

This Land Is Our Land

THE STRUGGLE FOR A NEW COMMONWEALTH

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With a new preface by the author

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THIS LAND IS OUR LAND

What is the nature of our civic enmity? How do people who live together come to see one another as enemies? Not surprisingly, given the situation that makes the question urgent, there is no agreement on the answer.

There is a pastoral centrist view, still in evidence in patches of op-ed pages and short-lived presidential candidacies, that the idea of Americans being one another's enemies is a fever symptom caused by a disease called polarization. We can hope to wake up, after thrashing in the dark for a while, with cool brows and a new narrative of civic friendship in our heads.

Or maybe, instead, the enmity is a matter of some people starting to see what many others have known for a long time: that, depending on who you are, the police are dangerous, the courthouse is a menace, the official statues are civic graffiti and insults; that *la migra*, ICE, will grab and expel with one American hand the same migrants that the other hand, the economic sectors of building and cleaning and harvesting, has been beckoning and exploiting. Maybe the sense of enmity is some people's delayed awareness of what women have known for years in unsafe workplaces, and what any at-will employee knows: that a bad boss is a more immediate and intimate problem than a bad president, though the two may resemble each other and be related. Enmity may be a reminder, too, that many comfortable people have watched or overseen growing economic inequality, the hollowing out of the economic bases of whole regions and classes, and the defunding of public institutions, with only murmurs of disapproval and sympathy.

So, a question: Is civic enmity a feeling or a fact? Can a new narrative address it, or does it require abolishing what sets people at odds, whether you call that late capitalism, a rigged system, the patriarchy, coastal elitism, white supremacy, or the

carceral state? I teach law, which always leaves me thinking that words and material power, narrative and force, have the closest of relations. No story or picture of the world matters much if it floats too far from what people do with one another's bodies and with soil and weapons and other tools; but also and by the same token, no material change in power will go forward without ideas and images that give it shape and a horizon to aim for. Also: the things that tie people together and the things that divide them tend to be the same things. The terms of cooperation are also the terms of exploitation and coercion. Any arrangement for living together has both sides, and they have to be understood together. How do people come to be one another's problems, threats, burdens? How do we become one another's helpers, protectors, friends?

There are many ways at this question. My starting place is the most concrete things that tie people together and also hold them apart: landscape and animal and mineral. Nature. Even the word is both unifying and dividing. *Nature* comes from the Latin root for birth, as in *natal*, the common origin of everyone. It shares that root with *native*, as in *native land*—where you were born—and so it's also aligned

with *nativism*, the doctrine that ties political identity and membership to the land of your birth, and with *nationalism*, the myth that defines your people by their birth from a certain land. This myth came into the world dripping blood and soil. It claimed those as identity, sovereignty, and passport. Its stories are the beginnings of borders, just as much as rivers and coasts and ridges are.

It's a truism that nativism and nationalism are crises today. It's all too familiar that the president retails a version of true American identity in which race, religion, immigration, and the divide between coastal elites and "real Americans" all serve as boundary markers. It might not immediately seem that this nationalism has anything to do with "nature." But here, too, nationalism is bound up in American landscapes.

Consider two orders that the president issued in December 2017. They removed more than a million acres of federal land from Bears Ears National Monument and more than eight hundred thousand acres from the Grand Staircase-Escalante National Monument, both in southern Utah. The immediate effect was to open much of nearly two million acres to mining for coal and uranium and drilling for oil and

gas. This was a dramatic assertion of presidential power, the first time national monuments have been shrunk in more than half a century, and the first time the president's power to shrink or eliminate monuments will be tested in court. The monument lands were in the administration's sights because they are just as controversial in southern Utah as certain other monuments in other places, such as the Confederate statue that activists took down at the beginning of 2018 in Durham and, later the same year, in Chapel Hill. Fights over monuments are also fights over whose places "public spaces" are, and who is part of any American public in the first place. The original theory of national parks and monuments was that they would exemplify the spirit of the country. They were the American cathedrals. But like some literal cathedrals, they instead attract conflict over identity that symbolically crystallizes much larger and more elusive experiences of victory and loss, belonging and alienation.

