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Ethical Elisions: Unsettling the Racial-Colonial Entanglements of U.S. Higher Education

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**ETHICAL ELISIONS: UNSETTLING THE RACIAL-COLONIAL
ENTANGLEMENTS OF U.S. HIGHER EDUCATION**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

EDUCATION

with emphases in
FEMINIST STUDIES
and
CRITICAL RACE AND ETHNIC STUDIES

by

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June 2019

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Abstract

This dissertation tracks the production of narratives that frame U.S. universities as ethical institutions. It argues that such narratives –in popular imaginaries and scholarly discourse– rely on elisions of the racial-colonial entanglements of higher education. In linguistics, *elision* refers to the deletion or omission of sound, explaining historical shifts in a language deemed ordinary to "native" speakers. Conceptually then, each chapter of *Ethical Elisions* considers the erasures of racial-colonial violence that actively produce commonsense ideas of universities as ethical institutions.

To develop this inquiry, this study examines "the university" at various analytical scales and historical periods: the formation of a world-renowned public Land Grant university system, the University of California, in the mid/late 19th century (Chapter 1); the institutionalization of research ethics itself in the 1970s and its 2018 federal policy revisions (Chapter 2); as well as contemporary campus initiatives to address the racial-colonial histories of specific colleges and universities (Chapter 3). Specifically, *Manifest Destiny as the Ethical University: The Coloniality of the UC* analyzes speeches and essays of founding UC Berkeley leaders and faculty, which envision knowledge production as a rational mechanism to extend U.S. imperialism into the Pacific. This chapter argues that claims to Manifest Destiny legitimized the development of the state's nascent system of public higher education, relying on the accelerated context of racialized violence in the fledgling state of California. The second chapter, *Research Ethics as the Ethical University: Upholding 'Colonial*

Unknowing' through the IRB takes as its object of study the origin stories surrounding the institutionalization of research ethics policy. It argues that institutional review boards (IRBs) are narrated as a response to cases of exceptional racialized violence, most notably the Tuskegee Syphilis experiment, within an otherwise neutral history of research and as such, participate in the active unknowing of the racial-colonial entanglements of research. *Acknowledging Racial-Colonial Histories as the Ethical University: The Limits of Retrospective Gestures* surveys the forms of institutional acknowledgment of campus colonial histories, considering how historical violences are (un)named or narrated through these processes, and how universities recuperate themselves through forms of acknowledgment. The *Afterword* considers the limits of knowledge production to rupture frames of liberal justice and touches on the affective dimensions of engaging in a decolonial praxis within, against, and beyond the university.

Methodologically, this work draws from anti-colonial feminisms, settler colonial studies, as well as critical ethnic studies scholars who situate how knowledge production and universities themselves are not merely complicit, but formative in cohering processes of racialized capitalism in the United States. This dissertation also contributes to scholarship within the emergent field of Critical University Studies by moving against liberal imaginaries that recuperate (public) higher education as inherently good or ethical.

Acknowledgements

I hold immense gratitude for the love, friendships and intellectual community that have sustained me throughout graduate school and that have made this work possible.

I recognize and honor the unceded territories of the Uypi and Awaswas people, stewarded by the Amah Mutsun Tribal Band, where I have studied and lived for these past years and that is claimed by name as Santa Cruz.

To my committee members, Ron Glass, Cindy Cruz, Neda Atanasoski, and Nick Mitchell, you have each played a pivotal part in my thinking and scholarly development. Cindy, you were the first to encourage me to think of myself as a writer and to imagine a dissertation that would extend the bounds of what is legible in our field. Thank you for encouraging me to consider how the designation of that which is "alternative" and "critical" speaks to that which is centered in education research, and to take this question seriously. Nick, your sharp analytical insight offered me language to articulate my work when I was struggling to conceptualize my project, and continues to both expand and focus my thinking. I am grateful to have learned from you how you inhabit your political commitments through your teaching and scholarship; thank you for being my teacher. Neda, you have been formative in shaping my trajectory through your encouragement to stay with and engage expansive questions. Thank you for your consistent and generous mentorship, for the always insightful conversations that enlivened and inspired me to persist with this

work. Ron, I hold a deep respect for your tireless commitments to scholarship and activism, and appreciate both your mentorship and the important projects you brought me into. Thank you for pushing me to sharpen my thinking, for engaging me as your colleague, and for your patient mentorship. I feel grateful to have an advisor who I consider to be part of my family.

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I thank the brilliant, fierce people who have anchored me, whose support has made this work possible, and who have made the complexities of graduate school feel worthwhile. Linnea, you have been a mentor as much as a sister in this process. Thank you for holding space, for modeling integrity, and for your unwavering friendship. Natalie, from you I learned a sense of generous, critical curiosity and engagement. I am grateful for the work we have created together, for the many ways you've helped me make sense of my thinking and process, and for your friendship. Chrissy, I hold such immense gratitude to have learned both with and from you, as an educator and as a careful thinker. Thank you for always reminding us to make space for joy as we work to create worlds that are anchored in critical love and care. I can't imagine and wouldn't have made it without you.

Introduction. (un)Naming the Racial-Colonial Entanglements of Higher Education

What values are upheld in a name? Over the past decade, colleges and universities across the United States have been pressed to engage this question in connection to their campus's broader historical ties to slavery and anti-indigenous violence. A confluence of historical research and student activism has brought the racial-colonial entanglements of U.S. institutions of higher education into national attention, including the former university leaders and benefactors who variously upheld white supremacy in their intellectual and political work, and who have been long-memorialized in campus building names.

At Yale, Calhoun College paid tribute to John C. Calhoun, a former U.S. vice president, secretary of state and of war, and a prominent white supremacist who, "passionately promoted slavery as a 'positive good'".[1] Student activists reignited decades-long demands to rename the building, to which the University responded that it would retain the Calhoun name in April of 2016.[2] Violence against Black people was also memorialized in imagery found in the building. This University had already modified a stained-glass window located in a college common room, which had

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[1] Karen Peart, "Yale to Change Calhoun College's Name to Honor Grace Murray Hopper," YaleNews, February 11, 2017, https://news.yale.edu/2017/02/11/yale-change-calhoun-college-s-name-honor-grace-murray-hopper-0.

[2] Noah Remnick, "Yale Defies Calls to Rename Calhoun College," *The New York Times*, December 21, 2017, sec. New York, https://www.nytimes.com/2016/04/28/nyregion/yale-defies-calls-to-rename-calhoun-college.html; Andy Newman and Vivian Wang, "Calhoun Who? Yale Drops Name of Slavery Advocate for Computer Pioneer," *The New York Times*, January 20, 2018, sec. New York, https://www.nytimes.com/2017/09/03/nyregion/yale-calhoun-college-grace-hopper.html.

depicted an enslaved Black man in shackles crouched under the image of Calhoun.[3] In

June of 2016, Corey Menafee, a Yale employee of eight years who worked in the

college dining hall as a dishwasher, smashed another stained-glass window in an act

of protest, this one with an image of two enslaved Africans carrying bales of cotton.

Menafee described the images as a symbol of racism, and told reporters, "you feel it in

your heart, like…we shouldn't have to be subjected to those…degrading images".[4]

Yale police arrested and charged Menafee with "reckless endangerment and felony

mischief," but the charges were soon dropped when Yale students and community

members protested against the University's punitive response.[5] In February of 2017,

Yale's President finally announced that the undergraduate residential college would

be renamed to honor Grace Murray Hopper, an alumna who received her master's

(1930) and Ph.D. (1934) in mathematics at Yale and went on to be one of the first

computer scientists after teaching and then serving in the Navy.[6]

At the University of North Carolina (UNC), the Black Student Movement, with

support of other campus activists, reinvigorated student organizing dating back to

1975 to rename Saunders Hall. William Saunders was a prominent figure in the state of

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[3] "What's in a Name? Looking for Answers at Calhoun College," accessed February 5, 2019,
https://yalealumnimagazine.com/blog_posts/1740-what-s-in-a-name-looking-for-answers-at-calhoun-college.

[4] "Exclusive: Meet Yale Dishwasher Corey Menafee, Who Smashed Racist Stained-Glass Window," Democracy
Now!, accessed February 5, 2019,
http://www.democracynow.org/2016/7/15/exclusive_meet_yale_dishwasher_corey_menafee.

[5] "Meet Yale Dishwasher Corey Menafee…"

[6] Peart, "Yale to Change Calhoun College's Name to Honor Grace Murray Hopper." In part, this was a response to
the work of a "Committee to Establish Principles on Renaming" that was established to report to the Yale Office of
the President. One of the principles the committee identified was "whether the namesake's principal legacy
fundamentally conflicts with the university's mission," which the committee found to be true in the case of John C.
Calhoun.

North Carolina; he had been the Secretary of State, a historian, lawyer, newspaper and

a Ku Klux Klan Leader. While previous demands to rename the building had been

repeatedly denied by the institution, UNC's Board of Trustees voted to rename the

building to Carolina Hall in May of 2015. In their decision, the Board of Trustees cited

their rationale, stating that the Klan was a "violent terrorist organization" and thus the

"qualification of the honor of a building name" was "inconsistent with UNC's values of

Lux Libertas" - light and liberty.[7]

In addition to renaming buildings, universities have engaged in a broad host of

activities –creating courses to study and teach about their campus histories, funding

research centers, issuing statements of apology – in an effort to recognize and address

this "past" to varying degrees.[8] As sociologist Alondra Nelson writes, these

educational, scholarly, and community–facing efforts might be considered as

'institutional morality' in the making.[9] Still, might the responses of these universities

obscure the ongoing racial-colonial violences of higher education more than they

reveal them? In other words, how do racial-colonial logics remain entangled in the

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[7] Sewell Chan, "Historical Figures, Campus Controversies," *The New York Times*, January 29, 2016, sec. Education, https://www.nytimes.com/interactive/2016/01/29/education/college-symbol-controversies.html; "Changing The Name," *The Carolina Hall Story* (blog), accessed January 8, 2019, https://carolinahallstory.unc.edu/changing-the-name-carolina-hall-story/. Lux Libertas translates to "light and liberty".

[8] Working Group on Slavery, Memory, and Reconciliation, "Report of the Working Group on Slavery, Memory, and Reconciliation to the President of Georgetown University" (Washington, D.C.: Georgetown University, 2016); Chan, "Historical Figures, Campus Controversies"; Peart, "Yale to Change Calhoun College's Name to Honor Grace Murray Hopper."

[9] Alondra Nelson, "The Social Life of DNA: Racial Reconciliation and Institutional Morality after the Genome," *The British Journal of Sociology* 69, no. 3 (2018): 522–37, https://doi.org/10.1111/1468-4446.12607.

practices of universities? How might they be left unattended to, or even bolstered,

through such gestures? What is elided through these "ethical" moves?

Harvard University is a telling example. Following the 2008 financial crisis,

campus investors accelerated the university's international acquisitions of farmland

and have since amassed approximately 850,000 hectares worldwide through nearly

one billion dollars of investments. Over one-third of this land is located in Brazil's

Cerrado, a richly biodiverse savannah now transforming into farmland for more-

profitable agricultural production. Foreign speculation has amplified land grabs and

the falsification of titles in rural areas, dislocating Indigenous and Afro-Brazilian

Quilombola peoples who have lived there for generations.[10]

According to the Wall Street journal, Harvard has also been quietly amassing

farmland –and the water rights connected with it – throughout the state of California,

betting that the impacts of drought and climate change will drive up property prices

with access to precious and essential groundwater. While Harvard has invested in a

range of scholarly, research, and community engagement efforts to unearth and

engage its historical connections to the institution of slavery, these analyses have yet

to bear impacts on the contemporary practices of the institution. In sum, the

endowments of this ivy league, once funded through chattel slavery and the

objectification of indigenous peoples into objects of study, is now underwritten by

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[10] GRAIN and Rede Social de Justiça e Direitos Humanos, "Harvard's Billion-Dollar Farmland Fiasco," September 6, 2018, https://www.grain.org/article/entries/6006-harvard-s-billion-dollar-farmland-fiasco.

ecological devastation, Indigenous displacement, and impending resource scarcity as a result of climate change.

If in its ideal "the university" is committed to scientific inquiry towards better truths, there are bounded limits to the application and reach of such moral pursuits, even and especially within universities themselves.[11] In March of 2019, student activists called the institution into account, inviting Harvard university leaders to a public forum centered on fossil fuel divestment. Staunchly defending their endowment strategies, University President Lawrence S. Bascow declined to participate, stating that the investments "exist to support the institution, to support our students, and to support our faculty".[12] As reported by Chaidez of the Harvard Crimson, "Bascow reiterated Harvard presidents' long standing policy against divestment…[that] Harvard's nearly $40 billion endowment is not – and has never been – a mechanism for social change".[13]

Bascow's assertion that Harvard's endowment investments are in service of the institution, faculty, and students, reinforces a paternalistic stance that positions university decision-makers as well-intentioned providers, despite at least moderate

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[11] Harvard's motto is *Veritas* or Truth. For short periods in the 17th century it was changed to *In Christi Gloriam* or In Christ and Glory, and then to *Christo et Eccleiæ,* For Christ and Church. Josiah Quincy, *The History of Harvard University* (J. Owen, 1840), 48–49; "History," Harvard University, accessed March 31, 2019, http://www.harvard.edu/about-harvard/harvard-glance/history.

[12] Paragraph 3. Bascow, quoted in, Alexandra A. Chaidez, "Amid Student Calls for a Forum on Divestment, Bacow Remains Steadfast," *The Harvard Crimson*, March 19, 2019, sec. News, http://www.thecrimson.com/article/2019/3/19/bacow-reiterates-divestment-position/.

[13] Paragraph 2. Chaidez.

agreement among undergraduates in support of fossil fuel divestment.[14] By situating

the endowment as definitively separate from 'social change', Bascow affirms the

arbitrary cuts that are made between economics and politics that likewise justify profit

in spite of social death. It is through these logics of racial-colonial accumulation that

the university can simultaneously sponsor a conference to study its historical ties to

slavery while disavowing any connection to the rearticuation of those very logics in its

current investment portfolio. In other words, the allochronic framing of racial-colonial

violence as "past" - as suggested by Harvard's 2017 conference title "Universities and

Slavery: Bound by History" – is precisely the mechanism through which the university

can recuperate itself in the present.[15]

Ethical Elisions: A Conceptual Approach

The university has long been understood as entangled with racial-colonial

logics by anticolonial and critical ethnic studies scholars. Genealogies such as Black

studies, decolonial theory, postcolonial studies, coloniality/modernity studies, women

of color feminisms, among others, variously consider how Western philosophy's

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[14] According to the campus's November 2018 election, seventy percent of undergraduate students who voted in the election supported fossil fuel divestment. Based on the number of students who voted (2,797) and the total undergraduate enrollment in 2018-2019 (6,699), this figure represents around twenty-nine percent of the total undergraduate student body. Chaidez; "Harvard at a Glance," Harvard University, accessed March 21, 2019, http://www.harvard.edu/about-harvard/harvard-glance; Jonah S. Berger, "Palaniappan and Huesa Win UC Presidential," *The Harvard Crimson*, November 16, 2018, sec. News, http://www.thecrimson.com/article/2018/11/16/uc-presidential-election-results/.

[15] The conference was organized and sponsored by the Radcliffe Institute of Advanced Study at Harvard University. Lizabeth Cohen, "Opening Remarks by Lizabeth Cohen, Dean, Radcliffe Institute and Howard Mumford Jones Professor of American Studies, Harvard University" (Keynote Introduction, March 15, 2017), https://www.radcliffe.harvard.edu/video/universities-and-slavery-1-5-keynote.

production of the universal subject and its co-constituted category of the human are figured in the image of the white, European, able-bodied, cis-gendered, heterosexual man as an ideal of universal humanness, despite claims of objective universality. Importantly, these genealogies also demonstrate linkages between the presumed categories of the human (as rehearsed through scientific and philosophical projects of knowledge) and who is deemed as a rightful citizen, political subject, or person within nation-states built on the liberal political tradition. In other words, while the United States is guided by liberal values of democracy, freedom, truth or rationality, in fact, the very use and deployment of such categories relies on racial (and other categorical) violence against those deemed as "others". As such, modernity does not represent a stage that is beyond colonialism, but rather that depends on colonialism – modernity/coloniality are, linked. This framing recasts liberal ideals within modernity as fundamentally entangled with that which they, by definition, disavow. For example, as Neda Atanasoski and Kalindi Vora articulate, "both freedom and unfreedom are part of the violent processes of extraction and expropriation marking progress toward universality".[16]

This dissertation is interested in understanding *how* structures of racial-colonial violence are produced and upheld in and through the university. Tracking "the university" through various historical periods and geographic contexts in the United

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[16] Neda Atanasoski and Kalindi Vora, *Surrogate Humanity: Race, Robots, and the Politics of Technological Futures*, 2019, 11.

States, I posit that the circulation of racial-colonial violence is upheld in the university, in part, because it embodies a particular ethical ideal – as an institution committed to truth, rationality, science, and even democracy. This project asks, how do ideals of "the university" as an ethical institution elide the very racial-colonial violences that have been constitutive of the university? How might the articulation of the university as an ethical ideal likewise demonstrate the way in which predominant conceptions of the ethical are predicated on racial-colonial logics?

This project traces and unsettles liberal narratives of U.S. universities as an ethical ideal, arguing that both within popular imaginaries and scholarly discourses, that such narratives rely on elisions of the racial-colonial entanglements of higher education. In linguistics, *elision* refers to the deletion or omission of sound, explaining occluded historical shifts in a language deemed ordinary to "native" speakers. Conceptually then, each chapter of *Ethical Elisions* considers the erasures that actively produce the idea of the university as an ethical institution. That is, how does the university negotiate its positioning as an institution, even in moments in which it is asked to squarely confront and address its intimacies with racial-colonial violence? I focus on three ethical "turns" or ethically-salient moments within the history and contemporary context of U.S. colleges and universities: the development of land grant institutions (mid to late 19th century), the institutional formalization of research ethics itself (1970s – 1980s), and the contemporary campus initiatives (2000s – present), like the ones described earlier, to specifically address campus histories of racial-colonial

violence. Following Jodi A. Byrd, Alyosha Goldstein, Jodi Melamed and Chandan

Reddy, I focus on the United States as, "one salient geopolitical juncture around which

the accumulated violence of colonial and racialized appropriation and contestation

accrue present- day significance and circulation," in order to consider the relationship,

significance and role of the university and its practices of knowledge production in

those processes.[17]

I situate the development of land grant institutions as an ethical turn in the

development of U.S. higher education, insofar as it represents a national attempt to

broaden access to higher education beyond the elite and to the "public". As such,

Chapter One analyzes the discourses and imaginaries utilized to bolster popular

support for the development of public higher education in the fledgling state of

California. I examine speeches of founding University of California leaders, which

speak to the national phenomena during this period in which public discourses and

imaginaries of higher education were actively being produced by higher educational

leaders. I also consider how contemporaneous discourses about emergent academic

fields –specifically within the social sciences, which aimed to develop knowledges in

relation to "Man" and "Society" –were described as rational mechanisms to extend U.S.

imperialism into the Pacific and address "problems of race". The social sciences

departed from the promised intent of the practical knowledges of agricultural science

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[17] Jodi A. Byrd et al., "Predatory Value: Economies of Dispossession and Disturbed Relationalities," *Social Text* 36, no. 2 (135) (June 1, 2018): 2, https://doi.org/10.1215/01642472-4362325.

and the mechanic arts, which were intended to be the primary charge of scientific research of the new land grant institutions. As such, I consider how racial-colonial logics are taken up and amplified both in the development in these disciplines, and to uphold their utility to the broader democratic (ethical) promise of the new land grant institution.

I consider California as an illustrative site for numerous reasons. First, the emergence of the University of California Berkeley campus occurred alongside the state's entry into the union, providing a distinctive alignment between the accelerated processes of anti-indigenous violence that were mobilized to secure statehood with emergent discourses of and meanings of the imagined public and its citizens. More specifically, I track how settler colonial logics of manifest destiny emerge both in everyday and legal discourses to justify violences against Native Californians, as well as in discourses utilized to legitimate the moral worth of investing the nascent state's resources into the new university. In addition to disrupting narratives that uphold land grant institutions as bastions of equal opportunity in higher education, this chapter extends the way in which scholarship has framed the interconnections between racial-colonial violence as a distinctive feature of colonial colleges in the Eastern and Southern United States, in order to consider how such logics likewise reverberated and in fact shaped the West as both a 'cartographic and conceptual space,' and

likewise informed the formation of the University of California at Berkeley.[18] Finally, as

the founding campus of what would become a world-renowned network of public

institutions of higher education, and evoked as the birthplace of campus free speech

and thus of civic engagement, unsettling the origin story of the University of California

Berkeley campus by uplifting the racial-colonial logics likewise embedded within this

institution further troubles the ethical that is implicitly invoked through the liberal

imaginary.[19]

    While this first line of inquiry looks at a purportedly ethical moment – that of

bringing higher education into the domain of the public – my next line of inquiry

focuses on a national focus on questions of the ethics of research itself. Chapter Two

takes as its object of study the institutionalization of research ethics, a process which

began in the 1970s in the wake of the abuses conducted through the Tuskegee

Syphilis experiment. I analyze how the origin stories that narrate the formation of

institutional review boards (IRBs), as retold in popular social science textbooks and

online IRB trainings, frame the egregious violences of the Tuskegee Syphilis

experiment as a moment of exceptional racialized violence. Thus, although this ethical

turn around research ethics is precisely also a confrontation with the violences of racial

knowledges, I consider the ways in which 'race' falls out of the conversations and

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[18] Vanessa de Oliveira Andreotti et al., "Social Cartographies as Performative Devices in Research on Higher Education," *Higher Education Research & Development* 35, no. 1 (January 2, 2016): 84–99, https://doi.org/10.1080/07294360.2015.1125857.

[19] University of California, "National Center for Free Speech and Civil Engagement," National Center for Free Speech and Civil Engagement | University of California, accessed March 21, 2019, https://freespeechcenter.universityofcalifornia.edu/.

policy codifications that formalize research ethics as its own field of study and federally-mandated institutional practice. I argue that these codifications –whether the formal policies, institutional IRB practices, revisions to these policies, trainings for researchers, and treatment in popular textbooks – function to elide the complex histories that implicate science in the production of racial categories and recuperates research in an otherwise neutral, rational and thus ethical history, even when recounting the abuses of Tuskegee.

The final ethical turn I examine are the contemporary campus initiatives to engage their histories of racial-colonial violence. I consider the way in which the violences of slavery, colonialism, as well as the production of racial knowledges, are framed as historical events, shaping the contemporary moment against an *evil past* in order to assert that such *evils have past*, to borrow from historical theorist Berber Bevernage.[20] I focus on a widely-discussed effort to offer admissions benefits to the direct descendants of people enslaved, owned, and sold by a prominent Jesuit University, and consider the ways in which blood quantum logics collapse once put to the question of reparations for slavery. Thus, even in this ethical moment when campuses directly address their histories of racial-colonial violence, I consider the ways in which these initiatives elide and likewise foreclose institutional responsibility and accountability.

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[20] Berber Bevernage, "The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism," *History and Theory* 54, no. 3 (2015): 333–52, https://doi.org/10.1111/hith.10763.

Taken together, the threads of this humanities project rely on the hermeneutic

or interpretive method. By analyzing a variety of texts – campus reports and public

communications, state and federal policies, speeches, newspapers, archival materials,

secondary historical texts, among others – I attempt to offer a particular reading of "the

university". To be sure, I do not assert this as "The" only reading of the U.S. University

or even the University of California, but aim to track how popular and scholarly

discourses have shaped understandings of the university as an ethical institution. In an

attempt to make explicit my process, Table 1 (Appendix), outlines the research I

conducted that shaped the project but may not always figure into the dissertation as

texts or objects that I analyze, as well as the various literatures and fields that informed

each chapter and my analyses.

Genealogical Threads: Situating this Dissertation

This project emerges out of and is reflective of my training across multiple

academic spaces: education research (an interdisciplinary social science field),

feminist and critical race and ethnic studies (interdisciplinary humanities fields), and

the Center for Collaborative Research for an Equitable California (CCREC) (a national

interdisciplinary field-building project).[21] I was troubled by the distinctive ways in

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[21] CCREC was involved in a national effort to coalesce a field around equity-oriented, collaborative, community-based research (EOCCBR). EOCCBR begins with an analysis of how social science research has often been conducted in systematically marginalized communities through an extractive approach, in which researchers lack accountability to the communities they study. As such, EOCCBR engages people living and experiencing social issues as knowledge holders, rather than merely objects of study, and often connects research to community organizing. Because of these methodological commitments, many people understand EOCCBR as an ethical corrective to traditional approaches to social science research. In addition to this field-building work and other

which questions of research ethics were engaged across these spaces, noticing how the work of considering the way in which knowledge production was entangled with the racial and the colonial were designated tasks of the 'critical' fields. What were the critical fields positioned against, and why were such questions primarily engaged under the rubric of 'critical'? In the process of engaging these research questions, I have come to consider how the university itself – as a signifier of non-critical disciplines and fields of knowledge production – already signified ethicality.

This project engages anticolonial theories to examine how western conceptions of the human, as well as settler colonial relationships to land, have been positioned as universal, normative, and thus ethical within the U.S. political context. In bringing together multiple genealogies of anti-colonial thought – such as coloniality/modernity scholars, settler colonial studies, race-critical feminisms –I aim to draw connections between how racial-colonial knowledges have been developed on and through *othered* bodies as well as on and through the land. Together, these framings inform my analysis of narratives that produce the university as a particular *ethically ideal* institution within the U.S. imaginary; a symbol of truth, science, research, and rationality. I seek to understand how ethical idea(l)s of the university confront and

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regional research projects through the Center, we also studied the ethics of EOCCBR, and developed theoretical and pedagogical materials to support scholars and community leaders to engage the ethics of their research collaborations. My advisor, Ronald David Glass, served as PI and Director of CCREC, a University of California system-wide research initiative that was funded by a UC Office of the President (UCOP) grant from 2009 – 2015. "CCREC - About the Center," accessed March 9, 2019, https://ccrec.ucsc.edu/home/about-the-center.

uphold political processes of U.S. nation-state building and land appropriation, and

the (re)production of racial-colonial logics as well as democratic possibilities.

My use of the term "anticolonial" is an intentional distinction from "decolonial".

As Tuck and Yang articulate, "decolonization in the settler colonial context must

involve the repatriation of land simultaneous to the recognition of how land and

relations to land have always already been differently understood and enacted; that is,

all of the land, and not just symbolically".[22] While this is not a capacious definition,

Tuck and Yang want to underscore how decolonization is a specific political project.

This distinction is elaborated by Leigh Patel who writes that the use of anticolonial

brings "into relief the ways in which coloniality must be known to be countered" while

decolonial should be understood in relation to "material changes".[23] Together, these

scholars amplify decolonization as political, material work, not something that can be

accomplished merely through representation and critique, although this analytical

work may support decolonization. I also use the shorthand of "racial-colonial"

throughout this project to signify the enmeshments between logics that produce

categories of race in order to justify the settler colonial project within the U.S. context.

For example, the racialization of hundreds of thousands of First Nation peoples into

Native American or Indigenous was a necessary strategy in creating durable logics

that legitimized anti-native violence in service of the settler colonial project.

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[22] Eve Tuck and K. Wayne Yang, "Decolonization Is Not a Metaphor," *Decolonization: Indigeneity, Education & Society*, 2012, 7.

[23] Leigh Patel, *Decolonizing Educational Research: From Ownership to Answerability* (New York: Routledge, 2016), 7.

As such, this dissertation might be framed as an anticolonial feminist philosophy of higher education. Engaging calls to theorize the university and informed by scholars from the critical interdisciplines, I question conceptions of the university from within traditions of ontology (what is the university? how has it come to be?), epistemology (how do we come to know the university?) and ethics (what are the histories, values, and peoples, that the university should be committed to? Responsible to?). As such, I demonstrate how the ethical frameworks of liberal humanism are deeply entangled within the logics of racial-colonialism and thus, become rearticulated in and through the university.

This dissertation project critiques predominant narratives of higher education without a desire for a new master narrative, even and especially in light of its anticolonial commitments. Taking up Sylvia Wynter's call to, as Katherine McKittrick writes, engage in the "possibility of undoing and unsettling—not replacing or occupying—Western conceptions of what it means to be human" this dissertation likewise aims to disrupt the university as it has been developed in and through the Western genre of the human.[24] If we are to take up Wynter's call to unsettle the human, what then might it mean to unsettle knowledge formations and educative practices built on these conceptions of the human?

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[24] Katherine McKittrick, ed., *Sylvia Wynter: On Being Human as Praxis*, 2015, 2; Sharon Stein, "Higher Education and the Im/Possibility of Transformative Justice," *Critical Ethnic Studies* 4, no. 1 (2018): 135. Sharon Stein asks a related question in an analysis likewise guided by Wynter's work, "What is wrong with the modern subject (who is also the presumed subject of U.S. higher education)? "

Thus, in addition to critique, this project aims to open up engagements with the imperfect, incomplete, ongoing, and messy work of anticolonial praxis in order to surface ethical questions that such a practice illuminates for working *within, against, and beyond the university as we know it*.[25] I situate this work in conversation with scholar activists who have long engaged the university – and the knowledges that are promulgated through the institution – as a site of racial-colonial struggle, and are committed to imagining *higher education otherwise*.[26] This project is inspired by educators and scholars who understand schools and schooling as complex sites in which domination and oppression manifest, as sites of potentiality, collective movement, and political struggle, and remind us that education is not a practice that must be foreclosed by colonial logics or relations.[27]

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[25] This framing speaks to scholarship and activism that is working against recuperative justice within/against/beyond the university. This collective is organized by Sharon Stein in a blog of the same name- "Higher Education Otherwise: Within/against/beyond Existing Horizons of Possibility," Higher Education Otherwise, accessed March 5, 2019, https://higheredotherwise.wordpress.com/.

[26] "Higher Education Otherwise: Within/against/beyond Existing Horizons of Possibility." For example, Sereana Naepi and Cash Ahenakew, "The Difficult Task of Turning Walls into Tables," in *Sociocultural Theory: Implications for Curricular across the Sector*, ed. Melinda Webber, Sonja Macfarlane, and Angus Macfarlane (University of Canterbury Press, 2015), 181–94; la paperson, *A Third University Is Possible* (Minneapolis, MN: University of Minnesota Press, 2017); Stein, "Higher Education and the Im/Possibility of Transformative Justice," 20; Vanessa de Oliveira Andreotti et al., "Mapping Interpretations of Decolonization in the Context of Higher Education," *Decolonization: Indigeneity, Education & Society* 4, no. 1 (2015); Piya Chatterjee and Sunaina Maira, eds., *The Imperial University: Academic Repression and Scholarly Dissent* (University of Minnesota Press, 2014).

[27] For example, I think of the work of Ronald David Glass, "Critical Hope and Struggles for Justice: An Antidote to Despair for Antiracism Educators," in *Discerning Critical Hope in Educational Practices*, ed. Vivienne Bozalek et al., 2017; Chrissy Anderson-Zavala et al., "Fierce Urgency of Now: Building Movements to End the Prison Industrial Complex in Our Schools," *Multicultural Perspectives* 19, no. 3 (2017): 151–54, https://doi.org/10.1080/15210960.2017.1331743; Patel, *Decolonizing Educational Research*; Joyce Elaine King, American Educational Research Association, and Commission on Research in Black Education, *Black Education: A Transformative Research and Action Agenda for the New Century* (New York: Routledge, 2009); Michelle Fine, *Framing Dropouts: Notes on the Politics of an Urban Public High School* (Albany, N.Y.: State University of New York Press, 1991).

Likewise, my project is not invested in a stance of ethical purity. Scholar Alexis Shotwell traces how "the delineation of theoretical purity, purity of classification, is always imbricated with the forever-failing attempt to delineate material purity –of race, ability, sexuality, or, increasingly, illness".[28] Purity is not only impossible, it's genealogy is likewise enmeshed with racial-colonial logics. Instead, Shotwell asks, what might it mean to lean into "thinking about complicity and compromise as a starting point for action"?[29] As Philosopher of Education Ronald David Glass has similarly argued, we might think of this as a position of "morality without righteousness," a position necessary to practice critical pedagogy in the context of violent, complex and morally pluralistic worlds.[30] To what degree then, can we unravel and untangle persisting questions about the university, and where might this analysis take us? From the position of anticolonial feminist critiques, how should universities (and less abstractly, all those who give life to these institutions) understand the harms done both in the "past" and in their enduring presents? How might those of us committed to and working in and through universities become responsible and publicly accountable to these harms?

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[28] Alexis Shotwell, *Against Purity: Living Ethically in Compromised Times* (University of Minnesota Press, 2016), 4, http://www.jstor.org/stable/10.5749/j.ctt1hch845.

[29] Shotwell, 5.

[30] Glass, "Critical Hope and Struggles for Justice: An Antidote to Despair for Antiracism Educators."

Of course, this work is also a process of meaning-making from within my own

partial, positioned, lived experiences.[31] There are many ways in which this project

connects to experiences of ambivalence, tension, insistence to understand,

dissonance, and desire for other worlds, although it is far from a clean mapping or a

linear process. I grew up and was schooled in predominately white, middle-class

suburbs of Sacramento, California. I was taught through the myths of U.S. liberal

settler colonial color-blindness, and learned to downplay my family's Iranian heritage,

culture, and practices in order to navigate social spaces and protect myself from

micro-aggressions. I did not find reprieve in our family's religious community, sensing

that many peoples' claims to faith seemed to be the means and ends of their moral

identities. At the same time, I was deeply concerned with questions of injustice,

struggled to make sense of our families' own changing access to privileges, and

wondered if and how "the ethical" could forge spaces of world-making. The university

offered me a partial refuge to critically unpack and examine these experiences

through practices of study, community, re-imagining, and possibility.

To question then, what happens when we understand the university as already

ethical, has also been a process of rethinking my own investments in the university.

Perhaps as scholars Harney and Moten consider, an orientation of *fugitivity* with the

university, to "abuse its hospitality, to spite its mission, to join its refugee colony," is

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[31] The articulation of standpoint epistemology is useful in elaborating this framing. See Sandra Harding, "Rethinking Standpoint Epistemology: What Is—strong Objectivity," *Knowledge and Inquiry: Readings in Epistemology*, 2002, 352–384.

one path in which the "subversive intellectual" can be in relation with the "modern university".[32] Yet while critical scholars may desire to stake a position that is "in but not of the university," as Harney and Moten offer, we must still reckon with the very materialities and privileges of being in that *fugitive* relation.[33] As Nick Mitchell analyzes, even (and perhaps especially) scholars who identify as "critical" must engage how ""critique" is already a mark of its relation to the university," with the reality that the intellectual is intimately entangled with the structures they critique and hope to be *in but not of,* as Moten and Harney write.[34] As Mitchell elaborates,

> The modern formation of intellectual work is powerfully rooted in the idea that what makes the intellectual an intellectual can be recognized in her capacity for or training in enacting a mode of speech purported to transcend the particularity of her individual interests. The formation of the intellectual therefore frequently involves the cultivation and collectivization of fantasies that foster a deep identification of intellectual work with the striving for a greater good, with a more just world, with the realization of immanent human possibility, and with a truth that the political ordering of the world is arranged to obscure.[35]

According to Mitchell's analysis then, to study "the university" must likewise be a process of examining how our own moral and political desires simultaneously figure into that which is the object of our critique. As such, the critical intellectual likewise signals a kind of ethical promise or horizon of "the university," as well as the political promise of critique itself.

