging the spatial confinement of populations targeted for repression. In such

ways, we believe, the ongoing history of settler colonialism forms a crucial terrain through which to understand the systemic harmony between military occupation as a further version of colonial intervention and the formations and practices of the neoliberal state that have emerged to regulate and promote a new regime of capital accumulation. We may be witnessing the consolidation of a new ‘*nomos* of the earth’, to use Carl Schmitt’s term, but it is clear that the means and techniques of governance that maintain and police that *nomos* draw from longer histories of domination.⁹ As a Nazi, and an acutely reflexive one at that, Schmitt was singularly qualified to articulate the logic of oppression.¹⁰ He argued that every *nomos* or ordering of the world is instituted on the basis of a primary appropriation, *Nahme* or *Landnahme*, which establishes a bounding line, or enclosure, and stands as ‘a constitutive act of spatial ordering’.¹¹ That initial act is also ‘the original constitution, the concrete primal norm, the beginning of law and property’.¹² Locke’s primal fiction that ‘In the beginning, all the world was America’ was for Schmitt a concrete historical fact. For him, the modern, Eurocentric world order, which in 1950 he already perceived as ‘founding’, had a very specific origin in the conquest of the Americas, ‘the basic event in the history of European international law – the land-appropriation of the new world’.¹³

The *nomos* of the earth established by the European law of nations (later international law) dominated the globe up till the Second World War with the establishment of a quite literal line that ran through the Azores and Canary Islands and divided the sovereign, territorial states of Europe from what was now defined as ‘free land’, together with the no less ‘free sea’. ‘At this “line”, Europe ended and the “New World” began’.¹⁴ This ‘new world’ of ‘free land’ was open to appropriation; furthermore,

This freedom meant that the line set aside an area where force could be used freely and ruthlessly. ... Everything that occurred ‘beyond the line’ remained outside the legal, moral, and political values recognized on this [sic] side of the line.¹⁵

It is important to stress that this ‘line’, the bounding line of the modern, colonial-capitalist *nomos*, was a specific and recognized geographical marker, a longitude or meridian, that divided the world spatially. But it was also simultaneously a line that demarcated the world legally and morally between those subject to force and those subject to law, between the ‘subjects of transparency’ and the ‘subjects of affectability’, to use Denise da Silva’s terms.¹⁶ This spatio-moral line has determined historically the distribution of law and civility to some, to others coercion and force. It represents, as Schmitt went on to show, not only the Hobbesian ‘abyss between freedom (the lawlessness of the state of nature) and an orderly “civil” mode of existence’, but also ‘a designated zone of free and empty space’ subject to a ‘state of exception’, that is, ‘a suspension of all law for a certain time and in a certain space’.¹⁷

Our analysis of settler colonialism prompts a crucial clarification of the temporality built into Schmitt’s schema. In addition to the temporally bounded states of emergency that periodically legitimate the exception’s application across society as a whole, settler colonialism permanently schedules the refractory Native alternative for elimination. Typically, this structural bifurcation has a spatial correlate. Zones set aside for the Native surplus, ‘beyond the Pale’ enclaves such as the Indian reservation, the Palestinian refugee camp, Gaza, or the Aboriginal fringe-camp, constitute settler colonialism’s permanent spaces of exception. The bounding line that insulates these spaces must, therefore, be understood as simultaneously both spatial and juridical, determining the subjects of the law: the law and its abrogation are dialectical reflexes of each other.¹⁸

Thus a further revision to analytical temporalities is required. Settler colonialism is not some transitional phase that gives way to – or even provides a laboratory for – the emergent global order. In both the originary and the continuing senses, it is foundational to that order. It has often been assumed that, while both capitalism and the modern state originated in processes

including primitive accumulation, imperialism, colonialism and conquest, modernization in both the political and economic spheres gradually leaves those stages behind, allowing for some form of cosmopolitan transnational globality to emerge. In particular, settler colonialism and primitive accumulation have been understood to belong to early stages of colonial-capitalist expansion and accordingly to be formations lodged in the past. Challenged initially by Rosa Luxemburg, as Sarita See shows in her essay below, Marx's understanding of primitive accumulation as an initial and by-passed stage of capitalism has more recently been critiqued by David Harvey, who proposes the term 'accumulation by dispossession' in its place, to designate a more rigorous understanding of the ongoing nature of the process. To this we would add that, just as 'primitive accumulation' continues and renews its forms, neither settler colonialism nor military occupation can be consigned to the past.¹⁹ Both continue to shape not only the states that locally originated in them but, increasingly, the emergent global order that settler colonialism underpins.