The Utah monuments came to the attention of this White House because a network of right-wing Western activists has been fixated on them. To them, the West is a colony, the federal government is an imperial power, and the public land in their counties

should belong to the local public, the people who ride and hunt on it year-round and would like to have work mining and timbering it. This network connects lawmakers with lawbreakers, who turn lawbreaking into a kind of lawmaking. Ammon Bundy, who led the 2016 occupation of the Malheur Wildlife Refuge in southeastern Oregon, recently joined elected officials in San Juan County, Utah, in a local form of protest: riding four-wheelers onto public lands that officials have closed. The protestors sometimes ride armed, and not with small guns. Powerful allies in the state legislature and in Congress give the lawbreakers confidence. It was a county commissioner in San Juan, home to Bears Ears, who warned the Bureau of Land Management in 1979, when all of this was getting started, “We’re going to start a revolution. We’re going to get back our lands. We’re going to sabotage your vehicles. You had better start going out in twos and threes because we’re going to take care of you.”

These claims assert local power against national power. But they are also bids for power by some local people over others. (Like nations, regions and locales are imagined communities and products of political construction.) When President Trump announced the shrinking of Bears Ears, he praised local control

by people who know and love the land. That same month, a federal court ruled that San Juan County had unconstitutionally gerrymandered the county's Navajo majority into a permanent political minority in the same county government that has been lending Ammon Bundy support. Most local native political bodies endorsed the monument. The question of just *whose* land the public lands are is also a dispute over who counts in and speaks for "the public" at any level—who is treated as a real member of the political community, and on what grounds. (The meaning of being local in San Juan County may have begun to change in November 2018, when a Navajo majority entered county government for the first time.)

When Ammon Bundy was asked about the occupiers' goals in the Malheur refuge, he replied that they would be satisfied "when the people of Harney County can use these lands without fear: once they can use these lands as free men." When his occupiers began marching around public property in Oregon with pistols and rifles, it was less than a week after a police officer escaped indictment for shooting and killing twelve-year-old Tamir Rice for brandishing a toy gun. Is it unfair to pair these two American uses

of guns to lay claim to public space? I don't think so. The pairing highlights the partiality of Bundy's version of getting free. It is not just the way American vigilantism is racialized, so that certain white men can pantomime unofficial communitarian violence, or even use it, under the sign of lawfulness, while others must use nonviolent civil obedience to appeal to the people against the law. It is also that this claim on land excludes other claims, asserts an exclusive homeland, makes getting free a matter of getting free of other people. Maybe the impulse to claim a homeland is, among other things, a way of saying that you do not feel at home in the world. Maybe that is something others could recognize sympathetically, in a different expression; but that kind of sympathy would be saintly in response to such aggressive partiality as armed incursions and occupations, and sainthood is no standard for civic life.

This aggressive partiality is ironically at home on monument land. The people who created the parks and monuments and wilderness areas also wanted to be free of inconvenient kinds of people: John Muir disliked and made fun of the shepherds and laborers in Yosemite; Teddy Roosevelt and his friends disliked and wanted to escape immigrants in

the cities; the creation of Yellowstone and Glacier National Parks meant expulsion of native people. There has never been enough public space for the contending publics who want it. The land exemplifies the country all too truly: it is the site of fights over whose country is being taken away, who is the patriot and who is the usurper or trespasser.



Now come east more than a thousand miles to the Appalachian plateau, which folds and falls over central and southern West Virginia, eastern Kentucky, and the western tip of Virginia. This land is mostly not public but private, often owned not by people who live and work there but by coal and gas corporations. The idea of civil war, which has fascinated some Americans recently, has always been close to the surface of this thin soil, where it is hard to bury anything deeply. Recently, teachers on strike for better pay and health care marched here in red bandannas to call up the history of striking workers in the mine wars that tore through this region almost a hundred years ago. More recently, in 2016 and before, the war in many people's minds was a

theme of the Trump campaign, what they called the “war on coal.”

The idea that environmentalists and regulators were making war on the coalfields was around as early as 2010 as a slogan of the coal industry, but it really took off when Trump’s run for the presidency became a movement. When EPA director Scott Pruitt announced the repeal of President Barack Obama’s Clean Power Plan, which was *the* major national initiative on climate change, he did it in Hazard, Kentucky, flanked by miners. He told them, “The war on coal is over.”