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[32] Stefano Harney and Fred Moten, *The Undercommons: Fugitive Planning & Black Study* (Brooklyn, NY: Minor Compositions, 2013), 25.

[33] Harney and Moten, *The Undercommons*.

[34] Nick Mitchell, "(Critical Ethnic Studies) Intellectual," *Critical Ethnic Studies* 1, no. 1 (2015): 86, https://doi.org/10.5749/jcritethnstud.1.1.0086.

[35] Mitchell, 88–89.

Studying "the University": Methodological Challenges

What does it mean to study "the university"? How does one go about attempting to render an institution within the bounds of the U.S. nation state that include categorizations such as public land grant, tribal colleges, military academy, non-profit, liberal arts, secular private, historically Black, all-womens, research, for-profit, public state, not to mention the many religious denominations such as Jesuit, Lasallian, Catholic, Church of Latter Day Saints, Baptist, and Methodist, among others? There are geographic distinctions and changes within institutions over time, as well as various people that come to constitute the institution, from the student body, faculty, administration, staff, and the workers who make the operation of the university possible. Empirically, we might say, it is impossible to study "the university" because there is no universal *uni-versity* –even if, as Sharon Stein writes, the modern/colonial university posits itself as *universal*.[36] Yet by theorizing the university, it may be possible to render the predominant patterns, processes, relationships, discourses, and logics that circulate in and through the institution.

Ronald Barnett asserts that a philosophy of higher education, an area of inquiry that is deeply lacking within the field of higher education research, would offer a generative means "not merely to understand the university or even to defend it but to

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[36] Sharon Stein, "Reimagining the Modern/Colonial University: Towards Alternative Horizons of Higher Education Otherwise," forthcoming.

change it".[37] To theorize the university thus requires an engagement with the

methodological challenge of its analysis.[38] According to Barnett, a robust philosophy

of higher education will engage in three different planes of inquiry, each of which he

describes as a continuum, in order to surface the complexity of the university as an

object of study. The first continuum holds the university as institution and as idea (the

two endpoints of the spectrum), in order to elaborate connections/dissonances

between its empirical, "observable features" as well as its "deep social ontology," or

the ideas about the institution. The second plane would map out the university in time

and space as well as the university in its possibilities, which not only calls for historical

contextualization, but also for understanding the university as a site of ongoing

becoming. Finally, the third plane figures between the singularity and universality of

the university, which illuminates that which is context-specific to an institution, and that

which transcends its specificity.[39] Within this schema, my overall project develops a

theory of the university as idea, questioning its universalities through a method that

locates its study in time and place (e.g. the formation of the University of California), its

generalities (e.g. discourses of research ethics policy), as well as its possibilities (e.g.

by tracing the limits of its engagement with histories of racial-colonial violence).

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[37] Ronald Barnett, "Constructing the University: Towards a Social Philosophy of Higher Education," *Educational Philosophy and Theory* 49, no. 1 (January 2, 2017): 87, https://doi.org/10.1080/00131857.2016.1183472.

[38] Barnett, 81.

[39] Barnett, 84–86.

While philosophies of the university have yet to cohere as a distinctive field within higher education research, and receive scant attention in the field of philosophy of education itself, there are alternative tracings of such a genealogy, as Barnett similarly notes. Perhaps most notable in the emergence of the modern research university is Immanuel Kant's 1798 *The Conflict of the Faculties*, which is interested in the structure and organization of the university, as well as the relationship of the ordering of its "faculties" –or disciplines- to the state.[40] Kant proposes a general division of faculties –three higher and one lower faculty – and delineates this classification on the basis that higher faculties are those that present a utility to the state. As translated by Mary Gregor from the original text in German, "for a faculty is considered higher only if its teachings –both as to their content and the way they are expounded to the public – interest the government itself, while the faculty whose function is only to look after the interests of science is called lower because it may use its own judgement about what it teaches".[41] Accordingly then, theology, law and medicine -as domains of inquiry that are relevant to the state- correspond with the higher faculties, while philosophy, corresponds to the lower. To Kant then, the lower faculty bore a significant role; without a responsibility to a superior authority or to governmental utility, it could "judge autonomously – that is, freely (according to

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[40] Immanuel Kant, *The Conflict of the Faculties = Der Streit Der Fakultäten*, trans. Mary J Gregor (New York, NY: Abaris Books, Inc., 1979); David Evans, "The Conflict of the Faculties and the Knowledge Industry: Kant's Diagnosis, in His Time and Ours," *Philosophy* 83, no. 326 (2008): 483–95.
[41] Kant, *The Conflict of the Faculties = Der Streit Der Fakultäten*, 25, 27.

principles of thought in general)," or, according to *reason* itself.[42] As Barnett

summarizes, Kant's analysis positions the role of philosophy to utilize history and

rationality in order to "disinterestedly comprehend the world as such, guided by

interests in truth, freedom and reason" in contrast to the higher faculties of theology,

law and medicine, which "took up a particular stance towards the world and were of

interest to the government". [43] The "conflict" then, is between these faculties, as each

sets out to apply reason in distinctive yet legitimate ways. The conflict only becomes

illegitimate, according to philosopher David Evans, "when members of either Faculty

seek to exclude members of the other from rational debate simply on the grounds that

they lack the appropriate specialized intellectual authority for such engagement".[44]

Through Kant's work, what emerges is a figure of the university as a site of knowledge

production for different ends or commitments, as well as a space where debate may

be allowed if the terms of rational engagement are respected and upheld. As an

institution that is only partially independent of the church and state, the terms of

engagement of the university necessarily get negotiated with power.

  Kant's conceptualization of the faculties lays an important foundation for

articulating some of the tensions between the university, church and state, as well as

tensions within the university between the 'higher' faculties or practical professions

that bear utility to the state and the 'lower' faculties, such as the discipline of

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[42] Kant, 43.

[43] Barnett, "Constructing the University," 78.

[44] Evans, "The Conflict of the Faculties and the Knowledge Industry," 487–88.

philosophy. That is, at least since Kant's work, universities have resided in an uneasy

relationship with power, even if merely the higher faculties were understood to being

in service of the state and church, while the lower could remain in service of the truth.

Although Kant hoped that the non-utilitarian relationship of philosophy would position

it to uniquely pursue truth in a path that could be maintained as independent of the

powers of church and state, the *a priori* assumptions – particularly that of reason as an

abstract process that is outside of power relations - have been a point of critique by

anticolonial scholars.[45]

　　While not explicitly taking up the task of theorizing the university, some of the

research within the emergent field of Critical University Studies (CUS) might also be

understood as contributing to a philosophy of higher education. A 2012 article

published in the *Chronicle of Higher Education* by English professor Jeffrey J. Williams

sketches the development of CUS as a field. According to Williams, CUS is distinctive

from traditional research on higher education through sub-fields such as history,

sociology, or administration, or from well-regarded one-off publications that are more

of a "sideline" from scholars' primary areas of research.[46] Centering the university as an

object of critical analysis, CUS examines the restructuring of institutions of higher

education through neoliberal practices of privatization, registering the detrimental

effects – such as unmanageable rates of student debt, the adjunctification of the

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[45] Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument," *CR: The New Centennial Review* 3, no. 3 (2003): 257–337.
[46] Paragraph 2, Jeffrey J. Williams, "Deconstructing Academe," *The Chronicle of Higher Education*, February 19, 2012, http://chronicle.com/article/An-Emerging-Field-Deconstructs/130791/.

professoriate, or the commodification of learning – and their impacts on students,

educators, and the practice of education as a whole. CUS is often situated within

material struggles to organize against these contexts, and finds solidarities with

movements – such as Occupy Wallstreet – beyond academe.

   While the growth of CUS scholarship over the past 20 years has been most

pronounced, Williams marks the origins of the field in the 1990s. For example, a 1996

publication by Comparative Literature professor Bill Readings declared U.S.

universities to be in a state of *ruins.*[47] Examining the role of the North American

university at the close of the Cold War, Readings argues that the university no longer

functions as part of the "ideological apparatus of the nation-state," in which it had long

operated as a "producer, protector, and inculcator of an idea of national culture".[48]

Within the new context of an increasingly globalized economy, the place of the nation-

state has been taken by the "transnational bureaucratic corporation," while the aim of

preserving and extending "culture" has been replaced by the empty-signifier of

"excellence" as the primary goal and function of the now-bureaucratized post-

historical (or contemporary) university, a descriptor to measure academic programs,

departments, or entire institutions.[49] Following Readings' publication, professors of

higher education Sheila Slaughter and Larry Leslie's *Academic Capitalism: Politics,*

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[47] Bill Readings, *The University in Ruins* (Cambridge, Mass.: Harvard University Press, 1996).

[48] Readings, 14, 3.

[49] Readings, 3. Roderick Ferguson's work picks up on the ways in which discourses of "excellence" were deployed by the University in the wake of the student movements of the 1960s and 1970s. See Roderick A Ferguson, *The Reorder of Things: The University and Its Pedagogies of Minority Difference* (Minneapolis: University of Minnesota Press, 2012).

Policies and the Entrepreneurial University brought into focus the pronounced

alterations within academic labor, particularly as increased pressure reoriented public

research universities to market norms in response to decreased state funding in public

higher education in Australia, Canada, the United States, and the United Kingdom.[50]

Bringing into focus the forces of globalization and the political economy, Slaughter

and Leslie document the way in which competitive working environments refashion

academics as "capitalists from within the public sector" or as "state-subsidized

entrepreneurs".[51]

In the years that followed, scholars continued to take up issues that Slaughter

and Leslie had described as the impacts of neoliberalism on higher education. This is

evidenced through titles such as professor of history David F. Noble's 2001 *Digital

Diploma Mills: The Automation of Higher Education,* which contends that trends

towards automation within academia, while touted as progressive means for

broadening access to education, in fact opened the doors to a wave of

commercialized interests; professors of Higher Education Sheila Slaughter and Gary

Rhoades' 2004 *Academic Capitalism and the New Economy: Markets, State, and

Higher Education*, which focuses squarely on nonprofit, public and private colleges

and universities in the United States, expanding their analysis of the mechanisms of

academic capitalism by studying market practices throughout multiple institutional

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[50] Sheila Slaughter and Larry L Leslie, *Academic Capitalism: Politics, Policies, and the Entrepreneurial University* (Baltimore: Johns Hopkins University Press, 1997).
[51] Sheila Slaughter and Larry L. Leslie, "Expanding and Elaborating the Concept of Academic Capitalism," *Organization* 8, no. 2 (May 1, 2001): 154, https://doi.org/10.1177/1350508401082003.

settings; professor of Sociology Gaye Tuchman's 2009 *Wannabe U: Inside the*

Corporate University, which tracks how the "new managerialism" of university

administrators not only undercuts faculty authority, but illuminates the 'economic

rationality' that is the organizing logic of the university.[52] Importantly, Christopher

Newfield's 2003 *Ivy and Industry,* complicated what had been the prevailing analysis of

the impacts of market logics on the university as a 'new phenomenon' by arguing that

between 1880 through the 1980s, the role of the U.S. research university had been to

produce a professionalized class of workers in support of the nation's transition into an

industrial society.[53]

English professor Marc Bousquet's 2010 *How the University Works* marks

another key text within the field. Through a materialist analysis that illuminates the very

specific conceptions of labor that circulate within the university, Bousquet debunks the

notion that the tenure-track "job market" functions analogous to that of a market at all –

that is, with fluctuating peaks and valleys of available academic faculty positions from

year-to-year.[54] Instead, Bousquet argues that there is an *overproduction* of doctoral

graduates that feeds into the precarity of the professoriate. Reading the university as a

credentialing institution, Bousquet demonstrates how graduate student labor is one

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[52] David F Noble, *Digital Diploma Mills: The Automation of Higher Education* (Delhi: Aakar, 2004); Sheila Slaughter and Gary Rhoades, *Academic Capitalism and the New Economy: Markets, State, and Higher Education* (Baltimore: Johns Hopkins University Press, 2004); Gaye Tuchman, *Wannabe U inside the Corporate University* (Chicago: University of Chicago Press, 2009).

[53] Christopher Newfield, *Ivy and Industry: Business and the Making of the American University, 1880-1980* (Durham: Duke University Press, 2003).

[54] Marc Bousquet, *How the University Works: Higher Education and the Low-Wage Nation* (New York, NY: New York Univ. Press, 2010).

method through which the university outsources its teaching and credentialing

services –in addition to contingent adjunct labor –diminishing the needs for more

costly tenure track faculty lines. As such, discourses that individualize the difficulties of

breaking into the 'academic job market' might be more accurately described as

misunderstandings of structurally produced precarity *en masse*.

Together, scholarship within the CUS field can be seen to track the political

and economic shifts within academe, writing against myths that explain away any

structural accountability of 'the university' as a significant social and political force.

Taking a similar meta-level perspective to analyze the field, Abigail Boggs and Nick

Mitchell argue that CUS coalesces around an idea of the university being in a state of

'crisis,' raising salient theoretical and methodological concerns. Specifically, they ask

what might be "leveraged by the taken-for-granted diagnosis of crisis" as the

predominant framework for understanding the contemporary U.S. university?[55] Boggs

and Mitchell identify a series of questions that reveal the material and conceptual

limits of the CUS field's "crisis consensus," including:

> What temporalities and historical frames are leveraged through—and thereby
> naturalized by—the self-evident appearance of crisis? On what categories does
> the rhetoric of crisis rely upon and pivot? Are there potential disagreements
> that are made invisible, inconvenient, or unavailable by the sense of urgency
> implied by the now-ness of crisis? How do efforts to manage the crises, even
> when done in the best of faith, reduce the horizon of strategic approaches and
> possible futures in their complicity with, rather than disruption of, narrow
> conservative imaginings of what the university can and should be?[56]

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[55] Abigail Boggs and Nick Mitchell, "Critical University Studies and the Crisis Consensus," *Feminist Studies* 44, no.
2 (2018): 441.
[56] Boggs and Mitchell, 441.

As Boggs and Mitchell consider, framing the (public) university within a state of crisis –

while salient – might likewise foreclose more complex if not conflicting understandings

of the university, as well as possible futurities.

Furthermore, Boggs and Mitchell situate how many of the scholars within the

field of CUS are situated in English and Literature, since these departments "were

among the disciplines most regularly tapped (and funded) to manage the crisis

wrought by the incorporation of historically excluded populations". [57] In other words,

the framing of the university in "crisis" in part also speaks back to the disciplinary

locations of many CUS scholars, locations which were disrupted by the formation of

critical interdisciplinary fields such as feminist and the various ethnic studies. As Boggs

and Mitchell then elaborate, the interdisciplines also "provide a different set of

institutional and geopolitical coordinates through which…to critically study higher

education".[58]

In the wake of the expansion and formalization of critical interdisciplinary

fields, the university became an object of analysis by scholars thinking through the

fraught outcomes of institutionalizing these critical knowledge formations.[59] Professor

of race and critical theory Roderick Ferguson, for example, argues that the

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[57] Boggs and Mitchell, 444.

[58] Boggs and Mitchell, 444.

[59] Other important contributions include Wendy Brown, "The Impossibility of Women's Studies," *Differences.* 9, no. 3 (1997): 79; Mark Chiang, *The Cultural Capital of Asian American Studies: Autonomy and Representation in the University* (New York: New York University Press, 2009); Rachel Lee, "Notes from the (Non) Field: Teaching and Theorizing Women of Color," *Meridians Meridians* 1, no. 1 (2000): 85–109; Robyn Wiegman, *Women's Studies on Its Own: A next Wave Reader in Institutional Change* (Durham: Duke University Press, 2002).

institutionalization of the ethnic and women and genders studies fields came at the

cost of compromising the more radical demands of the social movements from which

they emerged. That is, rather than being transformed by the radical critiques brought

upon the university by these movements, the institution utilized those same discourses

leveraged against it as critique in order to bolster its own legitimacy. Situating his

analysis within the post-World War II US historical-political context, Ferguson uncovers

how what was once the problem of "minority difference" became re-fashioned as a

productive tool of power, particularly through the institutionalization of these various

identity-based interdisciplinary fields in the US academy. Using a Foucauldian

framework, Ferguson understands power as diffuse rather than concentrated in

individuals, operating not only through negation but also through affirmation. He thus

examines the way in which the institutionalization of these fields cannot be understood

merely as successful markers of student organizing and struggle, but precisely as a re-

ordering of the logics and grammars of the US nation-state and global capital. That is,

the university helped reframe difference into a "productive force" by offering it a place

within its existing structure defined by liberal traditions of tolerance and critical

openness. The university functioned as an institution of archiving and integrating

difference, rather than holding accountable the structures that produce and maintain

systematic exclusion of resources through these differences.[60]

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[60] Ferguson, *The Reorder of Things: The University and Its Pedagogies of Minority Difference*, 27.

For Ferguson, the University emerges as an object that is inextricably intertwined with and reaffirms the hegemonic projects of the US nation-state and global capitalism at the same time as it is also constructed through the political imaginaries brought to it, as demonstrated through the student movements' demands. To capture these dynamics, Ferguson also describes the university as "psychic," "hermeneutic," and "social", and urges critical scholars to rethink the scales and registers through which they imagine, organize and mobilize for social change within the academy.[61] Ferguson doesn't negate the importance of gaining institutional space, but provokes us to think about the institutionalization of critical knowledge formations and the role of the university in more complex and contradictory ways, as both, "critique and maneuvers of hegemony. As both *agent* and *effect* of institutionalization…not only an obstacle for and a challenge to dominance but [as] the expansion and multiplication of power's relays".[62] Perhaps most importantly, Ferguson is interested in how political demands are transformed or erased when radical social movements are incorporated into institutional logics, and how the affirmation of minority difference functions to narrowly redistribute resources rather than offering pathways for broader material transformations in newly represented communities, thus upholding 'the good' "rather than [producing a] disruption of hegemony".[63]

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[61] Ferguson, 200; 232.

[62] Ferguson, 36.

[63] Ferguson, 34.

Complimenting this analysis of the incorporating logics of the university, Queer

theorist Sarah Ahmed's work examines how discursive imaginaries matter in

institutional policies and practices, particularly those that seek to operationalize

discourses imbued with 'social justice' aims. In *On Being Included*, Ahmed considers

how institutional commitments to "diversity" operate as symbolic commitments to

racial justice, while protecting the whiteness and white logics that are normalized in

academic spaces.[64] Specifically, Ahmed considers how diversity workers within the

university become a stand-in for the work of diversity to happen within and across the

entire institution. The mere existence of diversity offices then signals that issues of

diversity are already resolved for the institution, or allows the university to disregard

"diversity work" elsewhere.[65] While institutional commitments to diversity create

mechanisms that enable and support diversity work to occur, Ahmed argues such

benevolent commitments also foreclose other diversity work, especially when diversity

is imagined as a solution, rather than an ongoing question or praxis that will require

further substantive university change. In this way, the "equality regime" of diversity

might actually function, in Ahmed's words, as an, "inequality regime given new form, a

set of processes that maintain what is supposedly being redressed".[66] In other words,

the university incorporates discourses and forms of real "diversity" work, yet without

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[64] Sara Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Durham; London: Duke University Press, 2012).

[65] Ahmed, 11.

[66] Ahmed, 8.

changing its own structural conditions that produce the precise inequities and needs for diversity work to exist.

This incorporating logic of the university, and its ability to extract its own forms of value out of the critical projects that circulate through the institution, is perhaps encapsulated through the promotional tagline of my home campus of the University of California, Santa Cruz, which proclaims itself to be "The Original Authority on Questioning Authority". A memo published on the University's Office of Research website explains that the campus was founded during the "turbulence" of the 1960s, and goes on to distinguish the Santa Cruz campus from other university spaces where students "often staked positions that were at odds with faculty and administrators"; in contrast, it claims that "students, faculty, and administrators often worked together to question authority and challenge the prevailing assumptions of the day" at UC Santa Cruz.[67] It goes on to claim this identity through the campus's embrace of a liberal arts college structure (against a traditional research university model), it's non-traditional programs such as the history of consciousness program, its self-proclaimed origin as the "birthplace of organic farming", its being home to the Grateful Dead Archives and its embrace of the anti-competitive mascot, the banana slug.[68] These touchstones are central to narrating the UC Santa Cruz campus's liberal identity, which is further

[67] UC Santa Cruz Office of Research, "The Original Authority on Questioning Authority," Office of Research, UCSC, July 15, 2014, https://officeofresearch.ucsc.edu/images/The%20Original%20Authority%20on%20Questioning%20Authority.pdf.

[68] "Banana Slug Mascot," University of California, Santa Cruz, accessed March 20, 2019, https://www.ucsc.edu/about/mascot.html.Office of Research, "The Original Authority on Questioning Authority."

illustrated in schematic form through the "UC Santa Cruz Brand Pyramid" that outlines

institution's strategy for communicating this campus brand identity with "consistency

and clarity".[69]

While the student movements of the 1960s are invoked in the origin story of

the university's slogan, the limits of questioning authority can be found at multiple

turns of the institution's historical and present day context. In 1981, twenty-five

students participated in a hunger strike to demand a formal Third World and Native

American Studies (TWANAS) program, an action which was later supported by a

march of over 600 students who delivered a set of demands to the chancellor for the

hiring of tenure line faculty and staff support to develop a program.[70] After decades

long activism leveraged by numerous student groups, the university finally agreed to

support the development of a program in critical race and ethnic studies (CRES) in fall

of 2014, although its resourcing was not without obstacles.[71] The university

administration has yet to address a May 2018 petition by the Amah Mutsun Tribal

Band and concerned UCSC students, requesting that the Mission Bell located on the

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[69] At the apex of the pyramid is the "brand essence – the one core characteristic that defines a brand," which is identified as "trailblazing," and is followed by the brand character, brand promise, reasons to believe, and finally, the campus positioning. This final category, the foundation of the pyramid is explained as "how we talk about ourselves" and it is here where the tagline lives and is elaborated, "We challenge the status quo, question authority to create new paradigms and change the world". "UC Santa Cruz Brand," UC Santa Cruz Communications & Marketing, accessed March 6, 2019, https://communications.ucsc.edu/brand-overview/brand/.

[70] Alexa Lomberg, "Representing the Underrepresented: '81 TWANAS Hunger Strike Demands Remain in Flux 30 Years Later," *City on a Hill Press*, May 14, 2016, https://www.cityonahillpress.com/2016/05/14/representing-the-underrepresented/.

[71] The Critical Race and Ethnic Studies (CRES) program was formally An Interdisciplinary Group of Grad Students at UCSC, "2011 Graduate Student Proposal for a Critical Race & Ethnic Studies Department at UCSC," *UCSC Critical Race & Ethnic Studies* (blog), May 17, 2015, https://ucscethnicstudies.wordpress.com/2015/05/17/2011-graduate-student-proposal-for-a-critical-race-ethnic-studies-department-at-ucsc/.

university's campus grounds, be removed from the campus and "recycled for peaceful purposes, so it may not be further displaced as a symbol of dominance".[72] The Mission Bell marks what was once an extensive trade route travelled by Indigenous peoples, long before Spanish conquest in 1769, between what became the United States and Mexico. According to Val Lopez, Chairman of the Amah Mutsun Tribal Band, "once the Indigenous peoples were conquered and dominated, the victors named the trade route "El Camino Real"" which translates to the King's Road.[73] As such, the Mission Bell marks a system and geography of anti-indigenous violence, and "is a painful and oppressive symbol for the Amah Mutsun and other indigenous peoples of California".[74] The petition asks that the university place a "public, educational marker…in a prominent location on campus grounds that recognize[s] the Uypi people on whose lands the campus was built, as well as their culture, spirituality and history."[75] While the university has yet to make public its response to this petition, if the demands are enacted it would require that the university recognize its participation in an ongoing occupation of indigenous land and in the U.S. settler colonial project. How might a formal recognition of this history by the university likewise complicate it's claims as a "public" university on "public" lands?

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[72] Guest author, "Submission: Resolution Requesting the Removal of Mission Bell from UC Santa Cruz Campus," *City on a Hill Press*, May 17, 2018, https://www.cityonahillpress.com/2018/05/17/submission-resolution-requesting-the-removal-of-mission-bell-from-uc-santa-cruz-campus/.

[73] Cathy Castillo, "California Indians Demand Cruelty to Ancestors Be Disclosed as California Mission Foundation Tries to Declare El Camino Real a UNESCO World Heritage Site," Amah Mutsun Tribal Band, July 27, 2016, http://amahmutsun.org/archives/1456. Update citation

[74] Guest author, "Resolution Requesting the Removal of Mission Bell from UCSC."

[75] Guest author.

Onto-Epistemologies of Human and Land

In this section, I trace two distinct theoretical frameworks that inform my broader project. Specifically, I situate coloniality, which according to Troy Richardson, describes the "theoretical-philosophical structure" undergirding the production of the Western human ideal and it's co-constitutive, sub-ordinate racial others.[76] For example, logics of coloniality racialize distinctive Indigenous tribes into the amalgamated category of the "Native". Likewise, logics that assert the superiority of the Western human ideal function as the justifications of settler colonial relationships to the land and the attendant legal, social, and political structures because they emerge from the ideal figuration within this taxonomic order of the human.[77]

To be sure, these logics have distinct genealogies with distinct and in some respects opposing political projects. The aims of the coloniality/modernity scholars, many of whom are geopolitically situated as speaking from/with/in solidarities of anti-colonial struggle in the Latin American context, include decolonizing epistemology (the Western canon), in a move to decolonize ontology (the Western (political) subject) and to create political structures that are not bound to the violent logics of imperialism and western liberalism. According to Walter Mignolo, this form of decolonization is generally skeptical of religious (e.g. Christianity), intellectual (e.g. Marxism), or political

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[76] Troy A. Richardson, "Disrupting the Coloniality of Being: Toward De-Colonial Ontologies in Philosophy of Education," *Studies in Philosophy and Education* 31, no. 6 (November 1, 2012): 539–51, https://doi.org/10.1007/s11217-011-9284-1.
[77] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom."

(e.g. Liberalism) systems built on abstract universals, which "become the different

content of the same fundamentalist and imperial logic".[78] Following Fanon, Mignolo

situates decolonization as a "double operation that includes both colonized and

colonizer".[79]

In contrast, decolonization, as it is connected with critiques of settler

colonialism from (critical) Indigenous studies, is interested more squarely in the

political sovereignty and autonomy of Indigenous and First Nations peoples, or as

Tuck and Yang articulate, land repatriation.[80] Such a move would likewise make room

for Indigenous epistemologies, ontologies, socialities and cosmologies. Yet against

decolonization as it theorized by the coloniality/modernity scholars, in which both

'colonizer and colonized' must be transformed, conceptions of decolonization from

this perspective do not necessarily include settlers, or "arrivants" which include non-

Indigenous yet racialized peoples might who occupy indigenous territory, often

through connected processes of racial capitalism, imperialism, and war.[81] As Tuck and

Yang contend, the desires of decolonization may be *incommensurable* with the desire

of other radical projects of justice.[82] Without dismissing or attempting to resolve the

distinctive political projects that emerge from these genealogies (and also recognizing

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[78] Walter D. Mignolo, "Delinking," *Cultural Studies* 21, no. 2–3 (March 1, 2007): 458,
https://doi.org/10.1080/09502380601162647.

[79] Mignolo, 458.

[80] Tuck and Yang, "Decolonization Is Not a Metaphor."

[81] Jodi A Byrd, *The Transit of Empire Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), http://site.ebrary.com/id/10502056.

[82] Tuck and Yang, "Decolonization Is Not a Metaphor."

there are multiple conceptions of decolonization even within these political projects), I

aim to think with how both of these frameworks illuminate the interconnecting logics

of racial-colonialism. As Byrd, Goldstein, Melamed and Reddy consider, the "historical

processes of colonization and racialization…are simultaneously distinct and

reciprocal," which inform their ability to underwrite shifting and ongoing modes of

dispossession and accumulation.[83]

Peruvian sociologist Anibal Quijano developed the concept of coloniality as a

theorization of power, particularly from the perspective and experience of 'third-world'

subjectivities.[84] As Nelson Maldonado-Torres describes, coloniality disrupts the

temporal, historical narrative of colonialism as a past event and instead seeks to

understand how colonialism is an enduring, pervasive logic, one that continues to

inform "culture, labor, intersubjective relations, and knowledge production well

beyond the strict limits of colonial administrations".[85] Coloniality might thus be

understood as the hauntings of colonialism within present day relations of knowledge-

, culture-, and power- formations. Within this framework, modernity cannot be

understood as emerging after or existing apart from processes of colonialism; colonial

logics are the conditions of possibility for modernity and liberal democratic political

contexts. To be in modernity then is to also be in coloniality.

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[83] Byrd et al., "Predatory Value: Economies of Dispossession and Disturbed Relationalities," 6.

[84] Aníbal Quijano, "Colonialidad Del Poder y Clasificación Social," trans. George Ciccariello Maher, *Journal of World-Systems Research* 6, no. 2 (Summer/Fall 2000): 342–86.

[85] Nelson Maldonado-Torres, "On the Coloniality of Being," *Cultural Studies* 21, no. 2–3 (March 1, 2007): 243.

Coloniality/modernity scholars argue that logics of coloniality are developed

and deployed through Enlightenment knowledge projects that reassert universal

subjectivity and the universality of knowledge claims. Quijano argues that the

construction of the Euro-centric ideal as both *individual* and *uniquely rational* through

the subject-object relationship is an analytic move that simultaneously positions the

western subject as universal. He develops this argument by critiquing Cartesian logics

– 'cogito, ergo sum' or 'I think, therefore I am' – in which an assertion of rationality

asserts being, rather than an assertion of relationality –I am in relation, therefore I am –

and as such, negates "intersubjectivity".[86] Quijano argues that Descartes succeeded in

creating this logic through a "radical dualism" between reason and nature in which,

"the 'subject' is the bearer of 'reason', while the 'object', is not only external to it, but a

different 'nature'; in other words, the 'object' is 'nature'".[87] Quijano argues that this

paradigm constitutes the other/object's cultural differences as "inferior, by nature" in

this anthropocentric schema in which European culture is deemed as the only

"rational" culture able to contain "subjects".[88]

To be sure, Western philosophy cannot be tracked solely through Descartes.

Indeed, the analytic 'cuts', meanings and relationships– between self, subject, object,

other, perception, experience, knowledge, reason, truth, etc. – are contested between

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[86] Aníbal Quijano, "Coloniality and Modernity/Rationality," *Cultural Studies* 21, no. 2–3 (March 1, 2007): 172, https://doi.org/10.1080/09502380601164353.

[87] Quijano, 173.

[88] Quijano, 174.

and within Western philosophical traditions. Still, Quijano's work, together with that of

the other coloniality/modernity scholars, illuminates the particular logics that may be

taken as a priori within liberal political frameworks, whether from the political left or

the right.[89] The erasure of, "specific beliefs, ideas, images, symbols or knowledges,"

thus similarly emerged as violent tools of colonialism, deeply interconnected, if not

necessary, for domination, exploitation, and genocide.[90]

The claimed neutral, universal epistemological perspective has been deployed

by many political leaders, scholars and institutions as an "epistemic strategy" that

obscured colonial structures of power and legitimated these various modes of

violence.[91] The construction of the universal archetype is also central to the colonial

project, cloaking itself as an objective system of thought yet created from the

perspective of the white, European, Christian, secular man.[92] Colombian Philosopher

Santiago Castro-Gómez termed this as the "point zero" perspective, in which the claim

to transcend any particular viewpoint conceals the particular "geo-political" and

"body-political" location from which one speaks.[93] Rationality is thus figured through

the image and interests of the white man. At the same time, claims to objectivity and

universalism (through rationality) disembody rationality from these origin figures

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[89] Mignolo, "Delinking."

[90] Quijano, "Coloniality and Modernity/Rationality," 169.

[91] Ramón Grosfoguel, "The Epistemic Decolonial Turn," *Cultural Studies* 21, no. 2–3 (March 1, 2007): 214.

[92] Walter Mignolo and Madina Tlostanova, "Theorizing from the Borders," *European Journal of Social Theory* 9, no. 2 (2006): 210.

[93] Castro-Gomez as quoted in: Grosfoguel, "The Epistemic Decolonial Turn," 213–14; Santiago Castro-Gómez, "La Hybris Del Punto Cero: Biopolíticas Imperiales y Colonialidad Del Poder En La Nueva Granada (1750 - 1810)" (Unpublished manuscript, 2003), Instituto Pensar, Universidad Javeriana.

(white man). In this double move, rationality is both created in the image of the white man and is abstracted from him. Thus, by calling upon rationality, the Euro-subjectivity is not revealed, but rather the disembodied, invisibility of whiteness and its logic because it naturalizes "the experiences of those within this model of power".[94]

Decolonial Feminist Philosopher Maria Lugones complicates the interventions of the coloniality/modernity scholars, arguing for an attentive re-reading and disruption of gender and sexuality as given categories.[95] Lugones argues that Quijano's theorization does not untangle the global, Eurocentric, capitalist rendering of gender and sexuality, and instead reinscribes them through biological, binary logics. Gender and sexuality should be understood as impositions; not fundaments to understandings of being, but mobilized through arrangements that depend on the very creation of such categories to legitimate and enforce the domination of the colonizer. Race, gender, and sexuality, are part of the workings of colonial logics, in that they describe normative modes of being (what is good) in order to delineate deviating modes of being as deficit or unnatural (what is bad) and thus inherently less-than human.

Sylvia Wynter enters into conversation with the coloniality/modernity scholars, as well as decolonial theorists such as Frantz Fanon, in order to further unpack the logics of colonialism and the intricate connection between categories such as race,

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[94] Aníbal Quijano, "The Coloniality of Power and Social Classification," trans. George Ciccariello Maher (n.d.), 2.
[95] María Lugones, "Heterosexualism and the Colonial/Modern Gender System," *Hypatia* 22, no. 1 (2007): 186–219.

gender, and sexuality to constructions of beingness.[96] Wynter's analysis focuses on

the way in which the construction of universality bears an ontological violence; that is,

particular notions of the human posit universal attributes that are then used to

demarcate actual human beings as definitionally excluded from the category of the

human. Wynter's analysis underscores how ontology, epistemology, and

representation are thus deeply imbricated within one another, and cannot be treated

in the discrete containments required by philosophic and other modes of

disciplinarity.

  Wynter describes how the construction of race in the secular expansion of the

West was made possible and premised under the discourse of "rational perfection"

which superseded, without wholly eliminating, the prior discourse of "spiritual

perfection".[97] Through what Fanon calls the "colonial vocabulary," Indigenous and

African peoples were deemed as lower in a taxonomic ordering of humanness, a

"Chain of Being" which, as Wynter describes, correlated to "differential/hierarchical

degrees of rationality…between different populations, their religions, cultures, forms

of life; in other words, their modes of being human".[98] Wynter underscores how the

"West placed itself at the apex" of this chain, thus creating the conditions of truth and

rationality through which other peoples were judged and therefore deemed human or

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[96] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom."