As Jesse Carr shows in detail in this volume, writing of the contemporary legacies of frontier violence, state-sanctioned law and vigilante violence are intimately intertwined throughout US history: settler colonial violence is at once law-making, and therefore constitutive of a certain kind of sovereignty, and a 'free and ruthless' use of force. It at once obeys and constitutes over and again the line that demarcates the appropriation of land and resources and the division between those protected by law and sovereignty and those subject to their violence. The corollary to this perpetual reconstitution of law-making violence, which does not allow the 'forgetting' of the law's origins in appropriation, is the persistence of a psychic 'state of siege': the representation of the world as a surround populated by uncivil peoples who pose what, in the language of neo-conservatism as of Zionism, is understood as an 'existential threat' to civil subjects. With the impeccable logic of the paranoid, the 'free and ruthless force' inflicted on those evicted 'beyond the line' is projected onto its objects. This leads, as Nadera Shalhoub-Kevorkian shows in her essay, to the constitution of 'death zones' inhabited by beings whom the settler colonial state considers, from before their births to even after their deaths, as existential and demographic threats.

In the final pages of *The Nomos of the Earth*, Schmitt asks a question still pertinent to the current moment of globalization: 'Has humanity today actually "appropriated" the earth as a unity, so that there is nothing more to be appropriated? Has appropriation really ceased?'²⁰ It is clear, following Harvey, that appropriation has not ceased, but it is equally clear that the fundamental act of demarcation, the distributions of legality and ruthless force which constitute a *nomos*, continues in new forms, constituting new frontiers appropriate to the emergent mode of accumulation on a global scale. See reminds us of Rosa Luxemburg's argument that capitalism 'needs other races': for her, those 'races' were the 'outside' of capital, 'beyond the line', in Schmitt's terms. Now, at a moment when the globe has been appropriated 'as a unity', the current crisis of capital may find no geographical 'outside' any more, but is no less productive of forms of racialization that continue to correspond to nomothetic demarcations but within an utterly different spatial ordering wherein, in Weizman's phrase, 'the periphery comes straight to the center'. Within this new spatial ordering, Weizman suggests, 'acts of spatial exclusion creat[e] wedges that separate the habitat of a population marked as a political "outside" and perceived as a political threat'.²¹ Such 'wedges' result in a quite different mapping of the spatial order of domination that was designated by lines of longitude, a mapping with which any contemporary urban dweller is already intimate:

The contemporary city is exploding spatially, but in essence is fractalized into a collection of interlocking, internally homogeneous, and externally alienating synthetic environments. The separation between the affluent, established populations from [sic] the poorer immigrant populations can no longer be understood as a continuous line across the map. Internal city borders will be further

reinforced, forming local enclaves scattered across the city and its suburbs. Point based security systems fractalize borders and turn them from a defined object into a condition of heightened security whose presence is manifested in electronic or physical barriers at entry points to office buildings, shopping malls, or transport infrastructure – from midtown to suburbia.²²

The laboratories for both this ‘condition of heightened security’, including the necessary surveillance technologies, and for the reorganization of social space have been and continue to be the sites of colonial counter-insurgency, from Northern Ireland to Palestine.²³ Settler colonialism, specifically under conditions of what Israeli sociologist Baruch Kimmerling called ‘low frontier-ity’,²⁴ furnished both the model by which populations and spaces are distributed between zones of legality and, in Shalhoub-Kevorkian’s phrase, ‘zones of death’, and the historically normalized imaginary of the perpetual ‘state of siege’.

