

# SENTIENT RAINS

ÇACA YVAIRE\*

## A NOTE FROM THE AUTHOR

*There are perhaps multiple explanations behind the rise of the modern nation-state. The modern nation-states of today exist due to colonization. As nations such as Great Britain spread across the world, they would conquer territories and introduce their own institutions there.<sup>2</sup> Under colonialism, local populations did not have the sovereignty to establish themselves because they were seen as too inferior for self-governance.<sup>3</sup> The forces in the current ecosystem reflect a struggle between sovereigns, multinational corporations, non-governmental organizations, and supranational institutions. The struggle is based on who has the power—that is, the means and reception as a respected and socially legible subject—to influence or change international law.<sup>4</sup> These international struggles are based upon conflicting relationships to and with land.<sup>5</sup> Land is the most comprehensive contemporary social and political issue because it links the disregard of sovereign law with a settler-colonial-determined human versus non-human dichotomy, which degrades the value and quality of interspecies relationships and sustains practices of dehumanization.<sup>6</sup>*

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\* Terran Shield & Community Conservation Co-Director at NEFOC Land Trust, and Co-Founder of the Featherspine Center for Multispecies Jurisprudence. All love and kouraj to those refusing settler and capitalist time wherever you may find yourself.

<sup>1</sup> See generally Lubna S. El-Gendi, *Illusory Borders: The Myth of the Modern Nation-State and Its Impact on the Repatriation of Cultural Artifacts*, 15 J. MARSHALL REV. INTELL. PROP. L. 486 (2016) (examining the history of nation-states and offering suggestions to change the current system to recognize the rights of Indigenous peoples).

<sup>2</sup> See Paul Nicolas Corimer, *British Colonialism and Indigenous Peoples: The Law of Resistance–Response–Change*, 49 PEACE RSCH. 39, 44–46 (2017).

<sup>3</sup> See Patrick Wolfe, *Settler Colonialism and the Elimination of the Native*, 8 J. GENOCIDE RSCH. 387, 390–95 (2006).

<sup>4</sup> See generally Rashwet Shrinkhal, “*Indigenous Sovereignty*” and *Right to Self-Determination in International Law: A Critical Appraisal*, 17 ALTERNATIVE 71 (2021) (exploring the relationship between Indigenous sovereignty and international law).

<sup>5</sup> See Donald L. Fixico, *Documenting Indigenous Dispossession*, 374 SCI., 536, 536–37 (2021).

<sup>6</sup> See generally NICK ESTES, *OUR HISTORY IS THE FUTURE: STANDING ROCK VERSUS THE DAKOTA ACCESS PIPELINE, AND THE LONG TRADITION OF INDIGENOUS RESISTANCE* (2019) (tracing the history of Indigenous resistance leading up to the

*What has been historically seen as sovereign and spiritual gets circumscribed by the laws and ignorance of colonial nation-states. For example, the Lakota people have been and continue to be in relationship with the American Bison species and acknowledge them as sovereign beings, yet the United States has reduced the species down to property under its laws.*<sup>7</sup>

*The Northeast Farmers of Color Land Trust (NEFOC-LT) is a non-profit land trust organization currently receiving gifts of land, committing to making significant contributions to the movement to advance land sovereignty, and repairing paths of kinship. NEFOC-LT's fundamental objective is to defend and sustain the cultural, spiritual, embodied, and psychological labor to correct the disregard of sovereign law and to dismantle the enduring systems that support the human/non-human binary present in the legal thought and imagination of the United States.*<sup>8</sup>

*The Community Conservation program at NEFOC-LT develops infrastructures and technologies useful in facilitating intergenerational work toward land sovereignty and the abolition of private property, and seeks to refine and apply these technologies to benefit and improve the lives and lifeways of our land-based working, earth-stewarding community members. We build partnerships to make the imaginative tangible and material through the development of innovative easement designs, the training of ceremonial service providers for direct intervention in land transactions, fostering increased agency amongst land workers through land-based education, and applying the administrative and legislative arts in service of devastating society's reliance upon the human/non-human binary in our everyday circumstances.*

*In the piece below, I have provided readers with a disruption of the familiar and an opportunity to reflect deeply on the choices made professionally and civically. Readers will encounter new and poetic language intended to assist in the imagining of new worlds, and to present an alternative claim-making process. As a parent, I have done my best to invite a playful spirit as I discuss serious circumstances. As a poet and artist, I ask provocative questions meant to invite the reader into my everyday design and organizing work; for example, the peculiar reference to the Vatican acknowledges a planetary scale of work yet to unfold. As an Atakapa Ishak and Black person, I make it known that I do not need to be understood by the settler, imperial, or white supremacist imagination to know my sovereignty, or to make meaning that is life-affirming. And lastly, as a contributor to this special issue, I offer this composition as a gift to the everyday person, not just the environmental lawyer, in the hopes that they will sense in my words the stirring of their own*

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protest against the Dakota Access Pipeline and describing the significance of the non-human physical world to Indigenous peoples). See also J. Kēhaulani Kauanui & Patrick Wolfe, *Settler Colonialism Then and Now: A Conversation Between J. Kēhaulani Kauanui and Patrick Wolfe*, 2 *POLITICA & SOCIETA* 235, 240–46 (2012).