[97] Wynter, 264, 287.

[98] Wynter, 300.

less-than-human.[99] Again, rationality, racialized as white and gendered as man, becomes the predominant figure of humanness.[100] As Fanon states, "the settler makes history and is conscious of making it".[101] It is not an accident that the colonizer uses the tools of knowledge and truth production to legitimate his own power, and to posit the conditions of humanness in his own image.

Wynter argues that this method of creating the conditions of power through knowledge were not new strategies, but had simply shifted in form from the religious to the secular, from Man_1 to Man_2. For example, Christian evangelicals created the category of the "justly enslaved" to refer to peoples who had been read the "requerimento" in Latin before any "slave-raiding, land-expropriating expedition"; this, it was argued, was to "ensure that the indigenes in question literally heard the Word of the Christian Gospel, so that they could then be later classified as having refused it, and therefore [be classified] as Enemies-of-Christ".[102] In similar strokes, the colonial project secures state power by using the "thesis of a by-nature difference in rationality" in order to justify the subordination, enslavement and genocide of Indigenous and African peoples.[103] If these peoples were ontologically categorized as human-other or naturally less-than, than surely the extraction of their land, labor, and life was justified

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[99] Wynter, 300.

[100] Wynter, 300.

[101] Frantz Fanon, *The Wretched of the Earth*, ed. Jean-Paul Sartre (New York: Grove Press, Inc., 1965), 51.

[102] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom," 294-95.

[103] Wynter, 297.

in service of the development of more 'rational,' 'civilized peoples,' or so the logic was organized to function.

Thus, the same logics are articulated in the move from Man_1 to Man_2, but their form shifted from the spiritual as justification to the scientific as justification. Importantly then, while Man_2 is figured as a secular, rational, universal subject, he likewise occupies this space as an ethical subject, an ideal liberal citizen-subject insofar as he embodies and reflects this human ideal with presumed epistemic authority and as such, is preeminently qualified and justified to rule. Wynter unearths the deep colonial logics embedded within the fundamental tools of formal disciplinary knowledge production, particularly those claims 'to know' through the legitimacy of science. It is also for this reason that the "coloniality of power" cannot be 'unsettled', as Wynter argues, without a re-articulation of the category of 'human'.[104] According to David Scott, Wynter's intervention is not merely that of, "the deconstructive gesture (the critique of the false or partial humanisms that have so far ordered emancipationist projects)" but also relies "dialectically, on a reconstructed understanding of the grounds of human being".[105]

In an essay that attends to the "materiality of black queer women's spatial coordinates," Kemi Adeyemi takes on a similar examination of the history that produces the genres of "Man" that Wynter traces, and theorizes the figure of Man as

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[104] Wynter, 268.

[105] David Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," *Small Axe*, no. 8 (September 2000): 121.

inhabiting a 90° relationship to the ground.[106] As Adeyemi elaborates and extends

from Wynter's work, Western figurations of the ideal human that are rooted in the

Judeo-Christian tradition of the "Godhead" are at once the result of "fears around (and

attempts to atone for) man's fall from the heavens".[107] According to Adeyemi, Man's

spatial figuration of verticality, of "the "up" position…is relatively standard in Western

spiritual practice," even though there are distinct norms in terms of the "appropriate

degrees of physical verticality of worship required to atone for such sinning – whether

to kneel, to stand, to lie prostrate".[108] Thus, Adeyemi invites a consideration of the way

in which,

> The value systems surrounding such perpendicularity have been continually
> reinforced through the historical development of global, racial capitalism,
> which itself operates through the physically and ideologically violent
> disciplining of the downward status of women and femme people of color, in
> particular.[109]

At once then, the figure of Man is a "construction, fiction, myth, and ideal, but one that

has very real, material consequences" for the "conditions that make Man's 90°

possible" include racism, misogyny, and ableism, among others.[110] The violences that

create the conditions of possibility for Man, Adeyemi argues, were "stabilized by the

angularities of black to and as ground," through the disciplining and displacing of

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[106] Kemi Adeyemi, "Beyond 90°: The Angularities of Black/Queer/Women/Lean," *Women & Performance: A Journal of Feminist Theory* 29, no. 1 (January 2, 2019): 9–24, https://doi.org/10.1080/0740770X.2019.1571861.
[107] Adeyemi, 12.
[108] Adeyemi, 12.
[109] Adeyemi, 12.
[110] Adeyemi, 12.

Black and Indigenous others as 0° and 180°.[111] Thinking with Adeyemi, coloniality

maps the formation of Man as well as "related concepts of Human, Subject, and

Citizen" plotted vertically along an x-axis in 90° formation.[112] Settler colonialism then, if

thought of as horizon, as ground, as land, and as that which can be owned (or without

being) might be represented by the horizontal y-axis, a representation of the social

and political structures that mediate relationships between Man and *others.*

Settler colonialism gives name to the specific logics and relationships that

render the ongoing occupation of Indigenous territories within the U.S. context as

invisible if not inevitable.[113] Distinct from exogenous colonialism, because it is not a

form of colonialism in which colonists primarily extract resources from remote rule with

the support of highly militarized presence, settlers come to stay. Settler colonialism

also imposes particular set of relationships to the land itself. As individual property,

settlers can occupy the land, live off of it and profit from it. This structure likewise relies

on a triad relationship between settler, native, and slave; racialized as Black and

understood as property, slave labor enables white settlers to maximize profits off of

stolen Indigenous lands.[114] Scholars of settler colonial studies also argue that one of

the key ways that these relationships are naturalized is through the "elimination of the

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[111] Adeyemi, 13.

[112] Adeyemi, 13.

[113] Natalie J. K. Baloy, "Spectacles and Spectres: Settler Colonial Spaces in Vancouver," *Settler Colonial Studies* 0, no. 0 (March 16, 2015): 1–26, https://doi.org/10.1080/2201473X.2015.1018101.

[114] Tuck and Yang, "Decolonization Is Not a Metaphor."

native".[115] Materially, this refers to the genocidal violence leveraged in this country against First Peoples. Symbolically, erasure continues in the present through dominant cultural representations in which Natives only exist in history, are objectified as caricatures of sport teams and mascots, or in which sacred ceremonial wear is disrespected as dress-up or costume. Within settler societies like the United States, these ways of relating to the land and racialized *Indigenous, Black,* and *others* are naturalized as part of the "common sense," while the imposition of knowledge systems underwrites these beliefs as rational, natural, and moral.[116] This gives depth to the oft-cited quote from scholar Patrick Wolfe that 'settler colonialism is a structure, not an event'.[117] If the liberal political subject, insofar as it aspires to the universal human ideal, is thus by definition also a moral subject, then what are we to make of liberal institutions that are likewise imbued and connected within these same logics?

In this next section, I consider how higher education leaders actively worked to frame the emergence of public land grant universities as a decidedly democratic institution and as representative of an ethical ideal. I provide an overview of the predominant characteristics in U.S. institutions dating back to the beginning of the 19th

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[115] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006).

[116] Eve Tuck and Rubén A. Gaztambide-Fernández, "Curriculum, Replacement, and Settler Futurity," *Journal of Curriculum Theorizing* 29, no. 1 (June 18, 2013), http://journal.jctonline.org/index.php/jct/article/view/411.

[117] Patrick G Wolfe, *Settler Colonialism and the Transformation of Anthropology the Politics and Poetics of an Ethnographic Event* (London; New York: Cassell, 1999); Wolfe, "Settler Colonialism and the Elimination of the Native."

century in order to illustrate the broader shifts that occurred in U.S. Higher Education

in the 1860s.[118]

Democracy as Ethicality: Creating a National Vision of U.S. Public Universities

In an 1899 ceremony commemorating the thirty-first anniversary of the

University of California, Berkeley, William Rainey Harper, a prominent Progressive Era

higher education leader, gave a keynote address in which he envisioned the role of

the U.S. university as the "prophet, priest, and philosopher of Democracy".[119] Harper,

who held a prestigious post as the President of the University of Chicago, understood

the university as the "spokesman" or prophet of democracy, particularly as it carried

out its responsibility of training teachers and future leaders of the country.[120] The role

of the prophet was to *interpret the past, measure the present, and foretell the future*; as

prophet and as "the center of thought," then, the university would likewise "maintain

for democracy the unity so essential for its success".[121] As the priest, the university

would build and preserve the practice of democracy and act as a "mediator between

man and man, for man is the constituent element in democracy, and humanity is the

ideal of all its aspirations."[122] In the role of philosopher, the university would provide a

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[118] Laurence R Veysey, *The Emergence of the American University* (Chicago: University of Chicago Press, 1965).

[119] William Rainey Harper, "The University and Democracy," *University Chronicle* II, no. 2 (1899): 65–88.

[120] Harper, 73.

[121] Harper, 77–78.

[122] Harper, 80.

space for the "honest and unbiased consideration of all of the facts which relate to democracy," maintaining the objectivity and truth. [123]

Harper's metaphor simultaneously connects the university with a sense of Christian moral rectitude through his invocation of prophet and priest, while also invoking the philosopher as a figure that connects the institution to values of truth, objectivity, and reason. All of these roles are centered on the pursuit of the foundational value of democracy. Together, Harper's metaphor of the university not only speaks of the broader shifts that were occurring in the structure of U.S. higher education at the time, but also it importantly illuminates the discourses that were mobilized to usher in such transformations. According to widely-cited historian of higher education Laurence Veysey, prior to 1865, the idea of "the university" itself didn't exist in the United States. [124] What then existed prior to 1865, if not a cohered imaginary of "the university," specifically as an institution that would shepherd the realization of democracy?

U.S. institutions of higher education date back prior to the American Revolution. The Colonial Colleges, including Harvard, William and Mary, Yale, and Princeton, among others, were founded by men from elite institutions such as Oxford and Cambridge, to, in part, bring the English Protestant scholarly tradition, as well as

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[123] Harper, 84.

[124] Veysey, *The Emergence of the American University*, 2.

other denominations, to America.[125] By the early 1800s, a college education was still only accessible to a select few young men, those whose families had the means to pay for tutoring in Greek and Latin, often at a costly college preparatory away from home.[126] The study of Greek and Latin was foundational to the classical curriculum and generally part of the entrance examinations for the colleges, which at this time were the training grounds for those who would become ministers, lawyers, scholars, or politicians, members of the professional class who were predominately trained through the apprenticeship form. The early 19th century also brought about the Second Great Awakening and with it, as historian Geiger writes, a "wave of religiosity" across the nation in which "colleges played a central role".[127] Religious colleges and theological seminaries began to emerge as sites of training for the "popular denominations" such as Baptists and Methodists, reflecting intense hierarchical class struggles as well as theological divides among Christians.[128] As Geiger writes, colleges that were not swept up in this movement either continued to defend the "Enlightenment heritage of nondenominational toleration and openness" or were Protestants who sought to "impose religious orthodoxy in the colleges" of a different

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[125] Frederick Rudolph, *The American College and University: A History* (University of Georgia Press, 1962), http://public.eblib.com/choice/publicfullrecord.aspx?p=3039001; Roger L. Geiger, *The History of American Higher Education: Learning and Culture from the Founding to World War Ii* (Princeton: Princeton University Press, 2015); Margaret Sumner, *Collegiate Republic Cultivating an Ideal Society in Early America.* (Charlottesville: University of Virginia Press, 2014). Harvard was the first university, founded in 1636, followed by William and Mary in 1693, Yale in 1745, Princeton in 1746.

[126] Geiger, *The History of American Higher Education*, 125.

[127] Geiger, 132.

[128] Geiger, 133.

form.[129] Meanwhile, the first professional schools of law and medicine began to develop and furthered the 19th century trend toward the democratization of access to forms of learning and social-economic opportunities, further complicating the transformations occurring among institutions of higher education. These institutions and 'universities' also sought to distinguish themselves as superior to the 'colleges' given their commitments to science, research, and graduate and other professional forms of training.

The early 19th century set in motion a changing landscape of higher education, setting the stage for even broader reconfigurations following 1865. The Morrill Land Grant Act of 1862, which funded the development of public institutions throughout the country through script in the form of federally-claimed land, foregrounded the use of science and research for the practical fields of agriculture and mechanical arts, which would replace the traditional, guild, and apprenticeship forms of learning with standardized best practices managed by a meritocratic elite. The social and political context following the Civil War likewise informed a broad move away from the valuation of abstract knowledge towards knowledge that could be used in service of extracting surplus value from the land and providing more direct service to economic development. According to Veysey, the "blunt fact of the surplus capital that was newly available" following the Civil War was paramount to these shifts; so to was the support of wealthy benefactors such as "the Cornells, the Hopkinses and Rockefellers"

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[129] Geiger, 124.

who began to view higher education as a lucrative economic investment that was positioned to cohere national identity, instill social order, and secure the development of the workforce, all through the a moral lens.[130] Leaders of higher education thus had an opportunity to reshape the university, both within academia and to the broader public. Turning away from the purely classical curriculum and the contradictions of religious orthodoxy, this new institution, "the university" would emphasize principles of utility, research and liberal culture.[131]

Yet according to education scholar Scott Key, this "received view" in the historiography of U.S. Higher Education, which frames the Morrill Land Grant Act as a groundbreaking policy intent on democratizing access to higher education, distorts how the development of land grant colleges was, in fact, a strategy for generating federal economic revenue.[132] Key agrees with Veysey and other historians, who document the way in which the Morrill Act animated existing curricular debates to move "away from a classical toward a more science-based curriculum".[133] Still, this does not capture the political and economic context that informed support for the bill.

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[130] Veysey, *The Emergence of the American University*, 3. Similar logics and ordering principles also informed the development of the K-12 educational system during the end of the 19th Century. See David B. Tyack's 1974, *The One Best System: A History of American Urban Education.*

[131] Veysey, *The Emergence of the American University.*

[132] Scott Key, "Economics or Education: The Establishment of American Land-Grant Universities," *The Journal of Higher Education* 67, no. 2 (March 1, 1996): 198, https://doi.org/10.1080/00221546.1996.11780256. Key identifies texts like Edward D. Eddy's *Colleges for Our Land and Time: The Land-Grant Idea in American Education* (1957), Joseph B. Edmond's *The Magnificent Charter: The Origin and Role of the Morrill Land-Grant Colleges and Universities* (1978), Allan Nevins' *The State Universities and Democracy* (1962); and Earl D. Ross's *Democracy's College: The Land Grant College in the Formative Stage* (1942) as among those texts that situate the "land-grant college movement as part of the educational evolution of the United States" Key, p. 197

[133] Key, 197.

As Key notes, while it "seems remarkable that in the midst of civil war, the attention of Congress could be diverted and directed toward extending higher education," if we understand the Morrill Act not as an educational but as an economic policy, its 1862 passage becomes much more relevant.[134]

Representative Justin S. Morrill of Vermont had first introduced the idea for the land grant act bill in 1858 without success. His arguments for donating public lands to establish colleges of agriculture and mechanical arts were based on the premise that they would generate a means to produce federal revenue. As Key documents, Representative Cobb of Alabama, who was the Chair of the Committee on Public Lands, understood the federal government as the trustee of public lands. Cobb and other opponents thus argued that the lands needed to be utilized to generate revenue that would cover the governments' operations as well as to pay off debts incurred from the Revolutionary and Mexican Wars.[135] It was Cobb's view that, "if you destroy [the] revenue from that source, you must increase it in some other [taxes]," which would be an unpopular political maneuver. [136] Although it was not unprecedented for the federal government, as trustee, to donate lands for a variety of purposes, Cobb argued that, "a gift which reduces the value of the public lands is in violation of the beneficiaries' rights".[137] In Key's summary of Cobb's argument then, the concern was

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[134] Key, 215.

[135] Key, 212.

[136] Cobb, as quoted in Key, 212.

[137] Cobb, as quoted in Key, 212.

that the "public lands could not be given away unless such grants enhanced the value of the adjacent lands which would increase direct revenue for the federal government".[138] If the value of adjacent lands would increase, then, in effect, the government would receive returns on the taxes of these adjacent lands for land that it had given away. Yet within this political context, it was not imagined that the development of colleges could increase the value of nearby property. This is a position that is perhaps difficult to imagine given the way in which contemporary universities have become a force in driving up property prices, and as Andy Hines considers, are leading processes of gentrification in many communities.[139] The bill narrowly passed in both the House and Senate in 1858, but was vetoed by President James Buchanan, who questioned both its economic impact and its constitutionality.[140]

Morrill reintroduced the bill shortly after the passage of the Homestead Act of 1862. The Homestead Act created the possibility for "any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States," that intended to become a citizen (and was eligible to become one), and "who has never borne arms against the United States Government or given aid and comfort to its enemies" to claim up to 160 acres of land deemed "public" by the government,

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[138] Key, 212.

[139] Andy Hines, "The End(s) of the University" (Critical Ethnic Studies Association (CESA), Vancouver, BC, 2018).

[140] Key, "Economics or Education," 213.

"for the purpose of actual settlement and cultivation".[141] The idea was that the land

would be "improved" both through its settlement and its use for agricultural

production.[142] As Alyosha Goldstein argues, the policy offered "a means to encourage

westward migration over and against the sovereign territorial claims of indigenous

peoples," by promoting the migration of white settlers to create a "palliative means of

economic mobility," and thus reinforcing the expansion and establishment of the US

settler colonial project.[143] Within this context, as well as the new leadership of

President Abraham Lincoln, and the "restructuring of Congress due to the exodus of

Southern delegates" during the Civil War, Senator Morrill had an opening for the

bill.[144] Morrill pursued the argument that in order to increase national prosperity, the

government should support the development of agriculture through agricultural and

mechanical arts colleges, institutions which could harness science to develop

agriculture and educate settlers, enabling increased agricultural production and

prosperity.[145]

Scott Key importantly intervenes in the predominant narrative –or the "received

view" – that the Morrill Land Grant Act was imagined as a mechanism to democratize

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[141] "Transcript of Homestead Act (1862)," Our Documents - A National Initiative on American History, Civics, and Service, accessed March 24, 2019,
https://www.ourdocuments.gov/doc.php?flash=false&doc=31&page=transcript.
[142] "Our Documents - Homestead Act (1862)," accessed March 24, 2019,
https://www.ourdocuments.gov/doc.php?flash=false&doc=31.
[143] Alyosha Goldstein, "By Force of Expectation: Colonization, Public Lands, and the Property Relation," *UCLA Law Review* 65 (March 1, 2018): 124–40.
[144] Key, "Economics or Education," 214.
[145] Key, 214–15.

access to higher education. Beyond Key's important analysis of the Morrill Act as

economic policy, it should also be understood as a key tool in securing the settler

colonial project. In addition, Nick Mitchell has raised salient questions regarding the

periodization of the Morrill Act's passage. Given that the Civil War had the potential to

bring about the end of chattel slavery, how might the passage of the Morrill Act also

have anticipated the need to replace the exploitation of enslaved Black labor with

scientific techniques that would likewise allow for extracting profit from the land?[146] In

other words, how might the possibility of developing methods to scientifically study

and manage the land have allowed for more moral means to articulate settler colonial

desires to exploit and derive profit from the land, particularly in the imagined absence

of enslaved Black bodies?

Despite the reconceptualization of the classical college into the scientific

university, and with it, the more practical mission of the land grant colleges, garnering

broad public support for the development of the university was a much more

complicated process. According to economists and social theorists Sam Bowles and

Herb Gintis, less than half of children between the ages of five to seventeen attended

schools in the 1870s and "among those enrolled, the school year averaged seventy-

eight days, or less than a quarter of a year."[147] With primary and secondary schools

themselves as nascent institutional formations, creating a system of public higher

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[146] Nick Mitchell, "Discussant to Neda Atanasoski (& Kalindi Vora), Surrogate Humanity" (March 13, 2019), https://feministstudies.ucsc.edu/images/surrogate-humanity-book-talk.pdf.
[147] Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life* (Chicago, Ill.: Haymarket Books, 2011), 153.

education, and convincing people that they should pay taxes toward it, was, to say the least, an uphill battle, as few settlers would even be eligible to reap the purported benefits of these institutions. There were also competing discourses to contend with; as the industrial revolution took shape, it was not uncommon for industry leaders to characterize the "uselessness of higher education," particularly for those who were part of the laboring classes.[148] While those within academia variously struggled to transform colleges and universities from the old guard of orthodox classical curriculum to that of research and science within the changing landscape of economic production, there was likewise an effort by higher education leaders to cohere a national understanding and support for "the university" through the production of a new bourgeois work force that could be accommodated and ordered.

The very idea of "the university" was abstract and unfamiliar to the majority of the public since it was yet to exist in any widespread way. The role of the early university leaders, then, was to produce a popular image and imaginary of the university, and to assert the importance of it as an institution amidst the broader development of the nation-state.[149] Yet as Veysey writes, "like so many moving forces in American history, the simple urge towards "the university" in this unqualified sense did not lose power because it lacked concreteness."[150] In other words, it was perhaps this ambiguity of "the university" that likewise contributed to its successful expansion

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[148] Veysey, *The Emergence of the American University*, 13.
[149] Veysey, 11.
[150] Veysey, 12.

and development. This lack of a unified vision allowed leaders of higher education to

reframe the university. Rather than a backwards looking institution focused on the

classics, it could look forward into the future, offering the promises of cutting-edge

scientific inquiry that could be applied to practical spheres such as agriculture and

industry. Agriculture and industry stood in for all production; rather than educating

ministers and gentlemen, who *directed* the production of society, the new institution

would likewise educate those who would become the new industrial, *managing* class.

During this period, university leaders played an important role in crystalizing

the concept of the university within the public imaginary. As Veysey writes, "with one

hand they built the university, borrowing from Europe and improvising as they went;

with the other, they popularized it."[151] As a prominent academic leader of the early

Progressive Era, Harper imagined U.S. universities as bastions of democracy, echoing

dominant discourses of university leaders at the turn of the century. Within this

context, it is not surprising that Harper's articulation of the university as "the prophet,

priest, and philosopher of democracy" sits at the intersection of religious and secular

ideals. Graduating from Yale with a Ph.D. in ancient languages before the young age

of twenty, which was not uncommon at the time, Harper, "made a mission of

popularizing the study of Hebrew and, later, Bible studies".[152] His scholarship on the

Bible confronted traditional Protestant interpretations and argued for the scientific

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[151] Veysey, 16.

[152] Geiger, *The History of American Higher Education*, 345.

study of the historical origins of the Old Testament, ideas which he spread through his teaching as well as through scholarly and popular journals he created.[153] Harper also became involved in the Chautauqua Movement, a decidedly-white, middle-class, Protestant evangelical effort that brought together religion, art, culture, and popular-adult education across the United States through travelling summer camps.[154] The Chautauqua Movement might be understood as a project to create an enlightened, literate (white) citizenry, an embodiment of democracy as would be enacted by its white, Anglo-Saxon, protestant citizens. As an educational leader, Harper also held ambitions to, in his own words, "revolutionize College and University work in this country," a plan which he outlined in an 1890 letter to his friend, business tycoon and philanthropist John D. Rockefeller.[155] Drawing from the German model, Harper articulated a nuanced re-organization for a new research university, which included the separation of the first two years of instruction into what was known as the Junior

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[153] John W Boyer, *The University of Chicago: A History*, 2016, 71–72, http://books.scholarsportal.info/viewdoc.html?id=/ebooks/ebooks3/oso/2016-05-20/1/upso-9780226242514. According to Geiger (2015), between 1800 -1810, the median age for new college students ranged from fourteen to sixteen at institutions such as Columbia, Harvard, and the College of New Jersey, with a student as young as age nine at Dartmouth. In order to be admitted, male pupils generally had to pass an examination in Greek and Latin, meaning that many students would have to train at a preparatory academy in order to be accepted, a costly endeavor. As a result, college admissions standards were often lowered, whereas boys from wealthy families or who could be trained by an educated parent from a young age were steadily able to pass admissions (p. 125-126).

[154] Andrew Chamberlin Rieser, *The Chautauqua Moment: Protestants, Progressives, and the Culture of Modern Liberalism* (New York: Columbia University Press, 2003). As Rieser argues, Chautauqua espoused a neutral democratic discourse, while likewise subsuming ethnic and gender "differences under a racialized definition of middle-class citizenship" (p. 6). The first camp was held at Chautauqua Lake, in the county furthest west in the state of New York, with Pennsylvania to the west and south and bears the loose translation of the Native American name of the lake.

[155] Boyer, *The University of Chicago*, 497.

College and eventually the formation of the Associates Degree.[156] At the same time,

Harper evoked liberal ideals such as social advancement and civic development as

foundational to the university. This vision became the seeds for the re-invention of the

University of Chicago, and earned him an endowment for the university from

Rockefeller.[157]

It is within this period that the idea of "the university" began to occupy a

particular space in the public imaginary as an ethical institution, because it promised

social mobility, the potential for economic expansion, the development of democratic

citizens, as well as the elevation of science and rational debate. According to scholar

of rhetoric and political economy Catherine Chaput, public universities in particular

"signified American progress and innovation as the "true glory" of humankind," and as

such, the "overwhelmingly Christian nation identified universities with the protestant

ethic of hard work and rationalized prosperity as the outward manifestation of God's

plan".[158] In short, the narratives of public higher education at the turn of the century

imagined "the university" as an institution that embodied the ethical ideals of the

white, Anglo-Saxon, protestant U.S. nation-state.[159]

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[156] Steven Brint and Jerome Karabel, *The Diverted Dream: Community Colleges and the Promise of Educational Opportunity in America, 1900-1985* (Oxford University Press, 1989), 31.

[157] Boyer, *The University of Chicago*, 76–78. The first institution to be known as the University of Chicago was a small Baptist college founded in 1857. By 1886, less than a decade later, the institution had financially collapsed and was shut down, a process that brought on public speculation and scrutiny (p. 33). Harper's re-vision for the campus was paramount in securing Rockefeller's financial support.

[158] Catherine Chaput, *Inside the Teaching Machine: Rhetoric and the Globalization of the U.S. Public Research University* (Tuscaloosa, Ala.: University of Alabama Press, 2008), 55.

[159] Chaput, ix. As I elaborate later on, Chaput argues that these narratives stood in place of what were indeed "the changing interests of capitalism" at the time.

Chapter 1. Manifest Destiny as the Ethical University: Settler Colonial Imaginaries and the Formation of the University of California

"Westward the course of empire takes its way;
The first four acts already past,
A fifth shall close the drama of the day;
Time's noblest offspring is the last"[160]

On a clear spring day on the 16th of April, 1860, the Trustees of the College of California gathered to dedicate the newly acquired land that would become the nascent state's first public university. The men wandered the grounds for several hours, delighting in how the open space, with its ravines, majestic oak trees and scenic views, seemed as though they were, according to Reverend Samuel H. Wiley, "almost designed for the…purposes of an institution of learning".[161] Stopping at an elevated point, the Trustees selected a marker to commemorate the day, which was later memorialized as Founder's Rock. The men bowed their heads in prayer for what they hoped would be "an institution of sound and Christian [l]earning", and asked God that the university be a "blessing to the State, to the Nation, and to the World".[162]

In just six years' time, the grounds of the future campus had been transferred to the state of California as payment for the liabilities of the debt-stricken college. The

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[160] William Warren Ferrier, *Origin and Development of the University of California* (Berkeley, California: The Sather Gate Book Shop, 1930), 244.

[161] Samuel H. Willey, "Founders of the University," *The University Chronicle: An Official Record* 6 (1903): 23. Willey was a notable advocate for education in the new state and played a central role in seeing the transition of the College of California to the University of California at Berkeley. These quotes come from a speech given by Willey at an event in which he recounts and commemorates the founding of the campus.

[162] Willey, 23. Note that the original text says "an institution of sound and Christian earning," which I have taken as a typographical error and as such, have corrected to "learning"

Trustees of what would now be the first public university of California were once again

gathered at Founder's Rock. Inspired by the views, Trustee Frederick Billings recited

the stanzas, "Westward the course of empire takes its way….," as he recalled George

Berkeley, Bishop of Cloyne and patron of learning. Bishop Berkeley had penned these

lines in anticipation of his travels to the Bermuda Islands in the mid-18th century, where

he planned to educate, evangelize and 'civilize' its Indigenous peoples.[163] Berkeley

had also lived in Rhode Island for a short period of time, during which he purchased a

plantation and several slaves. During this time, many of his sermons explained to

settlers the importance of Baptizing slaves, so that they would "obey in all things their

masters according to the flesh, not with eye-service as men-pleasers, but in singleness

of heart, as fearing God;" asserting that they would only be better slaves if they were

also Christian.[164] To the Trustees, Bishop Berkeley's efforts to spread Western thought

and Christian values through the auspices of education captured the spirit of the

institution they hoped to build. Berkeley became the namesake of the future campus

and the city that would be built around the public university of the newly formed

state.[165]

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[163] Ferrier, *Origin and Development of the University of California*, 249–51.

[164] Antony Dugdale, J.J. Fueser, and J. Celso de Castro Alves, "Yale, Slavery and Abolition" (The Amistad Committee, Inc., 2001), www.yaleslavery.org; Craig Steven Wilder, *Ebony & Ivy: Race, Slavery, and the Troubled History of America's Universities* (New York: Bloomsbury Press, 2013), 118. To be sure, it is unclear the degree to which the College of California Founder's knew the extent of Berkeley's philosophy, or if this would have changed their selection of the namesake. Berkeley only lived in Rhode Island between 1728 -1731. Rather than selling his plantation and slaves, he left them to Yale university, which became the basis of the institution's first scholarship fund. The university memorialized Bishop Berkeley in the naming of a new residential college – "Berkeley College" in the 1930s.

[165] Ferrier, *Origin and Development of the University of California*, 244–45.

The dedication and naming of the Berkeley campus is often recounted with a sense of nostalgia by founders and historians of the UC or as a mere matter-of-fact.[166] Indeed, colonial metaphors were commonplace in mid- to late-nineteenth century descriptions of the West, and were crucial tools in producing the frontier as a symbol of American ideals. Such modes of representation might be difficult to read as anything but ordinary, as they reflect what Denise Ferreira da Silva describes as part of the "knowledge arsenal" or the scientific modes of knowing that were consolidated in the mid-nineteenth century that came to govern the realms of the juridical, economic, and ethical. These modes of understanding humanness through the construct of race were used to justify the elimination of racialized "others" as "necessary for the realization of the [colonizing] subject's exclusive ethical attribute, namely, self-determination" and as a result, produces itself as the sign of global universality.[167] Following Da Silva then, 'empire' within the context of the 'West' connotes progress as it is marked by the ethical, liberal, (white) subject and not by its constitutive violences.

Descriptions of the University of California were of no exception. As an institution that developed alongside the emergence of the state, its formation functioned as a space where pervasive white settler imaginaries could coalesce. An

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[166] e.g. Ferrier, *Origin and Development of the University of California*; William Warren Ferrier, *Ninety Years of Education in California: 1846-1936 A Presentation of Educational Movements and Their Outcome in Education Today* (Sather Gate Book Shop: Berkeley, 1937); Willey, "Founders of the University." Ferrier, Willey, Centennial record, add others; Douglass. One notable exception includes Gray A Brechin, *Imperial San Francisco: Urban Power, Earthly Ruin* (Berkeley: University of California Press, 1999).
[167] Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007), xiii.

editorial written in *The Pacific* newspaper recounting the naming of the campus

echoes these settler colonial sentiments in its vision of the proposed university:

> There is not another such college site in America, if indeed anywhere at all in the world. It is the spot above all others we have yet seen or heard of where a man may look in the face of the nineteenth century and realize the glories that are coming on. Before them was the Golden Gate in its broad-opening-out into the great Pacific. Ships were coming in and going out. Asia seemed near – the islands of the sea looking this way. Many nations a few years hence, as their fleets with the wealth of commerce seek these golden shores, will see the University before they see the metropolis, and their first thought of our greatness and strength will be impressed upon them by the intelligence and mind shaping mind within the walls of the College more than by the frowning batteries of Alcatraz.[168]

The creation of a new public university encapsulated these auspices both for its

founders and the broader public. The university was a space that could be imagined

into: an embodiment of the region's wealth and the continued riches it would attract;

it's simultaneous national and worldly distinction; materially and morally positioned

above other institutions, even the military, to change society through its worthy

pursuits of scholarship, education, and cultural production. The university was nothing

short of a symbol of the continued ethical horizons of possibility, not only for

California, but for the 'course of Western Empire'.

This chapter situates the formation of the UC system and its founding campus,

UC Berkeley, within the broader context of racialized violence that ushered California

into statehood. As Tomás Almaguer argues, California's distinctive patterns of

racialization, particularly those which developed in the latter half of the nineteenth

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[168] Ferrier, *Ninety Years of Education in California*, 182.

century, illuminate the ways in which logics of white supremacy were "systematically institutionalized" throughout the state and supported its transition into modern capitalism.[169] Given this political landscape, I examine how leaders and faculty of the Berkeley campus articulated the political and intellectual purposes of the University of California during this period of institutional formation, with attention to formulations that position knowledge production as a moral, rational mechanism through which the logics of racialized capitalism could be extended. Methodologically then, the writings and speeches I analyze rehearse settler colonial desires of continued expansions of the frontier and situate questions of race as central to this process.

I bring to this work various genealogies of anticolonial scholarship in order to surface the ways in which the material and epistemological forms of racial violence were solidified through the region's layered colonial history, which provided the conditions of possibility for California's occupation and statehood. This chapter argues that the racial-colonial logics that were foundational to the formation of the state likewise reverberated into the imaginaries of those who shaped the University of California, even if only to garner popular support for the institution. In this way, my inquiry draws connections to the very same logics and material violences that have been traced to campuses in the Eastern and Southern United States, such as university investments in slave labor, anti-indigenous violence, and research agendas that aimed

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[169] Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley and Los Angeles, California: University of California Press, 2009), 1–3.

to justify race-based hierarchies.[170] Still, the formation of the UC system offers a

distinctive case given its periodization alongside pivotal transformations, including the

political and economic development of the new state itself, urgent questions around

race and labor in the aftermath of the Civil War and the passage of the Federal Morrill

Land Grant Act. Together, these and other tensions situate the UC's formation as an

illustrative example to consider how institutions of higher education –particularly

public colleges and universities- consolidated racial-colonial logics through narratives

of democratic development and progress.

My broader analysis understands such racial-colonial entanglements of higher

education as ongoing logics that continue to be rearticulated through common-sense

projects, partnerships, and practices within higher educational institutions

contemporarily. In the UC system, examples include collaborations with the military

and military industries through the Los Alamos and Lawrence Livermore National

Laboratories beginning in 1943 towards the development of nuclear weapons; the

UC's ongoing claims to Indigenous peoples' remains as scientific objects of study and

research, despite limited protections by the Federal Native American Graves

Protection Repatriation Act (NAGPRA) of 1990; and the persistent and increasing

displacement of tuition costs onto undergraduates, especially students of color, the

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[170] See for example, Alfred L Brophy, *University, Court, and Slave: Pro-Slavery Thought in Southern Colleges and Courts and the Coming of Civil War* (New York: Oxford University Press, 2016); Wilder, *Ebony & Ivy*. Add references of campus-specific histories.

result of increased access to higher education, foreclosing futurities through debt.[171]

These are just some lines of analysis that situate how universities actively uphold and

exacerbate contemporary contexts of racial stratification and settler colonialism.

