## 1AC

### Section I

#### The excerpts we’ve chosen from the following is evidence of this ambivalence:

Yoo ‘7 - Emanuel S. Heller Professor of Law @ Berkeley School of Law

John Yoo, Andrew Jackson and Presidential Power, 2 Charleston L. Rev. 521 (2007); http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1686&context=facpubs

Jackson swam against both tides. He reinvigorated the Presidency and is generally considered by historians to have been one of the nation's most vigorous and powerful chief executives. He advanced a new vision of the President as the direct representative of the people. Jackson put theory into practice with the vigorous exercise of his executive powers-interpreting the Constitution and enforcing the law independently, wielding the veto power for policy as well as constitutional reasons, and re-establishing control over the executive branch. In the first of two great political conflicts of his time, the Bank War, Jackson vetoed a law that the Supreme Court and Congress both thought constitutional, removed federal deposits from the Bank, and fired cabinet secretaries who would not carry out his orders. In the second, the Nullification Crisis, Jackson again interpreted the nature of the Constitution and the Union on behalf of the people, and made clear his authority to carry out federal law, even against resisting states. Although he was a staunch defender of limited government, Jackson would confront head-on the forces seeking a weaker union or a weaker Executive. His achievement would be to restore and expand the Presidency, within the context of a permanent Union. He would also spark resistance so strong that it would coalesce into a new political party, the Whig party, devoted to opposing concentrated executive power.

II. THE INVASION OF FLORIDA

An enduring image of Andrew Jackson is the cartoon of "King Andrew the First," as his critics called him, sitting on a throne after his veto of the Bank.6 His war against the Bank, waged using the veto and removal powers, produced more than caricatures. Both his critics and his supporters realized that Jackson was exercising the powers of the Presidency in unprecedented ways. It led to congressional investigations, legislative proposals to rein in the Executive-even the censure of President Jackson by the Senate. Jackson, however, persevered and eventually prevailed. He similarly turned presidential powers to new directions when he overcame South Carolina's threats to nullify federal tariff laws. Throughout, Jackson's belief that he represented the will of the majority infused his conduct of the office of President. He re-energized the Presidency by marrying its constitutional powers to a theory of the Executive as the focal point for national majority rule, a role that was not obvious, to say the least, from the constitutional text.

Jackson's attitude became clear even before he won the job of chief executive. As a military general, Jackson was not above interpreting his orders loosely and certainly did not think he had to wait on congressional approval before taking offensive military action. In the wake of the War of 1812, Jackson concluded that the Spanish had to be expelled from the Southwest in order for American expansion to occur without hindrance.7 The first step in his strategy was to eliminate any possibility of an Indian buffer zone between the United States and Spain. After some initial setbacks, Jackson defeated several Creek Indian tribes that had allied with the British during the War-it was in these battles that Jackson won the nickname "Old Hickory." During the peace, Jackson refused to follow the provisions of the Treaty of Ghent that did not recognize his victories. Instead he made several agreements and treaties with the tribes to remove them from the area of the Louisiana Purchase to lands on the western frontier. In about sixteen months Jackson acquired about one- third of Tennessee, three-fourths of Florida and Alabama, one- fifth of Georgia and Mississippi, and about one-tenth of Kentucky and North Carolina. Jackson made no secret of his desire to drive the Spanish out of Florida, Texas, and even Mexico.8

The Treaty of Ghent and several U.S.-British treaties after the war formalized an implicit understanding between the mother country and her former colony. Great Britain would no longer oppose American expansion into the South and West. In return, the United States demilitarized the northern frontier and gave up any ambitions toward Canada, which had held American attentions since the days of the Revolution. This left Spain in an untenable position in Florida, where it had few military and administrative resources. Americans had wanted Florida since the days of Jefferson, if not before. Congress, however, never authorized any military action against the Spanish. Under prevailing practice at the time, a full offensive mission of conquest would have called for a declaration of war.

Seminole Indian attacks on American territory in 1817 supplied Jackson with a pretext. The Seminoles had operated out of Spanish Florida and also had refused to vacate lands under previous treaties. They undertook retaliatory attacks when American troops sought to relocate them. American settlers conveniently launched a separate raid into Florida, "liberated" Amelia Island, and then sought the government's help when Spanish forces moved to evict them. The Monroe Administration authorized local commanders to pursue the Seminole raiders across the Florida line, but to stop short and await further orders should the raiders seek shelter in a Spanish outpost. Monroe then placed Jackson in command of a broader expedition and ordered him to "[a]dopt the necessary measure to terminate a conflict" that the President claimed to wish to avoid.9 Jackson concluded that the best way to end tensions was to seize all of Spain's territory in Florida. He sent a letter to Monroe seeking authorization, which Monroe subsequently claimed he did not read until a year later.10 Nonetheless, Monroe independently sent Jackson a letter giving him command of the expedition against the Seminoles, the intervention at Amelia Island, and unspecified "other services.""1 Monroe urged Jackson that "[t]his is not a time for you to think of repose," declared that "[g]reat interests are at issue," and asked that "every species of danger" be "settled on the most solid foundation."12

Jackson took this to be authorization to invade Florida. He did not question that the President had the authority to send him; in fact, he had promised Monroe that he would conquer the whole territory within sixty days. In the First Seminole War of 1818, Jackson led a force of 3,000 regulars and volunteers that destroyed the main Indian settlement near present-day Tallahassee, and captured two British citizens-Alexander Arbuthnot and Robert Ambrister-who had been advising the Seminoles. He convened a military commission to try the two as outlaws under his authority as the commander in the field. After a guilty verdict, he sentenced both to death. Jackson then marched his troops to Pensacola, the seat of Spanish rule in Florida, and quickly seized it on the ground that hostile Indians were massed inside. None were found. A small Spanish force surrendered after a short battle nearby, with no casualties on either side, and were allowed to leave for Cuba. In June, Jackson issued a proclamation declaring Florida to have been ceded to the United States, established a provisional government, and appointed occupation officials.13

Jackson's battlefield successes sparked a political firestorm. Monroe never tried to stop Jackson's campaigns in the spring and summer of 1818. But after the fighting ended, Secretary of War John Calhoun, later Jackson's Vice President, and Treasury Secretary William Crawford argued that Jackson had violated the Constitution and demanded his punishment. That course would have required Monroe to return Florida, which he was not about to do. Secretary of State John Quincy Adams ironically defended Jackson on the ground that the seizure of Pensacola was justified by military necessity.14 Instead, Monroe sent Jackson a letter maintaining that the general had exceeded his orders, but that circumstances justified pursuit of the Indians into Spanish territory—even though under the Constitution the attack on Pensacola required a declaration of war from Congress.15 Jackson took full responsibility for the invasion, but continued to claim that Monroe had authorized it. Congress initiated an investigation and Speaker of the House Clay sought Jackson's censure, along with legislation prohibiting the Executive from invading foreign territory without congressional permission. As Jackson journeyed to Washington to personally manage his defense, public opinion turned strongly in his favor.17 Clay's proposals were resoundingly defeated in the House by 2-1 margins.18 Meanwhile, Adams justified Jackson's attacks to the Spanish government as necessary to prevent further Indian attacks on Americans.19 On February 22, 1819, Adams reached an agreement with the Spanish in the Adams-Onis Treaty ceding Florida to the United States in exchange for American assumption of claims against Spain of up to $5 million.20

Yoo Continues…

John Yoo, Andrew Jackson and Presidential Power, 2 Charleston L. Rev. 521 (2007); http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1686&context=facpubs

A second pillar of Jackson's support for western expansion was his support for the policy of Indian removal.26 In order to fulfill the promise of the West, settlers needed land. Millions of acres in the Southwest, however, remained in the hands of Indian tribes under federal treaties; the Cherokee tribe, for example, possessed more than six million acres in Georgia. The Cherokee had their own constitution and laws. Georgia launched an effort to force them to leave by imposing state law, and to keep white Americans from assisting them.27 Federal policy recognized the Indian tribes were self-governing sovereigns, they should remain on their lands, and missionaries should be sent to civilize them. 2 8 Jackson held a very different view. He saw removal of the Indians as advancing America's economic development and enhancing its strategic position in the Southwest. Removing the Indians would open up fertile lands in the West to white settlement, and it would eliminate an anomaly from America's sovereignty.29 Jackson also believed that whites and Indians could not live together and that the best solution was to keep the races apart.30

In his first State of the Union Address, Jackson announced his support for Georgia. To allow the Cherokee to administer their own laws, he declared, would create an independent state within the borders of Georgia.31 He told Congress that he had "informed the Indians that their attempt to establish an independent government would not be countenanced by the Executive of the United States."32 Jackson said he "advised them to emigrate beyond the Mississippi or submit" to state law.33 Jackson knew that the Indians would be unable to live under state law and that they would have little option but to emigrate.34

Jackson's interpretation of the Constitution represented a 180 degree change in federal policy. Unlike Presidents today, Jackson showed little hesitation in announcing an independent opinion on the Constitution's meaning. He did not look to judicial decisions for guidance. The Marshall Court would not clearly identify the constitutional status of the Indian tribes until 1831.35 On the merits, Jackson's interpretation seems mistaken. When the federal government granted the Indian tribes the right to enforce their own laws, it did not make them states. Indian tribes did not receive two votes in the Senate, for example, nor did they receive any House Representatives or votes in the Electoral College, as required by the Constitution. Nothing in the Constitution prohibited the exercise of sovereignty by a tribe within a state.

Jackson placed the Indian Removal Bill at the top of the legislative agenda for his first year in office.36 It set aside land west of the Mississippi for the Cherokee, should they voluntarily choose to leave their lands in Georgia. To force them to move, it rejected Cherokee claims to sovereignty and subjected them to state laws. The Removal Bill was consistent with Jackson's general view of allowing the states to regulate all matters not specifically given to the federal government. Critics, led by Northern Christian groups, accused Georgia of violating federal treaties and attacked the Administration for racism. Fierce public opposition to the bill mobilized a permanent anti-Jackson movement throughout the country and led to a split between free and slave states. It passed handily in the Senate, but by only 102-97 in the House in 1830.37

Indians and their allies challenged Jackson in the courts. The Supreme Court threw out their first attempt to prevent Georgia from enforcing its laws because they were not a "foreign nation" that could appear in federal court. 3 8 Georgia had already declared that it would not obey the Supreme Court, and Jackson's supporters in Congress introduced a bill to repeal Section 25 of the Judiciary Act of 1789, which had given the Court jurisdiction over state court judgments.39 The Cherokee did win a partial victory, however, because the Court declared that Indians were not simply citizens of Georgia, but instead were "domestic dependent nations" in a "state of pupilage," in which "their relations to the United States resemble that of a ward to his guardian."40 The right case came along immediately when Georgia sought to eject Christian missionaries living among the Cherokee, and arrested and jailed those who refused to obey. Two missionaries, Samuel Worcester and Elizur Butler, challenged their imprisonment to the Supreme Court. In Worcester v. Georgia, Chief Justice Marshall struck down the Cherokee Codes, not because they violated treaties with the Indians, but because they violated the Constitution.41 According to Marshall, the "Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial."42 The Constitution, the Court held, gave complete control over all relations with the Indians to the federal government and ousted the states from the same.

Georgia refused to appear before the Court and made no moves to obey the Court's ruling. The crisis prompted Jackson to display his vision of an independent Executive. Jackson took no action to enforce the Supreme Court's judgment. "Well, John Marshall has made his decision, now let him enforce it," Jackson was reported to have said.43 Historians have disputed whether Jackson actually uttered those words, which were reported second-hand in a book long after he left office. According to Daniel Howe's recent work, however, the comments were "consistent with Jackson's behavior and quite in character."44 They illustrate Jackson's pugnacity, his Indian policy, and his view of the President's position in the constitutional system. Jackson followed Jefferson's belief that the executive had an equal right to interpret and enforce his own vision of the Constitution-a path he would pursue to great effect in his battle with the Bank of the United States. As he had made clear in his State of the Union Address, Jackson believed that the federal government did not enjoy the sole prerogative to regulate the Indian tribes. Nor did he feel a constitutional obligation to obey the interpretation of the Constitution held by another branch.

Although Jackson did nothing to support the Court's constitutional powers, he acted to defuse the political crisis. Rather than defy the Supreme Court outright, the Georgia courts simply refused to acknowledge the Supreme Court's decision. Without any formal acceptance or rejection of Worcester by the state courts, the Supreme Court had no formal legal authority to order Georgia to obey the decision.45 Even if Georgia had openly refused to obey Worcester, the Supreme Court recessed for nine months and was unable to reverse the State's decisions.46 Jackson commented that "the decision of the supreme court has fell still born, and they find they cannot coerce Georgia to yield to its mandate."47 The confrontation, however, generated political trouble for the Administration. Newspapers widely reprinted Worcester, which served as ammunition to attack Jackson in his soon-approaching re-election campaign. Jackson and Van Buren worked through the party machinery to convince the Governor of Georgia to commute the sentences in exchange for the missionaries' agreement not to seek further Court review.48 Indian issues would figure in the election of 1832, and Jackson would take his overwhelming re-election as a validation of his Indian removal policy.

In Jackson's second term, the United States moved swiftly to remove the Indians from the western states. In 1835, a rump Cherokee government agreed to a treaty that traded their Georgia lands for five million dollars and land in Oklahoma.49 The Senate ratified the agreement by only one vote. In 1838, 12,000 Cherokee migrated to the West on the "Trail of Tears;" it is estimated that 4,000 died.50 The U.S. Army forced the Cherokee to leave without any preparations for the long journey and a hard winter. By our standards today, American treatment of the Indians is shocking and repulsive.51 Under the standards of his time, Jackson's views can be said to represent the views of the voting public.

Jackson may have honestly believed that the lot of the Indians would be improved by distance from whites. His actions may have even prevented their wholesale destruction, which could have occurred had they attempted to remain in Georgia and other western states. He achieved what he had wanted - the removal of a perceived obstacle to the growth of the American republic. Jackson opened up 100 million acres to white settlers in exchange for 30 million acres in Oklahoma and Kansas and seventy million dollars.52 Although he believed himself to be protecting the Indians by keeping them apart from whites, he also wanted to open the best farmland to white settlers and to impose state law so as to drive the Indians out. His policy produced Indian removal at a significant cost in lives. While the Trail of Tears occurred after Jackson left office, he surely bears great responsibility for the tragedy, and he used the power of the Presidency to bring it about.

#### The effects of Marshall’s decision in *Worcester* remains with us now, and though we would argue that our self-conscious debate practices this season have generally appeared blissfully ignorant of *Worcester’s* ghosts, we remain haunted by them.

Bergland 2k - Professor of English at Simmons Undergraduate College

The National Uncanny: Indian Ghosts and American Subjects, Reencounters with Colonialism: New Perspectives on the Americas, Renée L. Bergland, Professor of English at Simmons Undergraduate University, trained in English and Comparative Literature at Columbia University, 2000.

The discursive removal of Indians from American physical territory and the Americanization of the imaginative territory into which Indians are removed are two good explanations for the ideological power of the figure of the Indian ghost. The image also draws ideological power from the sense of *fait accompli* (the Indians are already gone), and from reinforcing the intractable otherness of Indians (they are so other that they are otherworldly). On the other hand, the ghosting of Indians presents us with a host of doubts about America and American ideology. The entire dynamic of ghosts and hauntings, as we understand it today, is a dynamic of unsuccessful repression. Ghosts are the things that we try to bury, but that refuse to stay buried. They are our fears and our horrors, disembodied, but made inescapable by their very bodilessness. Ghostly Indians present us with the possibility of vanishing ourselves, being swallowed up into another's discourse, another's imagination. When ghostly Indian figures haunt the white American imagination, they serve as constant reminders of the fragility of national identity (as Priscilla Wald argues in "Terms of Assimilation"). Further, ghosts are impossible to control or to evade. When Indians are understood as ghosts, they are also understood as powerful figures beyond American control.