<sup>7</sup> See ESTES, *supra* note 6, at 180–84.

<sup>8</sup> See NE. FARMERS OF COLOR LAND TRUST, <https://nefoclandtrust.org> (last visited May 27, 2022).

*unconquerable and inextinguishable spirit.*

*I leave it to the reader to judge what worlds they may build when they wield such a spirit in the service of the most rooted and total liberation. Have courage, kin. We will free the land.*

“These are sentient rains, our time is voluntary.”

– Omeros Quinn, Fyrthysown TS|RC

*Some of us practicing in plural and fluid perspectives hold a shared vision in which the discursive object that is “land” is recognized and treated as sovereign and sentient. This Article shares notes to introduce and advance a practice in service of multi-species justice and planetary liberation that I call expeditionary sculpture. My research is grounded in the relational engagements I have with the ecosystem I find myself in, and I am inviting you to participate briefly in this work. I am not trying to make myself legible to imperialists, so while you may discover new terms in your reading, I hope that you will read for connection and not alienation. Thank you for your patience.*

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## I. ORIENTATION

*A. Introduce the value, qualification, and grounding of your work and practice.*

In pursuit of embodied wisdom and liberation, I am committed to investigating the material and psychological consequences found in the afterlives of historical and cosmic collisions. Through administrative and legislative intervention, I aim to perform territory-making that advances planetary abolition and spiritual release.

Whether on sea or land, out of smoke or starlight, I collect sounds on occupied lands, make marks using materials of the global logistics industry—such as cardboard, brown packing paper, packing tape, and charcoal—and build plant-fiber-based installations that function as public altars. Through sonic, literary, and sculptural forms, I make tools and scenes that exhibit paths for alternative claim-making and speculative survival skills geared toward the defense planning of a post-Vatican, pan-Indigenous planetary urban form. I am hoping to discover a way of teleporting collective consciousness from plane *a* to plane *b*, from a state of terror in the face of crisis to a fluid counter-terror community bound in care.

*B. Ask a question to reveal new sites from which other-grounds are met that better support the practice of alternative claim-making.*

How do we unmoor our aesthetic sense of the world from a politic that wishes to undo that world? What obstacles need to be removed in order for you to join, participate, or contribute to a pan-Indigenous solidarity force laying relational siege to the Vatican?

*C. Refuse a contemporary futuring condition. Be friendly but firm.*

Hopefully, you have the capacity to feel and know deeply why I am not convinced—and need no convincing—that the highly prioritized and celebrated experiential or precedent-relying, knowledge-making languages and practices that are contemporary science and law can answer this question.

*D. Aim for an alternative. Weave in allusion to a point of refusal in*

*related-but-new terms.*

After realizing that the inherited forms of problem-solving under the duress of imperialist oppression are limited, to think through the conflict inherent in this question, I first needed to create a way to think through my body; to think through my atmo-geoecological planetplace. By atmo-geoecological planetplace I mean the ponahakeola, the chaotic whirlwind of life presented in the Hawai'ian creation legend, the kumulimpo. Our atmosphere shields our breathing—allowing us a temporary term of access to inspiration. Our geosphere grants us forms with which we must make shelters; shelters on this wandering place in which we are situated.

By atmo-geoecological planetplace, I am also refusing the technology of time measurement in favor of grounding my action and being in my sense of time, which becomes place, because I sense from the body. I am refusing to measure time because I see no use in it; it breeds an anxiety that disrupts connection. This is an important piece, because the refusal of time requires us to rely on the relational and not the conceptual.

*E. Negotiate with the dead.*

This is a densely layered time, not just metaphorically or socially, but spatially and legally. Our social conditioning and our collective futuring are two of many active forces at work in contemporary policy and project. For me, as a sovereign practitioner, I see these forces acquiring greater dimensionality, ever more complexity, but not without an exact finitude. Because all things must die, all things have an end.