Finally, this chapter complicates common sense framings of Land Grant

Colleges and Universities as testaments to the democratic intent and potential of

higher education that do not bring to bear critical attention to the racial context of the

late 19th century.[172] As scholars Clyde Barrow and Catherine Chaput argue, the Morrill

Land Grant Act utilized the language of democratic ideals to bolster national

economic development and, according to Sharon Stein, to normalize settler colonial

"imperatives of accumulation" through metaphors of the frontier.[173] Following this line

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[171] The Los Alamos National Laboratory began in 1943 and later the Lawrence Livermore Labs were opened…
They continue to operate under the rubric of "science, technology, and engineering" Regents of the University of
California, "Los Alamos National Laboratory (LANL)," University of California Office of the President (UCOP),
accessed April 10, 2019, https://www.ucop.edu/laboratory-management/about-the-labs/overview-lanl.html..
Although NAGPRA was passed 1990, the University of California continues to dispute claims to repatriate
Indigenous remains. The brain of Ishi last Yahi Native was held in the Smithsonian through partnerships with UC
Berkeley for research until 2000, and were objects of study for notable UC Berkeley archeologist Edward Glifford
and anthropologist Alfred KL. Kroeber. Gifford allegedly was testing theories of eugenics in study of Native
Americans. Nancy Scheper-Hughes, "Ishi's Brain, Ishi's Ashes," *Anthropology Today* 17, no. 1 (n.d.): 12–18,
https://doi.org/10.1111/1467-8322.00041. For work that considers how the rise of student debt has coincided
with the increase of racial diversity nationally, see the Debt Collective and Strike Debt. .The Debt Collective,
"Take, Remake, Liberate: A Higher Education Platform," n.d.,
http://blogs.lt.vt.edu/anewvoice/files/2016/10/TakeRemakeLiberate_AHigherEducationPlatform_DebtCollective.
pdf; Strike Debt/Occupy Wall Street, "The Debt Resistors' Operation Manual" (Creative Commons, September
2012), http://strikedebt.org/The-Debt-Resistors-Operations-Manual.pdf.
[172] While such texts might be leveraged to garner more support for public universities or argue for publically
engaged research, they often rely on recuperative narratives of an idealized past, flattening how the acquisition of
"public lands" itself represents a particular political project of the US nation state. For example, Ernest L. Boyer,
"The Scholarship of Engagement," *Bulletin of the American Academy of Arts and Sciences* 49, no. 7 (April 1996):
18, https://doi.org/10.2307/3824459; Derek Curtis Bok, *Beyond the Ivory Tower: Social Responsibilities of the
Modern University* (Cambridge, Mass.: Harvard University Press, 1982); Edward Danforth Eddy, *Colleges for Our
Land and Time: The Land-Grant Idea in American Education* (Westport, CT: Greenwood Press, 1973).
[173] Clyde W Barrow, *Universities and the Capitalist State: Corporate Liberalism and the Reconstruction of
American Higher Education, 1894-1928* (Madison, Wis.: University of Wisconsin Press, 1990); Catherine Chaput,
"Democracy, Capitalism, and the Ambivalence of Willa Cather's Frontier Rhetorics: Uncertain Foundations of the
U.S. Public University System," *College English* 66, no. 3 (2004): 310–34, https://doi.org/10.2307/4140751;
Chaput, *Inside the Teaching Machine*; Sharon Stein, "A Colonial History of the Higher Education Present:

of analysis, I consider how logics of coloniality were reformulated in and through the

visions of the University of California, particularly by the university's early leaders and

faculty.

California Colonialisms

> "The American immigration to California was no chance movement, but a well
> understood scheme to colonize the land and make of it an independent
> territory like Texas, or at the proper time assist the United States in its
> acquisition."[174]

To the early twentieth century historian George H. Tinkham, it was not a

contradiction to describe the acquisition of California as a 'scheme of colonization' in

the broader 'American immigration' west. It is precisely through the normalization of

settler colonialism that its violences are understood not under the rubrics of invasion

or war, but as natural or inevitable processes, a mere immigration into seemingly

uninhabited and/or unproductive lands.[175] Yet California has a complex and multi-

layered colonial history that is distinctive from the process of settler colonialism in

other regions of the United States. Spain began its earliest exploratory expeditions to

the coastal regions in 1543, but it wasn't until 1796 that Spanish soldiers and

Franciscan missionaries were sent north from their existing colonial posts in Mexico to

formally establish a presence in California. This was in part a tactical move on Spain's

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Rethinking Land-Grant Institutions through Processes of Accumulation and Relations of Conquest," *Critical Studies in Education* 0, no. 0 (December 2, 2017): 1–17, https://doi.org/10.1080/17508487.2017.1409646.
[174] George H Tinkham, *California Men and Events 1769 -1890* (Stockton, California: Record publishing Company, 1915), 45.
[175] Baloy, "Spectacles and Spectres."

behalf; with profitable silver mines nearby in Mexico, the occupation of California would establish Spain's presence before possible invasions by the British, Dutch, or the Russians.[176]

Father Junípero Serra who orchestrated the massive violence against Native peoples through the Mission System, described the varying groups of Indigenous communities as "*gente sin razón*" or people without reason, echoing the official position of the Catholic Church that Indigenous people were non-rational, pre-modern but could still be evangelized since they possessed a soul (unlike people of African descent), offering the justification for their "spiritual conquest".[177] The Spaniards utilized forced Indigenous labor to construct twenty-one missions, four military presidios, and three civilian pueblos, creating a network of institutions in which the Indigenous peoples themselves were targets of the violent and deadly practices of evangelization.[178] Historians have variously characterized these practices as, ""slavery without the actual sale of the individual," "a communal form of forced labor," "spiritual debt peonage," or "semicaptive labor"".[179] The Russians also extended practices of

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[176] Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (Yale University Press, 2016), 26.

[177] Madley, 26. This official Catholic position that the Indians were evangelize-able even without reason (they still had a soul, unlike Blacks) was famously articulated by Friar Bartholome de Las Casas in his 1550 debate with Cardinal Sepulveda. Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom."

[178] Madley, *An American Genocide*, 27. The anti-indigenous sentiments produced a multi-tiered racialized legal system, in which corporal punishment, sexual assault, and other forms of lethal violence were persistently used as by Spanish and later Mexican soldiers and missionaries as tactics to assert domination and coerce compliance with the unfree labor practices. There were also coordinated forms of resistance to the violent mission regimes. It's estimated that some 4,000 Indigenous people fled the missions in 1817. Between 1820-1823, mission escapees led a series of raids of missions in the San Francisco Bay area in 1824, the Chumash people led a nearly month-long raid of missions Santa Inés, La Purísima, and Santa Barbara, burning buildings and killing non-Indigenous peoples, allowing others to escape. Madley, 30–37.

[179] Madley, *An American Genocide*, 29.

forced labor of the Pomo and Miwok tribes whom they brought to a Northern

California colony between 1812 to 1841.[180]

By 1821, Mexican Colonists had successfully gained independence from Spain.

Although citizenship was granted to all Indigenous people by the Mexican

government, it was difficult to loosen the powerful grips of the mission system. Even

the incorporation of Indigenous peoples into Mexican citizenship was an imposition; it

perpetuated the erasure of tribal claims to sovereignty and hailed Indigenous peoples

into violent systems that would continue to exploit and appropriate their labor. In

other words, this early form of inclusion excluded tribal ways of knowing – as well as

ways of ordering the community, governing, cosmologies, and being in relation - and

thus could not offer fulfillment of the moral promise it made. The Mexican government

began an endeavor to secularize the missions and ensure Indigenous peoples'

freedom in 1830, a process which lasted until 1846.[181] Still, the devastating impacts of

epidemic diseases as well as anti-indigenous violence both in and outside the

missions had substantial negative impacts on the Indigenous communities, impacts

which would only be exacerbated by new waves of violence brought forth by the new

waves of white settlers.[182]

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[180] Madley, 37.

[181] Madley, 35.

[182] Madley, 40.

1846 marked the beginning of the American Mexican War and with it, multiple

decades of extra-legal and state-sponsored anti-indigenous violence.[183] US Army

Captain John C. Frémont arrived ahead of the formal war declaration and led

expeditions of men in numerous surprise and retaliatory massacres against entire

Indigenous communities in what historian Benjamin Madley describes as "pedagogic

killings," demonstrating to nearby communities not to question or challenge the newly

arriving white settlers, while also rallying the support of existing Anglo settlers for the

potential war.[184] Such militaristic –or terroristic- approaches were common strategies

utilized to subjugate Indigenous populations. That same year, the first US military

governor in California, Commodore Robert Stockton, invoked martial law through the

proclamation of a "doctrine of collective," which sanctioned attacks on Indian villages

as the "only effectual means of stopping [Indian] inroads upon the property of this

country".[185] Stockton asserts settler entitlement to Native lands as a form of property,

while simultaneously positioning Indigenous peoples as a threat to American

Freedom, discursively and politically positioning Natives as invaders of the very land

that had just been stolen from them.

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[183] Madley, 3.

[184] Madley, 48. See also Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 2015, 123.

[185] Madley, *An American Genocide*, 62. In 1847, Lieutenant Henry W. Halleck promoted a statewide Indian pass system that became more comprehensive than other forms of regional or municipal martial law. The system, "criminalized all Indians not employed by non-Indians" in addition to those employed by whites who had "left their employers without written permission" (p. 148). An estimated 150,000 indigenous people survived the early period of Russo-Hispanic colonization; by the 1870s, the population had diminished to approximately 30,000. Fremont is memorialized today not only in a statue, but has an entire city named after him (Fremont, California).

In 1847, Lieutenant Henry W. Halleck promoted a statewide Indian pass system that became more comprehensive than other forms of regional or municipal martial law. The system, "criminalized all Indians not employed by non-Indians" in addition to those employed by whites who had "left their employers without written permission," which functioned to surveil and control the movement of Native peoples.[186] By 1848 when the US had acquired California from Mexico, along with neighboring territories in the southwest under the Treaty of Guadalupe Hidalgo, word began to spread of the discovery of gold, accelerating an influx of former war commanders, southern plantation owners, and adventurers seeking the promise of riches. The waves of new settlers accelerated the transformation of the natural landscape and Native people's existing relationships to the land for food, impacting the availability of wild plants that were actively cultivated, including seeds, nuts, berries, fish and animals. The introduction of a cash-based economy and the need for waged labor also pushed some Indigenous peoples to look for work in local mines, while others were captured in what were essentially slave raids and then forced to pan and dig for gold under conditions of servitude.[187] Even though the Russo-Hispanic era of colonial rule had formally ended, anti-indigenous violence was extended and accelerated by settlers, "whose racializing ideologies…rationalized the superordinate position of the white population".[188]

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[186] Madley, 148.

[187] Madley, 70–71.

[188] Almaguer, *Racial Fault Lines*, 32.

An estimated150,000 indigenous people survived the over seventy-five years

of the Russo-Hispanic period of colonization, which lasted between 1769 -1846. Yet in

just over two-decades, between 1846 to the 1870s, the population of Indigenous

people had been diminished to approximately 30,000 as a result of anti-indigenous

settler violence.[189] This dramatic shift speaks to the very material ways in which settler

colonialism relies on the elimination of Native peoples to secure land and extraction of

value from or profit from it.[190] These processes had been long articulated and

consolidated through colonial expansion of the US, in which "land became the most

important exchange commodity for the accumulation of capital and building of the

national treasury."[191] As Roxanne Dunbar-Ortiz elaborates, the Land Ordinance of

1785, "set forth an evolutionary colonization procedure for annexation via military

occupation, territorial status, and finally statehood" which could be secured "when the

settlers outnumbered the Indigenous population."[192] In this way, land within settler

colonial societies is understood through a property-based legal entitlement rather

than complex systems of reciprocity, relationship, or kin.[193] The practices, policies, and

logics within settler societies enable the ongoing occupation of Indigenous peoples'

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[189] Madley, *An American Genocide*, 1, 40.

[190] Wolfe, "Settler Colonialism and the Elimination of the Native."

[191] Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 124.

[192] Dunbar-Ortiz, 124.

[193] As Byrd (2014) and other scholars have considered, while it is important to bring into view the necessity of land –and thus the logics that supported the displacement of and violence against California Natives- within the settler colonial context, such framings must not collapse "indigenous peoples into territoriality" as "lamentable casualties of nineteenth-century westward expansion rather than active agents persistently engaged in anticolonial resistance into the present" (p. 152).

territories to persist without registering as an 'occupation' in the everyday commonsense, and normalize processes of transaction, ownership, domination, exploitation, and other relational modes of extraction.[194]

Elisions of Violence: California State Formation

The first constitutional convention of California was held in 1849 and brought together a group of prominent White, Christian men -lawyers, bankers, ranchers, merchants - who had profited from the recent population surges of the gold rush and expressed concerns of the growing social disarray.[195] Heated and complex debates unfolded amongst these delegates around the status of California as a slave or free state. Some opponents argued that slavery would, according to Almaguer, "effectively discourage white settlement by stunting economic development, crippling social society, and making white social mobility virtually impossible".[196] In other words, the exploitation of Black labor was not deemed as a moral problem, but as an *economic* one, a problem that would specifically impact white workers. Other delegates expressed concern that Congress would not admit California into the Union as a slave state. In the words of early twentieth century historian George H. Tinkham, "Many of the delegates had no love for the Negro…the anti-slavery men contended that the

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[194] Baloy, "Spectacles and Spectres."

[195] John Aubrey Douglass, *The California Idea and American Higher Education: 1850 to the 1960 Master Plan* (Stanford, CA: Stanford University Press, 2000), 20.

[196] Almaguer, *Racial Fault Lines*, 35.

Negro would compete with white labor, and the slave owners would bring their slaves to California by the thousand, work them in the mines and get all of the gold."[197] The threat of the exploited labor of Black people to whites was also continuously expressed in the state through multiple failed policy attempts to limit the immigration of Black people to California, first at the Constitutional Convention in 1849 and then again in 1850, 1851, 1855, and 1857.[198]

Chinese people also began emigrating to the U.S. during the gold rush period as a result of multiple forces, including egregious tax burdens imposed by the Chinese ruling class, particularly impacting peasant farmers. U.S. industries actively sought Chinese people as exploitable sources of labor, and offered to broker the immigration process and profited from it as well. As a result, many of the Chinese immigrants sought work in the mines and later in the dangerous project of railroad construction.[199] Over 20,000 Chinese people had immigrated to the United States by 1852, presenting a new threat to white laborers; many stayed in California, and employers notoriously exploited their labor to drive down wages. To appease white workers, a "foreign miners" tax was implemented that levied a fee on all 'non-citizens' working in the mines, effectively targeting the Chinese.[200] In the relatively short period that the law was in effect, between 1852 and 1870, the California government seized

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[197] Tinkham, *California Men and Events 1769 -1890*, 85.

[198] Almaguer, *Racial Fault Lines*, 38.

[199] Ronald T Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston; New York; London: Little Brown, 1998).

[200] This was due to a 1790 Federal law that reserved citizenship rights to "white" persons

five million dollars, which is estimated to account for between 25 to 50 percent of the

state's revenue at the time.[201] Thus, while Chinese were ostensibly "free" to work, state

policies secured legal means through which their labor could also help underwrite the

formation of the state.

By the time that California had formerly entered into the union in 1850,

vigilante massacres against Native Americans had increased, and were widely

documented and supported in newspapers throughout the state.[202] As Madley

argues, "the State Supreme Court, US Army Headquarters, and the US Senate" as well

as the press "effectively condoned the campaigns" by "failing to prosecute or

condemn the perpetrators" for the widespread anti-Native violence.[203] The emergent

legal systems of the state further solidified the normality of anti-indigenous logics

through policy.[204] For example, the Act for the Government and Protection of Indians,

which was in effect between 1850 and 1865, condoned the capture and enslavement

of native children by white settlers. It also created a convict-leasing system, enabling

white settlers to pay a small fine on behalf of any Indigenous person classified as a

convict, who the settlers would then legally detain to work in conditions of forced

labor.[205] Under the new law, charges were easily brought against California Indians

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[201] Takaki, *Strangers From a Different Shore*, 82.

[202] Madley, *An American Genocide*, 140.

[203] Madley, 142.

[204] Frank H Baumgardner, *Killing for Land in Early California: Native American Blood at Round Valley, 1856-1863* (New York: Algora Pub., 2006), 33.

[205] Madley, *An American Genocide*, 158–59.

who were then sold into the leasing system by the state, which essentially, "facilitated such arrests and sold California Indians into state-sponsored servitude".[206] Lawmakers also passed legislation that prohibited Natives with "one fourth or more of Indian blood" to testify in cases with whites based on claims of mental incompetence.[207] Such examples underscore how the very question of who was considered an autonomous and rational human was inscribed into law through the allocation of rights, engraining white supremacy as a legal, structural logic, all whilst using "reason" as the categorical determinant to dehumanize Natives. To quote Jodi A. Byrd, "the frontier was not so much lawless as it was in need of law to seize sovereignty and jurisdiction from indigenous peoples and conscript their lands and nations into settler territoriality, an alchemy of empire that helped to conflate indigenous peoples with land to be violated, razed, and cultivated".[208]

Anti-indigenous violence was systematized through law –and systematized as morally acceptable, even required -within the fledgling state of California. That is, anti-indigenous violence underwrote the moral order and was integrated into the economic, political, and racial orders. By 1856, the U.S. Congress had approved a bill to pay off California's "war debts," allotting over $800,000 that funded militia campaigns which were responsible for anti-Indigenous massacres throughout the

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[206] Madley, 159.

[207] Madley, 160.

[208] Jodi A. Byrd, "Follow the Typical Signs: Settler Sovereignty and Its Discontents," *Settler Colonial Studies* 4, no. 2 (April 3, 2014): 152, https://doi.org/10.1080/2201473X.2013.846388.

state.[209] Together, these examples begin to situate the way in which race was strategically deployed in the articulation of who was considered 'human' and, within the settler context, had access to land, rights, property ownership, or labor. They also situate what it meant to be a 'good citizen,' as the moral order became co-instantiated with the economic, legal, and political order. As historian Patty Limerick writes, the very idea of the West was, "unavoidably ethnocentric, carrying meaning only for white Americans whose point of view originated in the Eastern United States".[210] Without understanding these contexts, we cannot adequately read the encoded language through which public higher education was situated as the realization of a democratic promise. To be sure, higher education was simultaneously an instrument of the settler-colonial nation state and its expanding empire, as well as an attempt to create autonomous institutions free from dominance by inherited wealth or the church for those deemed within the framework of the citizen. Together, these forces shaped the imaginary and development of these institutions. In the next section, I situate the role of public land grant universities in maintaining and intensifying what Sharon Stein describes as the, "colonial template of state-facilitated capital accumulation" through higher education.[211]

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[209] Madley, *An American Genocide*, 230.

[210] Patty Limerick, "Forty-Five Years in the Academic Saddle: The American West, Higher Education, and the Invitation to Innovation," in *Higher Education in the American West: Regional History and State Contexts*, ed. Lester F Goodchild et al. (New York, NY: Palgrave Macmillan, 2014), 70.

[211] Stein, "A Colonial History of the Higher Education Present," 2.

Coalescing Settler Colonial Imaginaries: California's Public Research University

As recorded in a report on the first California Constitutional Convention of 1849, the question of public education was deemed "an essential element of freedom" in that it would impart onto its citizens, "knowledge of the laws, their moral force and efficacy".[212] The constitution would guarantee a system of, "common schools, seminaries, and colleges, so as to extend the blessings of education throughout the land and secure its advantages to the present and future generations."[213] The need for a comprehensive education system was considered as especially important given the state's "peculiar circumstances"; an "unexampled increase of a population, coming from every part of the world, speaking various languages, and imbued with different feelings and prejudices."[214] These conditions stood in potential conflict with white settlers' prevailing political desires, and leaders of the state worried that, "no form of government, no system of laws, can be expected to meet with immediate and unanimous assent".[215] State-sponsored education provided the opportunity to unify the beliefs and morals that would be foundational to this new, unified government.

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[212] John Ross Browne, *Report of the Debates in the Convention of California on the Formation of the State Constitution, in September and October, 1849* (Printed by J. T. Towers, 1850), 474.

[213] Browne, 474.

[214] Browne, 474–75. This does not refer to all non-white people who were present in California at the time. This sentence is revealing: "a considerable portion of our fellow-citizens are natives of Old Spain, Californians, and those who have voluntarily relinquished the rights of Mexicans, to enjoy those of American citizens" (p. 475). Chinese immigrants, for example, were not considered citizens as they were not considered "white" under Federal law.

[215] Browne, 475.

Reverend Samuel H. Willey, a Presbyterian minister, attended the

Constitutional Convention, often opening the daily debates by leading the men in

Christian prayer.[216] He was also a key figure who championed higher education within

the state. Willey had travelled to California from New York on behalf of the American

Home Missionary Society in 1848, an organization of Congregationalists and New

School Presbyterians who sought to spread their missionary work further out west.

According to historian William Warren Ferrier, Willey was amidst a group of men who

were "destined to be men of marked services for many years in the laying of the

foundations of American civilization on these western shores."[217] The marching orders

of the men were to "Go ye and disciple all nations," and from the onset they had an

eye not only towards California, but to the prospect of developing schools and

churches across its Pacific shores, "linking, thus, Asiatic and American coasts in the

bonds of a life-giving brotherhood as the needs, resources, and capabilities of trade

must speedily link them together in business."[218] Even before the discovery of gold

then, California represented the horizons of continued possibility for the expansion of

Christian thought and values, which would in turn provide the basis for also creating

new economic relationships. Willey, a graduate of Dartmouth College and of the

Union Theological Seminary was initially hesitant to leave his more established Eastern

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[216] Browne, *Report of the Debates in the Convention of California on the Formation of the State Constitution, in September and October, 1849*.

[217] Ferrier, *Origin and Development of the University of California*, 81.

[218] Ferrier, 82.

roots, but was eventually persuaded, according to Ferrier, by the prospect that "these

far-off shores, a part of our one great country, [was] greater yet to be because of these

new far-west possessions, being settled by our own people".

In short, California represented a new "missionary battle-line".[219] By the time

Willey arrived to Monterey, California, gold had been discovered, leaving mostly

women and children in the nearby towns. The rooted presence of the Catholic church

made it difficult to establish a congregation, so Willey turned his efforts towards

gathering the predominately Spanish-speaking children to lay the foundations of a

school. In Willey's own words, "Perhaps it was this which turned my mind especially to

the importance of schools and institutions of education in a new country…".[220] Initially

drawn to the coast for missionary work then, Willey's efforts shifted to build out the

state's educational system. Thinking particularly of the importance of institutions of

higher education in establishing a civilized state, Willey began writing to men with

connections to Yale and Harvard for advice on how to form a university of stature on

these Western shores.[221]

That same year, Willey began working with others in what became known as

the College Movement, securing pledges of land or financial donations towards the

project. This proved to be a difficult task, as few people were sympathetic to a formal

institution of higher learning, with the state's population of ranchers, miners hoping to

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[219] Ferrier, 84.

[220] Ferrier, 86–87.

[221] Ferrier, 89.

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strike riches and return home, or those interested in developing new businesses and

commerce.[222] Willey's attempts were further complicated with questions regarding

land titles. As he recounts, "all land at that time, of any value, was held under Mexican

grants. Many of these were disputed, and none of them was surveyed, and it was soon

seen that all these titles would have to be passed upon by a United States land

commission…" before they could be demarcated and assigned ownership.[223] The

application to charter the College of California was submitted by summer of 1850, but

denied by the California Supreme Court, in part because of the vague descriptions of

some of the proposed tracts and their values.[224]

Indeed, navigating the distinctions between the land-tenure systems,

particularly regarding the distribution and ownership of land, was an enormous point

of political contention. This process was further complicated by the fact that the United

States government had pledged to protect the property rights of Mexican citizens as

part of the Treaty of Guadalupe Hidalgo.[225] A Board of Land Commissioners was

appointed to examine and verify the evidence of all land claims in the state with

Spanish or Mexican government titles. In contrast to local settler desires, the

Commissioners placed emphasis on customs rather than law, which worked in favor of

[222] Ferrier, 94–96.

[223] Willey, "Founders of the University," 21.

[224] Ferrier, *Origin and Development of the University of California*, 113.

[225] David Hornbeck, "The Patenting of California's Private Land Claims, 1851-1885," *American Geographical Society* 69, no. 4 (October 1979): 434.

claimants with Spanish or Mexican titles. [226] Yet as a result, many of the Board's

decisions were taken to the federal courts for appeal, a process that was both time

consuming and costly. According to Geographer David Hornbeck, "many Mexican

landowners had to sell or mortgage the property that they were contesting," as a

result of these appeals, in addition to the mere difficulty of navigating unfamiliar and

complex legal processes.[227] In effect, this process functioned to "dismantle pre-war

legal topography by dissolving the pre-war political collective into an aggregate of

individual subjects all interpellated within U.S. jurisdiction," according to Mark

Rifkan.[228] In other words, "occupancy itself" was established "into the terms of U.S.

property-law," which likewise instantiated the property-owning individual as the

proper political, juridical, and economic subject.[229]

Native peoples had little legal precedent for territorial rights under Mexican

law. Spanish colonists had likewise leveraged claims that natives "practiced sedentary

agriculture," to justify the seizure of Indigenous lands for more 'productive' forms of

use.[230] If the 'knowledge arsenal' functions by representing Natives as ontologically

primitive or savage, the ontology of the land is likewise rewritten as property through

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[226] Hornbeck, 439.

[227] Hornbeck, 440.

[228] Mark Rifkin, *Manifesting America: The Imperial Construction of U.S. National Space* (Oxford University Press, 2009), 150,
http://www.oxfordscholarship.com.oca.ucsc.edu/view/10.1093/acprof:oso/9780195387179.001.0001/acprof-9780195387179-chapter-1.

[229] Rifkin, 150.

[230] Almaguer, *Racial Fault Lines*, 20.

characterizations of usage that are deemed 'sedentary' or 'unproductive'.[231] Not only

must the Native be racialized and classified as less-than human, but the land must

likewise be ontologically understood in terms only of its potential value for economic

exploitation.

Settlers utilized similar racialization strategies towards Mexicans who they

categorized as "Indianized" or mestizo to question "their ability to take part in the

institutions of public life, state and federal law".[232] Furthermore, settlers advocated for

Indian Removal during the 1850s and 1860s. This active displacement and relocation

of Natives was often framed by political leaders as a humane alternative, given anti-

Native sentiments and violence.[233] Such forms of morally recuperative care that aim to

erase the moral debts of history through a self-acclaimed stance of benevolent

accountability might be understood as markers of the liberal humanistic framework.

Statehood had only recently been formalized, and California politics in the late

nineteenth century remained entrenched in struggles that might be described as

attempted erasures of previous colonial relations in order to establish new ones.[234]

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[231] da Silva, *Toward a Global Idea of Race*.

[232] Rifkin, *Manifesting America*, 152. The racialization of Mexicans continued to transform based on the political and geographic context. See also Almaguer, *Racial Fault Lines.*

[233] William J Bauer, *California through Native Eyes: Reclaiming History*, 2016, 89.

[234] For additional analysis of The California Land Act of 1851, see Paul Gates, "The California Land Act of 1851," *California Historical Quarterly* 50, no. 4 (December 1971): 395–430; Guadalupe Luna, "On the Complexities of Race: The Treaty of Guadalupe Hidalgo and Dred Scott v. Sandford," *University of Miami Law Review* 53, no. 4 (July 1, 1999): 691; Christine A. Klein, "Treaties of Conquest: Property Rights, Indian Treaties, and the Treaty of Guadalupe Hidalgo," *New Mexico Law Review* 26 (1996): 201–55.

By 1853, Reverend Henry Durant, a graduate of Yale College, had also arrived

to San Francisco, and was soon enlisted in the college movement. Durant led efforts to

secure the charter for the College of California, which was finally accepted in 1855.[235]

Chartered as a non-denominational Christian college, the College of California was

envisioned as an institution that would:

> … furnish the means of a thorough and comprehensive education under the pervading spirit and influence of the Christian religion. The bonds which unite its friends and patrons are a catholic Christianity, a common interest in securing the highest educational privileges for youth, the common sympathy of educated and scientific men, and a common interest in the promotion of the highest welfare of the State, as fostered and secured by the diffusion of sound and liberal learning.[236]

This vision of the College of California underscores the seamless transition between

Christian values, science, the state, and liberal education that were commonly

expressed through the auspices of higher education. It also illustrates the particular

"genres of the human" – or specific conceptions of Man, that came to stand in for

universal humanness, as Sylvia Wynter argues.[237] Importantly then, we can think of

these conceptions of the human – or of proper education for the development of the

human - as a "heuristic model," a tool that illustrates the subjectivities, values or

attributes that are definitionally excluded from the category of the human.[238] As

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[235] Before becoming the College of California, the school was initially the Contra Costa Academy. Located in San Francisco, the academy had been opened the year of Durant's arrival from the east coast in 1853 (Douglass, yyyy p. 38).

[236] Ferrier, *Origin and Development of the University of California*, 181.

[237] Katherine McKittrick, "Yours in the Intellectual Struggle: Sylvia Wynter and the Realization of the Living," in *Sylvia Wynter: On Being Human as Praxis*, 2015.

[238] Alexander G. Weheliye, "After Man," *American Literary History* 20, no. 1/2 (2008): 322.

Alexander Weheliye elaborates, it is within "the context of the secular human, [that]

black subjects, along with indigenous populations, the colonized, the insane, the poor

the disabled, and so on serve as limit cases by which Man can demarcate himself as

the universal human".[239] In other words, Man is figured as universal against that which

is deemed as outside of the human ideal, as well as the ideal values and principles

guiding humanistic education.

In California, anti-Indigenous belief systems and their concurrent violences

were likewise not introduced by white settlers migrating from the eastern US, but pre-

dated US occupation through the predominately Spanish-led era of colonization.

Recalling the violences promulgated under the rule of Father Junípero Serra, the

categorization of Natives as *gente sin razón,* people without reason, provided the

justification for the Catholic Church's 'spiritual conquest' of California Natives and their

lands through the Mission system. This process was foundational to creating a social

structure in which anti-Native violence could be accelerated towards California's

statehood. Yet in the purportedly secular US nation-state, salvation could not be

touted as the logic of conquest. As Denise Ferriera da Silva elaborates, "the writing of

modern subjects in [the] post-Enlightenment period would also require the

deployment of scientific tools, strategies of symbolic engulfment that transform bodily

and social configurations into expressions of how universal reason produces human

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[239] Alexander G Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*, 2014, 24.

differences."[240] Situated as a scientifically objective measure of humanness, the

category of reason was deployed to demarcate racial as well as gender difference,

becoming the method of measuring participation in the new political-economic order.

But epistemological authority is a necessary step in this process, and the entire

apparatus of the university could grant this authority to represent the ontological truth

of humanness, as well as its worthy, moral, and just political-economic order.

The College of California was but a small institution. With the population of the

State only increasing, the Trustees recognized that a larger institution would be

necessary, one that would be supported with the kinds of patronage that supported

universities of the east.[241] Under the leadership of Durant, the Trustees continued their

diligent efforts to solicit funding to build what would be a proper institution of

learning.[242] After an extensive search for a permanent site for the larger institution they

envisioned, the Trustees agreed in November of 1857 that the permanent site of the

College of California would be in the location of the present day UC Berkeley

campus.[243] The Trustees now needed enough scripts in order to buy the tracts of land,

which were held in private ownership. Again, significant efforts went into securing

these tracts, a process that lasted through 1860, while other tracts of land were given

in donation.[244] Garnering support for a university continued to be a challenging

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[240] da Silva, *Toward a Global Idea of Race*, 3–4.

[241] Ferrier, *Origin and Development of the University of California*, 148.

[242] Ferrier, 156.

[243] Ferrier, 179.

[244] Ferrier, 194–96.

process, one that was only further complicated by clearing the titles to the land. While the Trustees had dedicated the College Site in April of 1860, the process continued to unfold with difficulty.

Even with the acquisition of the new site where the Trustees hoped a "proper institution" could be built, the College Movement continued to struggle. Durant took charge of maintaining the finances of the institution, which despite increased financial support, continued to suffer. Within a few years, the cost of maintaining the College of California at its original Oakland site had led the institution into severe debt. When all other options had been exhausted, the Trustees decided to disincorporate the college and transfer the land and buildings of the College of California, including the newly acquired Berkeley site to the State. This would pay off their debts, and the funds of the liquidated institution could likewise be reinvested in a public university. Still, transferring the College and grounds to the state proved to be its own particular legal battle to confirm that the transfer would not violate any contracts that had been made to secure tracts and subscriptions. Interestingly, this shift of the debt burden from the private to the public is at the foundation of the story of the state's public university and enshrined an economic structure that would enable publicly supported education to once again secure private accumulation. In other words, the conception of 'public' institutions were yet another mechanism for securing the accumulation of land, wealth, and cultural capital for the select few who could gain access to these spaces. Even if

the intention was to open up access to these resources, access remained gendered

and racialized, once again structural advancements to support white men.

Just one year into the Civil War, Congress passed the Morrill Act of 1862,

which provided federal grants of land to fund public higher education across the

United States. The act allocated 30,000 acres of land for each member of congress,

establishing a total of sixty-nine colleges and universities nationwide, both through the

land's use and its sale.[245] As Stein argues, the "Morrill Act, along with… the

Homestead Act and the Pacific Railroad Act, was significant in enabling and

encouraging further white-majority settlement of the US and in shoring up federal

authority over recently acquired lands"; together, these policies "effectively broke

multiple treaties with Indigenous nations".[246] The Act mandated training programs in

agriculture, mechanical engineering, and the military, positioning science as the

means that would transform the economy for workers and the state. As Chaput

documents, "federal funding for higher education emphasized that universities would

help the nation compete agriculturally as well as technologically in the international

marketplace" and therefore "simultaneously appealed to a culture of individualism, a

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[245] Eddy, *Colleges for Our Land and Time*, 36.

[246] Stein, "A Colonial History of the Higher Education Present," 8. The Hatch Act of 1887 provided additional federal funds to create agriculture experiment stations in each state, underscoring the idea of extension that intended to make university-based knowledge useful to and in service of the public. In 1890, President Harrison signed the Second Morrill Act into law, which allocated funds to existing Land-Grant Colleges and to states that had seceded from the union during the Civil War when the first legislation was passed (Eddy, 101). The Second Morrill Act also provided funding for seventeen of the Historically Black Colleges and Universities, particularly in states that asserted that they were providing opportunities to African Americans while maintaining segregation under "separate but equal" (Eddy, 102)

politics of nation building and an economics of industrialization".[247] While the federal

government primarily left questions of education to the domain of the states, the Land

Grant Act was a notable exception, perhaps precisely because it was a mechanism to

both solidify and create infrastructures that would support the development of the

post-Civil War U.S. settler colonial project.