Accordingly, the practice of representing Indians as ghosts works both to establish American nationhood and to call it into question. By discursively emptying physical territory of Indians and by removing those Indians into white imaginative spaces, spectralization claims the physical landscape as American territory and simultaneously transforms the interior landscape into American territory. The horrors of this discursive practice are clear: the Indians who are transformed into ghosts cannot be buried or evaded, and the specter of their forced disappearance haunts the American nation and the American imagination. But in spite of the national guilt and horror that Indian ghosts signify and inspire, American writing invokes them obsessively. In order to explain this, we must think carefully about the nature of ghosts, words, and nations. The argument that I am making links ghosts with words (and hence with history and memory) and also with nationalism (and by analogy with race, class, and gender). Like ghosts, words are disembodied presences. Therefore, in some senses, talking about ghosts in literature is as hopeless (and perhaps also as important) as talking about words in literature, or ideas in literature. All stories are ghost stories, if only because each word, each random collection of syllables, is intended to conjure forth an unreal reality, to embody and to animate a strange imaginary entity that is both there and not there, actual and not actual. Writers try to capture ghosts out of their own experience, snaring them in print so as to release them into readers' minds, or better yet, into the dark corners of readers' bedrooms. This is not exactly a metaphor. Instead, it is the language we use to talk about consciousness, memory, and imagination. We use the concept of the ghost so frequently in our descriptions of thought itself, that it is hard to know what a ghost might be, how a ghost might be different from an idea or a memory.

Although all types of language and thought are linked to the spectral, our contemporary understandings of ghostliness usually proceed from the assumption that ghosts are bad things. We often use the concept of the ghost to denote ideas or memories that frighten us. Ghosts are thought to arise from repression and guilt. However, this tacitly Freudian understanding of the ghost does not adequately explain our own uses of the figure of the ghost. Nor does it explain the ghosts of past eras. In the pages that follow, I will argue that ghosts are sometimes as much desired as they are feared. Further, I will argue that ghosts are often public figures. Although we imagine ghosts as internal, mental entities, we also write and speak of them as entities that haunt many of us simultaneously. Like ideas, ghosts can be communicated. As we share fears and pleasures, so we share ghosts. These shared ghosts are often figures of history and power. In Specters of Marx, Jacques Derrida asserts that, "Haunting belongs to the structure of every hegemony.""' He is saying here that hegemonic power —the dominance of one group over another—is structured around ghosts. Derrida is right. The hierarchies of power that structure our lives are themselves ghostly. Power is unreal, insubstantial, somehow imaginary. At the same time, of course, it is undeniably real. When we describe hegemonies as socially constructed, we mean that they are built on history, memory, fear, and desire. They are made from the same things that ghosts are made from. Because the politics of the national, the racial, the classed, and the gendered are the politics of memory and false memory, they are also, necessarily, the politics of spectrality. Blithely postnational, we don't believe in nations anymore. Rather, most of us think of nations as Benedict Anderson has described them for us, as imagined political communities."7 This doesn't change the fact that nations have power over us. At the close of the twentieth century, nations and nationalisms look as imaginary as, and even more powerful than, ghosts. In the first chapter of Imagined Communities, Anderson explains "ghostly national imaginings" in terms of the "modern darkness" that accompanied Enlightenment secularism.8 He argues that nationalism was a secular faith that developed in response to Enlightenment denials of faith. But in many respects, denying the primacy of faith amounted to declaring the primacy of doubt. Though we usually think of the late eighteenth century as the apex of the Enlightenment, it may be equally appropriate to describe it as a very dark time. In *Nation and Narration*, Homi Bhabha emphasizes the darkness, explaining Anderson's "sense of 'nationness'" as constructed in opposition to "the *unheimlich* (or uncanny) terror of the space or race of the Other."9 I agree with Bhabha's contention that modern nations were constructed in opposition to the particular darknesses of a ghostly Other conceived within an imaginary geography of race, class, and gender.

Like nation, race, class, and gender can all be understood as ghostly entities. They may be imaginary, but they structure our lives nonetheless. Therefore, I want to argue here for the importance of the unreal. Rather than dismissing hegemonic power as "imagined," I want to explore the works of imagination that build and inform it. If hegemonic powers are, in fact, ghostly powers, then all of us must believe in ghosts, just as we believe in stories, in histories, or in memories. In this model, ghosts are tied to language, and therefore they are tied to stories. They are also tied to political powers, and therefore they are tied to history. These things have been brought together before. In 1848, Karl Marx began The Communist Manifesto with the declaration, "A specter is haunting Europe.”10 This European ghost, the specter of Communism, is clearly a political entity, a disembodied figure that represents political and economic power relations within a context of emergent nationalism. In the mid-nineteenth century, Europe was haunted by the specter of Communism, a ghost who probably appeared in the form of an oppressed worker. At the same time, America was haunted by the ghosts of African American slaves and Indians as well as disfranchised women and struggling workers. The people who were described and imagined as ghosts were those whose existence challenged developing structures of political and economic power. Ghostliness was closely related to oppression and to the hope of denying or repressing the memory of that oppression.

This model of ghosts as public, political entities may seem to conflict with prevailing assumptions that ghosts are private and internal. But any dichotomy between the political sphere and the mental sphere is a false one, because our understanding of the political has shifted just as our notion of the ghostly has. Modern consciousness internalizes the political just as it internalizes the spectral. Consider, first, the internalization of ghosts. Before the Enlightenment changed our definitions, ghosts were seen as external phenomena. They may have denounced the guilty, but they were not simply manifestations of guilt. They were not mental or perceptual beings at all. Rather, they existed outside our heads, independently. When rationalists denied the reality of ghosts, they denied their independence, their exteriority. By the early nineteenth century, most people believed (as they do now) that ghosts were internal phenomena, creatures that haunted private, mental space rather than actually walking abroad through public, physical space. In The Female Thermometer, Terry Castle explains that during the eighteenth century, belief in ghosts changed, rather than disappeared. "Ghosts were not exorcized—only internalized and reinterpreted as hallucinatory thoughts." Banishing ghosts from the world, into the mind, she argues, is not a simple rationalist victory. Instead, "by relocating the world of ghosts in the closed space of the imagination, one ended up by supernaturalizing the mind itself."11 Once they are all in our heads, it is difficult to distinguish between ghosts, demons, and dream figures. In fact, as Castle asserts, it becomes difficult to distinguish between perception and possession, hard to know if any perceived other is in fact other, or is merely a projection of the haunted self. The epistemological uncertainty that Castle evokes is characteristic of many of the works I will examine, and her work will help emphasize the point that haunted imaginations and haunted works of imagination are not merely haunted by metaphors. Within this discourse of haunted rationalism, the ghosts within the mind are more powerful and more significant than many of the beings that walk abroad. Ghosts may have become subjective experiences, but they have not stopped being historical or political, and they certainly have not become insignificant.

Ghosts and ghost belief have always been linked to law and justice. In Religion and the Decline of Magic, Keith Thomas explains that before the Enlightenment ghosts were almost always reported as appearing in order to "denounce some specific injustice," or "to alter some particular relationship between living people." The most common apparitions at this time, Thomas tells us, signified murder, the disturbance of gravesites, or the distribution of property against the wills of the deceased.12 Murder, disturbed graves, and unlawful distribution of property— these are not private issues. To this, I would add that pre-Enlightenment ghosts often protest unlawful transfers of political power. Think of Shakespeare's ghosts in Hamlet, Macbeth, Richard III, and Julius Caesar. They decry their own murders to be sure, but they also decry the usurpation of sovereignty—stolen kingdoms. Of course, all of these issues of public justice give significant clues to the representation of Native people as ghosts. The history of European relations with Native Americans is a history of murders, looted graves, illegal land transfers, and disruptions of sovereignty. Among these, land ownership may be the source of the nation's deepest guilt. Ownership itself —that is to say property—is a concept that haunts the American national mythos, repressed and erased in the Declaration of Independence in a manner that both denies and emphasizes its centrality to the republic. In the Declaration, Jefferson alluded to Locke, who had written of the fundamental rights of life, liberty, and property. But he changed the words to the more palatable formulation that we all know so well: life, liberty, and the pursuit of happiness. This erasure of the troublesome concept of property speaks volumes about the vexed relation that the United States has to its own territory. It also gestures toward one of the most basic reasons that American nationalism must be predicated on haunted grounds: the land is haunted because it is stolen.

Keith Thomas argues that belief in ghosts diminished because people moved away from their parents’ graves and from their parents' houses, and abandoned their parents' beliefs and traditions. Castle argues that ghosts were merely relocated, that is, internalized. I suggest that ghost belief changed, fundamentally. Family ghosts became less important, while communal ghosts grew more significant. "Enlightened" people began to speak less about the ghosts of their ancestors and more about the specters that haunted their imagined national communities. In Europe, the ghost of Communism. In America, ghosts of slaves and Native Americans. This shift in the character of our communal ghosts points up the connection between ghosts and nations, or, more particularly, between nationalism and hauntedness. It also points toward a related connection between nationalism and consciousness. At the same time that people began to internalize spectral entities, they began to internalize political entities. The internalization of the political is usually explained in terms of the concept of subjectivity. Subjectivity, in the modern philosophical sense, is a product of the Enlightenment. In an essay called "Subjection and Subjectivation," Etienne Balibar defines subjectivity as "the essence of humanity, of being (a) human, which should be present both in the universality of the species and in the singularity of the individual, both as a reality and as a norm or a possibility."13 According to Balibar, Immananuel Kant invented the subject in 1781 in the pages of *Critique of Pure Reason*. It is important that subjectivity can be located in a specific historical moment, and especially important that this moment is the second to last decade of the eighteenth century, at the height of the Enlightenment, between the American and the French revolutions. Balibar argues that the philosophical revolution started by the invention of subjectivity was intimately related to these political revolutions. When people began to define themselves as subjects, they embraced both their own individuality and their status as representatives of all humanity. At this specific historical moment, each subject internalized both the human collective and the transcendant laws that govern the human collective. As subjects, individuals see themselves both as the ones who know the law, and also as the ones who are accountable to the law. Therefore, Balibar explains, each subject "performs his own subjection." The great political freedom of the late eighteenth century is the freedom for each subject to rule over him or herself; that is to say, to internalize his or her own subjection. Balibar characterizes this as "a new degree of interiorization, or, if you like, repression."11 Balibar bases much of his argument on works by Michel Foucault, who described the modern subject as both "subject to someone else by control and dependence and tied to his own identity by a conscience or self-knowledge." In *The Imaginary Puritan*, Nancy Armstrong and Leonard Tennenhouse point out that the "two meanings of the word subject" work together to place "rational man in a position of cultural authority."15 Balibar's emphasis on interiorization makes it clear that this cultural authority is, primarily, authority over the self. The enlightened subject, then, is a self that rules itself. Further, it is a self that must constantly deny its own submissive subjectivity in order to assert its authoritative subjectivity. In Balibar's construct, subjectivity itself requires the denial or repression of subjection.

If modern subjectivity cannot be constructed without repression, then you cannot be fully conscious unless you are haunted. You cannot claim to be a citizen-subject without claiming to deny, repress, bury, and be haunted by the specter of your own subjection. That ghost is the proof that you have attained subjectivity, at least as the discourses of the eighteenth century define it. Following Armstrong and Tennenhouse's lead, we must locate the subjective moment spatially, as well as temporally. The geography of subjectivity that I am describing here is clearly connected to the geographies of Europe and America; it is, therefore, a colonialist geography. But since its temporal location is the American separation from Europe at the close of the Revolutionary War, modern subjectivity must be understood as an internalization of the colonial relation. As they establish self-rule, modern subjects colonize themselves, and they also repress the knowledge of their own subjection to internal colonization.

The repression of subjection lies at the heart of *The National Uncanny*. This idea is fundamentally Freudian, and although many of Sigmund Freud's writings have played a part in its formation, I can best out- line it by referring to two of his earlier works: Totem and Taboo (1913), and "The Uncanny" (1919). Totem and Taboo is subtitled "Some Points of Agreement between the Mental Lives of Savages and Neurotics." In this book, Freud describes the "collective mind"" of modern, civilized humanity as built on repressed Oedipal desires. There is no question that this model relies on racial and political hierarchies: offhandedly, but with chilling clarity, Frued equated civilization with "the social system of the white peoples of Europe and America" (14). The book assumes that civilized white Americans and Europeans go through childhood phases that are analogous to the adulthoods of savage races. Neurotic—that is, men- tally ill—white people, he explains, are those who have insufficiently re- pressed their links to their own childhood desires, and also, analogously, to the desires and actions of savages (13 z). (The main difference between savage adults and white neurotics, Freud tells us, is that "it may be safely assumed" [161I that savage adults actually enact their Oedipal desires.) Totem and Taboo implies that the mental health of white Americans and Europeans depends upon the successful repression of their intimate relation to other, less inhibited races, as much as on the repression of their own childhoods.

From repressions, Freud teaches us, come ghosts. In "The Uncanny," Freud returns, as he so often docs, to the link between childhood and savagery. In German, the word that Freud uses is unheimlich, which can also be translated as un-home-y, or, more gracefully, as unsettling. The sense of unsettledness in the word unheimlich is important, because it evokes the colonialist paradigm that opposes civilization to the dark and mysterious world of the irrational and savage. Quite literally, the uncanny is the unsettled, the not-yet-colonized, the unsuccessfully colonized, or the decolonized. Freud defines the uncanny as a feeling of "dread and creeping horror," and asserts that "an uncanny experience occurs cither when infantile complexes which have been repressed are once more revived by some impression, or when primitive beliefs which have been surmounted seem to be confirmed" (149, 248). This is a dual model of haunting—we are haunted cither by the revival of what we have repressed or by the (seeming) confirmation of what we have surmounted. The equal weight given to the repressed and the surmounted makes it clear that willful forgetting must be understood by metaphors of both burial and conquest. Civilized subjectivity, as Freud describes it, is predicated upon repressing child- hood and surmounting primitivism. To avoid horror, civilized people must avoid being reminded of what has been buried, and, just as important, what has been conquered. But of course, they cannot. It is not even certain that Freud thinks they should.

By 1930, when he wrote Civilization and Its Discontents, Freud would verge on an anti-civilization stance, arguing that "civilization be- haves toward sexuality as a people or stratum of its population does which has subjected another one to its exploitation" (57). Clearly, this is a model of the internalization of subjection and exploitation, and the dis- contented tenor of Civilization and Its Discontents suggests that internalizing exploitations might be problematic. Although it would be absurd to cast Freud as a crusader for social justice here, it is also a mistake to cast him as a villainous supporter of the racist/imperialist status quo. His descriptions of white, middle-class American and European men's minds are insightful and accurate. He equates their sanity with their ability to maintain their places at the top of an internalized racial, gendered, geographic, and economic hierarchy. But he seems ambivalent at best about mental health, and much fonder of the neurotics, who cannot get over their discomfort with repressions or oppressions. There is indeed something quite ominous about the implied prescription for both the neuroses and the ghosts that afflict civilized individuals —which would be to do a better job of repression and internal colonization. But in fact, the cure that Freud offers is precisely the opposite of the cure that his work seems to imply. For the mentally ill, he recommends the talking cure, rather than silence—memory, rather than the continuing effort to forget. For the haunted, he makes no prescriptions at all; to the contrary, the long, bizarre catalogue of the weird that he presents to his readers in "The Uncanny" betrays a willingness more to entertain ghosts and horrors than to exorcize them. Freud strikes me as playfully perverse in this respect. Though he describes sanity as successful repression, he encourages his patients to remember. Likewise, he invokes the spooky, the spectral, and the weird with a pleasure that goes far beyond tolerance. If one message comes across clearly in "The Uncanny," it is that Freud really likes E. T. A. Hoffmann's story "The Sandman." Likewise, Totem and Taboo leaves us with the overwhelming impression that Freud enjoys the primitive. Throughout, Freud's works show us the pleasures of contemplating the forbidden, the sick, and the scary. I am reading Freud against the grain here, first by emphasizing his reliance on colonialist hierarchies of race and power, and second by emphasizing pleasure over pathology when I focus on Freud's enjoyment of the disruptions of these hierarchies. My first reading is far more conventional than my second; many scholars have implicated Freud in hierarchies of race, class, and gender, while relatively few have given more weight to pleasure than to pathology. One scholar who does share my fascination with the compelling pleasures of hauntedness is Julia Kristeva. In *Powers of Horror*, Kristeva draws on the Freudian arguments that I have outlined here to develop the concept of abjection. She defines the abject as that which is expelled from the self, and yet not discarded, but buried deep within the self. It is "something rejected from which one does not part."17 Kristeva's model of abjection is quite similar to Balibar's model of subjection. In both models, the self is built upon repressed and conquered selves. The repressed and the conquered—the abject and the subjected—are the foundations of modern subjectivity.