The war metaphor invites some Americans to see themselves as invaded and occupied by other Americans and their illegitimate allies. In Trump’s telling, this was an unjust war that suspiciously internationalist elites were waging against real Americans. In the coalfields, it was a defensive war. The miners believed they were the Resistance before the Resistance believed it was the Resistance. In this they are like the anti-monument activists, who believe they are colonized by elite easterners and bureaucrats.

War does not feel remote in the coalfields. Miners go after the land with dynamite and machines that crush mountains, remaking the terrain and hydrology

of the region. And the broken land becomes a kind of guerilla enemy, poisoning streams with acid runoff and choking miners' lungs with dust that kills.

Here, too, class warfare is heritage. The "mine wars" of the twentieth century were called wars because that was what they looked like. Armies of miners tried to win a share of the world for themselves. Miners fought many times to get their unions. One failed attempt ended in the three-day Battle of Blair Mountain, where strikers exchanged hundreds of thousands of rounds of gunfire with management-backed militias and the National Guard. There is a fight now over whether Blair Mountain will be demolished for coal. When the creator of the modern United Mine Workers of America, John L. Lewis, died in 1969, union miners went out on strike for a day because that was how you mourned: by showing class power. In the same year, strikes shut down the coalfields for weeks while miners demanded a public fund to pay for their retirees' black-lung care. The "war on coal" picks up deep resonances in the region. But it replaces the old material stakes of solidarity with symbolic and rhetorical antielitism.

The phrase "war on coal" resonates because it names a feeling: being trapped in a fight with

existential stakes, with no political way out. War is what we call politics that has lost its capacity to bridge, mitigate, and, most important, transform our differences. By the time the “war on coal” came along, the miners’ union had been broken except as a remnant. Strikes had all but disappeared. When twenty-nine miners died underground in the Upper Big Branch Mine explosion in 2010, talk about striking for safety standards was long gone. The Waxman-Markey climate bill that failed in 2010 contained many provisions for coalfield transition. None of them struck a chord in the coalfields. Miners lived literally between a rock and the hardest place, and they did not believe that anything the government did after their jobs disappeared would repair or improve their lives. The people who wrote that legislation were not their people. A strong union might have brokered a different kind of peace, an investment in the post-coal coalfields that miners could trust as their own partial victory. It would have been expensive, but so is everything, most of all our unfolding political and ecological disaster. The problem was not that the sums were too small, but that the alienation was already too deep.

The “war on coal” language resonates with a symbolic defense of work and force—which is also to say, of a certain version of manhood. From this perspective, the environmentalists, bureaucrats, and diplomats who design climate policy may be cosmopolitan, but in a deeper sense they are unworldly. They can’t handle the use of muscles and machines that tear a mountain apart to keep their screens glowing. The violence and force offend or frighten them; they couldn’t do the work themselves, yet they depend on it. Celebrating mining in this vein makes the technocrats and meritocrats contemptible, and this numbs the suspicion that they run the world; it puts power and dignity back into the work miners know how to do, into the lives they know. It is a kind of symbolic revenge. Maybe in the celebration of work there is an intelligible wish to make things, to be useful, to touch and uphold and sustain the world—a wish for ways of living beyond the consumption of stimuli and of digital simulacra of social approval. But rather than any of that, we get extractivism as a political identity.

As coal becomes less important as a resource, it becomes more important as an emblem of American defiance. The defiance expresses itself as making

things work—keeping the lights on; but also as tearing things up and burning them down. The blend of pride and violence, belonging and dispossession, is a thick red thread in the American manhood that figures so destructively in today's politics.

For decades, political respectables have been manipulating the language of war for initiatives that play on national divisions, like the war on drugs, and concocting new kinds of wars, like the war on terror, which can lead to real wars, like the Iraq invasion. Now it seems war is one of our major ways to talk about hanging together. And wars have more than one side. The conceit that they might have only one real side, and bring unity without conflict, existential feeling without existential stakes, is a very American thought—a certain kind of official twentieth-century American thought. It is a conceit that has escaped its masters.