With the question of slavery in the national balance, the Morrill Land Grant's

emphasis on scientific training programs in agriculture and the military sciences meant

that the new policy would not only support the development of the economy but also

the interests of the U.S. The ideals imagined into the U.S. land grant universities

echoed democratic claims that were also embedded in the symbolism of the western

frontier; an anti-elitist institution that would provide real opportunities for the masses,

the promise of individual class mobility, and expansive horizons of wealth and

opportunity.[248] Indeed, this was a radical departure from the conception of the elite

colleges and universities of the east coast, an attempt to reduce the power of the

church, of hereditary wealth, and to empower every (white) man to participate in the

process of democracy. These ideals also echoed educational reformer Horace Mann's

1830s vision for the common school, which would "teach the knowledge and habits, as

well as the basic literacy, that citizens needed to function in a democracy," serving as a

mechanism for "social improvement" and yet centered on purportedly universal,

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[247] Chaput, *Inside the Teaching Machine*, 56. It is likewise important to note that education is not mentioned in the Constitution and as such, was deferred to the states. Thus, the federal role in education has always been limited, with the Morrill Act as one of the largest federal investments until the GI Bill following WWII.
[248] Chaput, 44.

ecumenical Christian virtues.[249] In the words of la paperson, this "prioritization of settler colonial technologies –agricultural and mechanical engineering, not to mention military tactics – reflects how land-grant universities were commissioned as part of the empire-self-making project of the United States".[250] Indeed, California was positioned to be a leader in this new era of empire self-formation.

The Hatch Act of 1887 provided additional federal funds to create agriculture experiment stations in each state, underscoring the idea of extension that intended to make university-based knowledge useful *to* and in service *of* the public.[251] The Second Morrill Act was signed in 1890, allocating funds to existing Land-Grant Colleges and to states that had seceded from the union during the Civil War when the first legislation was passed.[252] The Second Morrill Act also provided funding for seventeen of the Historically Black Colleges and Universities, which were formed in states whose white-universities defended their exclusive admissions policies that also denied entry to Black people. By creating separate colleges and universities for Black students, these states were able to retain their federal funding by creating opportunities under the rubric of 'separate but equal' and maintaining segregation in their white-serving public universities.[253]

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[249] Jeannie Oakes and Martin Lipton, *Teaching to Change the World* (Boulder, CO: McGraw Hill, 1999), 5.

[250] la paperson, *A Third University Is Possible*, 27–28.

[251] Boyer, "The Scholarship of Engagement."

[252] Eddy, *Colleges for Our Land and Time*, 101.

[253] Eddy, 102-103.

The charter that formally created the University of California was signed in 1868. The debts of the College of California were settled when its assets were donated towards the formation of the new public university. These were not straightforward processes; tracts had to be assessed, titles verified and transferred to the College of California before they were transferred to the state. The Federal Government's dissemination of land through the Morrill Act likewise contributed funding to this new project. These transfers required and reinscribed an ontological framing of the land as potential extractable value; space that could be demarcated with borders, assessed for monetary value, cultivated, developed, traded, and sold.

The Organic Act, which articulated the institution's rules and structure, stated that the new public university would be open to "students and any resident of California, of the age of fourteen years or upwards, of approved moral character," who would be given, "rights to enter himself in the University as a student at large, and receive tuition in any branch or branches of instruction".[254] While student eligibility ostensibly reflected egalitarian ideals, the distinction of *approved moral character* must also be situated within the racial-moral-human context of the period. As Douglass raises, within the "same year that the university's board first met in late 1868, teams of Chinese immigrants toiled to help build the transcontinental railway, while

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[254] See Section 3, *Degrees of* California State Legislature, "1868 Organic Act to Create and Organize the University of California: Chapter 244" (1868), https://oac.cdlib.org/view?docId=hb6w100756&brand=oac4&doc.view=entire_text.

denied any right to own property in California".[255] The economic depression within the

state heightened existing anti-Chinese sentiments, erupting in violent riots led by

white-supremacists, most notably the Chinese Massacre of 1871, in which white mobs

ransacked and lead lynchings in a Los Angeles-area Chinatown community.[256] While

some of the men in the mob were prosecuted for manslaughter, the convictions were

later overturned due to appeals based on legal technicalities, demonstrating that the

states' legal apparatus was harder pressed to punish violence that it might even

morally condemn. Thus, *approved moral character* should be positioned as a

contested term, one that would likely have been registered within the ideal of the

white, citizen-subjects with the rights to own property. True to its limited egalitarian

self-concept then, explicit language to allow the enrollment of white women was

approved in 1871 and added to the UC charter.[257]

The location of the Berkeley campus was strategic in terms of both its

economic and symbolic potential. Its proximity to San Francisco – likened to a 'New

Rome' - appealed to the burgeoning city's business class, who would seek out young

men trained by the College of Commerce to work in export and trade.[258] Its distance

from San Francisco was likewise an advantage, as that city connoted both moral

temptation and economic squalor, characteristics that would tarnish the moral ideal of

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[255] John Aubrey Douglass, *The Conditions for Admission: Access, Equity, and the Social Contract of Public Universities* (Stanford, Calif.: Stanford University Press, 2007), 21.

[256] Douglass, *The California Idea and American Higher Education*; Takaki, *Strangers From a Different Shore*.

[257] Douglass, *The Conditions for Admission*, 21.

[258] Brechin, *Imperial San Francisco*.

the university, distract from academic life, and diminish prospects for wealth

accumulation.[259] The physical positioning of the campus exuded importance with its

panoramic views of the San Francisco Bay. Strawberry Creek, which ran through the

property, promised an adequate water supply for both the university and the city of

Berkeley that would soon be created.[260] Major ports in Oakland were significant to the

development of trade routes, and were already served by major rail companies

including the Western Pacific, Santa Fe, and Southern Pacific.[261] The possibilities for

flows of commerce and therefore capital, were further advanced with the opening of

the Panama Canal in 1915, creating new access to markets in South America and the

US east coast, which likewise resulted in increased enrollments at the Berkeley

campus.[262] Thus, as the state worked to create its new infrastructures, the university

could likewise create the programs and training to credential people for these new

industries. Political and business leaders, banking and railroad magnates, were

creating the economy, laying the foundation of the state, and re-writing the land, and

the founders of Berkeley envisioned the campus as interconnected in these processes.

An 1866 report from the Berkeley planning committee recommended, "that there

should be scientific streets and literary ways –the streets to run north and south, the

ways east and west; that the streets be called in alphabetical order after the names of

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[259] Douglass, *The California Idea and American Higher Education*.

[260] Brechin, *Imperial San Francisco*, 280–81.

[261] Stephanie Sabine Pincetl, *Transforming California: A Political History of Land Use and Development* (Baltimore: Johns Hopkins University Press, 1999), 70.

[262] Verne A Stadtman, *The Centennial Record of the University of California* (Berkeley: University of California, 1967), 3.

American men of science, the ways in like order after American men of letters".[263]

These *men of science and letters* erased the processes of settler violence that produced the state, and under the auspices of well-warranted knowledge and models of virtue, produced new forms of the colonial racial and economic project.

Indigenous struggles against settler colonial laws and logics persist contemporarily, such as Ohlone activist's opposition to a proposed residential and commercial development on a West Berkeley Shellmound. Now marked as 1900 Fourth Street, the area is one of the earliest Indigenous settlements in the San Francisco Bay Area and dates back over 5,000 years. The site was not only an economic center of the maritime community, against settler claims that Indigenous peoples lacked complex social structures, but also a ceremonial center, and is still understood as sacred grounds where ancestral remains were honored in burial.[264] This is one specific local effort, in addition to ongoing struggles for Federal recognition by the Muwekma Ohlone Tribe that traces a continuous presence in the region.[265] As Les Field and collaborators articulate, the "processes by which the presence of Ohlone peoples in their aboriginal territories was decisively obscured and disestablished had been ongoing since the initiation of the Spanish colonial regime of the late eighteenth century" and "involved the transformation of geography and place-

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[263] Ferrier, *Origin and Development of the University of California*, 241.

[264] IPOC, "Indian People Organizing for Change," accessed October 21, 2018, http://IPOCshellmoundwalk.homestead.com/.

[265] Les W Field, "Unacknowledged Tribes, Dangerous Knowledge: The Muwekma Ohlone and How Indian Identities Are 'Known,'" *Wicazo Sa Review* 18, no. 2 (2003): 29.

names that not only erased the Ohlones and their long history but filled that absence with colonial presence".[266] In other words, it was through Spanish Colonization that the "categorical erasure of the Ohlone presence" was made possible during California's statehood.[267] The formation of Berkeley, like other settler cities, functions to neutralize and erase the processes of settler colonial violence that were actively developed in order to produce what settlers claim as California. Institutions like the University of California not only participated in this process, but reify the idea that such processes were inherently worthwhile, moral endeavors. Indeed, Willey gave a speech in 1903 in which he had been invited to reflect on "how firmly the University is rooted in the early days of our Government's occupation of California".[268] This sense of "occupation" is acutely accurate and novel in its transparency, a characterization that continues to be fitting.

Just as the location of the campus grounds communicated a vision and ideal of the university, so did the selection of its leadership. The Regents of the University of California nominated George B. McClellan, graduate of West Point military academy and prominent Civil War General to serve as the first president over the University.[269] McClellan was a member of the Whig Party, which took inspiration from the Second

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[266] Les Field, "Mapping Erasure: The Power of Nominative Cartography in the Past and Present of the Muwekma Ohlones of the San Francisco Bay Area," in *Recognition, Sovereignty Struggles, & Indigenous Rights in the United States a Sourcebook*, ed. Amy den Ouden and Jean M O'Brien (Chapel Hill, N.C.: University of North Carolina Press, 2013), 287.

[267] Field, 289.

[268] Willey, "Founders of the University," 18.

[269] Stadtman, *The Centennial Record of the University of California*.

Great Awakening "that drew its support from the entrepreneurial and middle class" in providing a "theological justification to capitalism".[270] Whigs promulgated a political economic platform that advocated a sort of moral disciplining that would bring about the "perfectibility of mankind" and at the same time, were likewise "uneasy with the moral absolutism, divisiveness and impassioned rhetoric of the antislavery movement," a conflict which shape their separation from the Free-Soil party and for McClellan, his contentious relationship with President Abraham Lincoln.[271] According to UC historian Ferrier, "almost without exception the leading newspapers of the State were outspoken against the selection of McClellan," characterizing it as a decision that likely had "partisan" intent, given McClellan's dearth of experience as neither a scholar, educator, nor a minister, the most common vocations among leaders of higher education at the time.[272] Yet the "San Francisco Examiner" expressed support of McClellan's nomination, publishing in its paper that:

> The board of regents could not make a selection more fitting, or one which would be more cordially responded to by the people of California. We want no narrow-brained fanatical sectionalist of New England optimism and puritanism to preside over our cosmopolitan University. We want a man of broad views, liberal thoughts and feelings, who does not think the sun rises and sets in one small section of the Union, that no emanation of intellect can be sound unless it proceeds from the vicinity of a certain 'Hub'.[273]

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[270] Ethan S. Rafuse, *McClellan's War: The Failure of Moderation in the Struggle for the Union* (Bloomington, IN: Indiana University Press, 2011), 21, http://ebookcentral.proquest.com/lib/ucsc/detail.action?docID=784501.

[271] Rafuse, 21 & 54.

[272] Ferrier, *Origin and Development of the University of California*, 305.

[273] Quoted in Ferrier, 306.

Despite the few endorsements of McClellan –and perhaps of the Whig Party political

economic values he upheld- McClellan declined the position. The Regents went on to

nominate Daniel Coit Gilman, whose leadership had been instrumental in organizing

and establishing Yale College's School of Science. Gilman had modeled the Yale

structure on the European scientific schools he had observed during two years of

travel, and he was also eventually appointed as professor of Physical Geography.[274]

Indeed, Gilman was interested in influencing education more broadly, and had also

played a prominent role in establishing a High School in New Haven and in shaping

the curriculum for elementary schools.[275]

The Regents were keen on bringing someone with such vision and reputation

in education to the new state, and they set out to convince Gilman of why he should

consider the post, especially since Berkeley was yet to hold the prestige of an

institution like Yale. As California Governor Henry Haight wrote in a letter to professor

Gilman:

> Nowhere on this continent will such labor produce a greater result –not simply
> to individual reputation but to science and learning…With the prospect of
> ample means there seems to be no reason why it should not rank soon with the
> first universities of this country and confer incalculable benefits not merely
> upon this State upon the various communities which border upon the
> Pacific.[276]

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[274] Fabian Franklin, *The Life of Daniel Coit Gilman* (New York: Dodd, Mead and Company, 1910), 40-41.

[275] Franklin, *The Life of Daniel Coit Gilman*.

[276] Haight, quoted in Ferrier, *Origin and Development of the University of California*, 326.

As Haight envisioned, the riches of the gold rush and the vast lands held promise not

only within the context of the United States, but in expanding the U.S. imperial project.

In Gilman's response to Haight and a series of pleas from the Regents, he expressed

his interest in the Berkeley President post, but that both his familial circumstances and

commitments to Yale – which was likewise "destined to exert a great influence upon

the education of the country" had informed his decision to decline the offer.[277]

In time, Gilman succumbed to the promise of greatness in store for the new

University of California at Berkeley as well as for the state, and accepted a post to

become the second President of Berkeley, following the interim leadership of College

of California founder and UC's first president, Henry Durant. Gilman's leadership at

Johns Hopkins, the first university in the US founded on the German model of

graduate level study and research, has been credited for "raising the standards of

American science and scholarship," and he was actively recruited to bring the same

status to the Berkeley campus.[278] Despite the short duration of his leadership on the

campus from 1872 to 1875, Gilman forged strategic relationships for the institution.

Perhaps most notably, Gilman formed "The Berkeley Club," a wealthy, local, elite

society that met regularly with university faculty to discuss topics of interest to the

political and economic development of the state, and the role of the UC in this

process.[279] Formed through the University, the Berkeley Club offered a platform to

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[277] Gilman, quoted in Ferrier, 327.

[278] Franklin, *The Life of Daniel Coit Gilman*, 183.

[279] Ferrier, *Origin and Development of the University of California*.

coalesce those who held real economic and political power through the state's newly

formed institution of public higher education.

Gilman's inaugural address as President of the Berkeley campus is telling in

terms of the sorts of power he hoped would be built through the university, and sets

forth the imperial self-concept of the institution as central to the university's

epistemological and political purposes:

> Now comes the turn of this new empire State. California, queen of the Pacific, is to speak from her golden throne and decree the future of her lights, whose hills team with ore, whose valleys are decked with purple and gold, the luscious vine and life-giving corn, whose climate revives the invalid and upholds the strong, whose harbors are to be a long-sought doorways to the Indies, whose central city is cosmopolite like Constantinople of old, whose pioneers were bold, strong and generous; whose institutions were molded by farsighted men, bringing hither the best ideas of many different societies as the foundation of a modern Christian State, whose citizens are renowned for enterprise, patriotism and vigor; whose future no seer can foretell! California, thus endowed by nature and thus organized by man, is to build a University. What shall it be? Time alone can tell.[280]

The tensions and absences of Gilman's vision of the state and thus the role of its first

public university are important to understanding the "American liberal myths of the

self-made man, of the liberal individual, and of American exceptionalism" which, as

Bruyneel articulates, "all rely upon a disavowed relationship to the constitutive role of

settler colonization in the foundation, development and structure of the USA".[281]

California is a new *empire*, she is a *queen*. Agentive, she *speaks* from her *golden*

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[280] Ferrier, 335–36.

[281] Kevin Bruyneel, "The American Liberal Colonial Tradition," *Settler Colonial Studies* 3, no. 3–04 (November 1, 2013): 311, https://doi.org/10.1080/2201473X.2013.810700.

throne and calls the *future* into being. It is not just any future, but one that promises

royalty through wealth –*purple, gold*. She offers *long sought-out doorways* to

commerce in the Pacific from this new metropole. Pioneers, are *bold, strong,* and

generous. The new State incorporates the *best ideas* of *different societies* and yet is

built on a *modern Christian foundation*, with *citizens* who are *enterprising, patriotic,*

and possess *vigor*. She is *endowed by nature* but *organized by men*, and the *University*

is therefore a necessary institution in this new society.

The settlers are not violent, anti-Indigenous, anti-Black, nor anti-Chinese. The

land is not Indigenous territory, nor was it acquired through genocidal anti-Native

violence. Land is decidedly female, and as such she can be mined and exploited for

resources. Settler logics not only evoke patriarchy to organize land and space, but

position the university as the benevolent, rational, scientific father that could manage

this feminine landscape as productive, profitable commodity.[282] The vision of self that

is articulated is nothing short of a new imperial power. This excerpt of Gillman's

speech enacts "colonial unknowing"; it's vision of the state not only omits its conditions

of violence, but functions as an active disavowal, producing a new narrative through its

forgetting.[283] Indeed, the university was a symbol of settler futurities and also became

another site through which such forms of colonial unknowing could be reproduced.

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[282] Maile Arvin, Eve Tuck, and Angie Morrill, "Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy," *Feminist Formations* 25, no. 1 (April 13, 2013): 8–34, https://doi.org/10.1353/ff.2013.0006; Andrea Smith, "Sexual Violence as a Tool of Genocide," in *Conquest: Sexual Violence and American Indian Genocide* (Boston: South End Press, 2005), 7–33.
[283] Manu Vimalassery, Juliana Hu Pegues, and Alyosha Goldstein, "Introduction: On Colonial Unknowing," *Theory & Event* 19, no. 4 (October 12, 2016), https://muse.jhu.edu/article/633283.

Within a few years of Berkeley's founding, public attention was brought to accusations raised by the 1874 Grange Movement, a group of white farmers and workers, who argued that the new state institution was co-opting the Federal Land Grant vision of technical and practical education to develop the status-quo classical curriculum of the university.[284] Such debates were also occurring nation-wide, in the wake of economic hardship and a transition into an industrial economy. The Grange thought that the state had been, "manipulated and used by the same bankers, railroad owners, and other businessmen who restricted credit and victimized the yeoman farmer and the individual laborer".[285] Yet these critiques of the elitism and political power of the university didn't go very far. President Gilman prepared various forms of compromise, including a request to the legislature for additional funds for agricultural facilities for the university.[286] Ultimately, the state expressed their support for the Regent's management of the land grant, noting their progress in creating the programs for the new institution.

In the final section of this chapter, I examine writings that position the University of California as an institution where elite commercial interests could be developed, strategically positioning the university's expertise in knowledge production as an important facilitator in this process.

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[284] Douglass, *The California Idea and American Higher Education*, 48.

[285] Douglass, 48.

[286] Douglass, 52.

Coloniality of the West: The Emergent Social Sciences and U.S. Imperialisms

As the 19th century approached it's close, historian Frederic Jackson Turner's

1893 essay famously proclaimed the end of the American frontier, with Western

expansion meeting the limit of the Pacific shores.[287] This marked a shift for the

upcoming decades, in which the frontier and the American values –or myths- that it

represented, were conjured in the political imaginary with nostalgia. Some leaders of

the Berkeley campus described the University of California as an antidote to this

dilemma; it would develop new frontiers through imperial expansion and economic

pursuits, both of which could be mediated and improved through scientific study. If,

"the 'West' is not…a region at all" but a "stage of development" as Turner himself

articulated, the University of California was imagined as one vehicle through which this

new stage of development might be realized.[288]

Bernard Moses began teaching at UC Berkeley in 1875; he was the only

professor of history, political economy, and jurisprudence for seven years, and was a

member of the Berkeley Club society.[289] His scholarship considered the distinctions

between new disciplines developing within the social sciences and in 1903, he

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[287] Notably, this power base included Leland Stanford, founder of Stanford University. Gerald D Nash, *Creating the West: Historical Interpretations, 1890-1990* (Albuquerque: University of New Mexico Press, 1993), 3.

[288] Nash, 8.

[289] James E. Watson, "Bernard Moses: Pioneer in Latin American Scholarship," *The Hispanic American Historical Review* 42, no. 2 (1962): 212–16, https://doi.org/10.2307/2510298; James E. Watson, "Bernard Moses' Contribution to Scholarship," *California Historical Society Quarterly* 42, no. 2 (1963): 111–26, https://doi.org/10.2307/25155543.

founded political science as its own discipline on the Berkeley campus.[290] The

following year, Moses served among the first group of elected officers for the

American Political Science Association, and was also a member of the California

Historical Society.[291] Moses had also argued that historians should study and teach

histories of Spanish colonization alongside histories of conquest in the U.S., and was

later considered a foundational U.S. scholar in the field of Latin American history.

Between 1900 and 1903, he served as a member of the original U.S. Philippine

Commission, and in 1908 he was a delegate to the Pan American Scientific Congress

in Santiago, Chile.[292] In short, Moses was a prominent scholar and educator at

Berkeley, and also in the broader context of the U.S. and its international affairs.[293]

     Moses, as well as other faculty, gave lectures around the state connected to

university affairs as part of a "University Extension" program. The extension program

initially began as a forum to broaden the dissemination of scientific knowledge by the

College of Agriculture to farmers across the state, partly in response to the Grange

movement. Professors also travelled to give talks that were connected to other forms

of university affairs. In one such lecture given to the Southern California Teachers'

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[290] Bernard Moses, "The Nature of Sociology," *Journal of Political Economy* 3, no. 1 (1894): 24–38; Bernard Moses, "Certain Tendencies in Political Economy," *The Quarterly Journal of Economics* 11, no. 4 (1897): 372–87, https://doi.org/10.2307/1880716.

[291] Watson, "Bernard Moses."

[292] Watson.

[293] Today, Moses is honored and is considered as the 'father of social sciences' at the UC Berkeley campus. Regents of the University of California, "UC 150th Anniversary Timeline," UC 150th Anniversary Timeline, 2018, https://150.universityofcalifornia.edu/. He was a key scholar in developing the academic field of political science, as well as one of the founders of research and teaching on Latin American History in U.S. (Watson, 1962, p. 216).

Association in December of 1899 entitled "New Problems in the Study of Society,"

Moses considers the "unsettled question of the relation of the white man to all other

men of whatever color".[294] He describes what he believed would be inevitable

relationships between the U.S. and countries in the Pacific, yet poses the distinct

problem that separates such relations from historical processes of colonialism.

According to Moses, this forward-looking expansion marks new shifts in the terms of

the colonial relation between whites and racial 'others':

> …here the inhabitants are not savages, nor are they few in number, nor can they be exterminated. They are destined to live, and the white race is destined to live with them. And because this is true, we are bound to inquire what must be the relations between these two elements, in order that their cooperation may most surely promote the highest interests of humanity.[295]

In merely setting up "The New Problems in the Study of Society," Moses asserts racial

hierarchies in which whiteness is deemed as simultaneously superior and invisible

through claims to universalism. The framing of the *highest interests of humanity*

reflects what has been likened to an "epistemic strategy"[296] ; the construction of the

universal archetype cloaks itself as an objective system of thought yet is created from

and represents the perspective of the white, European, Christian, secular man.[297] To

evoke Castro-Gómez, Moses' assertion of a "point zero" perspective claims universality

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[294] Bernard Moses, "New Problems in the Study of Society. An Address before the Southern California Teachers' Association, December 22, 1899.," ed. The Junior Class of the University of California, Berkeley, *University of California Chronicle* 3, no. 1 (1900): 26.

[295] Moses, 26–27.

[296] Grosfoguel, "The Epistemic Decolonial Turn," 214.

[297] Mignolo and Tlostanova, "Theorizing from the Borders," 210.

and transcendence in a rhetorical veil of the deeply interested, positioned location from which he speaks.[298]

For Moses, the settler colonial logics that guided the formation of the United States are not logics that bear questioning. Indeed, political projects that extend white supremacy are common sense and will continue to develop, even if they take shape in ever evolving forms. In Moses' words, it "is not to be expected that, after a thousand years of marvelous expansion, the Anglo-Saxon people is suddenly to lay aside its habits, and manifest no longer a disposition to run over its borders".[299] Yet along with these imperial desires, Moses articulates the co-constitutive racial anxieties that accompany them, and poses that there must be new ways to 'resolve' such racial "threats":

> The solutions that are offered by the experience of other times are not applicable. The previously executed English plan of sweeping away the aborigines cannot be carried out here. The Spanish plan of mingling the blood of the white and the colored races encounters grave objections: it is not agreeable to the English mind; it causes the higher civilization to be lost in a lower; and it produces a mongrel people that is able to reach the white man's estate only after centuries of painful effort. The plan carried out in the Oriental rule of provinces may not be followed, because it violates our worthiest political traditions, and defeats our highest social purposes.[300]

It is clear that to Moses, to uphold the 'worthiest political traditions' and 'highest social purposes' is to protect the purported purity of Euro-Christian whiteness and the

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[298] Santiago Castro-Gómez, "The Missing Chapter of Empire," *Cultural Studies* 21, no. 2–3 (March 1, 2007): 428–48, https://doi.org/10.1080/09502380601162639; Grosfoguel, "The Epistemic Decolonial Turn."

[299] Moses, "New Problems in the Study of Society," 27.

[300] Moses, 27.

institutions that center it as such. The *racial other* is framed as a threat, as potential

source of contamination. To be sure, Moses articulated a liberal position, one of self-

acclaimed benevolence against those of brute violence or force, articulating an

extension of imperialism that would be through worthy, moral means. The weight of

these and other writings from Moses' talks underscore how the University served as a

conduit to bolster logics of coloniality as legitimate, scholarly, and thus with an ethical

valence because of the idea that claims to knowledge, *social scientific* forms of

research, were apart from power and politics. Moses shared this thinking with teachers

who would go back to work in primary k-12 contexts, and who likely might have

imparted these same logics and ideals to their students. This is not to make a definitive

claim about the impacts of Moses' work, but to situate how such thinking traveled

through the facilitation and authority of the university and one of its leading scholars.

      Moses reiterates these ideas in an essay entitled "The University and the

Orient," published in a 1900 edition of *Blue and Gold,* an annual yearbook of the

Berkeley campus. He begins by foregrounding the role of the UC, stating, "In its

relations to certain problems to be solved by this nation, the University of California

holds a noteworthy position. It stands near the limit of the continent, where the

westward migration of our race receives an important check".[301] The *limit* evokes the

frontier; a challenge that has already been overcome and will be again. In Moses'

words, "the expansive power that has carried our race over the Atlantic and made it fill

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[301] Bernard Moses, "The University and the Orient," ed. Zeta Psi Fraternity, *The Blue and Gold* 26 (1900): 23.

a new continent is as great to-day as at any period in history."[302] *Our race* signals

whiteness, and situates the settler colonial project of the United States as virtuous: "the

pressure outward, tending to enlarge the area of its dominion, will continue till the

race becomes less prolific, less self-reliant, and less enterprising; or, in a word, as long

as it remains undegenerate."[303] To be *degenerate* is first marked by skin color, and

means to lack physical, mental, or moral qualities that are considered normal,

desirable, and necessary for full social inclusion; *undegenerate* is the opposite of such,

and Moses envisions White man - and his colonial project – as intellectually and

morally just causes, as enactments of the human ideal. Moses' discussion of the future

expansion of the United States evokes Wynter's figure of the *bioeconomic* man:

> during the advance hitherto, all classes have moved together. But here, on the western edge of the continent, the common laborers of our race are destined to halt…If our race moves forward upon these regions, it will not be the race as a whole, but the race represented by its organizing and dominating classes. The common laborers of the Anglo-Saxon nations have little or nothing to give them success in rivalry with the ordinary laborers of the East.[304]

Moses' use of logics of coloniality reassert whiteness as the center of power, but a

particular figure of whiteness; it is not the white laborer, but those who are part of the

organizing and dominating classes. Through this formulation, the racialized *other* is

positioned as the threat to the white laborer; the labor of the racialized other is more

exploitable as a condition of their racialization. The frontier then is simultaneously

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[302] Moses, 23.

[303] Moses, 23.

[304] Moses, 23.

reopened through the promise of the Pacific for the white elite while it implicitly marks

a –racial- threat to the white laborer. Herein lies the role of the University of California

and the role of knowledge:

> It must mediate between the East and the West…If men of our race are to
> dominate the commerce of the Orient, they must know not only the principles
> and methods of commercial life as developed in Europe and America, but also
> the conditions to which they must adapt themselves in the trade beyond the
> Pacific.[305]

Moses speaks to the imaginations of those young men who are already members of

the university, and their roles within or at this new frontier. The knowledge work of the

university then, supports the continued expansion of the capitalist project for an

expanding class of whites, while also solidifying the way in which race mediates the

closure of the frontier for the white laborer. Indeed, for the University of California to

take on such a role is within the common sense of its geographical proximity, and to

the logics that organized the state of California: "With respect to this need, the

University will be in a position to render an important service," here, Moses extends

the reaches of knowledge work:

> Through its researches in the field of industry and commerce, knowledge of
> the economic conditions of the Oriental nations may be made to supplant
> baseless traditions and uninstructed prejudices; and, in light of this
> knowledge, the Orient and the Occident may be drawn nearer to one another
> on a higher plane of rational commercial intercourse.[306]

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[305] Moses, 24.

[306] Moses, 24.

This vision, in which the University of California would support the development of new industries beyond the U.S. borders and into territories in the Pacific echoes the way in which the social sciences were cohering as relevant new fields of knowledge at the turn of the 20th century. According to scholar David Nugent, the very "development of the social sciences in the United States has an intimate but unacknowledged relationship to the formation of empire," marrying together both military and commerce to develop a new articulation of empire.[307] As such, both the "government and foundations considered the social sciences essential to their ability to manage global empire," and as Nugent argues, the various "stages precipitated by crises in capitalist accumulation practices" likewise informed the reorganization of social scientific knowledge.[308]

Nugent describes the first predominant stage in this social scientific – empire relationship as the Formation of Overseas Empire (1900 to 1940), which was also the period that Moses wrote and engaged in developing these new knowledge fields at Berkeley. According to Nugent, the role of the social sciences was to study "global forces of power, economy, and culture" as a way to support the "growing dominance of the United States in world affairs".[309] Knowledge of racial others was necessary then to "render these groups legible and manageable," and foundations – such as the

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[307] David Nugent, "Knowledge and Empire: The Social Sciences and United States Imperial Expansion," *Identities* 17, no. 1 (January 22, 2010): 2, https://doi.org/10.1080/10702890903458838.
[308] Nugent, 2.
[309] Nugent, 7.

Rockefeller, the Carnegie, the Russell Sage Foundations, the Brookings Institute, and others – took on significant roles in funding the development of the "new infrastructure of training, research, publishing, and control" to support the expansion of these new knowledges.[310] Despite the independence of foundations from the nation-state, "rapid industrialization, urbanization, immigration, and economic instability…culminating in the depression of 1893 -1897" had create social and political conflicts such that the wealth elite sought new methods to create and "ensure social order".[311] Education was thus an attractive vehicle to coalesce and to order the realm of the social, from its workers to its citizens, while they, "believed that "cultural work" on an enormous scale would be necessary if they were to bring the "best of Western civilization" to traditional societies".[312]

Together, the development of new knowledges that considered the relationship between "Man" and "Society" likewise offered avenues to extend U.S. imperialism into the Pacific and address "problems of race". Importantly, since the development of the social sciences departed from the premise of the land grant charge of using the tools of science towards the expansion of the agricultural and mechanical arts, the ability to coalesce these new fields with military and commercial development and thus U.S. Empire, subsumed them within the broader ethical promise of the new land grant institution. Moses' vision of the University of California

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[310] Nugent, 8, 9.

[311] Nugent, 9–10.

[312] Nugent, 11.

reiterated emergent discourses in which research and new fields of social science

research would offer rational and moral mechanisms to develop this new frontier and

through the process, also spread the economic, political, human, and thus moral order

of the U.S. liberalism into the context of the "global".

Chapter 2. Research Ethics as the Ethical University: Upholding Colonial Unknowing Through the IRB

In "Protecting Human Subjects," a 1986 video-based training tool for medical and clinical researchers created by the US Food and Drug Administration, the formalization of the ethical review of research with human subjects is situated within the broader expansions of science during the 20th century. The narrator cites the work of scientists such as Louis Pasteur and Walter Reed, described as two "independent visionaries" who, characteristically of their scientific contemporaries, "worked alone and took sole responsibility for their experiments with humans".[313] Yet, as the scale of research expanded to diagnose, prevent, and cure diseases, "public appeal and support encouraged even more research" and the "number of experiments, and thus the number of human subjects, dramatically increased, and scientists were in the forefront of those reminding us of our responsibility to research subjects".[314] This situates both the practice of science – and the researcher himself – in a narrative of progress and ethical promise.

The Holocaust interrupts this narrative of scientific and medical progress when in1946, twenty doctors from the Third Reich were indicted before the war crimes tribunal in Nuremberg.[315] The Nuremberg Code was established shortly after the war

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[313] United States and Food and Drug Administration, *Protecting Human Subjects training*, 2012, http://purl.fdlp.gov/GPO/gpo38639.

[314] United States and Food and Drug Administration.

[315] Ruth R Faden, Tom L Beauchamp, and Nancy M. P King, *A History and Theory of Informed Consent* (New York: Oxford University Press, 1986).

tribunals and identified ten basic principles for conducting ethical medical research with human subjects. The code is noted for its significance as the first internationally recognized articulation of principles informing ethics in medical research, not only in the interest of preventing future abuses, "but to increase the protection of the rights and welfare of human subjects everywhere by clarifying the standards of integrity that constrain the pursuit of knowledge".[316] It's first principle, which requires researchers to obtain voluntary consent from all human subjects, is considered one of the key contributions of the code and a principle that influenced future ethics policies. The World Medical Association adopted its own code in 1964 at a meeting in Helsinki, in part, out of a concern that the abuses tried at Nuremberg threatened public trust of medicine and biomedical research.[317] Codes of ethics were not only written for the scientific community, but also aimed to reassure the ethicality underlying research practices to the broader public.

Whether through introductory research methodology texts or required online training modules, most biomedical and social science researchers in the U.S. learn about research ethics through this similar origin story.[318] Within the social sciences, several notable cases are often recounted to demonstrate ethically questionable approaches that include and extend beyond direct forms of bodily harm. Psychologist

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[316] United States and Food and Drug Administration, *Protecting Human Subjects training*.

[317] Faden, Beauchamp, and King, *A History and Theory of Informed Consent*.

[318] Shane Dixon and Linda Quirke, "What's the Harm? The Coverage of Ethics and Harm Avoidance in Research Methods Textbooks," *Teaching Sociology*, June 2, 2017, 0092055X17711230, https://doi.org/10.1177/0092055X17711230.