According to these definitions of subjectivity, it may seem that only bourgeois white men who live in Europe or America can be subjects. But that is not how it works. Although the subjectivity that I am describing here is certainly universalizing, it is not exactly exclusive. Instead, modern subjectivity compels everyone to internalize the same hierarchies. Thus, women think as men, people of color think as white people, workers think as owners, and everyone maps themselves as metropolitan. At the same time, all of us, including middle-class white men who live in European or American cities, contain (and are haunted by and afraid of) the female, the dark skinned, the alienated worker, and the geographically marginal.

In recent years, scholars from feminists to postcolonialists have examined the ambivalences attendant upon subjectivity in relation to these various groups.18 But, surprisingly, few of them really focus on the American subject. In fact, few address nationalized subjectivity in general. The being whom Balibar would style *homo nationalis* is mostly absent from their pages. Instead, most contemporary analyses of fractured subjectivity tend to give us *homo imperiens*—the imperial subject instead of the national subject. Of course, empires and nations are closely related, but there are important historical and geographical differences between imperialism and nationalism. Nationalism, as Anderson most notably tells us, is both an Enlightenment phenomenon and an American phenomenon. American subjectivity is different from European. It is explicitly national rather than imperial. This is not to say that America is not imperialist, but rather to assert that ideas of nation are more central to Americans than those of empire. Of course, nations and empires are intimately related to each other through the discourse of colonialism. American nationalist subjectivity internalizes the colonial relation, but, since the nation was established by denying the validity of colonialism, American subjects repress this interiorized colonialism far more deeply than do Europeans. I think this is why contemporary scholars are so puzzled about how to use postcolonial approaches to study America. On the one hand, America is and always has been a colony of Europe; on the other, America is an imperial power. But both of these facts are somehow shameful in an American context, since American nationhood is built on the denial of colonialism. The relation between the United States and the various Native American nations within the territory of the United States gives us one of the most concrete examples of this conflicted and internalized colonialism. In 1831, Supreme Court Justice John Marshall described tribal governments as "domestic dependent nations" in his decision in Cherokee Nation v. Georgia. Through no one seems to be certain of what this means, Marshall's ambiguous definition is still upheld. One thing is certain: by calling Indian tribes domestic and dependent, Marshall's definition points to the fact that they are inside America—they are internalized nations. At the same time, by according them the status of nations, the definition grants them some kind of independence, some kind of sovereignty. Of course it's a dependent independence—whatever that may be. The paradoxical status of Native American "domestic dependent nations" points, I think, to a continuing attempt to repress the colonial structure of America, without giving it up. Native American people are legally defined as geographically interior rather than exterior. They are the colonized subjects who dwell within America's borders.

Since Americans like to think of their own minds as American territory, it makes sense that they would think of Native Americans as internal entities whose oppression must be repressed, but must not be given up. This dynamic makes American subjectivity unique and particularly interesting. In fact, critics from Leslie Fiedler to Carroll Smith-Rosenberg have argued that it makes Americans particularly insane. In Love and Death in the American Novel and The Return of the Vanishing Americans, Fiedler de- scribes the place that Native Americans hold within the American psyche. Using a myth-critical approach he delineates an Indian archetype that is an archetype for madness. Love and Death in the American Novel asserts that "the final horrors are . .. intimate aspects of our own minds."19 At the close of The Return of the Vanishing Americans, Fiedler has located these horrors in the figure of the Native American, and called for each reader to embrace the "madness" of his or her secret and internal Indian "comrade." In the end, Fiedler tells us, "all of us seem men possessed."20 While Fiedler describes Americans as men in love with their own madness (which takes the shape of an archetypal Native American), Carroll Smith-Rosenberg describes Americans who try to deny their madness by defining themselves in opposition to the madness of Native Americans. In the article "Subject Female," she describes Americans as "decentered and fragmented," "subjects without cohesion," who finally refuse "the illusion of coherent subjectivity."21 Smith-Rosenberg describes Native Americans as "negative others" whom white Americans use in the ultimately unsuccessful attempt to "solidify the American subject."" For her, Native Americans work as figures of irrationality against whom Americans attempt to figure themselves as rational. Americans are insane, Smith- Rosenberg argues, and their only hope of fooling themselves into thinking that they are not is to hold up for themselves imaginary Indians who represent something even more insane. Both Fiedler's language of possession and Smith-Rosenberg's language of incoherence appeal to me, and both seem to get it partly right. But I have significant differences with both as well. Fiedler believes in an American psyche, which he attempts to analyze by means of archetypal literary criticism. In this book, I want to avoid assuming that there is an American mind that can be psychoanalyzed. Instead, I use psychoanalytic and historical approaches to analyze the ways that individuals have tried to create an American mind, and, equally important, tried to make their own minds American. This strategy aligns more with Smith-Rosenberg's approach. Like Smith-Rosenberg, I use Balibar's model of national subjectivity as an important starting point for my analysis. I also agree that Native Americans work as "negative others" as she describes them. I differ from Smith-Rosenberg, however, in my final analysis. She sees the American subject as fractured and incoherent. I see the same subject as strong and durable, cemented together by contradictory but interlocking impulses. The tensions that Smith-Rosenberg accurately delineates within the American subject seem to me to be joined in a Foucauldian sort of synthesis. American madness, if you will, is the foundation upon which an almost unassailable sanity is constructed. This Foucauldian understanding of American madness and sanity is crucial to the ideas of *The National Uncanny*.

Perhaps the most important theoretical and methodological cornerstone for The National Uncanny is Constituting Americans by Priscilla Wald. My ideas have developed through engagement with Wald's. In Constituting Americans, Wald uses Balibar, and also Freud's essay on "The Uncanny" to analyze the cultural "anxiety surrounding the conceptualization of personhood" in America. She argues that "the uncanny structured writers' experiences of their authorship," and that in America "authorship . .. emerges consistently as a means of exploring the internalized frontiers that constituted them as Americans."23 Wald also points out that race is central to the formation of American subjectivity, and, in the mid-nineteenth century, was also a determining factor in American citizenship. In such a context, the very thought of American Indians or African Americans might be experienced as the uncanny confirmation of the terrifying possibilities of powerlessness (or subjection) that American citizen-authors attempt to repress. During the nineteenth century, Wald tells us, American national discourse insisted that Native Americans were extinct, that they did not exist, or that they existed as representatives of the past, rather than as contemporaries in a shared present. The same discourse denied Indians political existence. In 1831, in the same decision that framed all Native American people as members of "domestic dependent nations," the Supreme Court opined that the Cherokee People could not be heard in court because, legally, they had no American civil identity. Wald characterizes the Marshall court's decision, which was founded on, and also established legally, Indian lack of identity, as enacting a policy of "erasure." The erasure of Native Americans was more than legal; it was cultural. One well-known example of such cultural erasure is Chief Logan's speech, which was reprinted and recited hundreds of times throughout the eighteenth and nineteenth centuries, and which ended in the plaintive question, "Who is there to mourn for Logan? Not one."24 The speech depicted an individual on the brink of total erasure, political, cultural, and familial. White Americans' belief that, like Logan, all the Indians had "disappeared," presented them with the specter of disappearance, the possibility of being erased, unmourned, and forgotten.25 Wald's explication shows us why Native American people might be terrifying, or at least uncanny, figures. It offers one rationale for describing them as ghosts. This construct also moves toward explaining the link between ghosts and nationalisms. But while Wald focuses on anxieties of authorship, *The National Uncanny* will focus more insistently on the ambivalences of Americaness. Where Fiedler describes Americans as "men possessed," Smith-Rosenberg describes the American subject as "incoherent," and Wald describes American authors as estranged and anxious, I will describe an American subject that is obsessed. To be obsessed, Freud tells us, is to be in the grip of an ambivalent impulse that arises equally from a wish and a counter-wish.26 I believe that Americans are obsessed with Native Americans. What I mean is that everyone, Czech to Chickasaw, who tries to imagine himself or herself as an American subject, must internalize both the colonization of Native Americans and the American stance against colonialism. He or she must simultaneously acknowledge the American horror and celebrate the American triumph. The potencies of both the wish and counter-wish— here the desire to continue colonizing Native people and the desire to escape from colonialist regimes—create an obsessional mindset, in which American subjects continually return to the Native American figures who haunt them.

#### From the perspective of effective history, we can see both the emancipatory and colonizing impulses in the history of the Cherokee Freedman’s expulsion. As Bergland already argued, American subjectivity is formed by the tension between colonizer and colonized; as such, an effective history would “not [tell] a story of Cherokee victimhood or triumphalism, but [tell] a story of colonization cutting across lines of tribe, race, gender, and economic status.

Ray ‘7 - Sr. Vice Provost & Associate Professor of Political Science, Philosophy, and Justice Studies, University of New Hampshire

Michigan Journal of Race & Law, Spring, 2007, 12 Mich. J. Race & L. 387, A RACE OR A NATION? CHEROKEE NATIONAL IDENTITY AND THE STATUS OF FREEDMEN'S DESCENDANTS, S. Alan Ray, Lexis

The Cherokee Nation n1 stands at a crossroads. On March 7, 2006, the Nation's highest court in Lucy Allen v. Cherokee Nation reversed itself and ruled that the descendants of former slaves owned by Cherokee citizens - the Cherokee Freedmen - were citizens of the Nation under its Constitution of 1975. n2 The Court's decision provoked immediate and strong [\*389] reaction from tribal leadership, Freedmen's descendants, and many of the Nation's citizens. On June 12, 2006, the Tribal Council passed a resolution to amend the Constitution to grant citizenship only to Cherokees (or their descendants) with a degree of Cherokee "blood" or adopted Delawares or Shawnees (or their descendants) with a degree of Delaware or Shawnee "blood" as determined by the Dawes Rolls. n3 The amendment required approval by a majority of Cherokee voters, and following a successful initiative petition, a special election on the amendment was held on March 3, 2007. n4 By a clear majority, the amendment was approved. n5 African Americans who trace their ancestry to the Cherokee Freedmen felt keenly the exclusionary effects of the Nation's action and anticipated their expulsion from the tribe's political life. The Nation performed its sovereign right to establish its citizenship criteria, therefore, in a social context marked by racial division. At issue was whether the Cherokee Nation should legally exclude members, present and future, who have no demonstrable "Indian blood," and more fundamentally, whether the political identity of the Cherokee Nation should center on biology or law. This Article examines the Cherokee Freedmen controversy to assess whether law and biology can function as sufficient models for crafting Cherokee identity at this crucial moment in the tribe's history. I will argue that while law and biology are historically powerful frames for establishing tribal self-identity, they are inadequate to the task of determining who should enjoy national citizenship. The wise use of sovereignty, I will suggest, lies in creating a process of sustained dialogical engagement among all stakeholders in the definition of Cherokee citizenship on the question of Cherokee identity. This dialogue should ideally [\*390] have been undertaken before the Nation moved to the political solution of a vote on tribal citizenship criteria. The exclusion of the Freedmen's descendants without such a dialogue may have high political and social costs to the Nation, its members, and its apparently former members. The dialogue I propose could be constructed along the lines suggested by sociologist Eva Garroutte, whose model of Radical Indigenism offers one means of considering these complex issues from within the Cherokee community itself.

[Continues…]

With the amendment of the Cherokee Constitution to impose an "Indian blood" requirement, the Cherokee Nation may be heading at last toward an isomorphism of one set of its members' social identities (as biological Cherokees) and their political identity (as Cherokee citizens). If the results of the election stand, the Freedmen's descendants will be hived off and rendered invisible from the standpoint of the Nation's organic document and tribal code. But the attempted resolution of the Nation's political crisis by legal simplification could come at a significant social cost, not least because the public debate thus far has avoided or disavowed the role of perhaps the most important variable of all: race.

C. Cherokee Identity: Biological Definitions and their Limits

The Lucy Allen Court, in rejecting the validity of the tribal code's "Indian blood"-based citizenship criteria, distinguished the Nation as a political sovereign from the tribe as a biologically-linked community, and in so doing, pointed to the rich and complex network of races and societies that have traditionally made up the Cherokee Nation's polity:

The Cherokee nation is a Sovereign. The Cherokee Nation is much more than just a group of families with a common ancestry. For almost 150 years, the Cherokee Nation has included not only citizens that are Cherokee by blood, but also citizens who have origins in other Indian nations and/or African and/or European ancestry. Many of these citizens are mixed race and a small minority of these citizens possess no Cherokee blood at all. n112

I advert to the Cherokee Nation's traditionally varied racial and ethnic composition not to argue that tribal policies should reflect the past, and therefore efforts to amend the Constitution to impose a "blood" requirement for citizenship are inappropriate. As a citizen of the Cherokee Nation, I agree with legal scholar Carole Goldberg that the "contemporary concerns of tribal communities" must be the touchstone for setting citizenship criteria, and "there is no reason to deny" the legitimacy of criteria based on such concerns "merely because they depart from "traditional' measures." n113 At the same time, clearing the field of methodological attachments to traditions of citizenship raises the question for the Cherokee Nation's voters - and for no one else - of how we should evaluate biology as a criterion for citizenship, especially where our tribal history includes slave-holding and our northeastern Oklahoma roots are still fed in significant ways by the culture of the South. n114 [\*416] 1. The Construction of the "Red" Race "Race," Circe Sturm writes, "is not a natural, biological, or scientific category. Instead, it is a social, historical, and political category defined in biological terms." n115 In his important study of the construction of Whiteness as a prerequisite for United States citizenship, legal scholar Ian Haney Lopez defines "race" as "the historically contingent social systems of meaning that attach to elements of morphology and ancestry." n116 Lopez elaborates his understanding of race along three "interrelated levels, the physical, the social, and the material": First, race turns on physical features and lines of descent, not because features or lineage themselves are a function of racial variation, but because society has invested these with racial meanings. Second, because the meanings given to certain features and ancestries denote race, it is the social processes of ascribing racialized meanings to faces and forbearers that lie at the heart of racial fabrication. Third, these meaning-systems, while originally only ideas, gain force as they are reproduced in the material conditions of society. The distribution of wealth and poverty turns in part on the actions of social and legal actors who have accepted ideas of race, with the resulting material conditions becoming part of and reinforcement for the contingent meanings understood as race. n117 The relationship of law to race is not merely regulatory, it is productive. On all three levels - physical, social, and material - law operates to assign meaning to bodies and ancestry. As Lopez states, "The legal system influences what we look like, the meanings ascribed to our looks, and the material reality that confirms the meanings of our appearances. Law constructs race." n118 The construction of racial identities through the dividing practices of plantation slave-holding and resistance to it established patterns of social interaction that would reproduce themselves long after 1866 and the end of slavery itself. My focus in this section and the next will be on the [\*417] eighteenth and nineteenth centuries, when Cherokees developed their own forms of colonial and early-American slave-holding inflected by traditional Cherokee culture and Euroamerican notions of citizenship. n119 In the process, Cherokees reproduced and politically imbedded the practices by which racialized meanings were assigned to the faces and forbearers of African-descended men and women, Euroamericans, and themselves. The construction of Cherokees as "red men" was not a self-reflexive act of an indigenous people, but was performed by Europeans and Euroamericans according to preexisting racial narratives, drawn from Christian monogenetic and Enlightenment sources, which esteemed Whiteness, loathed Blackness, and sought the salvation and civilization of all. n120 In 1728, for example, Virginia planter William Byrd wrote, "All Nations of men have the same Natural Dignity, and we all know that very bright Talents may be lodg'd under a very dark Skin. The principal Difference between one People and another proceeds only from the different Opportunities of Improvement." n121 By the end of the eighteenth century, however, "Cherokees had begun to internalize some ideas of race as fundamental to their own identity." n122 They had incorporated "an understanding of racial difference and racial prejudice that articulated with Western views... . Human differences that Cherokees had once understood in terms of color symbolism, culture, politics, and kinship were now also understood in terms of race": Red, White, and Black had become racial categories "because the Cherokees described the origins of difference as [being] innate, the product of separate creations, and they [\*418] spoke of skin color as if it were a meaningful index of difference." n123

