

## Rural Values

### Outlaw

By Michael Polson

### Abstract

Framed around the case of cannabis cultivation in Northern California, this essay explores the social category of the rural outlaw. It argues that outlawry consists not only in those whose actions are illegalized but also in the conditions through which racial capitalism accumulates and dispossesses at its various frontiers. Cannabis, before and after its legalization, gets caught up in various dynamics through which outlawry can be assessed.

**Keywords:** capitalism, frontiers, cannabis legalization, California, illegality

“There’s a romanticism to it. You’re a pirate, a musketeer. You’re a gritty frontiersman,” Will said, standing on his porch in 2012. Steps away from stumps of harvested cannabis plants, he rhapsodized about open highways, beatniks, and the American West, all of which conveyed a “sense of freedom” and a dream of life “far beyond the laws of man or society.” Just weeks before, however, society’s laws had made themselves known in the form of drug enforcement agents, confiscating what little cash Will had on hand after a trying, expensive year involving a fire, a corrupt land deal, a confiscated marijuana delivery, and an extortionate landlady. When he speaks of these aspects, he sobers, recalling the reason he began growing weed. After time spent in a state penitentiary for drunk driving, saddled with what he called the “scarlet letter of F for felon,” jobs were hard to find in his small hometown. Saddled with student loan debt, he turned to pot growing. The outlaw “delusion,” he reflects, was just that: a rosy gloss on otherwise oppressive dynamics. “The romanticism has really worn off,” he concluded. “At a certain point ... you want time to relax and unclench your bowels.”

Will’s conflicting sentiments capture a certain latter-day flavor of back-to-the-land counterculturals, who were Northern California’s first contemporary cultivators of cannabis. The plant took well to the region’s hills and forests and suited countercultural desires to escape “the system” and dealienate their labor through communion with nature. Later, however, cannabis attracted different actors, each with their own relations to the plant: unemployed workers weathering a timber downturn; Native Americans with little access to viable formal economies; undocumented (farm)workers, legally relegated to underpaid, marginal work; and rural residents, many of them single mothers, seeking to supplement or avoid welfare. For the alienated, dispossessed, and deindustrialized, outlawry offered not only an economic alternative, but a degree of celebration as America’s last remaining small farmers (Raphael 2012), principled utopianists (Anders 1990), and folk heroes regaled in song as “outlaw[s] by trade” (Camo Cowboys 2007).

The historian Eric Hobsbawm (1959) offered a similar perspective on rural outlaws in his *Primitive Rebels*, arguing that they are “social bandits” exercising a nascent class politics in the face of capitalist encroachments (13). Unlike Durkheimian or Lombrosian definitions of the criminal as normative deviant or atavistic degenerate, the notion of the outlaw draws attention not to the individual but to the power of law to delineate law’s *in-* and *outsides*. Outlaws live at the edge of legal order, at frontiers, whether of the spatial type memorialized in US Westerns (Slotkin 1992) or of more metaphorical ones. From its outset, settler colonialism required outlawry. The legal order of private property rested upon the negation of Native American claims, possessions, and uses, a negation that birthed private property

even as it violated its precepts of inviolability, contract, and sovereignty through practices of theft, fraud, and genocide (Lindsay 2012). This extralegal moment of expropriation, a founding moment of exception not only in the United States but also in capitalist relations more generally (Federici 2004), persists by placing claimants outside the law, as “outlaws,” by discounting them as racial inferiors, moral degenerates, and criminals (Hall et al. 1978; Moreton-Robinson 2015; Thompson 1975). Outlawry, then, assumes an expanded definition. It references both those whose actions and claims are made illegal and those who harness outlawry to juridically justify what cannot be justified economically: namely, extralegal expropriation and political subjugation. In this doubled sense, outlawry organizes capitalist accumulation at its spatial and social frontiers.

This dual outlawry frames the recent history of Humboldt County, California, where violence against and criminalization of Native Americans (Nelson 1988), Chinese people (Pfaelzer 2007), labor organizers (Cornford 1987), and environmentalists (Widick 2009) fortified the dominance of extractive, timber-based capitalism over land and labor. The status of cannabis was no exception. Amid timber’s rapid decline, cannabis’s criminality subdued incipient political unrest among demobilized white workers and cannabis-friendly environmentalists during the Redwood Wars (Polson 2017), even as it created employment and cash flows to deindustrializing communities wrecked by globalization. To a degree, prohibition precluded intensive accumulation and class stratification among actors in the cannabis economy, lending itself to paternalistic relations between workers and owners bound together in problematic and protective relations of care and secrecy. Yet, a class of landowners, including some property-owning cannabis growers as well as government agencies and financial and real estate actors, pilfered value from prohibited cultivation through land rents, forfeiture and seizure, and usurious financing, even as they distanced themselves from its consequences. This rentier bloc, which had comprised the supportive scaffolding of a now-deteriorating timber industry, capitalized on cannabis as the valuable yet covert land use that it was.

Since marijuana’s medicalization and legalization in California, the appearance of outlawry has shifted, although its dynamics persist. Despite legalization in 2016, local governments can ban or heavily restrict nearly all cannabis-related activity. In California’s Shasta Cascade, for instance, such local autonomy led to the targeting of a new class of outlaws, composed primarily of a cannabis-growing Hmong-American population that has recently settled in the county. These “noncompliant” cultivators are subjected to civil enforcement that is less harsh, but more invasive than prohibition and has allegedly strayed into activity that is itself extralegal, including racialized voter intimidation, secretive policy deliberations, and vigilante surveillance and enforcement practices. Ironically, influential agriculturalists and county officials now claim the romantic mantle of resistance to state law that is so familiar to outlaws (cf. Tarlock 1999). Bemoaning the forces of corporate cannabis, its political patrons, and the cultural ruination it ostensibly brings, the county sheriff sought to protect white ranchers and agriculturalists and the way of life they represent, a point elucidated in his preoccupation with the danger cannabis poses to children, those symbolic bearers of intergenerational cultural reproduction (Narotzky and Besnier 2014). Of course, this sense of endangerment might prove accurate if a higher-value land use, like cannabis, was to take hold in this ranching county. Yet it is not wealthy cannabis corporations or powerful state forces caught in the crosshairs; rather, it is marginalized, racialized, and criminalized outlaws.

Amid the so-called green rush in rural California, the outlawed frontier of cannabis has become legal and available for expropriation within private property systems. The accumulation of horticultural, genetic, and medicinal knowledge, as well as economic and political relationships, all cultivated under threat of arrest: These outlawed human labors are now erased, marking a kind of contemporary enclosure of an outlaw commons. Just as with the drug war’s historical deployment in projects to control racialized populations, racialization also guides and contours this legal enclosure, whether in the specters of unwelcome Hmong-American cultivators, violent “Mexican cartels,” or deficient, unsavory whites.

As tens of thousands of cultivators are driven out of business or back into an increasingly tenuous underground market, outlawry continues to organize political-economic dominance by determining who, under what circumstances, will reap the benefits and consequences of the legal order. Yet, the outlaw realm is an unruly one, sheltering those who might disrupt or counteract legal order on the accumulative frontier. Out of this disruption, new folk heroes may emerge, whose actions may gesture toward different kinds of order and law altogether.

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