Stanley Milgram's 1961 experiments on obedience to authority, controversial because

of researchers use of deception and provoking psychological distress in participants;

the research underlying Sociologist Laud Humphreys' 1970 book *The Tearoom Trade*,

which relied on covert observations of homosexual sex in public spaces and invasion

of their privacy, again highlighting deception and potentially risking the confidentiality

of his research subjects; and Psychologist Philip Zimbardo's 1971 Stanford Prison

Experiment in which consenting subjects experienced psychological and physical

abuse.[319]

As sociologists Dixon and Quirke argue, learning about research ethics

through such high-profile cases socializes students to understand "risk" and "ethics"

through a sensationalist lens, what Hagen describes as "ethical horror stories".[320]

Together, these flatten the complex situatedness of research ethics to the procedural

rituals mediated by the IRB. Sensationalist narratives also obscure the forms of

pervasive, iterative violences that have been sustained through projects of knowledge

production and the very institutions through which such research is possible, framing

these and other key cases as outliers in an otherwise ethical history of scientific and

social scientific research practices.[321] Even one of the most egregious cases, the

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[319] Mark Israel, *Research Ethics and Integrity for Social Scientists*, 2015; Zachary M. Schrag, *Ethical Imperialism : Institutional Review Boards and the Social Sciences, 1965-2009* (Baltimore, Maryland: Johns Hopkins University Press, 2010).

[320] "What's the Harm?"

[321] Caroline H. Bledsoe et al., "Regulating Creativity: Research and Survival in the IRB Iron Cage," *Northwestern University Law Review* 101, no. 2 (2007): 593–641; Maureen H Fitzgerald, "Punctuated Equilibrium, Moral Panics and the Ethics Review Process," *J Acad Ethics Journal of Academic Ethics* 2, no. 4 (2005): 315–38; Carol A. Heimer and JuLeigh Petty, "Bureaucratic Ethics: IRBs and the Legal Regulation of Human Subjects Research," *Annual*

Tuskegee Syphilis Experiment, is often decontextualized from a broader historical and theoretical analysis that made such purported "research" possible. How then does the narrative of ethical infringements as discrete "events" mask forms of iterative, connected violence that have been sustained in the name of science and knowledge production?[322] Furthermore, how does the institutionalization of research ethics itself – as well as its recent revisions – function to elide the entanglements of racial-colonial violence and research itself?

In this chapter, I consider the ways in which the institutionalization of research ethics itself relies on elisions of the racial-colonial entanglements of research disciplines. I analyze discourses of research ethics circulated through the IRB, including the predominant critiques social scientists have leveraged against the incommensurability of IRB process with the methodologies they utilize. I consider how these discourses, and even the origin stories that include the Tuskegee Syphilis experiment, often situate ethical infringements as exceptional or within an otherwise neutral history of research.[323] I consider the origin stories surrounding the formation of the IRB as meaningful narratives, analyzing the collective myths that are produced about research as well as the histories that are erased, through these retellings. I argue that the origin stories enact a form of "colonial unknowing", an active erasure of

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[322] Here, I'm thinking with Povinelli's generative framing of "event" as a conceptual masking of durable forms of violence. Elizabeth A Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham [N.C.]: Duke University Press, 2011).
[323] Dixon and Quirke, "What's the Harm?"

academia's complicity in producing ongoing contexts of racialized violence.[324] I

conclude by considering how the 2018 Common Rule revisions to expand the

category of exempt research extends *colonial unknowing* by further decontextualizing

the forms of "risk" involved in social and behavioral research that extend beyond the

research interaction and into the "durable narratives" that are produced in and

through research.

The IRB: Misalignments with the Social and Behavioral Sciences

The formation of Institutional Review Boards (IRBs) to assess the ethicality of

research with human subjects is a relatively recent phenomenon in the United

States.[325] The passage of the National Research Act of 1974 set in motion a range of

policies at the federal level to mandate minimum ethical standards of research with

human subjects. Among these, the policy referred to as the "Common Rule" required

universities to establish IRBs to uphold the new regulations.[326] As a condition of

receiving federal funding, all universities and research institutions were required to

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[324] Vimalassery, Pegues, and Goldstein, "Introduction."

[325] In Canada, the Medical Research Council of Canada (MRC) as well as the Social Sciences and Humanities Research Council (SSHRC) released recommendations for ethical principles and ethics review processes based on the Belmont Report in 1978. See Mark Israel, *Research Ethics and Integrity for Social Scientists* (London: SAGE Publications, 2015).

[326] The National Research Act called for the formation of a special commission to determine the principles for ethical conduct with human subjects in research. The recommendations of the Belmont Report were turned into law through the Code of Federal Regulations, Title 45 Public Welfare, Department of Health and Human Services, Part 46 Protection of Human Subjects or 45 CFR 46. Subpart A of 45 CFR 46 is known as the "Common Rule," as it describes the legal protections required for all human subjects, while subparts B, C, and D specify the protections required for research with those "vulnerable populations" identified by the commission (Office of Human Research Protections, https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/index.html). Sana Loue, *Textbook of Research Ethics Theory and Practice* (New York: Kluwer Academic, 2002), http://site.ebrary.com/id/10048273.

establish IRBs to regulate research with human subjects, except for those that were

qualified "exempt" from full review.[327]

Creating the infrastructure to interpret and apply the policies of the Common

Rule to a wide-range of research was a complicated task, as documented by the staff

who served on some of the first IRBs.[328] While the Common Rule only requires IRB

review of certain federally funded research with human subjects, most universities

required review of *all* research involving human subjects, except those studies that fall

under specified exemptions, up until the broader expansion of exemptions with the

2018 revisions to the Common Rule. A new field of knowledge thus emerged across

disciplinary bounds alongside the establishment of IRBs, as scholars considered the

impacts of the new ethics protocols on various forms of research. Scholars have raised

extensive critiques of both the inadequacies and inappropriateness of imposing

human subjects review designed for biomedical research onto work in the social

sciences and sometimes even humanities. In this section, I consider the discourses of

predominant critiques of the IRB and how they elide the broader category of that

which constitutes ethics. I organize these predominant critiques into three overarching

domains: 1) the methodological mismatch of IRB principles to non-positivistic research

methods, 2) the legalistic function of IRBs and 3) IRBs as gatekeepers of knowledge

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[327] The exemption criteria and category have expanded since the 2018 revisions to the Common Rule, but continue to exclude research on populations who are part of specific protected categories. Gail M. Sullivan, "Education Research and Human Subject Protection: Crossing the IRB Quagmire," *Journal of Graduate Medical Education* 3, no. 1 (March 2011): 1–4, https://doi.org/10.4300/JGME-D-11-00004.1.

[328] Elizabeth A Bankert and Robert J Amdur, eds., *Institutional Review Board: Management and Function* (Sudbury, Mass.: Jones and Bartlett, 2006).

production. I consider how the predominant critiques of the IRB often reify an idea of social science and behavioral research as an inherently neutral practice, and thus function to elide the way in which research has been used as a tool of racial-colonial accumulation.

Methodological Mismatch

Many scholars have documented the methodological mismatch between IRB protocols to protect human subjects and qualitative research approaches. Some of the most extreme cases highlight local IRB's adherence to policy despite the incoherence of their suggestions. For example, one IRB advised a graduate student to avoid paying attention to those participants who had not provided informed consent by merely averting her gaze during observations.[329] In another case, a history professor was investigated by her college's review board for providing the phone numbers of neighborhood residents who had agreed to speak with her undergraduate students for an oral history project, since the project hadn't gone through IRB review. As historian Schrag describes, the college's review board committee seized the professor's archival documents and said her job was at risk, only to later conclude that her research was not subject to ethics review after pursuing an investigation.[330]

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[329] Will C. Van den Hoonaard, *Walking the Tightrope : Ethical Issues for Qualitative Researchers* (Toronto; Buffalo: University of Toronto Press, 2002).
[330] Schrag, *Ethical Imperialism*.

These and other cases are cited to illustrate how IRB regulations are not appropriately designed to review most social and humanistic forms of research. Some scholars argue that the very notion of a preliminary review of research is incommensurate with the emergent nature of some qualitative methods such as semi-structured interviews.[331] Scholars have also questioned the need for *any* institutional ethical review process for qualitative research. For example, medical sociologist Dingwall argues that methods such as observation, asking questions, reading and interpreting documents, are "the same methods that ordinary people use in their everyday life," and thus deems the potential harms of social research as "minor and reversible emotional distress or some measure of reputational damage," negating the material violences that are produced and upheld through the representational practice of research.[332] Sociologists Heimer and Petty similarly argue that the "breach of confidentiality" in social scientific research is a more mundane risk than "the physical risk(s) of medical research".[333] Other scholars, such as political scientist and legal scholar Feeley more aptly situates the distinction, stating that there is "good reason to be concerned about ethics in social science research" but that the problems, risks, and ethics are different than those that are particular to biomedical ethics.[334]

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[331] Christine Halse and Anne Honey, "Unraveling Ethics: Illuminating the Moral Dilemmas of Research Ethics," *Signs: Journal of Women in Culture and Society* 30, no. 4 (2005): 2141–62.

[332] Robert Dingwall, "The Ethical Case against Ethical Regulation in Humanities and Social Science Research," *Twenty-First Century Society* 3, no. 1 (February 1, 2008): 3, https://doi.org/10.1080/17450140701749189.

[333] Heimer and Petty, "Bureaucratic Ethics: IRBs and the Legal Regulation of Human Subjects Research," 608.

[334] Malcolm M Feeley, "Legality, Social Research, and the Challenge of Institutional Review Boards.," *Law & Society Review* 41, no. 4 (2007): 764.

Sociologists of education and public health Halse and Honey importantly

illuminate tensions between the epistemological foundations that inform IRB

processes and categories, such as the "research subject" with projects whose very aim

is to contest such assumptions. They demonstrate how ethics regulations rely on

paradigms of universalized, rational subjectivity and are derived from Kantian moral

theories in which the subject is understood as, "disembedded and disembodied,

without sensibilities, history, or physicality".[335] They argue that this perspective

presents complex ethical dilemmas of how to define research participants, and

consider their own work with young women and anorexia. Although the biomedical

literature, "constructs self-starvation as an organic disorder and a disease," Halse and

Honey underscore how the "origins and causes of anorexia are uncertain and

contested," ranging from the biomedical framings such as genetic predisposition or

affective disorder, to those emerging from community psychology which understand

anorexia as a demonstration of agency for independent and autonomous action.[336]

Thus, the purportedly simple task of describing their research participants and their

activities are themselves deeply ethical, for to "brand a girl anorexic without consent

was to deny her selfhood" and was what their research aimed to address.[337] This also

demonstrates the epistemic stakes –and consequences – for who is considered as a

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[335] Halse and Honey, "Unraveling Ethics," 2152–53.

[336] Halse and Honey, 2144–45.

[337] Halse and Honey, 2146.

bearer of knowledge, and how this process informs the rigor and ethical practice of research.

Scholars have also scrutinized other core concepts, such as informed consent, for the assumptions that are embedded within their formulation. For example, Jacob and Riles raise questions about the sorts of relationships that are not imagined and the types of relationships that are simultaneously prioritized when "persons are not envisaged as experts, muses, or colleagues, but rather as research subjects".[338] In other words, the relationship between 'researcher' and 'subject' is presumed to be one of power inequities, and the concept of informed consent is presumed to be able to mitigate this imbalance. As education scholar Bhattacharya considers, informed consent as it is conceived and operationalized within IRB review processes gives little room for the "blurred relationships" or collaborations that may emerge in and through the research process.[339]

Sociologist Bosk has been widely cited for his response to many of these critiques, arguing that scholars should instead, "focus our energies on reforming and revising procedures; we should fix the system where it is broken".[340] Bosk disagrees with the claim that informed consent does not align with ethnographic practice; for

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[338] Marie-Andrée Jacob and Annelise Riles, "The New Bureaucracies of Virtue: An Introduction.," *Political and Legal Anthropology Review : PoLAR* 30, no. 2 (2007): 182.

[339] Kakali Bhattacharya, "Consenting to the Consent Form," *Qualitative Inquiry* 13, no. 8 (November 1, 2007): 1095, https://doi.org/10.1177/1077800407304421.

[340] Charles Bosk, "The Ethnographer and the IRB: Comment on Kevin D. Haggerty, 'Ethics Creep: Governing Social Science Research in the Name of Ethics,'" *Qualitative Sociology* 27, no. 4 (2004): 417, https://doi.org/10.1023/b:quas.0000049240.88037.51.

him, informed consent is an expression of trust that is a necessary component of the

research partnership, "the formula is simple: no trust, no access; no trust, no consent;

no trust, no data".[341] While he validates the "outrage of social scientists subjected to

delays" in their research projects due to the IRB process, among other complications,

Bosk turns the aims of his critiques back to the researchers themselves. Arguing that

the extension of the IRB is not so much an example of "ethics creep" that Haggerty

describes, but is the result of a lack of engagement by social scientists who have failed

to "take an active role in shaping the way in which regulations are interpreted and

applied".[342]

Still, anthropologist Bell faults Bosk and other ethnographers for not deeply

engaging with the incommensurability of informed consent in relation to ethnography,

arguing that the concept, "as originally conceptualized, is about agreeing to be "done

to" in the context of data collection itself" whereas for ethnographic research, the

primary "doing to" isn't the fieldwork but "in the act of writing about it".[343] Bell's

analysis points to the ways in which the IRB processes failed to engage with the very

ethically fraught aspects of ethnographic and other forms of research in which

representation is central to its praxis. As Bell notes, this absence of the ethics of

representation points to the "underlying positivism" of the "prevailing research ethics

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[341] Bosk, 418.

[342] Kevin Haggerty, "Ethics Creep: Governing Social Science Research in the Name of Ethics," *Qualitative Sociology* 27, no. 4 (2004): 419.

[343] Kirsten Bell, "Resisting Commensurability: Against Informed Consent as an Anthropological Virtue: Resisting Commensurability," *American Anthropologist*, July 2014, 516, https://doi.org/10.1111/aman.12122.

frameworks" in which writing is, "generally understood to present a transparent

"writing up" of study results and ethical concerns to attend to array around issues like

data fabrication".[344]

Is it really about ethics? IRBs as mediators of legal liability

Another concern is the blurriness between actual research ethics and the more

bureaucratic or legalistic functions of IRBs that, as some scholars argue, are aimed at

limiting or eliminating the universities' legal liabilities. For example, Feeley reads the

IRB regimes as symptomatic of an "increasingly risk-averse environment" in which

potential legal risks of research contributes to producing the IRB's "instrumentalist

cost-benefit analysis" of research.[345] In this paradigm, the IRB might be more

accurately situated as a "licensing requirement to conduct research" conflicting with

disciplinary training and practice.[346] For Bledsoe and co-authors, the expansion of the

IRB's mission and its bureaucratic reach "has now superseded by far the visions of the

designers" without any systematic evaluation or understanding of whether these

processes have actually protected research participants and reduced harm.[347] Indeed,

scholar Laura Stark documents the variance between IRBs, but credits these

disparities, in part, to the complicated task of interpreting and applying federal

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[344] Bell, 516.

[345] Feeley, "Legality, Social Research, and the Challenge of Institutional Review Boards.," 765.

[346] Feeley, 767.

[347] Bledsoe et al., "Regulating Creativity," 594.

regulations to review varying and diverse forms of research.[348]   Klitzman supports

Stark's analysis, pointing out that researchers often blame IRBs when in fact

structurally, local IRBs are merely an intermediary to the federal regulations.

Furthermore, the regulations are sometimes vague and difficult to understand; newly

released guidance oftentimes creates confusion in both meaning and application, and

sometimes even conflicting guidance has been issued, which might explain

conservative decision-making on behalf of local IRBs amidst the looming threat of

federal audits.[349]

Regardless, researchers are clear to express their frustration with the legalistic

requirements that often emerge from the IRB review process. As Heimer and Petty

write, "rules that people cannot follow are inevitably alienating".[350] Bell and other

ethnographers describe how the bureaucratic blur can be experienced as detrimental

to the very relationships that their research is built upon in their emphasis on legality

rather than relationality. Despite this tension between research review and

ethnography, for example, there might be good reasons to maintain legal terms within

the research relationship. As Stark argues, many critics fail to understand the, "the

extent to which human subjects regulations were never exclusively about preventing

harm, but about protecting people's rights *not* to be researched, even when everyone

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[348] Laura Stark, *Behind Closed Doors : IRBs and the Making of Ethical Research* (Chicago; London: The University of Chicago Press, 2012).

[349] Robert L. Klitzman, "Local IRBs vs. Federal Agencies: Shifting Dynamics, Systems, and Relationships," *Journal of Empirical Research on Human Research Ethics: An International Journal* 7, no. 3 (2012): 50–62.

[350] Heimer and Petty, "Bureaucratic Ethics: IRBs and the Legal Regulation of Human Subjects Research," 606.

involved regarded the practices as harmless by any definition".[351] IRBs were designed

not only to prevent harms but also to protect the rights of subjects to refuse

participation in research entirely, regardless of its perceived risks or benefits. Legal

scholar Ribeiro argues that the unintended impacts of the federal regulations are

unsurprising, "for it is in the nature of the bureaucratic domination exerted by the state

to homogenize, classify and impose its taxonomy".[352] The legalistic function and

expansion of the IRBs is related to the third predominant critique, which is one that

reaches the foundations of knowledge production and academic freedom; that is, that

IRBs function as a gatekeeper to research and the advancement of knowledge.

IRBs as Gatekeepers: Mitigating Knowledge Production

The most avid opponents of IRB review have questioned whether the IRB

processes can be understood as censorship or a violation of researcher's First

Amendment rights to free speech. Sociologist Katz expresses a lack of confidence in

the institutional claims to monitor ethics, particularly given the context in which the

ethical breeches of the Tuskegee Syphilis study emerged from the state itself.[353]

Bledsoe and colleagues also express concern about the IRBs unique powers to

directly "stop, delay, or change the character of research, the most prized product in

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[351] Emphasis added. Laura Stark, "Victims in Our Own Minds? IRBs in Myth and Practice," *Law & Society Review* 41, no. 4 (2007): 778.

[352] Gustavo Lins Ribeiro, "IRBs Are the Tip of the Iceberg: State Regulation, Academic Freedom, and Methodological Issues," *American Ethnologist* 33, no. 4 (2006): 530, https://doi.org/10.1525/ae.2006.33.4.529.

[353] Jack Katz, "Toward a Natural History of Ethical Censorship," *Law & Society Review* 41, no. 4 (2007): 797.

the university system".[354] Skeptical of institutional regulations and expressing support, instead, of the importance of free, open, and unregulated knowledge production, they question if the IRB conflicts with First Amendment rights to free speech and constitutes censorship. At the very least, IRBs "regulate creativity" and thus limit the possibilities of producing truly "new knowledge," they argue.[355] Upholding the values and principles of truth, rationality, knowledge, and freedom as transparent practices in and of themselves, they situate the IRB's mission in direct conflict with that of the university's goal of knowledge production. Furthermore, as Newman and Glass argue, to equate researcher rights with free speech conflates the particular power and position of authority from which researchers/scholars speak.[356]

Dingwall is similarly skeptical, and understands IRBs as linked to the expansion surveillance practices more generally. Considering the regulation of social research in comparison to the work of journalists, which doesn't require an ethics review process, Dingwall argues that ethical regulation is in fact, a "smokescreen behind which our rivals in social investigation and commentary can proceed unchecked, while those of us whose practice is disciplined by a professional ethic and a regulative ideal of truth-telling are handicapped in our access to the public realm".[357]

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[354] Bledsoe et al., "Regulating Creativity," 594.

[355] Bledsoe et al., 604.

[356] A Newman and R.D Glass, "Comparing Ethical and Epistemic Standards for Investigative Journalists and Equity-Oriented Collaborative Community-Based Researchers: Why Working for a University Matters," *Journal Of Higher Education* 85, no. 3 (2014): 283–311.

[357] Dingwall, "The Ethical Case against Ethical Regulation in Humanities and Social Science Research," 6.

Yet underlying the call for unregulated research is a problematic leap that 'social' research is transparent, neutral, and without real, significant, material effects. Scholars who are quick to prioritize the pursuit of 'new knowledge' without nuanced attention to either the legacies or impacts of their research traditions, evoke settler-colonial assumptions of knowledge within a frontier logic that has yet to-be accessed but should be pursued as an inherent good.[358] Indeed, such critiques recuperate knowledge production - and the right to claim epistemic authority – by nature of academic status. In the next section, I situate how the framing of the Tuskegee Syphilis Study as a moment of exceptional violence provides an alibi to recuperate research as unmediated by relations and histories of power, as untangled within racial-colonial logics.

Narrating Violence as Exceptional

In narratives that situate the development of the IRB, the Tuskegee Syphilis experiment marks the tipping point at the national policy level. A group of federally-employed, mostly white researchers working for the United States Public Health Service (USPHS) initiated the project in 1929 to study the progression of syphilis in Black men. The researchers posited that syphilis presented neurological effects in whites and cardiovascular effects in Blacks and enlisted around six-hundred poor

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[358] Eve Tuck and K. Wayne Yang, "R-Words: Refusing Research," in *Humanizing Research: Decolonizing Qualitative Inquiry with Youth and Communities*, ed. Django. Paris and Maisha T. Winn (Thousand Oaks: SAGE Publications, 2014).

sharecroppers in Tuskegee Alabama, where some of the highest rates of syphilis had

been documented.[359] The men, were not told they were being recruited for a study,

but were led to believe they were receiving free medical treatment for a broad variety

of symptoms colloquially known as "bad blood". Participants were also offered warm

meals and burial payments for their participation.[360]

The experimentation began in 1932 and by 1947, penicillin had been

identified as an effective treatment. Yet the researchers actively withheld treatment in

order to continue studying the progression of the disease. In addition to prolonging

the suffering of the Tuskegee men, the researchers also conducted risky, painful, and

invasive procedures, such as spinal taps, merely for exploratory purposes.[361] It is

notable that this slow, intentional, "deathwatch" coincided during and well past the

passage of notable bioethics documents – the Nuremberg Code (1947) and the

Declaration of Helsinki (1964)- and all under Federal oversight.[362]

A series of journalistic exposés by the Associated Press brought the Tuskegee

Experiment to public attention in 1972, detailing the scope of abuse that spanned 40

years.[363] By this time, few of the men remained alive because of the disease or related

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[359] Loue, *Textbook of Research Ethics Theory and Practice*, 6.

[360] Marcella Alsan and Marianne Wanamaker, "Tuskegee and the Health of Black Men," *National Bureau of Economic Research (NBER) Working Paper Series* 22323 (2016): 1–51.

[361] Harriet A Washington, *Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present* (New York: Doubleday, 2006), 162.

[362] James H Jones and Tuskegee Institute, *Bad Blood: The Tuskegee Syphilis Experiment* (New York; London: Free Press ; Collier Macmillan Publishers, 1981).

[363] Alsan and Wanamaker, "Tuskegee and the Health of Black Men."

complications, and many of their spouses and children had also become infected.[364]

The US Senate Subcommittee on Health heard the case and appointed a national

commission to articulate ethical principles of biomedical and behavioral research,

which were compiled in the 1978 Belmont Report, again also signaling to the public

that such egregious abuses would not be repeated.[365] The report was lauded because

each ethical principle was connected to actionable policies; the concept of respect for

persons requires researchers to secure voluntary, comprehending, and informed

consent; beneficence requires researchers to define the possible scope of risks and

benefits of participating in research, and to systematically assess these risks for

potential subjects; and finally, the principle of justice requires that the selection of

research subjects should not target members of any particular social, racial, sexual or

ethnic groups, avoiding disproportionate harms or benefits of research towards these

protected categories.[366]

The responses at the federal policy level, which produced the IRBs, continues

to bear significance. Without them, the Public Health Services (PHS) researchers

would have continued enacting violence in the name research, even past the deaths of

the Tuskegee men. As Harriet Washington argues, the researchers were in fact

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[364] Alsan and Wanamaker.

[365] Loue, *Textbook of Research Ethics Theory and Practice*, 36. The name of the document was inspired by the Belmont Conference Center at the Smithsonian Institute near Baltimore, Maryland, where the commission convened to write the document. For more of this history, see IRB Guidebook: Introduction, Part B: http://www.hhs.gov/ohrp/archive/irb/irb_introduction.htm.

[366] IRB Guidebook: Introduction, Part B. The Belmont Report, available here: http://www.hhs.gov/ohrp/archive/irb/irb_introduction.htm.

awaiting their deaths in order to perform investigative autopsies, viewing them as

"living cadavers, more valuable to American medicine dead than alive".[367]

Washington's emphasis on the "value" of the Tuskegee men to medicine is significant.

An examination of Tuskegee should not end at the blatant harms, but to consider *who*

benefits and *how?*

   What are the processes then, that produce some people as *researchable,* as

objects of study? What forms of value are extracted and accumulated through

research, or by institutions –colleges and universities- which organize the production

of knowledge? The extraction of value from racialized people took on a myriad of

forms in the foundation of the U.S. and through a variety of institutions. Universities

and colleges were among these institutions. The wealth amassed through

exploitations of slave labor funded endowments, financed the construction of

buildings, and established new colleges.[368] Indeed, these processes were not unique

to private colleges and Ivy leagues, but accounts for the formation of public-land grant

institutions across the nation, funded through grants of 30,000 acres to each senator

and member of the house.[369] Even the development of a network of public universities

into the 19th century thus relied on colonial logics that were "scientifically" developed

and used politically to justify such processes.

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[367] Washington, *Medical Apartheid*, 164.
[368] Wilder, *Ebony & Ivy.*
[369] Stein, "A Colonial History of the Higher Education Present."

Not only was the wealth of many early campuses built through practices of land and labor extraction, but colleges and universities also played an important role in consolidating ideas of racial difference as scientific truth to legitimize racialized violence within the broader social and political development of the United States. Amidst the active dehumanization of Native peoples, scientists in colonial America also appropriated Indigenous knowledge of plants to treat disease and injury as part of a broader effort to build their disciplinary and institutional capital.[370] The status of Atlantic colleges in the 18th century was measured by the knowledge it had amassed, which also included human remains of Indigenous peoples that provided curricular objects of study and validated purported "truths" about racial difference. As Wilder writes, this "profession and hobby of collecting and exhibiting Indians spread alongside the perception of Native Americans as defeated and extinct peoples".[371] Such objectifications of Native Americans likewise participated in the production of the myth of the 'vanishing Indian', a narrative which, as Jean M. O'Brien argues, was actively constructed and continues to pervade in the American imaginary, positioning Indigenous people and their political struggles in the past tense, as extinct.[372]

Continued desires to expand medical knowledge required cadavers for research and to train future physicians. The bodies of deceased enslaved Black people

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[370] Wilder, *Ebony & Ivy*, 186.

[371] Wilder, 193.

[372] Jean M O'Brien, *Firsting and Lasting: Writing Indians out of Existence in New England*, Indigenous America Series (Minneapolis: University of Minnesota Press, 2010), https://www.upress.umn.edu/book-division/books/firsting-and-lasting.

were notoriously sought after –even dug up from cemeteries – for this development.[373]

As Wilder documents, medical faculty and students at King's College in New York –

what would become Colombia University "harvested colored corpses from the African

cemetery for years," providing an "ample source" of curricular objects for the training

of young physicians.[374] Circulars for the Medical College of South Carolina in the early

19th century touted the quality of medical training it could offer students through the

availability of cadavers, a testament to the school's "great opportunities for the

acquisition of anatomical knowledge".[375] As Washington points out, such claims are

revealing in that surgery at the college was "performed *only* on blacks – slave or

free".[376] Indeed, the cells, bodies, and lives of variously racialized peoples continue to

be targeted as objects of research and extraction, even in biomedical research with

'social justice' oriented aims.[377] Thus, while the Tuskegee syphilis experiment was a

policy tipping point, the origin stories surrounding the IRB often decontextualize these

violences, and dangerously risk explaining away these as the actions of racist

individuals, rather than as part of systematic processes of racialized accumulation

through research and knowledge production. What then is accomplished through

these elisions that continue to narrate Tuskegee through a frame of eventfulness?

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[373] Wilder, *Ebony & Ivy*, 199.

[374] Wilder, 200.

[375] Washington, *Medical Apartheid*, 107.

[376] Washington, 107.

[377] Ruha Benjamin, *People's Science: Bodies and Rights on the Stem Cell Frontier*, 2013; Kimberly TallBear, *Native American DNA: Tribal Belonging and the False Promise of Genetic Science*, 2013.

Upholding 'Colonial Unknowing' through the IRB

The landscape of critiques against the IRB, particularly from the social and behavioral sciences had broad-reaching impacts. In 2011, a committee of over sixty experts convened by the National Research Council began the first of a series of meetings to inform the federal government's efforts to revise the Common Rule and advise specifically how these guidelines might be better suited to the work of researchers in the social and behavioral sciences.[378] The 2014 report, which documents their final recommendations to the ANPRM notes that principles of the Belmont Report can be honored while, "keeping abreast of the universe of changes that factor into the ethical conduct of research today".[379] Yet starkly absent from their analysis of and recommendations to the proposed changes to the Common Rule is any sort of critical engagement with the ethically-fraught histories and ongoing conditions that continue to shape the practice of research today. As in the origin stories of the IRB, research ethics is understood within the bounds of specific research projects, making it difficult to speak to the complex social and political contexts that not only shape where researchers might engage their work, but also the institutions that employ them and make this work possible.

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[378] Scholars and researchers with expertise in anthropology, cognitive science, communication and information sciences, economics, education research, demography, geography, health services research, history, political science, psychology, social work, sociology and statistics were among the committee members.

[379] National Research Council (U.S.) et al., *Proposed Revisions to the Common Rule: For the Protection of Human Subjects in the Behavioral and Social Sciences*, 2014, 1, http://public.eblib.com/choice/publicfullrecord.aspx?p=3439987.

In their introduction to an issue of *Theory & Event*, Vimalessery, Pegues and

Goldstein develop the concept of 'colonial unknowing' to consider the ways in which

settler colonialism is "aggressively made and reproduced, affectively invested and

effectively distributed in ways that conform the social relations and economies of the

here and now".[380] Borrowing from Jodi Byrd's theorization of 'colonial agnosia',

colonial unknowing points to the necessary and active disavowals that uphold the

persistence of settler colonialism to structure U.S. social and political relations without

registering as an occupation in the 'everyday commonsense'.[381] The term is grounded

in the specificity of the ongoing political contestations of Indigenous claims to

sovereignty within settler contexts such as the United States, Canada, Australia, and

others. I evoke it here as a useful formulation to consider the ways in which research

ethics is shaped through the prism of the IRB in order to obscure the ways in which

knowledge production and academic institutions are complicit in producing and

upholding these relations of power. 'Unknowing' is theorized not merely as an

omission, absence, or gap, but analyzed for what such elisions *produce*. Thus, we

might consider how the IRB and it's connected discourses of research ethics are sites

through which the racial-colonial entanglements of universities are actively

reproduced. As such, they require re-framings of research ethics that are grounded in

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[380] "Introduction," 1.

[381] *The Transit of Empire Indigenous Critiques of Colonialism*; Baloy, "Spectacles and Spectres."

the very material effects of knowledge production. For it is in the active forgetting that

alibis are produced for knowledge to be understood as an inherent good.

Within this framing, the expansion of exemption from IRB review or the

majority of social and behavioral research supports scholars who problematically

argue that qualitative methods, such as conducting observations, asking questions, or

interpreting documents, are similar to activities of everyday life and thus deem the

potential harms of such research as "minor and reversible emotional distress".[382] The

recommendations of the NAS report take on this stance, arguing that the primary

metric should be privacy:

> …investigator use of only publicly available information, information in the
> public domain, or information that can be observed in public contexts is not
> human-subjects research and thus is outside of 45 C.F.R. § 46 [the Common
> Rule], whether or not the information is identifiable, as long as individuals
> whose information is obtained have no reasonable expectation of privacy.[383]

In this description, risk is understood within the framework of individual rights and

"reasonable expectation of privacy". Yet as critical scholars have long-argued, the

possible harms of social research extend far beyond immediate physical risks within

the research interaction and into the meanings that are made from the information

researchers observe, ask about and collect, whether or not they violate an individual's

privacy.[384] Risk must instead be also understood through deeper analytical and

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[382] Dingwall, "The Ethical Case against Ethical Regulation in Humanities and Social Science Research," 3.

[383] National Research Council (U.S.) et al., *Proposed Revisions to the Common Rule*, 47.

[384] Eve Tuck, "Suspending Damage: A Letter to Communities," *Harvard Educational Review* 79, no. 3 (2009): 409–28; Tuck and Yang, "R-Words: Refusing Research"; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books Ltd, 2012).

historical frameworks as the possibility of (re)producing deficit narratives that point to

racialized communities as *sources* of social failure, burden, and harm, rather than

interrogating the systems that produce these social conditions.[385]

Narratives of racial deficit are flexible tools that have been persistently

refashioned throughout U.S. history to solidify the uneven distribution of life

possibilities as natural and even objective. The role of academically-produced

knowledge in solidifying such narratives cannot be ignored. For example, 19th century

public health researchers in San Francisco characterized Chinese tenement

communities as sources of disease and contagion, resulting in policies of surveillance,

isolation, and public disinvestment in resources such as basic sanitation services.[386] In

a more contemporary example, the DNA samples of Havasupai indigenous community

collected in the 1990s under the lead of geneticist Therese Markow were later used for

a variety of studies, including research that threatened ancestral tribal land claims.[387]

Even in biomedical research then, "risk" extends into the knowledge that is produced

from the data, rather than merely what is collected. In other words, "risk" cannot be

evacuated from historical and ongoing analyses of the way in which research has been

(ab)used as a tool of racial-colonial violence.

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[385] Tuck and Yang, "R-Words: Refusing Research"; Richard R Valencia, *Dismantling Contemporary Deficit Thinking Educational Thought and Practice* (New York; London: Routledge, 2010).

[386] Nayan Shah, *Contagious Divides Epidemics and Race in San Francisco's Chinatown* (Berkeley [u.a.: Univ. of California Press, 2011).

[387] Jenny Reardon and Kim TallBear, "'Your DNA Is Our History': Genomics, Anthropology, and the Construction of Whiteness as Property," *Current Anthropology* 53, no. S5 (April 1, 2012): S233–45, https://doi.org/10.1086/662629; Tuck and Yang, "R-Words: Refusing Research."

To expand the categories of exempt research based on metrics of individual privacy flattens conceptions of "risk" within social science research as minimal and every-day. Indeed, critical scholars will not merely rely on the IRB as their rubric for research ethics. However, given the symbolic power of the IRB as the formal institutional mechanism for research communicates that most social scientific and biomedical research is merely a neutral endeavor of inquiry. Without formal institutional efforts to address the forms of racial colonial violence produced through research both historically and contemporarily, we cannot merely understand the revisions to the Common Rule for their logistical impacts, but as an extension of colonial unknowing.

Thus, even the (re)formation of the IRB functions to elide the very racial-colonial violences that prompted the Tuskegee syphilis study. Narratives that rehearse this origin stories of the IRB situate the Tuskegee study as a moment of exceptional violence, reifying the way in which attention to the racial-colonial entanglements of research become matters of critical interdisciplinary fields or of methodological orientation. In other words, the formalization of research ethics did little to transform the ethics of research practice itself.