Indeed, skin color was a meaningful index of difference: Cherokees of the late eighteenth century were engaged in "racial fabrication" by ascribing social meaning to their own "faces and forbearers" (Lopez) and the physiognomy and lineage of those around them. On some occasions, Cherokees attempted to simultaneously accept their classification as "red" and subvert the Euroamerican hierarchy of White over red by appealing to shared norms of theology and longevity on the land. For example, presiding over the Treaty of Hopewell in 1785, Cherokee Chief Old Tassel reminded his American interlocutors, "I am made of this earth, on which the great man above placed me, to possess it... . You must know the red people are the aborigines of this land, and that it is but a few years since the White people found it out. I am of the first stock, as the commissioners know, and a native of this land; and the White people are now living on it as our friends." n124

At the same time, with the support of American policies of "civilization," Cherokees were increasingly intermarrying with Euroamericans. Indeed, the socially-approved practice of intermarriage between Euroamerican men and Native American women was of longstanding. For nearly two centuries, Euroamerican officials and missionaries held up the example of the Virginian John Rolfe, who married Pocahontas, the daughter of Algonquian Chief Powhatan, in 1614, as proof of the advantages that could accrue to both Euroamericans (in terms of peace and economic gain) and Native Americans (in terms of cultural and religious "betterment") if they "blended their stocks" in marriage. n125 So beneficial were these unions regarded for British colonial interests that government officials in 1755 urged a policy of relocating Euroamerican soldiers and convicts to the frontier to serve as marriage partners for Native American [\*419] women. n126 Similarly, early United States policy endorsed by Thomas Jefferson, among others, favored intermarriage between settlers and Native Americans as a means assimilating the latter to the "civilized" culture and mores of the former. n127 The phenomenon of Euro and Native American intermarriage may be attributed in part to the view prevalent through the eighteenth century that "red" skin resulted from environmental causes and did not reflect fundamental differences between the two groups: the Indians' application of "bear's oil, or grease, mixt with a certain red root, which, by a peculiar property, is able alone, in a few years time, to produce the Indian colour in those who are White born." n128 "Europeans," historian Theda Perdue states, "refused to admit that Indians possessed genetically darker skin." n129

The accommodation, indeed cultivation, of Indian-White intermarriage of this period illustrates Lopez's point that race is physically constructed by laws and policies that constrain or facilitate reproductive choices:

While admittedly laws cannot alter the biology governing human morphology, rule-makers can and have altered human behavior that produces variations in physical appearance. In other words, laws have directly shaped reproductive choices. n130

An example of such law-shaped variations is the phenomenon of "mixed bloods." As a result of government-encouraged Indian-White intermarriage, and later the Cherokee's own legal codes permitting White-Cherokee unions, n131 generations of Cherokee children were racially constructed as "mixed-bloods." Purdue writes that, "Unlike their White neighbors, Native people had no category for "mixed-bloods' and almost never used the term. On the rare occasion when they did, "half-breed' described or personified departures from traditional ways of doing things [\*420] rather than identifying particular individuals by race." n132 For Euroamericans of the early nineteenth century, however, mixed-bloods could be unsettling, liminal beings, confusing at times in their appearance, n133 constantly in need of authoritative surveillance n134 and racial coding. n135 At the same time, "mixed-blood" Cherokees who were familiar with Euroamerican culture could be especially effective in negotiating the interests of the Nation. The "mixed-blood" Cherokee Principal Chief John Ross, "although only 1/8 Cherokee, ... was reared traditionally and had a preference for native clothing and mode of dressing as a boy and young man. He was educated in mission schools and at private boarding schools." n136 Ross was highly acculturated as a Cherokee, and moved easily between cultures during successive national crises during his nearly forty-year tenure as principal chief, serving in major leadership roles from 1828 to his death in 1886. n137

[\*421] In summary, as the nineteenth century began, Cherokees had adopted two, complementary race-based strategies for dealing with the new Republic and the insatiable demands of Euroamerican settlers for tribal lands. On the one hand, Cherokees appear to have accepted their racial construction as "red," but resisted, even inverted, the Euroamerican hierarchy of races that subordinated red to White. On the other hand, Cherokees increasingly took on the customs, dress, manners and appearance of Euroamericans, and through intermarriage with them, "coded" increasingly as White. These Cherokees, many though not all of them of "mixed-blood," ascended to leadership positions in the tribe, and, with "full-bloods," endeavored to negotiate their traditional Cherokee self-understanding as "the principal people" n138 by participating in the vernacular of Euroamerican culture and the institutions of the Southern colonies, later states. n139 Consequently, the road to Cherokee prosperity for some would lead through the political institution of the nation-state, and the economic engine of plantation slavery. 2. The Construction of "Black" by "Red" Lopez reminds us that the specification of faces and forbearers in terms of race relies upon social meaning-systems which, "while originally only ideas, gain force as they are reproduced in the material conditions of society." n140 Cherokees, who adopted and strategically adapted Euroamerican notions of race and "redness" in the seventeenth and eighteenth centuries, appear to have easily embraced Euroamerican bias against Black skin when they encountered it in the bodies of African slaves, and to have interpreted it immediately as a sign of intrinsically inferior social status. n141 [\*422] While Cherokees initially had no concept of race, n142 "soon after their first contact with Africans ... the Cherokees no doubt realized that Europeans regarded Blacks as inferiors and they were in danger of receiving the same treatment." n143 Indeed, "the English colonists purchased their first cargo of Africans at about the same time they began enslaving Indians." n144 The enslavement of Native Americans peaked during 1715-1717 and declined until it officially ended after the American Revolution. n145 While the Indian slave-trade flourished, the powerful Cherokees, while sometimes victims of capture and sale, turned away from their aboriginal system of warfare (which operated in the service of clan-based retributive justice) n146 and became adept market participants in the capture and trading of Indians of neighboring tribes, such as the Yuchi and Guale, to Europeans. As a result, traditional Cherokee society, which operated economically on subsistence farming and hunting, changed forever, as Cherokees became increasingly dependent on the Western market goods they received in exchange for captive Indians. n147 As the market for Indian slaves declined, Cherokees shifted to capturing and trading Black slaves, having "discovered that the capture of Black slaves was particularly profitable, and by the American Revolution most Cherokees traded almost exclusively in Black slaves." n148 When African slaves ran away, their owners commonly employed Native Americans, including Cherokees, to retrieve their lost property. n149 Fearing alliances between Native Americans and African slaves, the colonists "not only employed Indians to find escaped slaves but also used Blacks in military [\*423] campaigns against Indians." n150 As historian William McLoughlin explains, "White colonial governors, settlers, and Army commanders in the Carolinas in the eighteenth century deliberately spread scare stories of Indian cruelty among their slaves, armed slaves to kill Indians and paid Indians to capture and return runaway slaves... . [all as] a conscious and calculated part of White policy in the years when the Indians and Blacks in the Southeast outnumbered the White settlers and could, together, have wiped out the Whites." n151 Throughout the eighteenth century, convinced that the European and native Americans were practically identical, Whites simultaneously insisted that Africans were the exact opposite of Europeans and Indians. By emphasizing the actual, exaggerated, and imagined differences between Africans and Indians, Whites successfully masked the cultural similarities of the two as well as their mutual exploitation by Whites. n152

Their culture now deeply committed to the economic system of the colonists, Cherokees readily ascribed inferior status to Black skin, which they associated exclusively with objects of the hunt, capture, and trade with Whites; or as agents of warfare waged against them by White masters. Their early participation in the Indian slave-trade had taught Cherokees to transform certain persons into commodities. Now, at the end of the eighteenth century, whether as goods in the marketplace or tools of the fight, Black bodies were first and foremost instruments of labor under the exclusive control of another - the very definition of slaves. In contrast to slave-objects, Cherokees were subjects who enjoyed intersubjective relations with Whites, intermarrying with them, studying their language and culture, and benefiting from ideologies of philosophy, religion, and law that, for a while yet, classified "White men" and "red men" as brothers, if not equals, "under the skin." The monogenetic premise of a common humanity, however, would soon change, and "blood would tell."

3. Cherokee Slavery and Cherokee Nation

Two major shifts, one socio-economic, the other political, occurred in the Cherokee Nation in the nineteenth century that bear particularly on today's Freedmen controversy. The first was the adoption of plantation slavery and the second was the adoption of the progressive political form of the nation. The two are historically related in that many of the same individuals who formed the economic, largely mixed-blood elite who owned significant landed estates were the most ardent supporters of nationhood and the [\*424] specification of Cherokee political identity in terms of citizenship. Cherokees of the antebellum South contributed to the empowerment of a race-based economy by simultaneously exercising authority over race-subordinates and negotiating their own identities under the conditions of White colonization.

a. Race as Economics

The Cherokees in the late eighteenth and early nineteenth centuries occupied aboriginal lands located largely in northwestern Georgia and southeastern Tennessee. n153 At an estimated 12,000-15,000 population, they were one of the largest tribes in the Southeastern United States. n154 They were also the wealthiest tribe, having sold extensive tracts of their land after 1777. n155 The availability of capital, combined with a government policy favoring Indian "civilization" through yeoman husbandry, n156 and their own ardent desire to acquire Western technical knowledge and equipment, n157 moved the Cherokees rapidly from an economy based on subsistence farming and hunting and to one based on the production of surplus agricultural products for market. n158 In the process, many Cherokees abandoned traditional gender roles which assigned agricultural cultivation and hunting to women's and men's labor, respectively. With game scarce and warfare ended, Cherokee men turned to agriculture, and in so doing, alienated Cherokee women from the "real economic power" they had previously enjoyed. n159 Once labor was re-gendered, and only [\*425] then, Perdue argues, the door opened for Cherokee slave labor and the plantation system: "Only when the identification of women with agriculture had ended was the introduction and utilization of slave labor for cultivation by even a minority of Cherokees possible." n160

Statistics from the period show that as the Cherokee population grew in the first 60 years of the nineteenth century the number of slaves of Cherokees, and slaves of Cherokees as a percentage of the Cherokee population, grew as well. McLoughlin reports the following data: n161

Year Cherokee Slaves of Slaves of Cherokees (as percent

Population Cherokees of Cherokee population)

(rounded) (number)

1809 12,000 583 4.85%

1825 14,000 1,277 9.12%

1835 15,000 1,592 10.61%

1860 17,000 4,000 23.52%

According to the census of 1835, "slaveholders cultivated more acres and produced more corn than nonslaveholding Cherokees, and they owned most of the nascent industries in the Nation." n162 With profits from the sale of excess agricultural product, Cherokees invested in various enterprises, such as mills and ferries. n163 The number of slaves owned per plantation, however, was not large: of the 207 slaveholders in 1835, "168, or 83 percent, owned fewer than 10 slaves." n164 Nonetheless, in 1835, Cherokees were significant slave-holders compared to the other tribes of the southeastern United States, and after Removal, the Cherokee held more slaves than any other tribe in Indian Territory. n165

Significantly, ownership of Black slaves was not evenly distributed across the Cherokee population according to race. "Mixed-bloods" owned a disproportionately high share of the slaves. Perdue reports that "only [\*426] 17 percent of the people living in the Cherokee Nation in 1835 had any White ancestors, but 78 percent of the members of families owning slaves had some proportion of White blood." n166 Missionaries of the time referred to "the half-breeds [who] have large plantations, which they cultivate by the aid of slaves." n167 It would misleading, however, to suggest that Cherokee plantation slavery at this time was exclusively the provenance of wealthy "White-Cherokees" where some "full-bloods" (albeit a minority) n168 also participated in the system. n169

The emergence of "mixed-blood" Cherokees in Euroamerican society in the early part of the nineteenth century is nonetheless remarkable. In addition to success in the economic sphere, many "mixed-bloods" negotiated hybridic Cherokee identities n170 through intermarriage with Whites, n171 conversion to Christianity, adoption of Western-style manners and dress, and the achievement of fluency in written and spoken English. n172 As Perdue notes, "Contact with a White parent or grandparent gave these people a head start toward "civilization,' and it influenced them to identify linguistically with White society." n173 Economic prosperity [\*427] through the plantation economy and successful negotiation of Cherokee identities under the conditions of Euroamerican cultural colonialism, especially by "mixed-bloods," gave the Cherokees their reputation at the time as "the "most civilized' of all the Indian nations." n174 As McLoughlin and Conser observe, "The Cherokees, in short, were acquiring by 1835, only a generation after giving up warfare against advancing White expansion, a bourgeois socioeconomic structure." n175

However, the establishment of Cherokee identities under the conditions of plantation slavery required Cherokee masters to reproduce and even intensify racial stigma. Though some scholars have concluded that Cherokees "probably treated their slaves much better on the average than did their White counterparts," n176 perhaps harkening back to a time before Cherokees learned to code skin-color as a sign of inferiority, n177 others have argued that "slavery among the Cherokees was little different from that in the White South," n178 and "some Cherokee masters could be as cruel and vicious as their White counterparts." n179

The success of plantation slavery among an elite of the Cherokees in the first three decades of the nineteenth century, therefore, required a constellation of factors, among which were: government policies favoring "civilization" through yeoman husbandry; an influx of capital from the sale of certain tribal lands; an adequate and reliable supply of productive forces (land, tools, agricultural knowledge, and African labor); the subordination of [\*428] clan-based obligations to the rule of American law; the transformation of an economy based on hunting and subsistence farming, to one devoted to the production of surplus goods for sale; the transformation of gendered labor roles within Cherokee society; and intermarriage with Whites and the creation of corresponding bonds of intimacy and obligation with the dominant society. The productive organization and deployment of these social and economic opportunities, however, required Cherokee elites to implement Euroamerican racial hegemonies and a corresponding ideology of "blood" purity. n180 The Cherokee system of plantation slavery was premised on the Cherokee construction of persons of African descent as ontologically "other" and inferior to both Indians and Whites, and therefore, like horses and oxen, as appropriate entities for service in the fields and marketplaces of their masters. n181 Cherokees had been primed to embrace slavery by their participation in the Indian slave market of the eighteenth century, and now, in the nineteenth century, the social place already created for Black men and women to occupy became an economic space for exploitation by largely "mixed-blood," White-acculturated Cherokees. n182 This picture of Cherokee social and economic arrangements in the early nineteenth century, however, has the quality of a negative: it demonstrates how a subset of White-acculturated, often "mixed-blood" Cherokees, a tribal elite of critical historical importance, deployed Euroamerican racial ideologies to enslave African Americans for profit. Yet this picture is partial. [\*429] It does not reveal in what sense these Native Americans retained and fought for their identities as Cherokees. To understand this side of the picture, it is necessary to examine the rationale for the Cherokee Nation.