The counter-insurgency campaigns of Israel and Northern Ireland stand as some reminder that the settler colony has always also been a site of military occupation and – as See also points out – is extended extraterritorially by way of military occupation as a further modality of colonialism. The settler colonial and the military imaginaries intertwine with great and familiar intimacy, from the stockades of the early colonists and forts of the frontier cavalry to the hilltop Israeli settlements in Palestine that double as military outposts, to the current military intervention into Aboriginal communities in Australia’s Northern Territory, or to the fortified police stations of Soweto or Belfast. But military occupation, which Klein identifies as one model of the new modes of social control and spatial organization of neoliberal states, does also offer an alternative if intersecting model for colonial domination. The military occupation of the Philippines entailed neither extensive Euro-American settlement nor incorporation into the state, though particularly in the Philippines the genocidal prosecution of the war from 1898 to 1913 explicitly learnt much from the recently completed frontier wars against Native Americans.²⁵ Rather, they offer paradigms for the kinds of colonial domination that operate through partial and segmented land-appropriation, secured through ruthless violence but maintained through the forced (‘benevolent’) pacification of the surviving population. In this respect, occupation combined with tutelage functions as an early instance of the nomothetic lines of legal or moral demarcation that characterize for the most part the framework of the neoliberal state and its racial order.

But it was not only in the domain of legal force that colonies furnished innovative terrain for modern law. As Brenna Bhandar here shows, the regularization of property holding in settler Australia by way of the novel form of ‘registration by title’ not only furnished the legal means to expropriate Aboriginal lands but also offered a model for new modes of title in Britain some 70 years later. Colonial experiments with the ‘settlement of property’ found their way back to the metropolis, thus disrupting the historical logic according to which developments at the core gradually extend into the colonial periphery in the course of a civilizing project. They also circulated through the colonial sphere, being adapted and redeployed to strengthen and regularize settler dispossession of Indigenous populations. Bhandar details the ways in which ‘registration by title’ was adopted under the British Mandate in Palestine and continues to be a means by which Israeli settlers undermine alternative conceptions of possession and landholding, both customary and as encoded in earlier Ottoman law.²⁶

Colonial settlement, of course, depends on the mobility of the settler who migrates, whether that displacement was initially coerced or voluntary, and thus furnishes an icon of the modern subject defined by movement. At the same time, the rhetoric of globalization and innovation, that perpetual unsettlement that was already the hallmark of capital when Marx and Engels noted it in *The Communist Manifesto*, dialectically links the figure of the mobile pioneer to its other, the immobilized, exterminated, dispossessed Indigenous. Enclosure, the first movement of accumulation by dispossession, is the institution of boundaries and limits, dividing the

world between territory declared to be appropriable or unoccupied ('free land') and publicly or privately appropriated domains. Magid Shihade analyzes Deleuze and Guattari's partial and inadequate appropriation of the concept of the nomad, developed by the medieval Arab philosopher Ibn Khaldun, in the theory of 'nomadology'. Here too, the figure of the nomad belies the actual effect of the settler colonial state that declares its own kind of 'monopoly on movement': the effect of Israel's occupation has been to interrupt the movements of people, goods, culture and ideas that had been characteristic of the Levantine region for centuries, as it formed the hinge between Europe, Africa and Asia. Characteristic of the kinds of 'fractalization' that Weizman sees as the mode of organization and control typical of the neoliberal state, Israel has produced a differential segmentation of space and populations within which the freedom of movement of the settler is protected at the expense of the Indigenous Palestinian population, increasingly confined and immobilized by a system of apartheid justified by 'security'. Moreover, Israel's impact on the region as a whole has been to introduce 'a structure of rupture that has been impacting peoples from both continents'. As Shihade points out, 'It is too often assumed that modernity is about movement, but in reality regulation and segregation of movement is actually the core aim of the modern state, and acutely so of the settler colonial "type".'