This is a season of denialism. In my circles, the word tends to mean denial that climate change is real or human-caused. But denialism can stand for something broader: a refusal to see the things that tie us

inconveniently together. These include the unequal history that the land remembers, the perennial presence in American life of migration and foreign labor, the decline of relative American power. You could distill it by saying that denialism is the ethos that refuses to see how the world is deeply plural at every scale *and* that we are in it together.

The denial comes not because the denialist cannot see this but because he *does* see it, not because he doesn't believe others are there but because he feels their presence so acutely, suspects they will make claims on him, fears they will get power over him and take what he has. When I was in high school in Calhoun County, West Virginia, my classmates told me that Michael Dukakis (the 1988 Democratic presidential nominee) would take everyone's guns and Jesse Jackson (who ran for the nomination that year) had a plan to put all white people in camps. Today we hear that climate change is an international stalking horse for global government. Interdependence is incipient war and conquest. Climate denial is really less about science than it is about who has claims on you, and who rules you.

The denialist wants peace, but insists on terms that make peace less likely. I have been developing this idea

by talking about Ammon Bundy and alluding to a president whose self-obsessed solipsism exemplifies the denier's impossible peace. But denialism has more than one face. There is a liberal denialism, the idea that the country just needs to get back to 2015, that in a deep way we were doing everything right until a monster grabbed the wheel. That thought glides over decades of growing inequality and private debt, bleeding of industrial jobs, rising economic precariousness, racist mass incarceration, starving of public institutions and infrastructure, and endless war. It isn't just that "Republicans won't let us fix these problems"—Democrats have been complicit in them, or worse.

This liberal denialism makes liberals the inheritors of the political culture of the Cold War—the one many of us grew up assuming was just Timeless America. In the 1950s and 1960s, moves toward equality were spurred partly by competition with the Soviet Union for legitimacy in the postcolonial world, which was not eager to honor an apartheid state. The same geopolitical competition powered a high-minded rhetoric about how Americans had always basically agreed on equality,

freedom, and democracy, and had just needed to work out some kinks in implementation over the years. Cold War imperatives pressed both parties to suppress their ideological flanks: the Democrats helped break the radical wings of labor, while the center-right cut ties with explicit nativism and open white supremacy. For some decades, everyone talked about the Arc of History, the Founding, the Constitution, the Better Angels of Our Nature. That language still unites Barack Obama, the late John McCain, and even Ted Cruz, who pushes his Tea Party radicalism in the language of the Founders and constitutional fidelity. But in 2016 Donald Trump short-sold the high-minded political style of the late Cold War, betting that it would buckle under pressure—that people didn't expect much from government; that a lot of voters despised their political class and the cultural and financial elites around it; and that recreational cruelty and you-can't-bullshit-a-bullshitter cynicism would feel more authentic than any appeal to better angels. Barack Obama had told us, in one of his campaign's lyrical catchphrases, that we were the people we had been waiting for. Trump intimated that we were the

barbarians we had been itching for, the ones who would tear down our own decadent city.

Meanwhile, Bernie Sanders caught the wind of an insurgency whose energy also abandoned the Cold War style and treated America as the democratic left long has—not as a source of identity or a philosophical problem elaborated across generations, but as a place to be worked on, a normal and flawed country whose promise is not in its exceptionalism but in its ordinary capacity for solidarity and stronger democracy. That wind has brought a few new self-styled democratic socialists to Congress and pressed the Democratic Party toward a stronger goal of economic security, including living wages and truly universal health care. The question now is whether any party will become the vehicle of a stronger program of solidarity and common care, one that can overcome all forms of denialism. As I write, the Green New Deal has become a touchstone for progressives, while skeptics have called it unrealistic and overreaching because its advocates call for new infrastructure, technological investment, pollution controls, *and* a fight against corporate concentration and for greater social caretaking. The vision is broad and multifarious, no doubt, but to call it unrealistic for that reason is to understate the

challenge. In a time when sweeping ecological crises are rooted in the very structure of the economy, and the political will to change that structure is hard to muster partly because politics is fractured and sapped by mutual mistrust, a vision of economic reengineering and renewed social solidarity is an integral part of realistic climate policy.