b. Race as Nation In the early 1800s, the destabilization of the traditional Cherokee clan system led to the consolidation of the tribe around the image of the nation-state. n183 As historian Fay Yarbrough observes, "in the nineteenth century, the strength of the clan system waned, and the concept of legal citizenship substituted for clan in determining legitimate membership in the Cherokee Nation." n184 Under the clan system, tribal membership was conferred by birth to a Cherokee woman; a matrilineal society, the Cherokee were indifferent to the race of the father where membership status was concerned. n185 The marginalization of the clan system by Cherokee engagement with Euroamerican social, cultural and economic systems opened the way for new definitions of Cherokee tribal membership; by adopting a Euroamerican model of government as the tribe's organizing principle, membership in a Cherokee clan was put in tension with, and, for many, eventually replaced by, Cherokee citizenship. n186 The model of the nation served the Cherokees by providing a dual vantage point from which they could alternately project outward, to the federal government and to the states of the Union, a self-conception as a government, one among many, possessing the rights and dignity appropriate to a sovereign. n187 The model of the nation also provided the vantage [\*430] from which the tribe could look inward and assign to itself an identity as a people according to its own lights. The political identity of the Cherokee Nation would reflect both: a sovereign among nations and a people set apart. From the start the national design intentionally imitated key features of the United States federal government and the ideology of rights: In the first three decades of the nineteenth century, [Cherokee] leaders established a bicameral legislature, a national police force, a supreme court, a elective system of representation based on geographic districts rather than towns, and in 1828, a written constitution patterned after that of the U.S. federal government. They also adopted a concept of tribal sovereignty that "shared much of the ideology of the individual sovereign states of the Union." ... The new Cherokee state gradually displaced town politics, becoming the official administrative, bureaucratic, and political center of the Cherokees' newly emerging national community. n188

Race, however, became "a cornerstone of the national identity," and the Cherokee's adoption of the ideology of "race as nation" implied "that race, or racial metaphors of blood or kinship, could be used to define a nation "as a collective subject, as a superorganism with a unique biological-cultural essence.'" n189 The "new Cherokee state would increasingly replicate the racial ideologies and practices of the U.S. federal and state governments." n190 As one of its first steps, the new government, in its Constitution of 1827, denied persons of "the African race" the right to hold office and the right to vote: No person shall be eligible to a seat in the General Council, but a free Cherokee male citizen, who shall have attained to the age of twenty-five years. The descendants of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to [\*431] the customs and laws of this Nation, shall be entitled to all the rights and privileges of this nation, as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either by the father or mother side, shall be eligible to hold any office of profit, honor or trust under this Government. n191

Additionally, "all free male citizens, (excepting negroes and descendants of White and Indian men by negro women who may have been set free,) who shall have attained to the age of eighteen years, shall be equally entitled to vote at all public elections." n192

The exclusion of persons of African descent from Cherokee Nation office-holding was continued in the successor to the 1827 Constitution, the post-Removal 1839 Constitution. n193 The 1839 Constitution also carried forward the denial of the voting franchise to slaves and women. n194

Even before adoption of the 1827 Constitution, the Cherokee Council in the early 1820s passed a series of antimiscegenation laws like the one enacted in 1824, which prohibited "intermarriages between negro slaves, and Indians, or Whites," stating such marriages "shall not be lawful," and providing that anyone permitting "their negro slaves, to intermarry with Indians or Whites" would be liable to "the Cherokee Nation" for a fine; and further:

Any male Indian or White man marrying a negro woman slave, he or they shall be punished with fifty-nine stripes on the bare back, and any Indian or White woman, marrying a negro man slave, shall be punished with twenty-five stripes. n195

Such statutes had the effect of intensifying the distinction between Cherokees, here referred to racially as "Indians," in contrast to "negro slaves" and "Whites." In this way, Cherokee statutory law assigned roles of [\*432] normative intimacy according to a race-based system of meanings. Further, while the code produced "Indians," "White men," and "White women" in terms of race and gender, for Blacks only the code produced "docile bodies," to use Foucault's famous phrase, along three axes - race, gender, and servitude: "negro woman slave" and "negro man slave." n196 Finally, while the code constructs the objects of its control and stipulates their normative relationships, it simultaneously establishes "the Cherokee Nation" as an offended sovereign, whose authority opposes lawbreakers per se, regardless of race or gender, and whose "stripes" produce, in Foucault's terms, "the effect, in the rites of punishment, of a certain mechanism of power: of a power that not only did not hesitate to exert itself directly on bodies, but was exalted and strengthened by its visible manifestations." n197

The elimination of licit marriages between "negro slaves" on the one hand, and "Indians" or "Whites" on the other, focuses on slave-status: the 1827 Constitution "permitted citizenship, albeit with restrictions, for descendants of Cherokee women and free Black men." n198 If the 1827 Constitution can be said to look backwards, to the older clan system, in this recognition of citizenship, the action of the Council in 1825, to grant citizenship to the children of Cherokee men married to White women, looked forward, to the nation-model of citizenship: "The Cherokee Council extended citizenship to "the children of Cherokee men and White women living in the Cherokee Nation as man and wife' and made them "entitled to all the immunities and privileges enjoyed by citizens descending from the Cherokee race, by the mother's side.'" n199 As Yarbrough summarizes, "Cherokee men could now create Cherokee citizens." n200

Following the Removal Act of 1830, the pressure of the federal government and the State of Georgia, its militia, and lawless White settlers to obtain Cherokee land became overwhelming, and in 1835, an unauthorized group of Cherokees, a minority of citizens known as the Treaty Party, and the United States entered into the Treaty of New Echota for the sale of all remaining Cherokee lands east of the Mississippi. Leaders of the Treaty Party, an elite group of some of the wealthiest plantation owners, [\*433] and their slaves immediately decamped for Indian Territory. n201 Though both the leadership of the Treaty Party and the majority political body, the National Party, owned slaves, the remaining Cherokees, who were more culturally conservative, now "associated slavery with the White southerners who had forced them from their homes and with the slaveholding Cherokees who had signed the fraudulent treaty." n202 Attempts by Principal Chief Ross to retain their land base failed, and in the winter of 1838-39, at the bayonet-point of thousands of federal troops, approximately 16,000 Cherokee citizens and their slaves embarked for Indian Territory (present day northeastern Oklahoma) on what became known to Cherokees as Nunna daul Isunyi, "the trail where we cried." An estimated one-quarter of the tribe and an unknown number of slaves perished on route.

The trauma of their forced march, displacement from ancestral lands, anger at their betrayal by fellow Cherokees, and ardent desire to survive as a nation led almost immediately to two defining political events: the confrontation and killing of most of the leaders of the Treaty Party and the signing of the 1839 Constitution. In these large gestures of sovereignty, the Cherokee Nation symbolically witnessed the end of one phase of its political life and announced the start of another. n203 When, in a ceremony in 1846, Principal Chief Ross finally accepted the Treaty of New Echota as a fait accomplice, he shook hands with his arch enemy, Stand Watie, the sole surviving leader of the Treaty Party, and deftly acknowledged the biological and nationalistic fundaments of their bond, saying, "We are all of [\*434] the household of the Cherokee family and of one blood ... embracing each other as Countrymen, friends, and relatives." n204

In the years preceding the Civil War, the Cherokee Nation enacted increasingly severe slave codes. These codes re-entrenched the position of the "mixed-blood" elite who once again owned the majority of slaves, operated plantations (albeit on a smaller scale), and sought to control the Nation's blood-based political and social identities. Slave rebellions in 1841, 1842, and 1850 n205 prompted enactment of even harsher penalties on disobedient slaves and those would assist them in emulating the lifestyle of the Nation's citizens. From 1841 to 1859, the following laws were passed by the Council (as summarized by McLoughlin):

1841 - No slave shall be allowed to carry firearms, knives, dirks, or other dangerous weapons

1842 - Any free negro or slave aiding another slave to run away shall receive 100 lashes and be removed from the Cherokee Nation

1848 - Anyone teaching a negro to read or write shall be banished from the Cherokee Nation

1855 - No public school teacher "suspected of entertaining sentiments favorable to abolitionism" shall be allowed in the Nation

1859 - All free Blacks in the Nation shall be required to leave (this bill though passed by both houses of the Cherokee legislature was vetoed by the chief). n206

As McLoughlin observes, "it can be shown very easily that the status of Black slaves and Black freedmen among the Cherokees declined steadily over the years. Accepting the standards of neighboring White civilization, the Cherokees gradually adopted all the worst features of Southern Black slave codes (including the mounted, armed patrols to enforce them)." n207 Yarbrough states: Throughout the nineteenth century, Cherokee authorities sharpened the line between Indians and people of African descent. The Nation also more closely aligned itself with the White race and adopted a racial ideology that focused on the difference between Black and non-Black instead of White and non-White. That is, whereas American society defined its members in terms that distinguished between those who were [\*435] White and everyone else, the Cherokees chose to focus on the similarities among all non-Black peoples, making the distinction between those who were Black and everyone else. This new racial identification was a great ideological shift for Cherokees who had seen themselves as not only distinct from Whites, but distinct from other Indian tribes as well. n208

[Continues…]

Progressive social science at the end of the nineteenth century, therefore, carried forward the Euroamerican racial significations of previous centuries, n236 but authorized them within a new disciplinary matrix of federal Indian law and policy. The plan of the federal government to allot tribal lands to Indians in severalty, despite its often clumsy or corrupt implementation in the field, n237 represents the operation of law under the conditions of race science: both science and "common sense" showed Indians to be a weak and vanishing race, whose only hope lay in assimilation and the embrace of private property; and "negroes" to be even less evolved than Indians and naturally suited only for the subsistence farming that their allotments would provide. n238 That the biological theories underpinning [\*442] these social policies and their racist ideologies are utterly false is now virtually beyond challenge. n239 As Garroutte states:

A final concern [with] biological definitions of [Native American] identity is their inextricable entanglement with the notion of race. Biological definitions promote the notion that "race" constitutes an objective, genetically based difference between groups of people. Most Americans accept this assumption, unaware that it runs contrary to most current scientific knowledge, which tends to view racial distinctions as significant social, but not biological, realities. n240

Consequently, the wisdom of employing the Dawes Rolls as a determinant of Native American identity must be questioned; especially, though not only, the use of those rolls which claim to denote "Indians by blood." They should be questioned not because they are inaccurate indicators of Native American ancestry for those listed (though they may be that as well), n241 but because they recapitulate a system of race hierarchies based on bogus science. [\*443]

[Continues…]

3. Effective History of Colonialism Third, I would add to Garroutte's model the assumption that the social construction of Native American identities proceeds within a political, legal, and rhetorical matrix that embodies centuries of Euroamerican domination and indigenous peoples' resistance. n279 As a result, tribal members' constructs of themselves and "others" may consciously or unconsciously reflect ideologies of race, class, and other divisions, which implicitly devalue Native Americans themselves and marginalize Native Americans' access to their own histories and cultures. n280 The assumption of the effective history n281 of colonialism, therefore, also will inform the model.

[Footnote 281 Begins]

n281. " Effective history" is a concept taken from the work of philosopher Hans-Georg Gadamer, and means, in this context, the abiding impact of Euroamerican colonization on indigenous peoples and their apprehension of the world. See Francis J. Mootz III, The Ontological Basis of Legal Hermeneutics: A Proposed Model of Inquiry Based on the Work of Gadamer, Habermas, and Ricoeur 68 B.U. L. Rev. 523, 529 (1988) ("understanding is never subjective behaviour toward a given "object,' but towards its effective history - the history of its influence... .") (quoting Hans-Georg Gadamer, Truth and Method xix (Eng. trans. 1975)).

[Footnote 281 Ends]

The dialogue on Cherokee citizenship would presume the relevance of Euroamerican history for the Nation, not as a story of Cherokee victimhood or triumphalism, but as a story of colonization cutting across lines of tribe, race, gender, and economic status. The dialogue would be difficult and would of necessity include a searching look at how Cherokee government has been influenced by and at times embraced (in academic jargon) Euroamerican racial hegemony and ideology. Of necessity, the dialogue would ask participants to consider the history of the Freedmen, and explore how their history and that of the Cherokees "by blood" have intersected under the influence of colonialism, and how that influence may continue to shape even the dialogue itself.

### Section II

#### Our genealogical approach towards “history’s effects” has value because it opens space for politics while still acknowledging the gaps and discontinuities between our practices in the world of debate and the political order as it is currently construed. Critiques of shared assumptions about the past are open to the future, but this openness is only generated by the productive tension between the demands of the present political moment, on the one hand, and the intellectual demands imposed on us by this resolution and this debate. Tracing the descent of history’s effects on knowledge and power has intellectual value and opens the possibility of disruption by virtue of the tension it maintains with or against any orienting *telos.*

Wendy Brown 1, prof at Berkeley, Politics out of History, 37-44

What of moralism in intellectual life, represented by what has often been termed "political correctness" inside and outside the academy­ a high level of righteousness, defensiveness, and concomitant refusal of the very intellectual and political agonism that one expects to find celebrated in left and liberal thinking? How have commitments to knowledge, questioning, and intellectual depth been overtaken by the kind of fundamentalism historically associated with conservatives?15 To what extent is moralism within intellectual life a displaced response to political paralysis outside the academy, a paralysis guiltily taken up by and turned back against intellectual life in self-flagellating fashion? Does this anti-intellectual self-flagellation itself substitute for action in the face of despair about action? Or is this moralism a response to an aimlessness within contemporary intellectual life-a feeling of political irrelevance and purposelessness that redoubles some intellectuals' sense of impotence, now experienced both in the political and in the intellectual domains? Precisely what does the moralism specific to contemporary intellectual life symptomize? A return to the contrast between a substantive moral bearing and its redacted and transmogrified moralistic cousin may help us develop these questions. A richly configured political or intellectual morality bears an openly contestable character insofar as it must be willing to give an account of itself and be tested against other accounts of the good.16 And it cannot encode itself as law, or in law, without losing its philosophical and spiritual depths-precisely the evisceration that has befallen both liberal and socialist moral doctrine when codified as absolute truth. Moralism, however, is animated by a tacitly antidemocratic sentiment: it does not want to talk or argue but rather seeks to abort conversation with its prohibitions and reproaches. Put another way, while political morality at its best aims to incite a particular political formation and seeks to unite a people under the auspices of the understanding it tenders, moralism takes up and rebukes isolated positions. In this regard, moralism can be understood as a historically specific effect of quite isolated and vulnerable subjects-subjects who claim membership in an abstract identity-based community but rarely experience themselves as concretely sustained or protected by actual communities of solidarity. Similarly, while any particular moral system derives its validity from the possibility that any person might adopt and inhabit it, contemporary political moralism tends to conflate persons with beliefs in completely nonvolunteristic fashion: persons are equated with subject positions, which are equated with identities, which are equated with certain perspectives and values. To be a white woman is thus equated with speaking or thinking as a white woman, just as to include a "diversity of perspectives" is equated with populating a panel or a syllabus or an anthology with those who are formally-or, more precisely, phenotypically, physiologically, or behaviorally-marked as "diverse." Inadvertently, it seems, I have now raised the question of the relationship between moralizing discourse and contemporary cultural or multicultural politics. What makes such politics especially susceptible to a moralizing didacticism? I want to venture four brief and highly speculative answers. First, as counterhegemonic cultural and political formations, they transpire outside the domain of the officially political realm, and in some discursive contrast to that realm's preoccupation with power and interest. Thus, these political formations often understand themselves as truer, as less bound to the corrupting forces of power and interest-in short, as occupying higher moral ground than that of either their putative opposition or their interest group cousins. At the same time, their discursive exclusion by and from the conventional political order constitutes an incessantly repeated injury (thereby doubling the social injury constitutive of their original formation) that provide the perfect breeding ground for moralism.