To the extent that Israel's regime in Palestine recapitulates and extends earlier models of settler colonial dispossession and domination, recalling the earlier cases of North America and Australasia, its function as a program for contemporary state forms not only supplies new technologies and practices of regulation and segregation but also highlights the continuities between the logics of settler colonialism and those of the neoliberal state globally. Those continuities would include the kind of legal and psychic 'state of siege' that, as Carr suggests, informs the settler colony's legal and military posture and legitimates the spatially differentiated policing of populations within the neoliberal state and of its 'foreign and domestic enemies', where the 'terrorist' stands in for the 'Native'. They include the lethal and ethnocidal spatial segregations that Shihade and Shalhoub-Kevorkian describe and the inventive legal formations that undergird dispossession, expropriation and displacement, as Bhandar and See indicate. These continuities and extensions of what has been thought of as a settler colonial past into our contemporary moment, our 'settler colonial present', as Lorenzo Veracini has dubbed it, forcefully evoke the necessity of grasping the importance of theorizing the formation and evolution of settler regimes as a means to comprehending ongoing developments and not only historical formations.²⁷ By the same token, the varied strategies that Natives in sites as diverse as Coranderrk, Pine Ridge and Gaza have deployed in order to turn spatial confinement – settler colonial warehousing – to advantage in the struggle to overcome their ongoing dispossession can furnish strategic models for global resistance to the neoliberal order.²⁸ We hope that the gathering of these essays will help to advance and stimulate the larger collective project of researching the lines of continuity that link together the contested enterprise of 'primitive' accumulation that is inseparable from the inception of settler colonialism with the no-less contested current phase of 'accumulation by dispossession' that has seen the refunctioning of settler colonial logics of law and violence as the means to furthering and safeguarding the neoliberal economic regime.

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Patrick Wolfe is a freelance historian who lives and works in Wurundjeri country near Healesville, Australia. He has written, taught, and lectured, in comparative vein, on colonialism, race, genocide, theories of imperialism, Aboriginal histories, and the history of anthropology. He has had a number of visiting appointments at universities in the United States and is currently an honorary research associate in History at La Trobe University. His publications include *Settler Colonialism and the Transformation of Anthropology* (1999), and articles such as 'Land, Labor, and Difference: Elementary Structures of Race', *American Historical Review*, 106 (2001), 'Against the Intentional Fallacy: Legocentrism and Continuity in the Rhetoric of Indian Dispossession', *American Indian Culture and Research Journal*, 36 (2012), and 'Purchase By Other Means: The Palestine Nakba and Zionism's Conquest of Economics', *Settler Colonial Studies*, 2 (2012). His book *Traces of History: Elementary Structures of Race* will be published by Verso in August 2015. His edited collection *The Settler Complex: Recuperating Binarism in Colonial Studies* will be published by UCLA Indian Studies Center Press in Fall 2015.