That simple knowledge that all things must come to an end is where the strategic potential of a rematriating effort comes alive. When I use the word rematriation, I am distinguishing work that seeks to nourish all human beings in connection to the ecological landscape and the diverse kin within, from work that looks to receive back property deeds to the landscapes and certificates of stewardship from colonial and imperial institutions and individuals. The process is simple; it becomes easier the longer you are committed, and only difficult when there is a lack of focus or a loss in mission.

Rematriation requires that we reconcile what land means legally with what land means to us spiritually, bodily, and cosmo-

ecologically. It requires us to make a choice in what sort of person we will be today and what sort of world we say goodbye to tonight. It is work that moves us and work in which we must move. Rematriation seeks a justice that cannot be contained nor conceived of within a western colonial legal framework, because it considers sovereignty of the land through a practice of sensorialisation and emphasizes the relational and regenerative over resource, promise, and production.

Rematriation is encountered in spaces and times where we are building greater connection. We know of regenerative agriculture and agroecology, but rematriation is also something we encounter in healthier workspaces, labor contracts that respect the natural economy, and through the rebuilding of an indigenous peoplehood, which requires the return of settler colonial lands to the appropriate custodians.

If a legal fiction was made in order for you to claim territory, it is time to come up off your land holdings and employ an alternative strategy for establishing belonging, connection, stewardship, and ancestral honoring.

#### F. *Trust the living.*

Currently, we ground this perspective in matters of community conservation on unceded territory in the settler colonial territory named the United States, working toward land sovereignty, land-based wealth redistribution, and land rematriation. Our challenge in rematriation work is to correct the lack of infrastructure dedicated to restoration. Our challenge in restoration work is the obscuration of time resulting in a loss of memory and a reliance upon extractive relationships. Our goal is to improve the situation by building capacity with focus from and within reciprocal relationships. In this way, a way of communing, we each contribute to the stability of the field in which there are returns. It takes time and care.

The same sense of pace and attention is directed toward the extraction of discourse, tools, resources, and eventually people from liberal radical institutions; directing these flows toward a space of the uncanny or uncertain—where we can push toward facilitating desired outcomes in between moments of the inevitable breaks and struggle toward autonomy from the State.

The atmo-geoecological planetplace from which we organize now is the post-Vatican, pan-Indigenous planetary urban form, a space for festivity we call the Fyrthyr. The Fyrthyr is a space in

which to think and make, through questions about what power lies in what has been cast away. In the Fyrthyr, we work through the fragments toward the dissolution of haunting capital and the negation of colonial objectification in a given place. Our designs are intentional in seeding actual self-determining futures for oppressed human and non-human entities who seek liberation.

The Fyrthyr is an archipelago, a network of sites for anti-work work, that operates as a space to engage in what Stefano Harney and Fred Moten might understand to be the praxis of the undercommons. The various strategies enacted in the Fyrthyr—a constellation of practices and insights called *ruinkraft* to facilitate pragmatic problem solving—are not “reported back” for scholarly study or example.

The Fyrthyr is a territory-making experiment to discern improvements in the work of claiming legitimacy against an active entity that exists solely by dehumanizing the other, usually through state-sanctioned violence.

The Fyrthyr gathers beings of multiple species to direct flows of memory about and relationship to place into an undetermined future. Ceremony is the lockpick tool, the chief event by which human industry is transfigured, and the *other-ground* we meet with which we can build something new from the limits of the feasible.

## II. INTERVENTION

### A. *To initiate a Fyrthyr ceremony, materialize (e.g., print, graffiti, post, deliver song, DANCE) and repeat after me:*

Ceremony counters fear. Courage speaks.

Ceremony waters.

Courage stains.

Ceremony reveals the path. Courage brings the gifts.

### B. *The goal of the ceremony is to gain insight into how transition caretakers, practitioners, and workers may address crises of knowledge and skill concerning climate conflict, mobility and migration, and resilience.*

There are some things the colonial mentality can't explain or cannot bear to know and cannot order from within its conventional structures and tools. Divination is akin to embodiment in storytelling or curatorial knowledge-making. Divination—in my administrative and legislative arts practice—includes the birdsong

of extinct species, the thoughts of a grove, and the designs of the sea and sky as material for a quality work. And the “work” is in fact an insight into the ceremony, a stay with a kind stranger, the opportunity to witness the story of your challenges and feats from the eyes of one who understands the triumph of the bee and congratulates the ivy for its capture.

The ceremonies of the Fyrthyr explore five themes of spiritual crisis: exile, asylum, assistance, orphanage, and grief. These spiritual crises are investigated in relation to the work to liberate the planet by collecting, digesting, and inscribing narratives involving cooperative practice and sensorial sovereignty in a given landscape ecological place.