Second, notwithstanding the Right's view of them as a monolith, these political formations are so fragmented, are such small elements of movement often so tenuously linked with each other (when they are linked at all), that they invariably assume a siege mentality and see almost all forms of power as a threat to their existence. They are thus susceptible to growing rigidly defensive and brittle out of a sense of their imperiled existence; this defensiveness also tends to preclude their addressing deep sources of injustice and to incite instead a politics that acts at the largely symbolic and gestural level, the level at which moralism runs rampant. Third, to the extent that identity politics are institutionalized-in academic programs and in political caucuses or other political organizations-they are susceptible to the profoundly depoliticizing logic of liberal institutions: historical conflicts are rendered as essential ones, effect becomes cause, and "culture," "religion," "ethnicity," or "sexuality" become entrenched differences with entrenched interests. But precisely because effects of power have been discursively converted to essentialized entities, their interests cannot be addressed within that discourse. To put this problem another way: identitarian political projects are very real effects of late modern modalities of power, but as effects, they do not fully express its character and so do not adequately articulate their own condition; they are symptoms of a certain fragmentation of suffering, and of suffering lived as identity rather than as general injustice or domination-but suffering that cannot be resolved at the identitarian level. It may be easier to see this dynamic in discourses that essentialize conflict in places such as Northern Ireland, the Middle East, or South Africa. To formulate the problem in those regions as one of Catholics versus Protestants, Arabs versus Jews, or blacks versus whites, rather than understanding the oppositional character of these identities as in part produced and naturalized by historical operations of power (settler colonialism, capitalism, etc.), is a patently dehistoricizing and depoliticizing move-precisely the sort of move that leads to moralizing lament or blame, to personifying the historical conflict in individuals, castes, religions, or tribes, rather than to potent political analysis and strategies. The mechanism is relatively easy to in cases remote from North American shores; but largely because of the essentializing logic of liberal institutions, such a perspective is much more difficult to sustain when one considers the politics of “cultural diversity” – the depoliticization is in the very appellation – in the United States. Fourth, and related to the previous point, what travels under the sign of cultural or identity politics often has very little in the way of what neo-Gramscians call a new hegemonic project. By this, I do not mean that "multicultural politics" lacks a proper sense of patriotism, as Richard Rorty has argued17 but that it often has no vision of emancipation from racism, homophobia, or sexism (nor a serious analysis of the relationship of these ills to capitalism, and hence to class). Put another way, the problem with a politics of "difference" is that it lacks a vision of the future that overcomes the political significance of such differences, and thus lacks an affirmative collective project. Perhaps it is for this reason that such political formations at times appear more invested in amassing and citing continued evidence of the injury justifying their existence than in figuring alternatives to these conditions (chapter 3 will explore this investment in greater detail). Indeed, where would programs in women's studies or ethnic studies be without the nightmare of gender and ethnic subordination and violation, on the one hand, and the conceit of the analytically isolatable character of these injuries, on the other? Yet these kinds of negative political investments (which themselves signify a form of political paralysis), combined with the bad conscience they foment over the injuries and sufferings of other groups, are sure recipes for moralizing politics. It is as if moralizing filled in the painful and embarrassing blank drawn by so many over the "think globally" side of the post-Marxist imperative to "think globally, act locally." As our global analyses lead us to appreciate the powers constitutive of our current predicament as overwhelming, and as this appreciation stands denuded of the faith that God or Progress will lead us out of this predicament, our local actions reduce to moralistic reproaches-rarely transformations-of the traces of these powers coursing through our immediate environs. If moralistic discourse always harbors a certain anxiety about "practice," it also operates as a strange substitute for action; it is what Nietzsche called "reaction" posing as action. Moralizing is aimed either at prohibiting certain things, words, or deeds, or at compelling a very narrow set of words and deeds-and the latter, of course, is also a form of prohibition. Its function is to limit rather than to open, to discipline rather than to incite. This recalls again the anti-intellectual force of moralism, a turn against the intrinsic riches of intellectual life as well as against its particular value for radically democratic practices. Stuart Hall once characterized the distinction between theory and politics as that between a domain in which meaning is opened up, potentially infinitely, and one in which it is intentionally and strategically arrested.18 It is the task of theory, he insists, to "make meaning slide," while the lifeblood of politics is made up of bids for hegemonic representation that by nature seek to arrest this movement, to fix meaning at the point of the particular political truth-the nonfluid and nonnegotiable representation-that one wishes to prevail. With due concern for all that such a rough distinction elides, let us ask what happens when intellectual inquiry is sacrificed to an intensely politicized moment, whether inside or outside an academic institution. What happens when we, out of good and earnest intentions, seek to collapse the distinction between politics and theory, between political bids for hegemonic truth and intellectual inquiry? We do no favor, I think, to politics or to intellectual life by eliminating a productive tension-the way in which politics and theory effectively interrupt each other-in order to consolidate certain political claims as the premise of a program of intellectual inquiry. Indeed, we usurp the increasingly scarce space allocated today to thinking, to making meaning slide, as we politicize a space that must in turn guard its borders and mount the barricades to defend the identity it protects. In codifying such a politics as the basis of intellectual life, we ultimately reproduce the reaction of our ostensible opposition as we fix our position, thereby becoming reactionary ourselves. If consolidated representations of identity and truth are the necessary premise of certain democratic political claims, they also necessarily destroy the openness on which the intellectual life required by rich formulations of democracy depend. Can we live with this paradox? In a remarkable little 1930 essay titled Politics and Morals, Benedetto Croce formulated the problematic of politicized theoretical inquiry this way:

Why have I insisted on pointing out, with the greatest care, the distinction between theory and practice, between the philosophy of politics and politics? To urge the philosophers to be modest and not to confuse political life, already sufficiently confused, with inopportune and feebly argued philosophy? Yes of course .... But I confess that I was moved, above all, by the opposite desire, namely, to save historical judgment from contamination with practical politics, a contamination which deprives historical judgment of tolerance and fairness. This desire is also, in its own way, politics, profound politics, if what Aristotle, the father of political science, used to say is true, about the contrast between the active and the contemplative life-that not only the actions which turn towards the facts are practical, but even more practical are the contemplations and reflections which have their origin and end in themselves and which, by educating the mind, prepare for good deeds. 19 Croce here assists us in making an intriguing return to the problematic of morality whose trace I have argued we now experience painfully as the antilife, antipolitical, and anti-intellectual force of political moralism. Yet our return is not a simple recuperation, precisely because we are today forced to openly invent our political projects and their moral content, without relying on either teleological or redemptive history, without having recourse to moral or other ontological systems rooted in nature, fetishized reason, the dialectic, or the divine. We are confronted today with the fact of history-and so also with political futures and the actions that would produce and configure them-as a sheer problem of power. This is what is brought into view at the moment that historical metanarratives are fully exposed as fictions.

Croce's argument for a literal and figural separation between political life and intellectual inquiry suggests possibilities both for the rejuvenation of a rich moral political vision and for an abatement of the moralizing by which contemporary intellectual and political formations currently infect each other. To imagine what this stance might look like for intellectual consider Foucault's response to an interviewer who asked whether he wrote *The Use of Pleasure and* Techniques of the Self “for the liberation movement.” “Not for,” replied Foucault steadily, “but in terms of, a contemporary situation.” 20 The difference between "for" and "in terms of" is critical: it indicates whether intellectual life will be submitted to existing political discourses and the formulation of immediate political needs those discourses articulate, or will be allowed the air of independence that it must have in order to be of value as intellectual work for political life. Foucault does not position his work with indifference to an existing political movement, nor does he argue that his thinking is unconditioned by it or irrelevant to its prospects. Rather, he distinguishes the value of critical thinking from position taking, policy formulation, or blueprints for action. Maurice Merleau-Ponty made a similar argument while quarreling with Jean-Paul Sartre about the relevant level of engagement with politics by philosophers. I have in no way renounced writing about politics ....With the Korean War, I made the decision-and this is something entirely different-to stop writing about events as they occur. ... In times of tension, taking a stand on each event ... becomes a system of "bad faith." ...That is why on several occasions I suggested in this journal [Les Temps Modernes] that we present comprehensive studies rather than hastily taken positions ....This method is closer to politics than your method of continuous engagement. That in itself makes it more philosophical, as it creates a distance between the event and our judgment of it, defusing the trap of the event.21 The trap of the event, to which we might today add the "trap of existing discourses," is precisely that which intellectuals who aim to be thoughtful and useful to political life need to spring open; Foucault (in a formulation elaborated in chapter 6) similarly calls for a critique of the political rationalities organizing existing events and political aims, a critique that can occur neither inside the terms of "the event" nor inside an existing array of political and subject positions. Yet both Foucault and Merleau-Ponty also insist that to argue for a separation between intellectual and political life is not to detach the two. The point instead is to cultivate among political intellectuals an appreciation of the productive, even agonistic, interlocution made possible between intellectual and political life when they maintain a dynamic distance and tension. By itself a political act at a time when universities are increasingly underwritten by "interested" corporate, private, and state funds, such cultivation is also quite possibly a route to freeing political life from its current moralizing despair and intellectual life from the grip of bad conscience. In the effort to revitalize left politics with rich genealogies, discerning institutional analyses, and compelling political visions, intellectuals who are deeply learned, imaginative, and independent can be of enormous value. But to the extent that critical thinkers in the academy are caught in the dehistoricizing, depoliticizing, and intellectually stifling political moralism spurred by the political disorientations of our time, we will be not be available for this work. As I argue in chapter 7, to the extent that we do not come to terms with the losses generating this moralism, we will remain captive to a melancholy that rehearses it. We will thus be of little help in forging alternatives to those bankrupt trajectories in whose ghostly orbit contemporary political life spins. It is in this spirit of inquiry­ one unmoored from the demand for immediate political solutions, a demand that will always sacrifice the riches intellectual life can offer to politics-that the ensuing chapters are written.

#### Over the course of our genealogical engagement with the various slippery relations between Presidential War Powers, Jackson, Marshall, and the Cherokee Freedman we’ve come to at least one provisional and tenuous conclusion: learning how to live with ghosts is difficult work.

#### Spectrality poses a challenge to the traditional methods of historiography but also has the capacity to open up the possibility, however phantasmal it may appear, of an ontology of the present that attempts to see how we are subjectively positioned as the effects of power & knowledge, and further – that orients us towards the ethical possibility that is the future. And although we cannot perform an exorcism of the ghosts that haunt us, we can neither banish them into insubstantiality nor summon them into presence – we can open ourselves to spectrality in terms of the ethical and political exigencies of a future to come.

Wendy Brown 1, prof at Berkeley, Politics out of History, page 145-149, 153-6

Derrida records his own beginning with this text: "Someone, you or me, comes forward and says: I would like to learn to live finally. "4 Learning to live, Derrida insists, involves first accepting that life and death are not opposed; this non-opposition is conventionally figured by ghosts, the live figures of the dead who suggest one form of life after death. Thus in learning to live, which entails embracing the non-opposition of death to life, "it would be necessary to learn spirits" (p. xvii): to learn when, how, and why they appear and how we conjure or invoke them. Affirming this non-opposition also entails living without conceits of foundations, origins, and progress, and especially without clear distinctions between the real and the fictive, the ideal and the material, the past and the present. Learning to live without all of these props in turn means learning to practice ethical conduct and pursue political justice within a world that is contingent, unpredictable, not fully knowable, and directed neither by external forces nor by internal logics. Again, the figure Derrida offers for this practice is learning to live with haunts or specters - with things that shape the present, rendering it as always permeated by an elsewhere but in a fashion that is inconstant, ephemeral, and hence not fully mappable. Ghosts thus emblematize a post metaphysical way of life, a way of life saturated by elements—could we call them “material conditions”?—that are not under our sway and that cannot also be harnessed to projects of reason, development, progress, or structure. Ghosts figure the impossibility of mastering, through either knowledge or action, the past or the present. They figure the necessity of grasping certain implications of the past for the present only as traces or effects (rather than as structures, axioms, laws, or lines of determination) and of grasping even these as protean. "Learning to live finally" means learning to live with this unmasterable, uncategorizable, and irreducible character of the past's bearing on the present, and hence with the unmasterable and irreducible character of the present as well. Learning to live means living without systematizing, without conceits of coherence, without a consistent and complete picture, and without a clear delineation between past and present. Living with ghosts, permitting and even exploiting their operation as a deconstructive device, means living with the permanent disruption of the usual oppositions that render our world coherent-between the material and the ideal, the past and the present, the real and the fictive, the true and the false. Ghosts are what rise from materialism, periodicity, and objectivity after each has been slain by the exposure of their untenable predicates. We quarrel with these ghosts and also with one another about them - their shape, their meaning, their significance, their longevity. Both kinds of quarrels affirm and produce the existence of ghosts; neither kind stabilizes the meaning of the past for the present.

In asking what it would mean to "learn to live finally," Derrida intends to ask not only about a viable postfoundational epistemological orientation and individual ethical pose, but also about political orientation and especially matters of justice.

The time of the "learning to live," a time without tutelary present, would amount to this ...: to learn to live with ghosts, in the upkeep, the conversation, the company, or the companionship, in the commerce without commerce of ghosts. To live otherwise and better. No, not better, but more justly. But with them. No being-with the other, no *socius* without this with that make being-with in general more enigmatic than ever for us. And this being-with specters would also be, not only, but also, a politics of memory, of inheritance and of generations. “No justice ... seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead ....Without this non-contemporaneity with itself of the living present, without that which secretly unhinges it, without this responsibility and this respect for justice concerning those who are not there, of those who are no longer or who are not yet present and living, what sense would there be to ask the question "where?" "where tomorrow?" "whither?" (pp. xviii-xix) Derrida's formulation of justice here breaks with the usual conventions in political theory. It has little relation to a distributional definition; nor is it procedural, rights oriented, tethered to law, or even tied to measures of participation or shared power. Rather, justice in this text is less institutional or spatial than temporal: it pertains almost entirely to a practice of responsible relations between generations.5 Justice concerns not only our debt to the past but also the past's legacy in the present; it informs not only our obligation to the future but also our responsibility for our (ghostly) presence in that future: "Justice carries life beyond present life or its actual being there" (p. xx). Justice demands that we locate our political identity between what we have inherited and what is not yet born,

between what we can only imagine and the histories that constrain and shape that imagination. This is a notion of political identity quite at odds with an identity shaped by fixed social coordinates and especially by group affinity. Justice, Derrida argues, is literally incoherent if dehistoricized, detached from futurity, or confined to a self-identical present. But not only must justice have futurity-it is what makes futurity, insofar as it generates the future's relationship to the present as a "living on" of present efforts and aims. Justice entails the present generation's responsibility for crafting continuity, as well as the limits of that responsibility and that continuity. Conceived spectrally, the present-past relation recasts not only the weight and force of the past in the present but vital elements of the political present as well. As we shall see, Derrida exploits the specter's quality of "in-betweenness" to disrupt certain modernist formulations of ontology, theology, epistemology, and teleology that undergird conventional forms of political critique and political value tethered to a stable notion of the present. The specter as the "becoming body" challenges ontology as fixity, and challenges as well the distinction between material dimension and concept. The specter as a "carnal form of spirit" disrupts both an otherworldly and an idealist formulation of theology and the subject; at the same time, it undoes the materiality conventionally associated with the body. "Neither soul nor body, and both one and the other" (p. 6), the specter bypasses materiality and its putative opposite. To elaborate these points, Derrida draws on the paradoxical dimension of Marx's invocation of the specter in the "Communist Manifesto," that most "real and concrete" of Marx's writings, which simultaneously issues from a historically specific location and is a world traveler in history. As a written text, it is rivaled only by the Bible as a force in history; yet it also quickly made itself obsolete even by Marx and Engels's own account. Written in a specific time and place, and replete with references revealing that specificity, it takes on a transcendent and universal life only through readings that are themselves historically contingent and culturally local/located. In opening the "Manifesto" with the specter as a figure of power and agency, Derrida argues, Marx invokes "this first paternal character, as powerful as it is unreal, a hallucination or simulacrum more actual than what is blithely called a living presence" (p. 13 ). The specter, supernatural yet potent in the real world, operates in the opening paragraph of the "Manifesto" as the vehicle for the great project that is unifying modern Europe: "All the Power of old Europe have entered a holy alliance to excorcize this specter: Pope and Czar, Meternich and Guizot, French Radicals and German police-spies. "6 This ghost of the future, this incontestably immaterial figure, has also precipitated one of the mightiest alliances of modern European history, Thus, argues Derrida, the opening of the "Manifesto" reveals the non-viability of the tangible materialism that will be the leitmotif of the "Manifesto." This is the tension that Derrida exploits in Marx's work: Marxist materialism is haunted (and undone) by the specter with which Marx commences, the specter that Marx himself has conjured but also seeks (fruitlessly) to exorcise.