Notes

1. Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York, NY: Picador, 2007).
2. Walter Benjamin, 'On the Concept of History', trans. Harry Zohn in Howard Eiland and Michael W. Jennings, eds., *Selected Writings: Volume 4, 1938–1940* (Cambridge, MA: Harvard University Press, 2003), 392.
3. Eyal Weizman, 'Military Options as Human Planning', interview with Philipp Misselwitz, in Eduardo Cadava and Aaron Levy, eds., *Cities without Citizens* (Philadelphia, PA: Slough Books, 2003), 195.
4. For an overview of the settler colonial paradigm developed by Israeli and Palestinian scholars, see Uri Ram, 'The Colonization Perspective in Israeli Sociology', in *The Israel/Palestine Question: A Reader*, ed. Ilan Pappé, 2nd ed. (New York, NY: Routledge, 2007), 53–79.
5. Karl Polanyi, *The Great Transformation* (New York, NY: Farrar & Rinehart, 1944).
6. Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8 (2006): 387–409.
7. Klein, *The Shock Doctrine*; Mike Davis, *Planet of Slums* (London: Verso, 2006); Jeff Halper has yet to publish his major work on what he terms the 'matrix of control'. For a foretaste, go to www.icahd.org/node/398. See also Jimmy Johnson's unpublished 2012 article, written in consultation with Halper, 'Fragments of the Pacification Industry: Exporting the Tools of Inequality Management from Palestine/Israel', available from jimmy@negedneshek.org.
8. The topic of blue-water colonialism (as in the 'Belgian thesis') remains noticeably under-studied. Exceptions include Audrey Roy's 2001 M.A. thesis in the Department of Indigenous Governance Programs at the University of Victoria (Canada): *Sovereignty and Decolonization: Realizing Indigenous Self-Determination at the United Nations and in Canada*. See also Jace Weaver, *Other Words: American Indian Literature, Law, and Culture* (Norman, OK: Oklahoma UP, 2001), 294–96.
9. Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G.L. Ulmen (New York, NY: Telos Press, 2003).
10. For Schmitt's relationship to Nazism, see Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London: Verso, 2000), especially 176–208.
11. Schmitt, *The Nomos of the Earth*, 71.
12. *Ibid.*, 345.
13. *Ibid.*, 39, 83.
14. *Ibid.*, 93.
15. *Ibid.*, 94.
16. Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis, MN: Minnesota University Press, 2007), 7–8 and 117–18 and 'No Bodies: Law, Raciality and Violence', *Griffith Law Review* 18, no. 2 (2009): 224.
17. Schmitt, *The Nomos of the Earth*, 95, 98–99.
18. As Schmitt's borderline metaphor suggests, the exception transfers straightforwardly enough to demography: 'the exception is to be understood to refer to a general concept in the theory of the state, and not merely to a construct applied to any emergency decree or state of siege', Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Cambridge, MA: MIT Press, 1985), 5–15, 5.
19. David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003), 137–82. See also Glen Sean Coulthard's recent *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis, MN: University of Minneapolis Press, 2014), 6–15, for an extended critique of the limitations

- of Marx's account of 'primitive accumulation' for First Nations' history, contemporary conditions and resistance.
20. Schmitt, *The Nomos of the Earth*, 335.
 21. Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation* (London: Verso, 2007), 196.
 22. *Ibid.*, 198.
 23. On the impact of counter-insurgency in Northern Ireland on the development of the legal and technological infrastructure for contemporary Britain's war on terror, see David Lloyd, *Irish Culture and Colonial Modernity, 1800–2000: The Transformation of Oral Space* (Cambridge: Cambridge University Press, 2011), 184–188. Weizman has developed his analysis of the spatial model that has emerged out of Israeli settler colonialism and its expropriation of Palestine in *Hollow Land*, including what he calls the 'archipelago of sealed enclaves' into which the putatively Palestinian territory has been segmented (165).
 24. Baruch Kimmerling, *Zionism and Territory: The Socio-Territorial Dimensions of Zionist Politics* (Berkeley, CA: University of California Institute of International Studies, 1983), especially 3.
 25. For US imperialism in the Philippines, see Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, & the Philippines* (Chapel Hill, NC: North Carolina UP, 2006).
 26. For more on customary modes of occupation or possession of land held in Palestine, see the discussions of *Al-Masha*, 'land collectively owned by different farmers' and 'protected by persistent practice, not by law', in Alessandro Petti, Sandi Hilal and Eyal Weizman, *Architecture After Revolution* (Berlin: Sternberg Press, 2013), 179–87, and Scott Atran, 'Hamula Organization and Masha'a Tenure in Palestine', *Man* (New Series), 21 (1986), 271–95.
 27. Lorenzo Veracini, *The Settler Colonial Present* (Houndmills: Palgrave Macmillan, 2015).
 28. Diane Barwick, *Rebellion at Coranderrk*, eds. Laura E. Barwick and Richard E. Barwick, *Aboriginal History Monograph 5* (Canberra: Aboriginal History Inc., 1985); Giordano Nanni and Andrea James, *Coranderrk: We Will Show the Country* (Canberra: Aboriginal Studies Press, 2013); Chris Hedges and Joe Sacco, *Days of Destruction, Days of Revolt* (New York, NY: Nation Books, 2012), 1–58; and Akim D. Reinhardt, *Ruling Pine Ridge: Oglala Lakota Politics from the IRA to Wounded Knee* (Lubbock, TX: Texas Tech University Press, 2007).