Thirty years after the Cold War ended, its buttresses are crumbling, and its incantations don't work anymore. In the long 1990s, which lasted from the fall of the Berlin Wall in 1989 until the financial crisis of 2008, it was common to say that, allowing for a little reform, Americans lived in the best of possible worlds. The conflicts of 2016 were a return of what had been politically repressed, reminders that the world could get much worse, yet with a new confidence in demanding that it get much better. A favorite liberal story has been that our current disaster is a crisis of norms, a loss of stabilizing political virtue that is throwing us into polarization. But deep difference and conflict, for better and worse, are the dominant historical pattern in this unequal democracy. Polarization is the historical norm. The supposed best of all worlds produced this hazardous and uncertain one. The question now is what we will do with it.



When you pull on the thread of conflicts—in Utah, in Appalachia—you find them connected with the always-fraught shaping of American landscapes and American identities. Ideas are entangled in rocks and dirt. The ground that people stand on memorializes what divides them. What kind of politics could help people to turn and face one another?

The question matters because only politics can deliberately change the architecture of shared life, change the rules and the built world that humans live in and live by. Democratic politics, in potential, creates a common space where equals have to decide the terms of their coexistence. This is hard in any version. It cannot go on well when other forces—of economics, of race, of gender—are inviting people to treat one another as subordinates, not equals. It cannot rest on heroic civic virtue. Probably it can't go on without some felt sense of the power to swing the shape of the world toward something new—better work, better play, better land. Democratic politics can survive not as a morality play, but only as a project.

This could not possibly be more important at a time when—in climate change, mass extinction, ocean acidification, soil exhaustion—the world that may be coming to destroy us is also the world we have made. And of course it isn't simply “we”—it's the effects some of us are having on the planet, unequally visited on others, through the medium of the world itself, its floods and droughts and killing heat. The natural world, the land, is the thing you can always tell lies about, because it doesn't answer—until the time you can't lie about it anymore, because it is too late.

I've talked about the what might be called Memory of the Land, how land holds the past, holds the ways it's been lived on and used. Now I want to talk about this alongside another concept, the Weight of the World. The world we've made is heavy with all the power that built it—all the literal coal firing and oil burning, and all the mastery over human time and strength, all embedded in these roads and buildings and fields and atmospheric carbon levels.

One serious estimate puts the mass of the global “technosphere,” the material habitat that humans have created for themselves in the form of roads, cities, rural housing, the active soil in cropland, and so

forth, at thirty trillion tons, five orders of magnitude greater than the weight of the human beings that it sustains. That is approximately four thousand tons of transformed world per human being, or twenty-seven tons of technosphere for each pound of a hundred-fifty-pound person. The world we make tells us how to live in it. If you want to stay cool in the summer and warm in the winter, communicate with others, work, feel yourself a part of the cultures in which you share, here is what you must do: enter onto these roads and rails and flight routes, tap into these power grids and data networks, use these tools infused with rare earths.

Life in the technosphere can be claustrophobic. One of the more attention-getting books to appear in recent years was a little volume by the political scientist James Scott, *Against the Grain*, which argued that the founding of cities, agriculture, literacy, government was basically a vast slave raid, in which a few entrepreneurs imprisoned everyone else in a regime of exploitation. Scott's counter-ideal, the tragic heroes of his story, is the people who were always called barbarians, living outside the city walls. I think this is so resonant now precisely because there is nothing left outside the city walls. The built world holds us inside

it, and, like the natural world, holds us together, apart. The idea of being outside the walls is most appealing precisely when it's pure fantasy, when there is no outside. It's compensation for an absent wildness. The kinds of politics I've been surveying—what I've been calling denialist politics—have some of that same fantastical, compensatory character.

How might land, the base of this weighty and claustrophobic world, be involved in political reconciliation? Take Bears Ears. When President Obama created the monument, his proclamation opened with a litany of native names for the place, from Navajo, Ute, Hopi, and Zuni—all meaning “ears of the bear”—and the history of its meaning in different traditions. The proclamation also gave a council of the tribes a permanent role in governing the monument and directed the federal land agencies that have the final say to consult closely and meaningfully with the tribes. It isn't really reparation, but it's some redress for a history of expulsion and erasure—most of all because it provided a portion of power over the use and meaning of the land.