What Derrida terms the "spectral asymmetry" of the specter-its felt but unseen presence, our incapacity to see what looks at us-disrupts all conventional specularity; it thus also wreaks havoc with the epistemology of empiricism, particularly with empirical accounts of power (pp. 6-7). Spectral asymmetry is achieved both through what Derrida calls the "visor effect" of the specter-seeing without being seen-and through what he calls the "commerce of specters," the multiple and inconstant character of their appearance. Because of this asymmetry, the power of the specter is not empirically observable, but it is no less tangible for being invisible-we feel the force of the look. Thus, in a historical dimension, the dead and the not-yet-born intermittently press their constraints or demands with an unmistakable but invisible power, a power that also exceeds our conventional formulations of agency. This challenge to specularity, to both the tangibility of power and to the reciprocity of visibility between actor and acted upon, disrupts empirical and systematic efforts to apprehend both power and history, and especially the power of the historical in the present. While "haunting is historical ...it is not dated, it is never docilely given a date in the chain of presents .... Untimely, it does not come to, it does not happen to, it does not befall, one day, Europe" (p. 4).

[Continues on Page 153…]

"After the end of history, the spirit comes by coming back [revenant], it figures both a dead man who comes back and a ghost whose expected return repeats itself, again and again" (p. 10). The moment when history ends is also the moment when we are ghosted by history, by that which we no longer believe in, because what has really ended is a certain concept of history-a concept by which we continue to be haunted (p. 15). The inevitability of a fundamental concept's ghosted return following its exhaustion is part of what Derrida calls the logic of haunting, according to which the present is haunted not simply by what transpired in the past but also by what was confused or misnamed in the past, what remains unclear in meaning. To be haunted is at once to experience the profundity or significance of something from the past and not to know what that something was. When we say, "I'm not sure why, but I am haunted by what she said to me yesterday," we affirm that haunting occurs at the point of uncertainty about the meaning of an event, an utterance, a gesture. The phenomenon remains alive, refusing to recede into the past, precisely to the extent that its meaning is open and ambiguous, to the extent that it remains interpreted and contested by the present, and to the extent that it disturbs settled meanings in the present. To be haunted by something is to feel ourselves disquieted or disoriented by it, even if we cannot name or conquer its challenge. The logic of haunting is thus a logic in which there is a permanent open-endedness of meaning and limits of its mastery. Paradoxically, these features of haunting will turn out to constitute the site of intellectual and political agency within "hauntology." Haunting is also unsettling to the very degree that a past remark or event or figure hovers over the present, thereby undoing the line be­ tween past and present. To be haunted often entails being touched or suffused by something that one cannot quite recall, feeling the importance of something that one has laid aside or tried to forget. It is to recognize that there is something from the past occupying the present, something whose shape or meaning eludes us. So haunting takes place between history and memory; it is simultaneously an achievement of memory and a failure of memory with regard to some significant historical effect. As an achievement, haunting keeps the phenomenon alive and potent; as a failure, it indicates or points toward a history that it cannot fully conjure or command. Disavowed, the haunting will undo the present as it works according to its own logic; yet when avowed, it does not make perfectly clear what its meaning and effect are. This is the conundrum set for us when we affirm hauntology as historiography.

## 2AC

### Divide and Conquer DA

#### They reconstitute the divide and conquer tactics of white colonialism

Bell Hooks 3, social critic extraordinaire, “Beyond Black Only: Bonding Beyond Race”, http://prince.org/msg/105/50299?pr

African Americans have been at the forefront of the struggle to end racism and white supremacy in the United States since individual free black immigrants and the larger body of enslaved blacks first landed here. Even though much of that struggle has been directly concerned with the plight of black people, all gains received from civil rights work have had tremendous positive impact on the social status of all non-white groups in this country. Bonding between enslaved Africans, free Africans, and Native Americans is well documented. Freedom fighters from all groups (and certainly there were many traitors in all three groups who were co-opted by rewards given by the white power structure) understood the importance of solidarity-of struggling against the common enemy, white supremacy. The enemy was not white people. It was white supremacy. ¶ Organic freedom fighters, both Native and African Americans, had no difficulty building coalitions with those white folks who wanted to work for the freedom of everyone. Those early models of coalition building in the interest of dismantling white supremacy are often forgotten. Much has happened to obscure that history. The construction of reservations (many of which were and are located in areas where there are not large populations of black people) isolated communities of Native Americans from black liberation struggle. And as time passed both groups began to view one another through Eurocentric stereotypes, internalizing white racist assumptions about the other. Those early coalitions were not maintained. Indeed the bonds between African Americans struggling to resist racist domination, and all other people of color in this society who suffer from the same system, continue to be fragile, even as we all remain untied by ties, however frayed and weakened, forged in shared anti-racist struggle. ¶ Collectively, within the United States people of color strengthen our capacity to resist white supremacy when we build coalitions. Since white supremacy emerged here within the context of colonization, the conquering and conquest of Native Americans, early on it was obvious that Native and African Americans could best preserve their cultures by resisting from a standpoint of political solidarity. The concrete practice of solidarity between the two groups has been eroded by the divide-and-conquer tactics of racist white power and by the complicity of both groups. Native American artist and activist of the Cherokee people Jimmie Durham, in his collection of essays A Certain Lack of Coherence, talks about the 1960’s as a time when folks tried to regenerate that spirit of coalition: “In the 1960’s and ‘70’s American Indian, African American and Puerto Rican activists said, as loudly as they could, “This country is founded on the genocide of one people and the enslavement of another.” This statement, hardly arguable, was not much taken up by white activists.” As time passed, it was rarely taken up by anyone. Instead the fear that one’s specific group might receive more attention has led to greater nationalism, the showing of concern for one’s racial or ethnic plight without linking that concern to the plight of other non-white groups and their struggles for liberation. ¶ Bonds of solidarity between people of color are continuously ruptured by our complicity with white racism. Similarly, white immigrants to the United States, both past and present, establish their right to citizenship within white supremacist society by asserting it in daily life through acts of discrimination and assault that register their contempt for and disregard of black people and darker-skinned immigrants mimic this racist behavior in their interactions with black folks. In her editorial “On the Backs of Blacks” published in a recent special issue of TIME magazine Toni Morrison discusses the way white supremacy is reinscribed again and again as immigrants seek assimilation: ¶ All immigrants fight for jobs and space, and who is there to fight but those who have both? As in the fishing ground struggle between Texas and Vietnamese shrimpers, they displace what and whom they can…In race talk the move into mainstream America always means buying into the notion of American blacks as the real aliens. Whatever the ethnicity or nationality of the immigrant, his nemesis is understood to be African American…So addictive is this ploy that the fact of blackness has been abandoned for the theory of blackness. It doesn’t matter anymore what shade the newcomer’s skin is. A hostile posture toward resident blacks must be struck at the Americanizing door. ¶ Often people of color, both those who are citizens and those who are recent immigrants, hold black people responsible for the hostility they encounter from whites. It is as though they see blacks as acting in a manner that makes things harder for everybody else. This type of scapegoating is the mark of the colonized sensibility which always blames those victimized rather than targeting structures of domination. ¶ Just as many white Americans deny both the prevalence of racism in the United States and the role they play in perpetuating and maintaining white supremacy, non-white, non-black groups, Native, Asian, Hispanic Americans, all deny their investment in anti-black sentiment even as they consistently seek to distance themselves from blackness so that they will not be seen as residing at the bottom of this society’s totem pole, in the category reserved for the most despised group. Such jockeying for white approval and reward obscures the way allegiance to the existing social structure undermines the social welfare of all people of color. White supremacist power is always weakened when people of color bond across differences of culture, ethnicity, and race. It is always strengthened when we act as though there is no continuity and overlap in the patterns of exploitation and oppression that affect all of our lives. ¶ To ensure that political bonding to challenge and change white supremacy will not be cultivated among diverse groups of people of color, white ruling groups pit us against one another in a no-win game of “who will get the prize for model minority today.” They compare and contrast, affix labels like “model minority,” define boundaries, and we fall into line. Those rewards coupled with internalized racist assumptions lead non-black people of color to deny the way racism victimizes them as they actively work to disassociate themselves from black people. This will to disassociate is a gesture of racism. ¶ Even though progressive people of color consistently critique these standpoints, we have yet to build a contemporary mass movement to challenge white supremacy that would draw us together. Without an organized collective struggle that consistently reminds us of our common concerns, people of color forget. Sadly forgetting common concerns sets the stage for competing concerns. Working within the system of white supremacy, non-black people of color often feel as though they must compete with black folks to receive white attention. Some are even angry at what they wrongly perceive as a greater concern on the part of white of the dominant culture for the pain of black people. Rather than seeing the attention black people receive as linked to the gravity of our situation and the intensity of our resistance, they want to make it a sign of white generosity and concern. Such thinking is absurd. If white folks were genuinely concerned about black pain, they would challenge racism, not turn the spotlight on our collective pain in ways that further suggest that we are inferior. Andrew Hacker makes it clear in Two Nations that the vast majority of white Americans believe that “members of the black race represent an inferior strain of the human species.” He adds: “In this view Africans-and Americans who trace their origins to that continent-are seen as languishing at a lower evolutionary level than members of other races.” Non-black people of color often do not approach white attention to black issues by critically interrogating how those issues are presented and whose interests the representations ultimately serve. Rather than engaging in a competition that sees blacks as winning more goodies from the white system than other groups, non-black people of color who identify with black resistance struggle recognize the danger of such thinking and repudiate it. They are politically astute enough to challenge a rhetoric of resistance that is based on competition rather than a capacity on the part of non-black groups to identify with whatever progress blacks make as being a positive sign for everyone. Until non-black people of color define their citizenship via commitment to a democratic vision of racial justice rather than investing in the dehumanization and oppression of black people, they will always act as mediators, keeping black people in check for the ruling white majority. Until racist anti-black sentiments are let go by other people of color, especially immigrants, and complain that these groups are receiving too much attention, they undermine freedom struggle. When this happens people of color war all acting in complicity with existing exploitative and oppressive structures. ¶ As more people of color raise our consciousness and refuse to be pitted against one another, the forces of neo-colonial white supremacist domination must work harder to divide and conquer. The most recent effort to undermine progressive bonding between people of color is the institutionalization of “multiculturalism”. Positively, multiculturalism is presented as a corrective to a Eurocentric vision of model citizenship wherein white middle-class ideals are presented as the norm. Yet this positive intervention is undermined by visions of multiculturalism that suggest everyone should live with and identify with their own self contained group. If white supremacist capitalist patriarchy is unchanged then multiculturalism within that context can only become a breeding ground for narrow nationalism, fundamentalism, identity politics, and cultural, racial, and ethnic separatism. Each separate group will then feel that it must protect its own interests by keeping outsiders at bay, for the group will always appear vulnerable, its power and identity sustained by exclusivity. When people of color think this way, white supremacy remains intact. For even though demographics in the United States would suggest that in the future the nation will be more populated by people of color, and whites will no longer be the majority group, numerical presence will in no way alter white supremacy if there is no collective organizing, no efforts to build coalitions that cross boundaries. Already, the white Christian Right is targeting large populations of people of color to ensure that the fundamentalist values they want this nation to uphold and represent will determine the attitudes and values of these groups. The role Eurocentric Christianity has played in teaching non-white folks Western metaphysical dualism, the ideology that under girds binary notion of superior/inferior, good/bad, white/black, cannot be ignored. While progressive organizations are having difficulty reaching wider audiences, the white-dominated Christian Right organizes outreach programs that acknowledge diversity and have considerable influence. Just as the white-dominated Christian church in the U.S. once relied on biblical references to justify racist domination and discrimination, it now deploys a rhetoric of multiculturalism to invite non-white people to believe that racism can be overcome through a shared fundamentalist encounter. Every contemporary fundamentalist white male-dominated religious cult in the U.S. has a diverse congregation. People of color have flocked to these organizations because they have felt them to be places where racism does not exist, where they are not judged on the basis of skin color. While the white-dominated mass media focus critical attention on black religious fundamentalist groups like the Nation of Islam, and in particular Louis Farrakhan, little critique is made of white Christian fundamentalist outreach to black people and other people of color. Black Islamic fundamentalism shares with the white Christian Right support for coercive hierarchy, fascism, and a belief that some groups are inferior and others superior, along with a host of other similarities. Irrespective of the standpoint, religious fundamentalism brainwashes individuals not to think critically or see radical politicization as a means of transforming their lives. When people of color immerse themselves in religious fundamentalism, no meaningful challenge and critique of white supremacy can surface. Participation in a radical multiculturalism in any form is discouraged by religious fundamentalism.

### Smith

#### Our 1AC represents an effective history through genealogy---making the debate about us as persons or forcing us to confess our privilege diverts attention from structural inequalities by misidentifying the conditions of their removal---the perm is the best strategy

Andrea Smith 13, intellectual, feminist, and anti-violence activist, The Problem with “Privilege,” http://anarchalibrary.blogspot.com/2013/08/the-problem-with-privilege-2013.html

This kind of politics then challenges the notions of “safe space” often prevalent in many activist circles in the United States. The concept of safe space flows naturally from the logics of privilege. That is, once we have confessed our gender/race/settler/class privileges, we can then create a safe space where others will not be negatively impacted by these privileges. Of course because we have not dismantled heteropatriarchy, white supremacy, settler colonialism or capitalism, these confessed privileges never actually disappear in “safe spaces.” Consequently, when a person is found guilty of his/her privilege in these spaces, s/he is accused of making the space “unsafe.” This rhetorical strategy presumes that only certain privileged subjects can make the space “unsafe” as if everyone isn’t implicated in heteropatriarchy, white supremacy, settler colonialism and capitalism. Our focus is shifted from the larger systems that make the entire world unsafe, to interpersonal conduct. In addition, the accusation of “unsafe” is also levied against people of color who express anger about racism, only to find themselves accused of making the space “unsafe” because of their raised voices. The problem with safe space is the presumption that a safe space is even possible.¶ By contrast, instead of thinking of safe spaces as a refuge from colonialism, patriarchy, and white supremacy, Ruthie Gilmore suggests that safe space is not an escape from the real, but a place to practice the real we want to bring into being. “Making power” models follow this suggestion in that they do not purport to be free of oppression, only that they are trying to create the world they would like to live in now. To give one smaller example, when Incite! Women of Color Against Violence, organized, we questioned the assumption that “women of color” space is a safe space. In fact, participants began to articulate that women of color space may in fact be a very dangerous space. We realized that we could not assume alliances with each other, but we would actually have to create these alliances. One strategy that was helpful was rather than presume that we were acting “non-oppressively,” we built a structure that would presume that we were complicit in the structures of white supremacy/settler colonialism/heteropatriarchy etc. We then structured this presumption into our organizing by creating spaces where we would educate ourselves on issues in which our politics and praxis were particularly problematic. The issues we have covered include: disability, anti-Black racism, settler colonialism, Zionism and anti-Arab racism, transphobia, and many others. However, in this space, while we did not ignore our individual complicity in oppression, we developed action plans for how we would collectively try to transform our politics and praxis. Thus, this space did not create the dynamic of the confessor and the hearer of the confession. Instead, we presumed we are all implicated in these structures of oppression and that we would need to work together to undo them. Consequently, in my experience, this kind of space facilitated our ability to integrate personal and social transformation because no one had to anxiously worry about whether they were going to be targeted as a bad person with undue privilege who would need to publicly confess. The space became one that was based on principles of loving rather than punitive accountability.¶ Conclusion¶ The politics of privilege have made the important contribution of signaling how the structures of oppression constitute who we are as persons. However, as the rituals of confessing privilege have evolved, they have shifted our focus from building social movements for global transformation to individual self-improvement. Furthermore, they rest on a white supremacist/colonialist notion of a subject that can constitute itself over and against others through self-reflexivity. While trying to keep the key insight made in activist/academic circles that personal and social transformation are interconnected, alternative projects have developed that focus less on privilege and more on the structures that create privilege. These new models do not hold the “answer,” because the genealogy of the politics of privilege also demonstrates that our activist/intellectual projects of liberation must be constantly changing. Our imaginations are limited by white supremacy, settler colonialism, etc., so all ideas we have will not be “perfect.” The ideas we develop today also do not have to be based on the complete disavowal of what we did yesterday because what we did yesterday teaches what we might do tomorrow. Thus, as we think not only beyond privilege, but beyond the sense of self that claims privilege, we open ourselves to new possibilities that we cannot imagine now for the future.