I take particular interest in divination in the streets, pulling gifts from dreams, songs from stars, blessings in the winds, and answers through shifts; as well as experiences that people take home from court, from protest, and from land defense sites that they cannot speak about, because to speak about it would potentially be to accept the alienation of empire. I am interested in the signs emerging from riots in the streets. The kind of collisions that disrupt our notion of conventional diplomacy and hospitality because the imperialistic industrial preoccupation with extraction no longer serves to sustain life on this planet, but seeks to domesticate it.

Breathe deep, assume that your virtue is at stake, and see ceremony example:

#### DEFEND YOUR RIGHT TO THE RUINS.

Your right to the ruins is your right to the decayed, transformed, and forgotten values and spirits made visible where political eruption becomes intimate with societal collapse and territorial shelling. If you have a body, you have a contribution to make. Do not be fearful. Our extinction was yesterday; our birth is tomorrow. Stand in what shade you can find; inhale as if to swallow the surrounding light. Let darkness fill you; let it still you. Find yourself, and in some reflection state the following:

I, Archipelago, stand in place  
with my special and hungry visage,  
ever against the grain,  
in defense of that field  
where the inbetween folk take respite.  
You are here in the open, cracked in the open (threshing,  
holding) thresholding with each edge and many shores. Give  
yourself then to your body, let your body relate. Breathe deep

because you are breathing chaos. Breathe slow because you are pushing out immensities. Take a moment.

You are an expeditionary sculptor, an artistic investigator. Rapidly, you set forth, moving against something invisible, something that is not friendly to your newly birthed immensities, something that would see your right to remember far removed from your ability to grasp. Move with intention; move with a landscape. Learn what is wilderness inside you; learn there is nothing wild outside. All is sentient; all migrates. All eats for satisfaction.

To honor your right to the ruins, you must restore trust. Bring your aesthetic, your potential for poesis. Take a home that is rife with dynamic and complex forms, and light a fire for the emergent intelligence that slips its way through your entangled temporalities. Breathe deep. Carve your name into the wind.

Breath is Authority. Declare your loyalty and defend your right.

### III. FYRTHYR EMBODIMENT

#### A. *Exploring expeditionary sculpting*

Expeditionary sculpting takes the form of the expedition as its medium for artistic investigation. An English word, *expedition*, entered the lexicon in the 15th century referring to the military mission, “the act of rapidly setting forth.”<sup>9</sup> It takes as its root the Latin term *expeditio*, “an enterprise against an enemy.”<sup>10</sup> It is important to understand that the English term “enemy” comes from the Latin word *inimicus*, which meant “an unfriend.”<sup>11</sup>

It takes the defender as a model for the artist. The defender moves with intention throughout an environment, a landscape, a wilderness, in which violence is just as natural a presence as the soil beneath. The defender engages an ecology with the purpose of restoring trust within an unknown territory within which, or around which, a “not-friend” exists. When the intention is paired with an aesthetic, the possibility for poesis, creation, or transformation of

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<sup>9</sup> Douglas Harper, *Expedition*, ONLINE ETYMOLOGY DICTIONARY, <https://www.etymonline.com/word/expedition> (last visited May 27, 2022).

<sup>10</sup> *Id.*

<sup>11</sup> Douglas Harper, *Enemy*, ONLINE ETYMOLOGY DICTIONARY, <https://www.etymonline.com/word/enemy> (last visited May 27, 2022).

what is deadly into what is friendly can occur. When an aesthetic is paired with an intention, there the political is found. And there wisdom can be discerned.

*B. Paths to address the question posed*

Establish and solidify a rematriating axiology with a critical approach to the common factors in our culture and to its psychological problems. Organize into knowledge points such as barometers and thermostats, reflectors, and projectors. Create a society to recognize and reward people for fulfillment of individual responsibility within their ecological situation.

Forge relationships with peoples who are concerned with the future. These people should be aware, promote, develop, support, create, and be interested in discovering new ways of living/survivance and more wholesome surroundings. Create and beautify ways of relating that express and collectivize warm feelings and novel human experiences.

Organize a refuge-caretaking communion of sorts. A place where the torn can be mended, and the mended can care for the torn. We imagine a group of stand-alone individuals who have the skills to respond to most situations from a place of compassion and competency; we will call them lighthouses. They will dim the fires of capitalism and disperse the shadows of imperialist design.

Such a place would brightly demonstrate through stewardship practice and cultural activity a dedication to a multispecies jurisprudence, and a staunch objection to reading individuals and communities, human or non-human, through the lens of any settler colonial project. It would be mobile, convivial, life-affirming, hospitable, but most importantly defensible.