Now take the coalfields. In March 2017 the public school teachers of West Virginia settled an eight-day wildcat strike. Twenty thousand of them shut down

schools in every county. They marched in red shirts and bandannas that conjured up the mine wars of a hundred years ago. The point was to remember the name of old struggles and to insist on pay and dignity for the work of social reproduction—the work of helping the human world to go on being. Our economy undervalues that work like it undervalues the natural world.

Some of the teachers in the West Virginia high school where I spent three years were splendid. More were at least diligent. But most of them reinforced the narrow yet intensely felt class divides of a small, fairly poor, and mostly white place. As a child of back-to-the-landers, lacking money and local respectability but also bookish and overarticulate, I didn't fit the local class grid, which made me acutely aware of it. I spent the ninth and tenth grades watching bright kids from poor families get punished for small infractions, slighted when they did well, and looked at askance until they made a real mistake (weed, a pocketknife pulled out in a lunch-hour scuffle) and the hammer came down. I saw these kids as bright and curious, like the often weird hippie children I'd grown up around (like me), so I saw their class not as a fact, but as something that people did to them again

and again until it became real. And I saw that the people doing it to them thought nothing was happening, that the poor kids' character was just playing out the way you would, regrettably, expect it to do.

Some of those teachers sucked up blatantly to the middle-class kids. That's what happens in a place where adults are known by the status they had in high school. Class solidarity is real, and the easiest proof is in people defending their middle-class status by kicking downward, to make sure no one thinks they belong down there. So it was especially moving to me in 2018 to see teachers put down their "professional" status and stand up as people who work.

Social sustenance and ecological sustenance could become two connected ways of making peace with other people and with the living world. The teachers' strike was a reminder that making peace can start in a struggle for power. Some teachers even called for a reckoning with the coal industry. They said the companies should pay more in taxes for the wealth they take out of the state, to pay for the teaching and upbringing of people who will be living there when the coal and gas are gone. That fight over coal, the carbon capital of the industrial age, is a microcosm of the coming fights over who owns and profits from

the finer, cleaner capital of mechanized production and digital platforms. The stakes are a lot alike from the coalfields to Silicon Valley. Much like a hundred years ago, a place many people think of as backward may be a frontier of the next labor movement—a movement for honoring the work of teaching, caregiving, even the work of the earth.

It is essential to this version of reconciliation that there really is something to fight over. You often hear that things aren't zero-sum. Some things aren't, but the excise tax on coal and the state's budget for teachers' pay—well, those things pretty much are. The cost of war and the cost of health care are connected in this way in each year's federal budget. The wage rate and the profit rate are connected. The land is the most concrete instance. One thing happens to Bears Ears or another, but not both: you cannot have wilderness and mining in the same place. And global ecological limits—the land writ large—are a big reason why growing our way out of these conflicts isn't enough.

What doesn't need to be zero-sum is the creation of new kinds of solidarity, new ways to feel that your good life is part of my good life, and an injury to you is an injury to me. The teachers' strike was also about

that: the teachers lined up with bus drivers and janitors and coal miners, dropped a little bit of being middle class—which means a lot in a place full of hard and scary poverty—to join themselves to more people.

North Carolina has a divided state government rather than a deep-red one, a strong sanctuary movement, and a progressive community that's constantly engaged and cross-racial and mixes religious congregations with secular people, partly because people there have remembered that, 125 years ago, there was a similar movement—for both civil rights in the former plantation counties down east and monopoly busting for the small farmers in the Piedmont. It held power in the state for several years before an elite-led and militarized racist reaction threw it out, suppressed the black vote, and instituted Jim Crow. The work against the new voter suppression, for a statewide living wage, and for defending the immigrants in your community are all grounded partly in thinking that in that narrowly horized place—with its segregated willow oaks and ten-lane highways cutting through pine flats and afternoon thunderstorms that sweep west from the Blue Ridge and almost reliably drown your

sweltering rallies at the state capitol—in that place solidarity is also heritage, if you can take hold of it.

So I come back to the land and the thought that it holds people both together and apart. Its materiality, the way it is as real as dirt, is a reminder that it *is* something to struggle over, that nicer words and symbols don't heal its hurts, even if ugly words and symbols can inflame them. But it is also deeply imagined, invested with many different actual and possible ways of living together. The idea that it belongs originally and essentially to everyone, that it is a commonwealth, is a horizon to bend the struggles toward.