### AT: No Disclosure = Whiteness

#### Experimenting with different advocacies is not a tactic of whiteness---truly endorsing a politics of social locations means accepting the fact that political resistance requires multiple nodes of attack---only a broad-based account can give us an effective map with which to navigate politics

Rosi Braidotti 6, contemporary philosopher and feminist theoretician, Transpositions: On Nomadic Ethics, 7-8

Secondly, the term 'transposition' refers to mobility and cross-referencing between disciplines and discursive levels. I rely on transposable notions that drift nomadically among different texts - including those I authored myself - while producing their own specific effects. Transposable concepts are 'nomadic notions' that weave a web connecting philosophy to social realities; theoretical speculations to concrete plans; concepts to imaginative figurations. Trans-disciplinary in structure, transposable concepts link bio-technology to ethics and connect them both with social and political philosophy. Moreover, I will inject feminism, anti-racism, environmental and human rights as an extra booster of theoretical energy and then let nomadic flows of becoming run loose through them all.

Thirdly, the notion of transposition describes the connection between the text and its social and historical context, in the material and discursive sense of the term. The passion that animates this book is a concern for my historical situation, in so-called advanced, post-industrial cultures at the start of the third millennium. A kind of amor fati motivates me, not as fatalism, but rather in the pragmatic mode of the cartographer. I am seeking modes of representation and forms of accountability that are adequate to the complexities of the real-life world I am living in. I want to think about what and where I live - not in a flight away from the embodied and embedded locations which I happen to inhabit. In Metamorphoses I argued that, if you do not like complexities you couldn't possibly feel at home in the third millennium. Transpositions enacts this notion by proposing creative links and zigzagging interconnections between discursive communities which are too often kept apart from each other. To name but a few significant ones: bio-technologies and ethics and political agency; the omnipresence of a state of crisis on the one hand and the possibility of sustainable futures on the other; the practice of nomadic politics of difference versus technological monoculture; the creative potential of hybrid subjectivity, in opposition to new and more virulent forms of ethnically fixed identities; cartographic accounts of locations and normative stances. Ultimately: post-structuralism and ethical norms or values.

More specifically, I will transpose nomadically from philosophical theory to ethical practice. Loyal to the feminist politics of locations, I remain committed to the task of providing politically informed maps of the present, convinced of the usefulness of a situated approach as a critical tool to achieve an enlarged sense of objectivity and a more empowering grasp of the social. Politically, a cartographic method based on the politics of locations results in the recognition that not one single central strategy of resistance is possible (Grewal and Kaplan 1994; Patton 2000; Massumi 1992b). A heterogeneous style of politics is needed instead, based on centrelessness. As a corollary, this implies a variety of possible political strategies and the non-dogmatic acceptance of potentially contradictory positions. A scattered, weblike system is now operational, which defies and denies any pretence at avant-garde leadership by any group. Resistance being as global as power, it is centreless and just as non-linear: contemporary politics is rhizomic.

### Conway

#### They presume the purity of their experience in place of historicity---we must examine multiple perspectives

Conway 97—philosophy, Penn State (Daniel, Nietzsche and the political, 135-6)

This preference is clearly political in nature, and Haraway makes no pretense of aspiring to epistemic purity or foundational innocence. For Haraway, any epistemic privilege necessarily implies a political (i.e., situated) preference. Her postmodern orientation elides the boundaries traditionally drawn between politics and epistemology, and thus renders otiose the ideal of epistemic purity. All perspectives are partial, all standpoints situated—including those of feminist theorists. It is absolutely crucial to Haraway's postmodern feminist project that we acknowledge her claims about situated knowledge as themselves situated within the political agenda she sets for postmodern feminism; feminist theorists must therefore accept and accommodate the self-referential implications of their own epistemic claims. ¶ The political agenda of postmodern feminism thus assigns to (some) subjugated standpoints a political preference or priority. Haraway, for example, believes that some subjugated standpoints may be more immediately revealing, especially since they have been discounted and excluded for so long. They may prove especially useful in coming to understand the political and psychological mechanisms whereby the patriarchy discounts the radically situated knowledges of others while claiming for its own (situated) knowledge an illicit epistemic privilege: ¶ The standpoints of the subjugated ... are savvy to modes of denial through repression, forgetting, and disappearing acts— ways of being nowhere while claiming to sec comprehensively. The subjugated have a decent chance to be on to the god-trick and all its dazzling—and, therefore, blinding—illuminations.34 ¶ But these subjugated standpoints do not afford feminist theorists an epistemically privileged view of the world, independent of the political agendas they have established. Reprising elements of Nietzsche's psychological profile of the "slave" type, Haraway warns against the ¶ serious danger of romanticizing and/or appropriating the vision of the less powerful while claiming to see from their positions. To see from below is neither easily learned nor unproblematic, even if "we" "naturally" inhabit the great underground terrain of subjugated knowledges. The positionings of the subjugated are not exempt from critical re-examination, decoding, deconstruction, and interpretation; that is, from both semiological and hermeneutic modes of critical enquiry. The standpoints of the subjugated are not "innocent" positions.35 ¶ A subjugated standpoint may shed new light on the ways of an oppressor, but it in no way renders superfluous or redundantthe standpoint of the oppressor. Because neither standpoint fully comprises the other, the aggregation of the two would move both parties (or a third party) closer to a more objective understanding of the world. If some feminists have political reasons for disavowing this project of aggregation, or for adopting it selectively, then they must pursue their political agenda at the expense of the greater objectivity that they might otherwise have gained.

### AT: Commodifies

#### We’re not consuming Natives in our practice of tracing power relations

Rosi Braidotti 6, contemporary philosopher and feminist theoretician, Transpositions: On Nomadic Ethics, 76

I beg to differ from Spivak's assessment. The charge of vampiristic or consumerist consumption of others is an ill-informed way of approaching the issue, in that it ignores the rigorous anti-humanistic, cartographic and materialistic roots of poststructuralism. It specifically rests on a misreading of what is involved in the poststructuralist critique of representation and on what is at stake in the task of redefining alternative subject positions. Spivak attempts to rescue Derrida, whom she credits with far more self-reflexivity and political integrity than she is prepared to grant to Foucault and Deleuze. The grounds for this preferential treatment are highly debatable. Nomadic thinking challenges the semiotic approach that is crucial to the 'linguistic turn' and also to deconstruction. Both Deleuze and Foucault engage in a critical dialogue with it and work towards an alternative model of political and ethical practice. It seems paradoxical that thinkers who are committed to an analytics of contemporary subject-positions get accused of actually having caused the events which they account for; as if they were single-handedly responsible for, or even profiting from, the accounts they offer as cartographies. Naming the networks of power-relations in late postmodernity, however, is not as simple as metaphorizing and therefore consuming them. In my view there is no vampiristic approach towards 'otherness' on the part of the poststructuralists. Moreover, I find that approach compatible with the emerging subjectivities of the former 'others' of Western reason. Late postmodernity has seen the proliferation of many and potentially contradictory discourses and practices of difference, which have dislocated the classical axis of distinction between Self or Same/Other or Different. The point of coalition between different critical voices and the poststructuralists is the process of elaborating the spaces in-between self and other, which means the practice of the Relation. They stress the need to elaborate forms of social and political implementation of non-pejorative and nondualistic notions of 'others'.

### 2AC – Brown

#### Genealogy is not a form of political action---it dislocates the starting point and object of politics, which is the now as constituted by presence---your decision should center on the question of how effective history opens the possibility of and ethics that can take responsibility for its hauntedness

Wendy Brown 1, prof at Berkeley, Politics out of History, 127-9

"We are unknown to ourselves, we men of knowledge," Nietzsche begins On the Genealogy of Morals, "and with good reason. We have never sought ourselves. "12 It is this ignorance that Nietzsche seeks to redress with his genealogical tracings of the desires (not only the umediated will to power, but its thwarted forms—envy, resentment, jealousy, and revenge) that materialize into the moral and political formations of equality, liberal justice, and the state. Unlike other genres of philosophical or historical criticism, including those delineated in his own On the Advantage and Disadvantage of History for Life, genealogy permits an examination of our condition that interrogates its very terms and construction. By doing violence to their ordinary ordering and situation, genealogy reveals the terms by which we live. In this way, the previous chapter argued, genealogy paradoxically aims to dislocate that which is both its starting point and its object: the present. And in the process, it also dislocates the conventions of politics, morality, and epistemology that constitute the present. The measure' of genealogy's success is its disruption of conventional accounts of our identities, values, origins, and futures. Thus the project of deconstructing the inevitability, the naturalness, and the intractability of a time or a thing converges with the project of deconstructing the present as a culmination of the progress of the past, as well as with the exposure of power's operation in maintaining this particular present. None of these activities is equivalent to politics; it could even be argued that: they are anti-political endeavors insofar as each destabilizes meaning' without proposing alternative codes or institutions. Yet each may also be essential in sustaining an existing democratic regime by rejuvenating it. For the vertigo that genealogy aims to achieve may amount to the very measure of how far collective or individual identity can be dissolved in order to disrupt without destroying, to offer the possibility of resolving into another story. Why would anyone actively seek to dissolve or destabilize identity within democracies? If, as the musings of Spinoza and Tocqueville ; suggest, democracies tend toward cathexis onto principles antithetical to democracy, then critical scrutiny of these principles and of the political formations animated by them is crucial to the project of refounding 1 or recovering democracy. What Machiavelli casts as the "return of a republic to its beginnings"13 might here be supplemented with the notion of a theoretical endeavor, genealogy, that continuously examine and reworks both the founding principles and powers of a polity and those principles and powers with which it has since become inter­ woven. Identity dissolution, achieved theoretically, is thus a means of asking whether we are who or what we want to be, a means of evaluating 129 the principles by which we order ourselves-in short, a means of interrupting that tendency in democracy to adhere without reflection to nondemocratic principles or practices, and to be inhabited by non­ democratic powers. Significantly, the challenge to identity that genealogy offers is not equivalent to political dissolution-it questions without destroying or prohibiting a particular formation of collective identity. Again, genealogy is not politics but a register of reflection on it; its effect is to disturb political space and political formations rather than to claim such space or create such formations on its own. In refiguring the relations among history, philosophy, and politics, genealogy shapes the meeting of theory and politics as mutual experience of incitation or provocation.

## 1AR

### Jhappan

#### All types of racism existed independent of and before contact w/ whiteness

Radha Jhappan 96, Associate Professo, Dept of pol sci, Carleton University. Post-Modern Race and Gender Essentialism or a Post-Mortem of Scholarship, http://spe.library.utoronto.ca/index.php/spe/article/viewFile/6876/3857

*Whites are responsible for racism* Race essentialist positions almost always set up a white/non-white dichotomy. There is a tendency to simplify the sources of oppression, to take the position, "whites did it to us," as if whites invented racism, imperialism and slavery. They did not. They have just been more successful over the last few centuries, and they have managed to impress an ideology of white supremacy on the world, thanks in part to their dedication to improving the technologies of travel, communications, and warfare. But to speak as if whites invented racism, imperialism, and slavery is to ignore five to ten thousand years of human history featuring various empires, inter-racial/ethnic/religious wars, and slavery in many areas of the world. It is also to aggregate and romanticize all non-white (indigenous, Asian, African, Australian, and South American) societies prior to contact with Europeans as if they existed in some happy past free of war, imperialism, patriarchy, racism, social stratification, exploitation, and oppression. ¶ The race essentialist position appears to homogenize all whites as "our oppressors," without acknowledging the pos- sibility that "we" may do our own oppressing based on cul- tural systems and the economic and power interests of certain classes. I am not referring here only to the historical facts that it was African slavers who sold their peoples into slavery to the Europeans, or that the European imperial powers in non-settler colonies such as India depended upon local elites, who were only too happy to support the British rulers who were helping them to maintain their castel ethnic privileges and oppress others. As elsewhere, so complete was their dependence on the collaboration of Indian elites that the British contemplated creating "a class of persons, Indian in blood and colour but English in taste, in opinions, in morals and in intellect.t'J> Yum yum yum, said the little aliens as they lined up for implantation. However, as Mohanty notes, "all forms of ruling operate by constructing and consolidat- ing, as well as transforming, already existing social inequali- ties." As well as constructing "hegemonic masculinities as a form of state rule, the colonial state also transformed ex- isting patriarchies and caste/class hierarchies.t'-v It seems that they did not need to implant very many aliens; they were already present.¶ In arguing that people of colour do our own oppressing, sometimes quite independently of whites, I am also referring to a number of racially xenophobic, patriarchal, and deeply- ingrained caste/class structures which pre-date European global dominance, and which are transplanted from continent to continent with the mass migrations that have characterized the last century. My knowledge and direct experience of South Asian culture tells me that, although altered somewhat by European imperialism, that culture was never and is not now characterized by gender, racial, or class equality. Fur- ther, Friedman notes that there were forty-eight ethnic wars/conflicts being fought in Europe, Asia, Africa, South America and the Middle East during 1993.37 Many of these conflicts were/are based on ethnic animosities wherein each party has racialized an ethnic "other." In many cases such "othering" pre-dated or has survived (in modified forms) European imperialism (for example, the long-standing Hindu-Muslim conflicts in India, manifested today in various insurgencies including the Kashmiri independence move- ment; the Buddhist Tamil struggle against the Hindu Sinhalese in Sri Lanka; clan warfare in Somalia; and tribal warfare in Rwanda, Burundi and Zaire). Indeed, many racisms in dif- ferent parts of the world (such as Japanese racism against Koreans) seemingly have nothing to do with Europeans at all, while others (such as the generalized racism throughout Asia against the many thousands of exported Filipina domestic workers and nurses, and male Filipino labourers exported for the construction and shipping trades) are indirectly caused by European imperialism by virtue of its stunting of economic development in various regions. ¶ Finally, it is important to remember the ongoing complic- ity of the elites of third world countries and cultures in buttressing European/American economic imperialism and white supremacy because it serves their immediate interests. The specificities of their geopolitical positions, the machi- nations of international capitalism, and the legacies of co- lonialism may well explain the behaviour of "comprador" elites, but they are not thereby absolved of responsibility for oppressing certain ethnic/cultural/religious groups, classes, or women within their populations. Race essentialist positions that hold only whites accountable for racial oppres- sion are overly simplistic, miss the complexity of the issues involved, and encourage a focus on only one set of villains. ¶ To be sure, European racism must be distinguished from earlier more localized forms by virtue of the facts that it is global in scope, hegemonic in power, structured in specific ways, and still with us as the fundamental organizing prin- ciple of North and South, West and East. Nevertheless, my point is that it has not entirely displaced all of the earlier forms which pre-dated it. In addition, by virtue of imperi- alism's forced exposure of various cultures to others (for example, through the creation of artificial "nation-states" amalgamating diverse cultures, or through mass global "mi- grations" such as that of West Africans and Indians to the West Indies as slaves and indentured labourers), new racisms have followed in the wake of European empires. It is not enough to analyze the origins of or modifications to these racisms in Euro-colonialism without recognizing that they must be dealt with now on their own terms.