Chapter 3. Acknowledging Racial-Colonial Histories as the Ethical University: The Limits of Retrospective Gestures

"None were left now to unname, and yet how close I felt to them when I saw one of them swim or fly or trot or crawl across my way or over my skin, or stalk me in the night, or go along beside me for a while in the day. They seemed far closer than when their names had stood between myself and them like a clear barrier; so close that my fear of them and their fear of me became one same fear. And the attraction that many of us felt, the desire to smell one another's smells, feel or rub or caress one another's scales or skin or feathers or fur, taste one another's blood or flesh, keep one another warm – that attraction was now all one with the fear, and the hunter could not be told from the hunted, nor the eater from the food."[388]

-Ursula K. Le Guin, *She Unnames Them*

Published in a January 1985 issue of the *New Yorker Magazine*, feminist science-fiction writer Ursula K. Le Guin's short story *She Unnames Them* provokes consideration of the meaning of names, and how they come to shape relations of power. Evoking the Biblical story in the Book of Genesis, in which God creates the creatures of the animal kingdom and Adam names them, *She Unnames Them* explores what forms of relations might be revealed without the mediation of given names. The story begins by recounting how animals variously reacted as they were un-tethered to their classificatory names. "Whales and dolphins, seals and sea otters consented with particular grace and alacrity, sliding into anonymity as into their element," while a "faction of yaks, however, protested" on account that, " "yak" sounded right".[389]

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[388] Ursula K. Le Guin, "She Unnames Them," January 21, 1985, https://www.newyorker.com/magazine/1985/01/21/she-unnames-them.
[389] Le Guin, 27.

Domestic animals, including sheep, goats, and chickens, "all agreed enthusiastically to give their names back to the people to whom –as they put it– they belonged" and "[t]he cats, of course, stead-fastly denied ever having had any name other than those self-given, unspoken, ineffably personal names".[390] The protagonist, reflects on how unnaming was "somewhat more powerful than I had anticipated". As illustrated in the guide quote, unnaming dissolved power relations so that both desires and fears became one, so that, "the hunter could not be told from the hunted, nor the eater from the food".[391] The story comes to a close as the protagonist does the same for herself, setting aside her doubts as she confronts Adam to return her name. Here in the story it becomes even more clear that the protagonist is Eve, as she recounts, "I resolutely put anxiety away, went to Adam, and said, "You and your father lent me this –gave it to me, actually. It's been really useful, but it doesn't exactly seem to fit very well lately"".[392] Adam continues with what he's doing, and when Eve says she's leaving, he responds with, "O.K., fine, dear. When's dinner?" confirming that he hadn't been listening at all.[393]

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[390] Le Guin, "She Unnames Them."

[391] I think Le Guin's identification of fear and desire as two significant affective dimensions are interesting and salient here. Later in this chapter, I consider the work of Philip J. Deloria's (1999) *Playing Indian,* in which Deloria likewise considers how both fear and desire mark white settler's relationship to Native Americans, as racial others who symbolize a 'natural state of radical freedom' (desire) and also a threat to the settler nation state (fear). Deloria considers how settler enactments in which they literally 'play' Indian through appropriations of Native tropes (costumes, fraternal societies, mascots) becomes a space where these tensions and anxieties play out. Here, if we read the animals as symbol for "racial others," the erasure of both fear and desire might also signal an erasure of the imposed power relations that previously structured these relationships. Le Guin.

[392] Le Guin, 27.

[393] Le Guin, "She Unnames Them."

In this play on the creation story in the Book of Genesis, Le Guin returns us to

the question that opened this dissertation– what values are upheld in a name? –and

suggests that *unnaming* might hold liberatory possibilities and interrupt the imposed

power relations that given names signify. Yet as colleges and universities across the

United States begin to consider the legacies of the names that have adorned, if not

haunted their campuses and begin processes of unnaming, questions regarding the

significance of the racial-colonial entanglements of the university only continue to

unravel. What is the reach of (un)naming these histories? What ethical responsibilities

do universities have – as institutions committed to practices of knowledge production

and truth – to substantively engage the materialities of their own conditions of

possibility? And what constitutes a substantive engagement? How should the missions

of universities –as public, Jesuit, Ivy league, etc. –inform these processes? What forms

of ethical responsibility and accountability are imagined through existing campus

initiatives, and what are their limits? If, as Sharon Stein writes, liberal modes of justice

"can only address violence that is legible within its frame, which means it cannot

comprehend, let alone redress, the violence that is instituted by that very frame," how

then might we aim to "target the frame itself"?[394]

I begin this chapter by sketching the context in which universities have taken

up their campus's specific historical investments in the institution of slavery and various

modes of anti-indigenous violence. Given this project's interest in the way in which

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[394] Stein, "Higher Education and the Im/Possibility of Transformative Justice," 142.

"the university" has been situated as an ethical institution, I focus on the political

context that led to the first broad-scale campus-led initiative on these issues at Brown

University under the leadership of Ruth J. Simmons, and bring this context into

conversation with the broader landscape of university- led initiatives to address these

histories. I highlight some of the contours of the racial-colonial entanglements of

colleges and universities, primarily through the work of Craig Steven Wilder, whose

research has shifted the historiography of higher education in the United States. I then

consider the conceptual moves –and limits - of these various university initiatives,

asking, what is left (un)done through the frames of liberal justice they deploy? Drawing

from scholarship on retributive justice, I illustrate how linear historical temporalities are

evoked and prioritized in rhetorical moves that distant present institutions and their

practices from such violences – as well as accountability to them. Finally, I analyze

Georgetown University's initiative to offer legacy admissions benefits to the

descendants of the two-hundred seventy-two enslaved people its Jesuit leaders sold

to bail out the bankrupted institution within national efforts to reanimate the possibility

for reparations for slavery.

Universities Studying Slavery: A National Call

In 2001, three graduate students at Yale University published "Yale, Slavery

and Abolition," a report aiming to challenge the university's claims that its "graduates

and faculty have had a long history of activism in the face of slavery," as recorded in

Yale's tercentennial brochure.[395] With support from their Graduate Employees and

Students Organization (GESO), Antony Dugdale, J.J. Fueser, and J. Celso de Castro

Alves sought to complicate the elite institution's relationship to slavery, from campus

leaders who "helped stop an effort to expand higher education for African-Americans

in New Haven" in 1831, to the swath of residential colleges that were dedicated in

name to "slave owners and pro-slavery leaders" between the 1930s and the 1960s.[396]

As the authors themselves hoped, the report entered into what became a "national

conversation about the continuing legacy of slavery inherited from a history that

includes today's most prestigious institutions," its colleges and universities.[397]

That same year, Ruth J. Simmons became the first African American ever to

lead an ivy league university when she assumed the role of President at Brown

University in July of 2001.[398] In the months leading up to Simmons' appointment,

heated debates had emerged on the Brown University campus regarding race and

free speech, following a full-page advertisement in the *Brown Daily Herald* campus

newspaper under the title "10 reasons why reparations is a bad idea for blacks – and is

racist too".[399] Conservative pundit David Horowitz had sponsored the circulation of the

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[395] Dugdale, Fueser, and de Castro Alves, "Yale, Slavery and Abolition," 1.

[396] Dugdale, Fueser, and de Castro Alves, 1.

[397] Dugdale, Fueser, and de Castro Alves, 1.

[398] Adam Harris, "Now in Her 70s, First Black Ivy-League President Finds a Third Act," *The Chronicle of Higher Education*, October 20, 2017, https://www.chronicle.com/article/Now-in-Her-70s-First-Black/241515; "Ruth J. Simmons: 2001-2012 | Office of the President | Brown University," accessed March 27, 2019, https://www.brown.edu/about/administration/president/people/past-presidents/ruth-j-simmons-2001-2012.

[399] Max Clarke and Gary Alan Fine, "'A' for Apology: Slavery and the Discourse of Remonstrance in Two American Universities," *History & Memory* 22, no. 1 (March 21, 2010): 88.

ad to universities across the country; it was also published by newspapers at the University of California, Berkeley, University of California, Davis, and the University of Wisconsin at Madison, among others.[400] According to reporting in the *New York Times*, among the ten points arguing against reparations was that "white Christians ended slavery, and that rather than getting compensation, Black Americans owe the country for the freedom and prosperity they enjoy".[401] The call to absolve the violences of slavery, the generations of wealth built upon it, and that Black people should be grateful for the benevolence of white Christian saviors, among other claims, sparked an outcry from Brown students.[402] Amidst a variety of actions that ensued, student activists denounced the paper for profiting from and disseminating distorted interpretations of history. They called the *Brown Daily Herald* into account by demanding that it donate a comparable full-page ad-space so that student groups could address and refute the claims, and that the paper also donate the $725 it had earned for running the ad to the campus's Third World Student coalition. The newspaper defended its decision to print the ad under free speech claims and did not address these demands.[403]

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[400] Some campus papers issued apologies for running the ads. "Student Press Law Center | College Papers Face Protests, Thefts after Publishing Ad Critical of Slavery Reparations," Student Press Law Center, March 20, 2001, https://splc.org/2001/03/college-papers-face-protests-thefts-after-publishing-ad-critical-of-slaveryreparations/.

[401] Diana Jean Schemo, "Ad Intended to Stir Up Campuses More Than Succeeds in Its Mission," *The New York Times*, March 21, 2001, sec. U.S., https://www.nytimes.com/2001/03/21/us/ad-intended-to-stir-up-campuses-more-than-succeeds-in-its-mission.html.

[402] Schemo.

[403] Clarke and Fine, "'A' for Apology," 88; Kira Lesley, "Paying for Controversy," *Brown Daily Herald*, September 22, 2004, http://www.browndailyherald.com/2004/09/22/paying-for-controversy/.

Around the same time, the topic of reparations had also re-emerged to the fore nationally. A group of prominent African-American lawyers and scholars had come together as the Reparations Coordinating Committee to begin an investigation of companies and corporations that had profited from slavery, publicizing their intention to bring about class action lawsuits that would argue for reparations.[404] In an Op-Ed written by Harvard law professor and the committee co-chairman Charles J. Ogletree Jr., Brown University, Yale University, and Harvard Law School were named as "probable targets" in future lawsuits, given their involvement in and profits from slavery.[405] It is within this local and national ferment that Ruth J. Simmons entered into leadership at Brown University.

In 2003, President Simmons appointed a Steering Committee on Slavery and Justice, which was tasked with researching and reporting on the "University's historical entanglement with slavery and the slave trade," to report on it truthfully, and to consider the "meaning of this history in the present".[406] Simmons hoped that the committee would facilitate thoughtful conversations about the challenge of addressing historical injustices in the present, and demonstrate the value of research,

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[404] James Cox, "Special Report: Activists Challenge Corporations That They Say Are Tied to Slavery," *USA Today*, February 21, 2002, sec. News, Cover Story, https://advance.lexis.com/; Robert F. Worth, "Companies Are Sued for Slave Reparations," *The New York Times*, March 27, 2002, sec. N.Y. / Region, https://www.nytimes.com/2002/03/27/nyregion/companies-are-sued-for-slave-reparations.html.

[405] Charles J. Jr. Ogletree, "Litigating the Legacy of Slavery," *The New York Times*, March 31, 2002, sec. Opinion, https://www.nytimes.com/2002/03/31/opinion/litigating-the-legacy-of-slavery.html. Lawsuits weren't brought against the named universities, and other attempts to bring banks and investment companies, among other corporations, into account were dismissed by federal courts based on various procedural grounds. See Brown University Steering Committee on Slavery and Justice, "Slavery and Justice" (Providence, RI, October 2006), 59, https://www.brown.edu/Research/Slavery_Justice/.

[406] Brown University Steering Committee on Slavery and Justice, "Slavery and Justice."

scholarly inquiry, and debate on the complicated topic of accountability to this history.[407] The committee included an interdisciplinary team of scholars and students with specializations in English, European History, Africana Studies, East Asian Studies, Political Science, Public Policy, International Studies, American Civilization, Urban Studies, the Center for the Study of Race and Ethnicity in America as well as several campus academic leaders. Conservative critics were quick to denounce the task of the committee, and some Brown alumni even wrote to the university to denounce the project, stating that they would stop their contributions if the university was going to 'write checks to Blacks'.[408] The backlash to the possibility of offering some sort of recourse or reparations to Black Americans illustrates what George Lipsitz describes as a *possessive investment in whiteness.* Lipsitz emphasizes how white supremacy manifests not only as outward bigotry, but as a complex "system for protecting the privileges of whites by denying communities of color opportunities for asset accumulation and upward mobility".[409] Thus, by threatening to withhold future contributions, Brown alumni not only articulated an aggressive refusal of the university's responsibility to its modes of wealth accumulation and racial violence, but also punctuate their investments in whiteness and in the university as an institution that should protect their (white) privileges.

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[407] Brown University Steering Committee on Slavery and Justice, 4; Clarke and Fine, "'A' for Apology."

[408] Joanna Walters and Alan Power, "Ivy League Controversy over Slave Trade Links," *The Guardian*, March 23, 2004, sec. Education, https://www.theguardian.com/education/2004/mar/23/highereducation.internationaleducationnews.

[409] George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998), viii.

In an April 2004 Op-Ed statement published in the *Boston Globe*, President

Simmons reiterated multiple times that the "Committee's work is not about whether or

how reparations should be paid…[t]hat was never the intent nor will the payment of

reparations be the outcome".[410] Instead, Simmons urged that the Committee's charge

was to create conversations on the campus through the "difficult work of scholarship,

debate and civil discourse," a contrast to what she characterized as the "emotional

venting, name-calling and one-sided statements" that had emerged around

reparations.[411] As scholars Clarke and Fine elaborate, based on interviews they

conducted with members of the Brown steering committee, Simmons took a

decidedly distanced stance from the committee's work, a strategic move to prevent

"potential ad hominem attacks against her and her motives for founding the

committee, while committing Brown to action".[412]

The Steering Committee on Slavery and Justice released their report in 2006,

which includes an extensive documentation of Brown's ties to slavery, discusses the

complexities and international precedents for reparative justice, reparations, truth and

reconciliation efforts, and also suggests a broad set of initiatives within and beyond

the campus community.[413] Members representing the Brown Corporation, the

President's Cabinet, Council of Admissions, Brown Faculty, various Alumni

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[410] Ruth J. Simmons, "Slavery and Justice: We Seek to Discover the Meaning of Our Past," Brown University Steering Committee on Slavery and Justice, April 28, 2004, http://brown.edu/Research/Slavery_Justice/about/op-ed.html.

[411] Simmons.

[412] Clarke and Fine, "'A' for Apology," 91.

[413] Clarke and Fine, "'A' for Apology."

Associations, the Community Council, among other campus groups and formal

bodies, were asked to comment on the Steering Committee report. Based on this

process, a response was issued in 2007 on behalf of the university, describing the

recommendations it believed that the campus was already addressing through

existing programs, as well plans for taking up the remaining recommendations that fell

under three broad categories of action, including memorials and commemorations,

academic initiatives, and community initiatives.

Among the list of recommendations that the university stated it was already

addressing was a call to "maintain high ethical standards in investments and gifts".

Brown cites that it implemented "rigorous standards" for the "ethical review of major

gifts" in 2003, and that it will integrate a "screen for high ethical standards" in its

ongoing investment strategies, yet does not detail what sorts of decision-making

rubrics inform its practices.[414] To be sure, Brown's Steering Committee

recommendations and campus response might be characterized as some of the most

comprehensive of any such university- led initiatives to-date. In addition to investing

resources in research centers and fellowships, as other campuses have done, Brown

has committed resources to programs targeting teacher training and professional

development, a recognition that accountability cannot be solely expressed in and

through higher education, but must also consider the K-12 educational context. Still, it

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[414] Brown University, "Response of Brown University to the Report of the Steering Committee on Slavery and Justice" (Providence, RI, February 2007), 15,
http://brown.edu/Research/Slavery_Justice/documents/SJ_response_to_the_report.pdf.

is unclear how Brown imagines and engages ethical investment practices, which given

its historical profits from slavery, are at the core of the practices under scrutiny.[415]

During this same time period, high-profile conversations at other campuses

continued to garner national attention, many of which were initiated by student

activism. Some of the more formalized institutional work includes research conducted

by Law professor Alfred Brophy at the University of Alabama campus in 2004; a task

force convened by the Chancellor at the University of North Carolina at Chapel Hill in

2005; the President's Commission on Slavery and the University at the University of

Virginia in 2007; the Lemon Project at the College of William and Mary in 2009; and

research initiated by faculty at Harvard in 2011, which received support from the

Radcliffe Institute for Advanced Study through a conference held in 2016.[416] Inspired

in part by the work developed at Brown University under Simmons' leadership, the

President's Commission on Slavery at the University of Virginia established the

Universities Studying Slavery (USS) consortium in 2014 to bring together universities

engaged in this work within the state of Virginia. As of February 2019, the USS

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[415] In 2011, the University provided an update of its progress on the recommendations it took on and by 2012, the Center for the Study of Slavery and Justice was inaugurated, taking charge of the scholarly and public programs through the initiative. No comprehensive update addressing the recommendations has been published since the 2011 update. See "Slavery and Justice Update," Committee on Slavery and Justice, Brown University, March 18, 2011, http://brown.edu/Research/Slavery_Justice/report/update.html; Brown University, "Center for the Study of Slavery and Justice," About, accessed April 2, 2019, https://www.brown.edu/initiatives/slavery-and-justice/.

[416] Clarke and Fine, "'A' for Apology"; "Chancellor's Task Force on UNC-Chapel Hill History," accessed March 29, 2019, http://historytaskforce.unc.edu/; "Universities Studying Slavery (USS)–The Birth of a Movement," *President's Commission on Slavery and the University* (blog), February 3, 2017, http://slavery.virginia.edu/universities-studying-slavery-uss-the-birth-of-a-movement/; "The Lemon Project | William & Mary," accessed March 29, 2019, https://www.wm.edu/sites/lemonproject/; Sven Beckert, Katherine Stevens, and Students of the Harvard and Slavery Research Seminar, "Harvard and Slavery: Seeking a Forgotten History" (Harvard University, 2011), http://www.harvardandslavery.com/resources/.

consortium has expanded to include over fifty campuses across the United States, as

well as several institutions developing similar projects in the UK and Ireland (see Table

2, Appendix).[417] The consortium also includes several Historically Black Colleges and

Universities (HBCUs), such as Tougaloo College, a former slave plantation turned

university. Some have suggested that historically white institutions that have profited

from slavery might reconcile their histories by supporting HBCUs, either financially or

through other forms of infrastructure and support.[418] Beyond the USS consortia, there

are additional campuses that have documented ties to slavery and/or anti-native

violences and that have taken on various forms of response to their histories (see

Table 3, Appendix).

Amidst the growing number of universities formalizing initiatives to study their

campus histories, Craig Steven Wilder published *Ebony and Ivy: Race, Slavery and the*

Troubled History of America's Universities in 2013. Wilder's extensive historical

research demonstrates how U.S. colonial colleges were intimately linked to racial

slavery not only through their participation in slave economies, but also through the

development of scientific research on racial difference that would justify such

practices.[419] The earliest colleges established in the American colonies during the 17th

and 18th centuries, according to Wilder, functioned as extensions of European power,

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[417] "Universities Studying Slavery (USS)–The Birth of a Movement."

[418] Marc Parry, "A 'Long Overdue Conversation': Do Universities That Benefited From Slavery Owe a Debt to Black Colleges?," *The Chronicle of Higher Education*, November 28, 2018, https://www.chronicle.com/article/A-Long-Overdue/245190.

[419] Wilder, *Ebony & Ivy*.

as "instruments of Christian expansionism, weapons for the conquest of indigenous peoples, and major beneficiaries of the African slave trade and slavery".[420] Christian ministers trained at Harvard went on to evangelize Indigenous peoples, creating grammar schools to 'educate' Native youth and bring about what Wilder calls "an invasion of ideas" through the imposition of English forms of dress, speech, and belief systems.[421] Meanwhile, colonists such as the physician and botanist Cadwallader Colden were "actively cataloguing Indian remedies," extracting the valuable knowledges of herbs and plants that Native communities had developed and cultivated.[422] In other words, while missionaries attempted to eradicate Indigenous knowledges and cultures to cement their occupation, scholars likewise sought to appropriate Indigenous knowledges for the benefit of the colonies. Wilder thus characterizes the colleges as "imperial instruments akin to armories and forts" weaponized in the colonial project as strategic tools against the Indigenous peoples and their lands.[423]

Slavery and anti-indigenous violence were deeply embedded into the culture and daily practices of colleges and universities. The educational pursuits of students and professors at campuses like Princeton, the College of William and Mary, Yale, Harvard, and Dartmouth College were not possible without the exploitation of Black

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[420] This includes Harvard (1636), William and Mary (1693), Yale (1701), Codrington in New Jersey (1746). Wilder, 17.

[421] Wilder, 18; 26–27.

[422] Wilder, 186.

[423] Wilder, 33.

and –although to a lesser degree – Indigenous enslaved labor. Tasks such as gathering wood to prepare and maintain fires, bringing water for bathing, preparing daily meals, cleaning living quarters and common spaces, emptying chamber pots, mending and washing clothes, repairing buildings, clearing land, building roads, tending crops and raising livestock were carried out by the enslaved Black peoples which were variously owned by the university, it's leaders, and faculty. Wealthier students also brought along and paid to board slaves to conduct their reproductive labor.[424] Enslaved Black people constructed South Carolina College (now the University of South Carolina) and the buildings of the University of Virginia campus.[425]

Reliance on the labor of enslaved Black people, as well as other forms of profit acquired through slave economies, funded missionary and other educational projects. These economies built on violence were especially important as a means to sustain the colleges and universities following the American Revolution. According to Wilder, once American Independence was gained, the "social influence of the American slave traders, land speculators, planters and financiers" was critical, replacing "British donors as the source of support for colonial churches, schools, libraries, and missions".[426] Independence from British rule thus signaled a deepening of American college and university entanglements with racial-colonial violence. Men profiting from slave economies were likewise keen to develop institutional power by channeling their

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[424] Wilder, 134–36.
[425] Wilder, 137.
[426] Wilder, 48.

wealth to create elite networks through higher education, which motivated their

interests in underwriting colleges and universities financially.[427] In short, "[g]overnors

and faculties used slave labor to raise and maintain their schools, and they made their

campuses the intellectual and cultural playgrounds of the plantation and merchant

elite".[428]

American Independence also marked a wave of antislavery discourse and

abolitionist thought, particularly in campuses in the North-eastern states. Antislavery

societies formed and faculty and campus leaders delivered essays arguing against

slavery and condemning it as an inhumane practice.[429] Still, discussions of moving

towards the eradication of slavery surfaced racial anxieties and reactions. Reverend

Robert Finley, who had briefly served as President of the University of Georgia, argued

that there would be a "three-fold benefit" if enslaved Black people would be sent back

to Africa, for they would be "partially civilized and Christianized," which would

contribute to the evangelization of the continent, would help end the slave trade, and

offer a path for emancipation.[430] Reverend Finley soon became the charter president

of the American Colonization Society (ACS), which, with the influence of academics,

promoted a strategy of relocating enslaved Black people back to Africa in order to

"balance the moral economy…while respecting the solidifying political configuration

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[427] Wilder, 49.
[428] Wilder, 138.
[429] Wilder, 244.
[430] Wilder, 247, 263.

of the United States".[431] In other words, the ACS offered a "middle strategy" to protect the white Northern power base, while also asserting its moral authority over proponents of slavery in the South.

As demonstrated through Wilder's meticulous research, the "academy never stood apart from American slavery –in fact, it stood beside church and state as the third pillar of a civilization built on bondage".[432] Yet as campuses begin to engage these histories, what is left (un)named in the process? What forms of racial-colonial violence are made legible, and what violences are elided? In the next section, I consider the affective investments in racial-colonial violence expressed through the social dimensions of college and university life that continue to shape the ongoing cultures at many campuses, and consider how contemporary historical acknowledgements reinvest in the moral legitimacy of colleges and universities.

(Re)Investments in Racial-Colonial Violence

The social practices of fraternities and sports teams illustrate the way in which racial-colonial logics are embedded in many college and university campus cultures. From photos that continue to surface of white college and graduate students in blackface and KKK robes, to racist caricatures of Native Americans and appropriations of their culture, invocations of white supremacy are pervasive aspects of 'play' in U.S.

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[431] Wilder, 248.
[432] Wilder, 11.

colleges and universities.[433] In an analysis of 900 yearbooks, reporters at *USA Today*

found over 200 examples of racist images printed in yearbooks at 120 college and

university campuses across 25 states. The survey was conducted in the wake of a

photo that surfaced of Virginia Governor Ralph Northam in blackface standing next to

a person wearing a KKK robe from his 1984 Eastern Virginia Medical School

yearbook.[434] As Brent Staples, *New York Times* editorial board member elaborates in

an Op-Ed, Governor Northam's blackface photo stands apart from other images of

students in blackface since, "Mr. Northam was not a young undergraduate. He was

embarking on a career as a physician with a responsibility to treat all patients equally".

[435] This was in addition to the fact that Northam was 'educated' in the state of Virginia,

which as Staples reminds, is "the veritable cradle of eugenics and scientific racism,"

even further heightening the gravity and significance of the photograph.[436] Or, we

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[433] Writer Adam Harris for *The Atlantic* notes of accounts of blackface at Purdue University, The University of North Dakota, Auburn University in Alabama, The University of Oregon, Bringham Young University, Xavier University, Oklahoma State University and Syracuse University as just some of the incidents that have occurred over the past two decades. Adam Harris, "Yearbooks Aren't the Only Place to Find Blackface on Campus," *The Atlantic*, February 9, 2019, https://www.theatlantic.com/education/archive/2019/02/ralph-northam-college-campus-blackface/582373/. In April of 2018, Lambda Chi Alpha fraternity members at Cal Poly San Louis Obispo in California posted a picture on social media of members dressed up and posing as Mexican gangsters and another in blackface. The predominately white campus has a .75% Black student population. "'The Blackface Scandal That Rocked My Campus,'" *BBC News*, November 26, 2018, sec. Stories, https://www.bbc.com/news/stories-46322875. Vine Deloria, C. Richard King, and Charles F. Springwood, eds., *Team Spirits: The Native American Mascots Controversy* (Lincoln, NB: University of Nebraska Press, 2001).

[434] Brett Murphy, "Blackface, KKK Hoods and Mock Lynchings: Review of 900 Yearbooks Finds Blatant Racism," *USA Today*, February 21, 2019, https://www.usatoday.com/in-depth/news/investigations/2019/02/20/blackface-racist-photos-yearbooks-colleges-kkk-lynching-mockery-fraternities-black-70-s-80-s/2858921002/; "How We Tracked down Blackface, KKK and Other Racist Yearbook Images," *USA Today*, February 20, 2019, sec. News, https://www.usatoday.com/story/news/investigations/2019/02/20/how-we-tracked-down-blackface-kkk-and-other-racist-yearbook-images/2915964002/.

[435] Brent Staples, "How Blackface Feeds White Supremacy," *The New York Times*, March 31, 2019, sec. Opinion, https://www.nytimes.com/2019/03/31/opinion/blackface-white-supremacy.html.

[436] Staples.

might ask, what then does it mean to become "highly educated" to the status of a

physician, within the context of educational institutions with such deep historical,

material, and cultural entanglements with racial and colonial violence?

At the University of Michigan, a secret society called the "Michigamua" was

created in1901, a name that was intended to both resemble and mock a Native

American tribe.[437] According to scholar Patrick Russell LeBeau, the name's "triple

association with Michigan's Indian warriors, the state's oldest university, and the state

itself" at once evoked a "historical resonance with the romantic affection for the savage

Indian and the mythic founding, conquest, and settlement of America the beautiful".[438]

To claim the name of Michigamua was to claim manifest destiny, an assertion of pride

in the settler conquest of Indigenous land and life. Members of the secret society –

who referred to themselves as a tribe – distorted and exploited Indigenous practices,

conducting "routine pseudo-ceremonies" that were also part of the club's initiation

hazing, and regular social practices.[439] LeBeau explains the "tapping and roping"

process of new members:

> The official swearing in follows an officious, and physical, selection process,
> whereby initiates are "tapped" and told to stand by the Tappan Oak near the
> Graduate Library on a specified day in the month of May. Roping refers to the
> ceremonial tying of the initiates to the symbolic oak, followed by a ritualized

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[437] LeBeau cites the founding year as 1901 and the American Indians at the University of Michigan Website cites 1902. AIUM, "History of AIUM," American Indians at the University of Michigan (AIUM), October 30, 2011, http://www.umich.edu/~aium/about.html; Patrick Russel LeBeau, "The Fighting Braves of Michigamua: Adopting the Visage of American Indian Warriors in the Halls of Academia," in *Team Spirits: The Native American Mascots Controversy*, ed. Vine Deloria, C. Richard King, and Charles F. Springwood (Lincoln, NB: University of Nebraska Press, 2001), 109–28.

[438] LeBeau, "The Fighting Braves of Michigamua," 109.

[439] AIUM, "History of AIUM."

hazing of the tapped individuals. For example, initiates are stripped of their clothes and painted with red brick dust. After they are given "Indian" names, they smoke the Michigamua peace pipe and listen to the words of their Michigamua elders who share the lore of the tribe.[440]

As Chelsea Mead considers, the club was a vehicle for college students to assert settler dominance by turning Indigeneity into sport, by *playing Indian,* as theorized by Philip J. Deloria.[441] From the Boston Tea Party's donning of Mohawk disguise as they staged resistance against the British Crown to the Michigamua and other 19th century fraternal orders, Deloria considers how white settler performances of Indigeneity signal a struggle over national American identity. The simultaneous "urge to idealize and desire Indians and a need to despise and dispossess them," reflect a tension between order, control and the "savage freedom" that the figure of the Native represents.[442] As such, Indigeneity becomes both the object of lust and of rejection, and playing Indian becomes a mode of asserting settler whiteness while also enacting its fantasies of that the Native symbolizes.

The Michigamua society selected its members from the 'best' men across campus, whether they excelled in academics, athletics, social or leadership positions, creating an elite brotherhood that felt emboldened to vandalize and destroy campus property while in "Indian" costume.[443] As LeBeau writes, the University of Michigan's

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[440] LeBeau, "The Fighting Braves of Michigamua," 114.

[441] AIUM, "History of AIUM"; Chelsea Mead, "Monuments and Memorials of Colonizer Fantasies: Representations of Indigeneity on University Campuses" (Scholarly Paper Presentation, November 2, 2018).

[442] Philip Joseph Deloria, *Playing Indian* (Yale University Press, 1999), 4.

[443] In the 1960s, "minority" men were "tapped" into the society, creating controversy amongst these students of color and Native American students on the campus. Women were first "tapped" into the society in 1999. LeBeau, "The Fighting Braves of Michigamua"; AIUM, "History of AIUM."

campus landscape is rife with "coded signifiers" of the club and it's anti-Native

violence through markers, names, and other architectural details which, up until

recently, were only recognizable to members of the society.[444] In the 1970s, Native

American students learned about the society and began a multi-decade fight to

denounce the club's name and activities, a fight that was waged without support from

the university administration. It wasn't until the Michigamua faced threat of a lawsuit in

1989 that the club agreed to drop "all references to Native American society and

culture".[445] The club only changed its name to "The Order of Angell" in 2007 in honor

of former University of Michigan President James B. Angell, who had sanctioned the

formation of the society in the 1901-1902 academic year when he led the campus.[446]

To be sure, the Michigamua society is only one example of settler attachments

to violent representations of Native people and Indigeneity, to fetishizations

expressed through 'playing Indian' that reveal simultaneous desires, racial anxieties,

and white entitlements. The mascot for Syracuse University was "Big Chief Bill

Orange," a Native stereotype of a "Saltine Warrior" up until 1978.[447] In 1931, Arkansas

State University (A-State) named its athletic team the Indians and eventually created its

athletic logo as a Native American carrying a tomahawk and a scalp. The person

dressed up as the A-State mascot attended games donning what resembled face paint

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[444] LeBeau, "The Fighting Braves of Michigamua," 114.

[445] LeBeau, 124.

[446] AIUM, "History of AIUM."

[447] Donald M. Fisher, "Chief Bill Orange and the Saltine Warrior: A Cultural History of Indian Symbols and Imagery at Syracuse University," in *Team Spirits: The Native American Mascots Controversy*, ed. Vine Deloria, C. Richard King, and Charles F. Springwood (Lincoln, NB: University of Nebraska Press, 2001), 25–45.

and a feather headdress, accompanied by at least two others dressed up in "Indian"

up until 2008 when the mascot was changed to the A-State Red Wolves, against

disagreements by longtime fans of the team.[448] At the University of Illinois at Urbana-

Champaign, students and alumni were likewise reluctant to give up the longtime

mascot "Chief Illiniwek", which wasn't changed until 2007, although devoted fans

continue to hurl insults by showing up in "unofficial Chief Illiniwek" costume to games

over a decade after the formal change.[449] In a distinct yet similarly anti-Native

codification, Lord Jeffery Amherst or Lord Jeff, who had supported efforts to wipe out

Native Americans by giving them blankets infected with smallpox in the 18th century,

was the revered mascot at Amherst College up until the fall of 2017.[450]

Affective investments in racial-colonial violence and assertions of white

supremacy are part of the time-honored traditions of social life at many campuses

across the United States. Campuses are reluctant to change the objectifying mascots,

team names, and logos, since the emotional ties of students, alumni, and other fans

translate into lucrative returns, whether through profits connected directly to the

collegiate sports industry, or from the sense of comradery and community that

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[448] Mary Landreth, "Becoming the Indians: Fashioning Arkansas State University's Indians," in *Team Spirits: The Native American Mascots Controversy*, ed. Vine Deloria, C. Richard King, and Charles F. Springwood (Lincoln, NB: University of Nebraska Press, 2001), 46–63; Arkansas State University, "ASU Retires Indian Family as Mascot," ArkansasStateRedWolves.com, accessed April 5, 2019, http://www.astateredwolves.com/ViewArticle.dbml?ATCLID=1400287&DB_OEM_ID=7200.
[449] Mitch Smith, "An Indian 'Chief' Mascot Was Dropped. A Decade Later, He's Still Lurking.," *The New York Times*, February 2, 2018, sec. U.S., https://www.nytimes.com/2018/02/01/us/native-americans-sports-mascots-illinois.html.
[450] Danny McDonald, "So Long, Lord Jeff: Amherst College Unveils New Logo - The Boston Globe," BostonGlobe.com, October 21, 2017, https://www.bostonglobe.com/metro/2017/10/20/long-lord-jeff-amherst-college-unveils-new-logo-0mI6v0R2YjOzAgtYbtWvVI/story.html.

motivates donors to give back to their alma maters. As Robert Longwell-Grice and

Hope Longwell-Grice point out, "mascots appeal to a sense of "tradition" and the

pride in and affiliation with an institution," which is something that both "administrators

and faculty work hard to cultivate".[451] As such, affective investments in racial-colonial

violence not only inflect within campus culture, but thereby produce valuable assets

for colleges and universities.

Academic institutions may also be poised to gain institutional recognition and

cultural capital through their acknowledgements of racial-colonial violence. Of the

initiatives that have been developed in U.S. based universities, institutional action has

taken form within what might be considered five predominant categories, including

Acknowledgments of History, Memorials and Commemorations, Academic Programs,

Community-Directed Initiatives, and Campus Culture (see Table 4, Appendix).

Perhaps unsurprisingly, one of the largest domains of investment for campuses with

developed initiatives to-date has been academic programming, including the

development and funding of formal research centers, support for additional and

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[451] Robert Longwell-Grice and Hope Longwell-Grice, "Chiefs, Braves, and Tomahawks: The Use of American Indians as University Mascots," in *The Native American Mascot Controversy: A Handbook*, ed. C. Richard King (Lanham: Rowman & Littlefield, 2010), 4. Activists are likewise pushing against national sports teams, who have even bigger investments in protecting their anti-Native team names and logos. Amanda Blackhorse, a Dine' social worker, activist, and mother from Big Mountain on the Navajo reservation, was the lead plaintiff in a lawsuit brought against the professional football team the Washington "Redsk*ns". They argued that the trademark was 'disparaging' and thus illegal. The team's trademark was cancelled in 2014, a victory for Blackhorse and the many activists; yet this victory was short-lived after a 2017 Supreme Court ruling in favor of "the Slants," a rock band of Asian American's who re-appropriated the slur for their name, which was also under legal scrutiny. Ken Belson and Edward Wyatt, "Redskins Lose Ruling on Trademarks, but Fight Isn't Over," *The New York Times*, December 20, 2017, sec. Sports, https://www.nytimes.com/2014/06/19/sports/football/us-patent-office-cancels-redskins-trademark-registration.html; Chuck Schilken, "Redskins Are 'thrilled' by Supreme Court Decision Striking down Law Banning Offensive Trademarks," *Los Angeles Times*, June 19, 2017, sec. Sports, https://www.latimes.com/sports/sportsnow/la-sp-redskins-trademark-supreme-court-20170619-story.html.

ongoing historical research, reports and other scholarly publications, academic

conferences, fellowships to support graduate students and postdoctoral scholars,

undergraduate scholarships and research opportunities, courses, and faculty lines in

connected department or programs (e.g. Africana Studies), among others. Taking

cues from Mark Chiang, who tracks the way in which community organizing was

converted into new forms of cultural capital in the institutionalization of Asian

American Studies, such initiatives likewise bolster the institution's claim to knowledge,

valued archives and prestigious programs.[452] In other words, acknowledging these

histories likewise offers the university opportunities to reinvest in its own legitimacy

through the production of new or expanded forms of cultural capital.

As educational institutions, it may seem merely practical that universities invest

in academic programs as a form of atonement for racial-colonial violence. Yet there is

also a historical precedent for education as a more palatable form of redistributing

resources to freed African Americans –rather than reparations in the form of cash

payments or land– which dates back to the Reconstruction Era. According to the

Brown Steering Committee's report on Slavery and Justice, "many people, black and

white, saw education as the best means to repair the damage of slavery and prepare

the newly free for the full enjoyment of their rights as citizens".[453] Of course, the

separate educational institutions that were created for Black people were not equal to

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[452] Chiang, *The Cultural Capital of Asian American Studies*.

[453] Brown University Steering Committee on Slavery and Justice, "Slavery and Justice," 69.

those of their white counterparts. In the south, schools for white students "routinely

received five to ten times more funding per capita than their black peers". [454] As

education scholar Gloria Ladson-Billings argues, educational disparities often

described as the "achievement gap" should be reframed and understood as a

historical "educational debt" that is a result of over a century-long of disinvestment in

schools for Black and Brown communities of color.[455]

     Educational debt situates the disparate access Black students have had to

higher education, particularly within historically white colleges and universities. Up

until the 1950s, the percentage of Black students who were admitted to Brown

University did not increase beyond one to two percent of the total student

population.[456] In addition, arguments that frame education – particularly college

attendance – as a vehicle for the realization of democracy are at the foundation of

ideological structures that leverage educational institutions as a cure-all to historically

produced and upheld racial and economic inequities, as argued by Ronald D. Glass

and Kysa Nygreen.[457] Thus, even though educational equity may be desired by Black

and non-black communities, discourses and policies that imagine schooling as the

primary, if not only way to ameliorate social and economic injustices likewise enables

social and economic inequity to be understood as a result of lack of individual effort,

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[454] Brown University Steering Committee on Slavery and Justice, 69.

[455] Gloria Ladson-Billings, "From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools on JSTOR," *Educational Researcher* 35, no. 7 (2006): 3–12.

[456] Brown University Steering Committee on Slavery and Justice, "Slavery and Justice," 70.

[457] Ronald David Glass and Kysa Nygreen, "Class, Race, and the Discourse of 'College for All.' A Response to 'Schooling for Democracy,'" *Democracy and Education* 19, no. 1 (2011): 7.

educational attainment, or work ethic. To promote education as the primary pathway

for reparative justice contributes to moralizing discourses that displaces the burden of

structurally produced inequities onto individual members of a group, in a schooling

system that already functions as a mechanism to identify those who are 'worthy' or

'deserving' of access to economically and socially secure, safe, and flourishing life

possibilities.

Complicated questions continue to emerge and unfold in this process. In

March of 2019, Tamara Lanier filed a lawsuit against Harvard University for retaining

ownership of the image of a formerly enslaved man who worked the Harvard campus

grounds, Renty. To Lanier, it's Papa Renty, which according to research she has

conducted, is her direct ancestor.[458] In addition to Renty's exploitation by Harvard,

Renty was one of many enslaved people who was objectified through the research of

Louis Agassiz, a respected Harvard professor who created the Daguerreotypes –an

early photographic technique –as part of his 'scientific' research on a theory of

"separate creation" that are presently in dispute. Agassiz hoped the theory would not

only show that race had a scientific basis, but that races were separate species and

that whites were superior, ideas which later became the foundation of the eugenics

movement.[459] Renty's photograph has been used by Harvard for the program of a

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[458] Anemona Hartocollis, "Who Should Own Photos of Slaves? The Descendants, Not Harvard, a Lawsuit Says," *The New York Times*, March 23, 2019, sec. U.S., https://www.nytimes.com/2019/03/20/us/slave-photographs-harvard.html.
[459] Brian Wallis, "Black Bodies, White Science: Louis Agassiz's Slave Daguerreotypes," *American Art* 9, no. 2 (1995): 39–61.

2017 conference it hosted on the campus's connections to slavery, and the image is

also on the cover of a 1986 anthropology book published by the Harvard University

Press. One of the lawyers supporting Lanier's case, Benjamin Crump, has stated that

by retaining the image it's as if Renty "has been 169 years a slave, and Harvard still

won't free Papa Renty".[460] Together, the contention regarding who should "own" or

steward Renty's image raises salient questions regarding public memory, witnessing,

and repatriation, questions which are only compounded by Harvard's real, material

interests in upholding if not expanding the forms of socio-cultural capital it might

retain from its racial-colonial entanglements.

  Indigenous communities' long-fought struggles to repatriate remains, among

other communal, ceremonial, and sacred objects stolen and now housed in museums

and universities, demonstrate the way in which knowledge "objects" resulting from

racial-colonial violence continue to provide universities with various forms of lucrative

social and cultural capital. For example, Robin Gray examines efforts by her own

community, the Ts'msyen from Lax Kw'alaams (British Colombia), to repatriate songs

and oral histories. During a one-month span in 1942, ethnomusicologist Laura Boulton

collected Ts'mysen songs and oral histories as part of a broader documentary film

project funded by the National Film Board of Canada. In 1962, Columbia University

acquired the recordings to develop a new, prestigious Center for Ethnomusicology,

and Boulton earned $170,000 in profits during a seventeen-year period for selling the

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[460] Hartocollis, "Who Should Own Photos of Slaves?"

collection, which includes the Ts'mysen recordings.[461] As Gray argues, the

"hyperdispossession from settler colonial contact" against Ts'mysen peoples through

formal institutions and policies such as missionaries, Indian Residential Schools, and

the Potlatch Ban, in which the Canadian government criminalized First Nation's cultural

and ceremonial practices between 1884 - 1951, produced the possibility that

Ts'mysen songs and stories would become cultural objects of value to Western

universities.[462]

Contemporary intellectual property laws thus punctuate relations of settler

colonialism, in which a "researcher arbitrarily gains ownership of knowledge" even if

Ts'mysen peoples have distinctive ways of relating to the songs and stories that extend

beyond notions of property.[463] Still, those knowledge and cultural objects have been

extracted and claimed by the university. The Library of Congress now houses the

original recordings of the collection through a "permanent loan" status, in which

Columbia University retains the "rights to the collection, including the authority to

determine who can transcribe, analyze, or publish the speech and music".[464] Thus,

while the university claims to hold the recordings for the abstracted good of public

knowledge, Gray argues that it perpetuates "decontextualized, misleading, and

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[461] Robin R. R. Gray, "Repatriation and Decolonization: Thoughts on Ownership, Access, and Control," in *The Oxford Handbook of Musical Repatriation*, ed. Frank Funderson, Robert C. Lancefield, and Bret Woods, 2018, 3–4, http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190659806.001.0001/oxfordhb-9780190659806-e-39.

[462] Gray, "Repatriation and Decolonization: Thoughts on Ownership, Access, and Control."

[463] Gray, 4–5.

[464] Gray, 4, 12.

incorrect information about Ts'msyen culture, society, and people" through the grossly

inaccurate metadata connected to the recordings.[465]

Gray raises the important question: "how ethical, or even practical, is it to use

the same legal frameworks for restitution that were leveraged to dispossesses us of

our heritage rights in the first place?".[466] Far from rhetorical, Gray's question

underscores the material limits of liberal legal frameworks to engage the concomitant

ethical limits of knowledge production practices that rely on logics of appropriation

and dispossession. Thus, as colleges and universities enter into processes of

acknowledging their pasts, we must continue to ask, how do such processes likewise

allow the university to reinvest in narratives that situate universities as an ethical,

legitimate and socially-relevant institution? In conversation with Gray's question, what

forms of ethical responsibility can adequately emerge from institutions that continue

to invoke the legal, political, and moral frameworks that likewise produce the very

conditions of possibility for racial-colonial violence to circulate in and through them?

Admissions Benefits and the Question of Reparations

In the summer of 2016, the Working Group on Slavery, Memory, and

Reconciliation released its report to the President of Georgetown University. In it, they

document how in 1838, Georgetown University's President, Fr. Thomas Mulledy, S.J.,

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[465] Gray, 4, 12.

[466] Gray, 5.

with the support of Fr. William McSherry, S.J., led an effort to sell 272 enslaved African

Americans owned by the Jesuit institution that had worked the campus and nearby

plantations the college owned. Jesuits in Rome had advocated to emancipate the

enslaved families, but after continued pressure by Frs. Mulledy and McSherry, they

agreed to support the sale of the enslaved children, women, and men on the

condition that "the families not be divided, that the continued practice of the Catholic

faith by these baptized slaves be ensured, and that the monies raised for the sale be

used for the endowment, not for operating expenses or the paying down of debt".[467]

Frs. Mulledy and McSherry did not respect any of these conditions; the families were

split up and sold off to various plantations, mostly in the state of Louisiana, and the

money from the mass sale of enslaved people was used to pull the college out of a

debt so large that it had threatened the institution's closure. The use of enslaved labor

had been a common practice on the campus, particularly given Georgetown's

geographic location as a river port city in what settlers claim as Washington D.C. With

the campus's active recruitment of students from the South, students would also arrive

at the campus with enslaved people to serve them while they studied at the college.

Slavery was generally supported within the campus culture, and at best, there were

those who recognized the moral tensions but understood it as a "necessary evil". More

than likely, enslaved labor was used to build campus buildings, including those that

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[467] Working Group on Slavery, Memory, and Reconciliation, "Report of the Working Group on Slavery, Memory, and Reconciliation to the President of Georgetown University," 14.

bore the names of Frs. Mulledy and McSherry, the same people who secured the

enduring enslavement of the 272-people sold by the university.[468]

In its report, the Working Group outlined a host of recommendations for the

campus, including renaming Mulledy and McSherry halls, issuing a formal apology,

creating a public memorial, developing academic programs to support the

dissemination of Georgetown's history through teaching, research, and public

outreach, engaging the campus and community in events, and investing in programs

that support goals of diversity. The recommendation that has received the most

attention is the university's extension of a legacy benefit, akin to those provided to

children of alumni, to the direct descendants of the formerly enslaved peoples sold by

the institution's leadership, what is now often referred to as the "GU272".[469] The legacy

or admissions benefit, "is generous when judged by how little other universities have

done," to engage direct descendants, according to sociologist Tressie McMillian

Cottom.[470] Yet as Cottom elaborates, accessing the admissions benefit means that "if

you somehow manage to navigate all those other legacies of slavery – wealth

disparities, income disparities, information disparities – then [Georgetown] will give

you additional consideration in admissions".[471] As Parry expands, the largest

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[468] Working Group on Slavery, Memory, and Reconciliation, 12.

[469] Rachel L. Swarns, "272 Slaves Were Sold to Save Georgetown. What Does It Owe Their Descendants?," *New York Times*, April 16, 2016, http://nyti.ms/265Sfur; Rachel L. Swarns, "Georgetown University Plans Steps to Atone for Slave Past," *The New York Times*, September 1, 2016, http://www.nytimes.com/2016/09/02/us/slaves-georgetown-university.html.

[470] Tressie McMillan Cottom, "Georgetown's Slavery Announcement Is Remarkable. But It's Not Reparations.," *Vox*, September 2, 2016, https://www.vox.com/2016/9/2/12773110/georgetown-slavery-admission-reparations.

[471] Cottom.

concentration of GU272 residents live in the rural farming town of Maringouin,

Louisiana, which is located over one-thousand miles away from the Georgetown

campus and where many of the GU272 were brought to work on plantations. Today,

over eighty percent of Maringouin's 1,100 population are descendants of the GU272

in a community that is eighty-six percent Black. White flight in the 1960s drained

resources out of the community's public schools, and the community's public high

school was shut down in 2009. Average household incomes in the community are

more than $20,000 below national averages.[472]

Among residents of Maringouin, there are many opinions about Georgetown's

responsibilities to its history, and what course of action it should take, if any. While

some residents have suggested that the university invest in the local educational

infrastructure, others, like Jessica "Millie" Tilson who lives in nearby Baton Rouge,

assert that there is no monetary value that can adequately acknowledge the suffering

her ancestors endured. Further, Tilson points out that rebuilding the community would

have a limited scope given that many families, like hers, have left the small community

in search of better educational and job opportunities.[473] Still, to Cottom's point, the

admissions benefit offered by Georgetown ignores the generations of anti-Black

policies and practices which persisted far beyond the abolition of slavery, and the

generational impacts of accumulated disinvestments in Black communities like

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[472] Marc Parry, "A New Path to Atonement," *The Chronicle of Higher Education*, January 20, 2019, https://www.chronicle.com/article/A-New-Path-to-Atonement/245511.
[473] Parry.

Maringouin. Further, the admissions benefit is just that; it does not include

scholarships or tuition remission. Thus, even if a GU272 descendant has the

educational pedigree to be accepted by Georgetown, there are no specific programs

to offset the over $55,000 cost of tuition and fees per year specific, a total which

excludes the cost of room, board, and educational expenses. On April 11 of 2019,

two-thirds of Georgetown students voted in support of a non-binding referendum that

would add a $27.20 student fee –a symbolic number in honor of the GU272 – to

establish a scholarship fund for the GU272 descendants, which university

administrators must still approve. Importantly, some students have raised concerns

that the responsibility of this history should be taken by the institution itself, not by

students, many of whom are likewise incurring debt to study at the prestigious

institution.[474]

Reporting by Marc Parry of *The Chronicle* suggests that before the release of

the Working Group's report and recommendations, Georgetown did not plan on

engaging the GU272 descendants directly. Richard J. Cellini – a tech executive, lawyer,

and Georgetown alumnus – contacted the university in 2015 after hearing about the

surfacing history, and asked if any effort had been made to track down living

descendants. Georgetown affirmed that they had tried, but that many of the GU272

hadn't survived the long journey and swampy climates in Louisiana.[475] Skeptical of this

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[474] Scott Jaschik, "Georgetown Students Vote to Add Fee to Pay Reparations," *PBS NewsHour*, April 12, 2019, https://www.pbs.org/newshour/education/georgetown-students-vote-to-add-fee-to-pay-reparations.
[475] Parry, "A New Path to Atonement."

explanation, Cellini founded a non-profit organization called the Georgetown Memory Project, and has hired genealogists to carry out the work of tracking down descendants. As of April 2019, a total of 8,298 direct descendants (alive and deceased) have been identified in connection to the known records of 215 out of the original 272 people sold by Georgetown.[476] The efforts to identify the GU272 descendants is thus not a project sponsored by the university itself, but has been funded through donations to the Georgetown Memory Project, as well as through research conducted by descendants themselves and the *New York Times*.[477]

GU272 descendants who had also heard of the Working Group's charge in 2015 reached out to the campus administration to be included in the process of what the university's accountability might look like, but with no success.[478] It wasn't until April of 2017, when Georgetown held a public "Liturgy of Remembrance, Contrition, and Hope," that it made a commitment to engage the GU272 descendants in process of reconciliation. At least three formal groups of descendants have since coalesced, including the GU272 Alliance, the GU272 Isaac Hawkins legacy and the GU272 Descendants Association. Supported by a team of seven lawyers, as well as academics, community and faith-based organization leaders, and others, the GU272 Alliance organization, with a membership of approximately 200 descendants, released an

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[476] Parry; "Georgetown Memory Project – Further Research Is Necessary," accessed April 4, 2019, https://www.georgetownmemoryproject.org/.

[477] Working Group on Slavery, Memory, and Reconciliation, "Report of the Working Group on Slavery, Memory, and Reconciliation to the President of Georgetown University."

[478] Parry, "A New Path to Atonement."

open letter in April 2018, urging both the "Jesuits and Georgetown University make amends for their conduct by developing, with the descendants, a reparatory justice package".[479] The GU272 Isaac Hawkins Legacy group, named after their ancestor whose name was the first on the Jesuits' bill of sales, recognizes the university's commitments and also the gaps. Also with a membership of around 200 descendants, they specify that the university has not offered any scholarships, compensatory funds, and "nothing that actually reflected how descendants wanted Georgetown to make amends with them, nothing to make them whole".[480] Further, they make the point that while programs directed toward racial justice and the broader African-American community are needed and commendable, such programs do not absolve the university of its "urgent moral duty to first honor the debt owed to descendants who bear the crushing legacy of slavery, Jim Crow and racial terrorism in America".[481] The group is clear that reparative justice must include the GU272 direct descendants, and cite historical precedents of reparations in the U.S. and internationally.

The largest of these collectives is the GU272 Descendants Association, with a membership of around 1,300 descendants and that has raised concerns directly to the order of Jesuit priests and brothers in Rome. In a 32-page petition to Fr. Arturo Sosa, SJ in 2017, according to *The Chronicle,* the members reported that Georgetown had,

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[479] Parry; GU272 Alliance, "Legacy of The GU272 Alliance: An Open Letter to the Society of Jesus and Georgetown University," April 5, 2018, https://www.nlg.org/wp-content/uploads/2018/05/GU272-Letter.pdf.
[480] Isaac Hawkins Legacy, "About," GU272 | IsaacGU272, accessed April 9, 2019, https://www.isaac272.com/about.
[481] Isaac Hawkins Legacy.

"privately obstructed their requests for "meaningful engagement"," and that had "literally ignored"" in the group's efforts to engage the university.[482] They've called on the Jesuits to work with descendants to develop, "an agenda for "reparations and restorative justice" proportionate to [the] damage," associated with the university's history, as well as a transparent reporting of financial dealings connected with the sales.[483] Rev. Arturo Sosa has acknowledged the GU272 Descendants Association petition, and has made a commitment to a series of talks between the organization and the Jesuits, which are set to begin in 2019. As Parry writes, if these talks are successful, they could have far-reaching implications for national discussions of reparations for African Americans, implications that reach beyond Georgetown.[484] To be sure, the advocacy of these various groups and the unfolding of this process suggests that Georgetown's commitment to engage the GU272 has thus far been a rhetorical, rather than a substantive commitment. Despite the problematics of the universities thin engagement with the GU272, the case has the potential to contribute to a broader legal battle for reparations, a struggle which is itself fraught by the limited framework of liberal justice to engage the very violences it produces.

While definitions of reparations vary, they generally aim to address past harms and injustices through the redistribution of wealth in the present and the future, according to legal scholar Alfred Brophy. Brophy distinguishes between retrospective

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[482] Parry, "A New Path to Atonement."
[483] Parry.
[484] Parry.

reparations, which measure and compensate for past harms with forward-looking

reparations, which may include broader-reaching programs that "promote the welfare

of an entire community" by funding schools or other opportunities in structurally

aggrieved communities.[485] For example, Brophy categorizes the payments made to

Japanese Americans through the Civil Liberties Act of 1988 for their internment during

WWII as a form of future-oriented relief, as everyone received the same $20,000 in

reparations, regardless of direct evidence or claim to harm. As such, Brophy

characterizes retrospective or backwards-looking reparations as both rigid and

difficult claims legally, insofar as the thresholds of evidence and definitional categories

are more stringent.[486]

Legal scholar Charles J. Ogletree frames reparations, most broadly, as a

process of "acceptance, acknowledgement, and accounting".[487] Reparations for the

institution of slavery would require a public confrontation with the foundational myths

of the U.S. nation-state and national identity, which include notions of individual

achievement, deservedness and entitlement. It would require confrontations with the

way in which wealth accumulation in this country –whether of the nation-state, the

university, the corporation, or wealthy elites –have been long produced and

maintained through racial violences that included slavery, but pervade in institutions

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[485] Alfred L Brophy, *Reparations Pro & Con* (Oxford: Oxford Univ. Press, 2008), 7.

[486] Brophy, *Reparations Pro & Con*.

[487] Charles J. Jr. Ogletree, "The Current Reparations Debate Edward L. Barrett, Jr. Lecture on Constitutional Law," *U.C. Davis Law Review* 36 (2003 2002): 1056.

far beyond it. To engage in a rigorous process of reparations would require confrontations with narratives of U.S. exceptionalism in which ideals of freedom and democracy have been used to justify violence against those who are *othered* or *elsewhere*. Thus, the movement surrounding reparations is controversial, insofar as it aims to "open a discussion of economic justice that takes race into account, and poses questions of responsibility and accountability that are hard for both blacks and whites".[488] As journalist and author Ta-Nehisi Coates argues, it is precisely for this reason that there is such a dearth of substantive engagement with reparations as an intellectually rigorous proposal with historical precedent; the threat is not so much in the actual costs or feasibility, but that reparations, "threaten something much deeper–America's heritage, history, and standing in the world".[489]

Reparations for slavery are a contested topic within the U.S. A poll published in 2003 by researchers at Harvard and the University of Chicago showed that only 30% of whites would support the U.S. Federal Government in issuing a formal apology for slavery, and only 4% of whites would support the Federal Government in making monetary payments for reparations to African Americans for slavery.[490] The low documented support for even a formal apology, let alone scant support for monetary reparations, demonstrates the way in which "possessive investments in whiteness" rely

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[488] Ogletree, 1060.

[489] Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic*, June 2014, https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/.

[490] Cited in Brophy, *Reparations Pro & Con*, 5. In comparison, 67% of Black people polled would support the Federal Government to make compensatory payments for slavery while 79% of Blacks would support the Federal Government in apologizing for slavery. No data is reported by Brophy for other racial/ethnic groups.

on maintaining the idea that the foundational and ongoing racial violences of the settler nation-state are not in fact violences, but necessary and justifiable processes of modernity.[491] Such sentiments are perhaps unremarkable when read within the historical context in which *slave owners* were paid reparations by Congress in1862 for freeing their slaves. Through the District of Colombia Emancipation Act, signed into law by President Abraham Lincoln, Washington D.C. slave owners received what was understood to be "just compensation" for seizing their "private assets" – enslaved peoples – up to the amount $300 per person freed.[492] Thus, this recognition of the losses of slavery only reasserts the denial of Black peoples' humanity and objectification as property, an illogic which likewise undergirds contemporary white entitlements and co-constituted anxieties against racial-others.

Despite a much longer history of attempts, minor successes, and opposition to reparations, which date back to before the end of the Civil War, a continued legacy of scholarship, activism, and legal efforts has asserted the saliency of reparations for slavery.[493] Deadria Farmer-Paellmann, a lawyer, human rights activist, founder and executive director of the Reparations Study Group, has been at the forefront of a strategic shift in legally re-conceptualizing reparations, framing African Americans as creditors rather than as victims.[494] When Farmer-Paellmann had only recently

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[491] Lipsitz, *The Possessive Investment in Whiteness*.

[492] Brophy, *Reparations Pro & Con*.

[493] For a review of this history, see Brophy; Martha Biondi, "The Rise of the Reparations Movement," *Radical History Review* 87, no. 1 (October 9, 2003): 5–18.

[494] Alondra Nelson, *The Social Life of DNA: Race, Reparations, and Reconciliation After the Genome* (Boston: Beacon, 2016), 121, 126. Scholar Alexander Weheliye describes a relevant problematic of human rights

graduated from law school in 2000, she "uncovered archival evidence that Aetna, a leading insurance provider, had written policies on the lives of bondsmen and bondswomen for slave owners," according to sociologist Alondra Nelson.[495] In Farmer-Paellmann's own words, this "multibillion-dollar corporation" had "provided slaveholders with security to invest in human chattel with little risk," which in turn, "helped to perpetuate slavery".[496] Farmer-Paellmann contacted Aetna's corporate leaders to both apologize and pay restitution, which it initially agreed to do; yet, the public-apology was the only commitment they upheld.[497]

Within this context, Farmer-Paellmann, in collaboration with Charles Ogletree and other attorneys, became a driving force in the 2002 class-action reparations lawsuits that were filed against prominent U.S. and U.K. -based financial institutions and corporations. Contending that labor is property, Farmer-Paellmann challenged the courts to uphold a view that enslavement should be understood in terms of lost labor and thus property loss.[498] Indeed, the only way to make the violence of slavery visible within the frameworks of liberal justice becomes through the logics of property.

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discourse, in which "suffering becomes the defining feature of those subjects excluded from the law, the national community, humanity and so on due to the political violence inflicted upon them even as it, paradoxically, grants them access to inclusion and equality". It is only through suffering that those excluded from the category of "human" can seek recognition into the very category which is constituted by their exclusion. As Weheliye states, "this tendency not only leaves intact hegemonic ideas of humanity as indistinguishable from western Man but demands comparing different forms of subjugation in order to adjudicate who warrants recognition and belonging". As such, legal frameworks likewise rely on and reinscribe the violences that they are supposed to adjudicate. See Weheliye, *Habeas Viscus*, 75–76.

[495] Nelson, *The Social Life of DNA*, 2016, 124.

[496] Nelson, 124.

[497] Nelson, 124.

[498] Nelson, 127.

The Northern District of Illinois heard the case, and deliberated for eighteen-months, until it dismissed the case in January 2004. Multiple grounds were cited, as Nelson describes, "including the fact that the plaintiffs' claims exceeded the constitutional authority of the court and could only be heard by either the executive or legislative branch, and that the statute of limitations for their claims had long expired".[499] In addition, presiding Judge Charles R. Norgle also ruled that because they had not "demonstrate[d] a precise connection to former slaves…the plaintiffs could not sue for injury as their descendants," and as such, did not have sufficient legal "standing". [500]

To be sure, the conditions for demonstrating standing as a criterion to claim redress only highlight the violence of the institution of slavery itself. For it is precisely the dearth of archival or genealogical evidence of those who were captured, bought, sold, and enslaved that makes the legal grounds of "standing" more than likely unreachable.[501] Here, Sharon Stein's analysis comes into poignant definition, for Judge Norgle's grounds for dismissal demonstrate how liberal modes of justice "cannot comprehend, let alone redress, the violence that is instituted by that very frame" of liberal justice itself, including its notions of evidence and argument, a system that also upheld the legality of slavery.[502] Following this decision, Farmer-Paellmann and plaintiffs began working with a DNA ancestry company as a new strategy for

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[499] Nelson, 128.

[500] Nelson, 128.

[501] In conversation with anthropologists, Nelson elaborates how it is likely that archival evidence has also been destroyed, in order to prevent these very claims. Nelson, 128.

[502] Stein, "Higher Education and the Im/Possibility of Transformative Justice," 142.

establishing legal standing. They appealed Judge Norgle's decision, arguing that

DNA tests confirmed that plaintiffs had ancestry tying them to the African continent, to

the slave trade and therefore, could claim "legal legitimacy as aggrieved parties".[503]

The case was once again dismissed, and in his over 100-page decision, Judge

Norgle's stated that even genealogical research "often fails to provide significant

information about a person's ancestry".[504] Judge Norgle even went as far as to

consider the "one-drop rule," or racial designation based on hypo-descent, which

historically associated any degree of black "blood" as Blackness and thus also allowed

for the categorization of persons as chattel or property. Yet, Norgle stated that the

application of this logic, "fails to differentiate between descendants of US slaves and

those of other nationalities with African heritage" and thus could not be used to

established standing. [505] The case was once against dismissed, this time because it did

not demonstrate a more specific standard of "personal or familial injury".[506]

Notions of blood hold a prominent and pervasive role in organizing the racial

logics of settler colonialism and racial slavery, particularly in relation to property. The

oppositional function of blood quantum logics leveraged against Blacks and Native

Americans in the 19th century underscores this connection. Black blood, as

contamination, guaranteed a reproduction of persons as chattel property, while the

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[503] Nelson, *The Social Life of DNA*, 2016, 131.

[504] Judge Charles Norgle, quoted in Nelson, 134.

[505] Judge Charles Norgle, quoted in Nelson, 134.

[506] Nelson, 135.

inversion of this logic by the federal government was used as strategy to eliminate

Indigeneity and solidify white settlers' claims of Native land. As Kim TallBear explains,

"Indians deemed to be "half-blood" or less were given full title and, with it, U.S.

citizenship," through the General Allotment Act of 1887 or the Dawes Act, which

redistributed Native lands previously held collectively, in the hopes of facilitating a

process of individualization and assimilation into settler society, white identity, and

thus a disassociation with Indigeneity.[507] Those with more "claim" to Indigenous

Identity, per the federal government's constructions of blood-quantum, had "title held

for them in trust for twenty-give years," a strategy to delegitimize Native claims to land

and eventually terminate those claims. [508]

Judge Norgle's evocation of the "one-drop rule" as too-broad a criterion

demonstrates the way in which notions of blood have served as flexible markers of

race and categorization of legitimacy, upholding the racialized property regimes from

which they emerge. The Farmer-Paellmann legal team appealed this decision to the

Seventh Circuit Court of Appeals, where an all-white panel of judges struck down this

subsequent appeal, again citing lack of grounds in standing, jurisdiction, as well as the

statute of limitations, with one judge questioning why it had taken over a hundred

years for harms to be claimed, if in fact they were 'real harms'.[509] Such reasoning

erases the very juridical power structures that have systematically upheld forms of

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[507] TallBear, *Native American DNA*, 56.

[508] TallBear, 56.

[509] Nelson, *The Social Life of DNA*, 2016, 136.

colonial unknowing of the violence of racial slavery and its afterlives.[510] Considering

the legal grounds for establishing standing, Nelson elaborates,

> Tort law requires the succession of capital, matrilineage, and patrilineage to constitute a claim that is "legally cognizable"; that is, it demands an argument that moved through the narrow channels of legal logic rather than travelling through the broader moral currents of the infringement of human rights and the creation of a system –chattel slavery – that constrained a portion of the US population as a caste, with deleterious effects even into the present day.[511]

Within this context then, the genealogical evidence of the GU272 might be positioned

to provide unprecedented legal grounds for "standing," as the living descendants of

the GU272 can demonstrate a direct familial line to the families who were owned and

sold by the Jesuits of Georgetown University. Still, the way in which grounds for legal

standing focus on an individual's lineage and individual harms goes against long-

documented analyses that illustrate the way in which slavery and its *afterlives*

systematically shape Black life possibilities through ongoing systems of institutional

violence within the United States.[512] In other words, in a context in which the possibility

of reparations for slavery has been limited by the foreclosures of legal terms such as

standing, the GU272 might be positioned to intervene within this conversation and

effort. Yet still, appealing to such logics only reifies the idea that violences of slavery

can and only should be traced through specific, individual actors, and that

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[510] Saidiya V Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York; Oxford: Oxford University Press, 2010).

[511] Nelson, *The Social Life of DNA*, 2016, 136–37.

[512] Hartman, *Scenes of Subjection*.

responsibility can only occur through "direct" delineations of perpetrator and victim, or by merely considering slavery as a historical institution.

As social and political theorist Robert Meister argues, efforts towards both reparative and distributive justice within the United States have been thwarted by liberalism's allochronic or linear framing of historical violence as decidedly *past*, which has been supported by liberal notions of transitional justice. As Meister describes, transitional justice "establish[es] a decisive split between the past and the future so that the present is defined as a purely transitional moment, most narrowly seen as closure, more broadly as reconciliation".[513] Thus, by framing the foundational and ongoing violences of the U.S. national-state – of slavery, settler colonial extraction of land and life, and the shifting forms of difference that continue to underwrite racial capitalism – as historical events, their violences cannot be understood as living within the present. [514] As scholars Neda Atanasoski and Kalindi Vora importantly elaborate, the ideals of freedom and democracy function to provide the rationale for American exceptionalism, in which "the history of slavery is always acknowledged, but only insofar as it can be rendered irrelevant to the present day –that is, the history of slavery is framed as a story of US national overcoming of a past aberrant from the ideals of US democracy".[515]

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[513] Robert Meister, *After Evil: A Politics of Human Rights* (New York: Columbia University Press, 2012), 31.

[514] Meister, 31.

[515] Atanasoski and Vora, *Surrogate Humanity*, 12.

Here, conceptual work to unpack and unravel settler colonial conceptions of time might open space to "tackle the frame [of liberalism] itself," as Stein suggests. As scholar Kevin Bruyneel writes, "political time is a construct, not a natural entity. As such, the structuring force of time is open to unstructuring".[516] Thus, settler time (and history) as constructs are likewise open to intervention. In conversation then with Jodi Byrd's thinking on "colonial agnosia", as well as Vimalessery, Pegues, and Goldstein's frame of "colonial unknowing", Bruyneel asserts that amnesia is not an accurate way of understanding the erasures of historical violence, for if "amnesia is the diagnosis, then the cure is to engage in forms of education or general enlightenment that will allow for a remembering of this past, especially by those people who form the more powerful groups of the nation".[517] Instead, Bruyneel suggests that the "radical political cure is not more historical knowledge on its own, but rather a direct encounter with the commitments, interests, and hierarchies reproduced through the present productions of collective memory".[518] In other words, what is not needed is more knowledge, research, or education as they have been figured through the modern knowledge project as abstracted, inherent, ethical goods, but particular, positioned, politicized practices of knowledge, research, and education that will bear real, material effects on those exploited by systems of racial capitalism.

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[516] Kevin Bruyneel, "The Trouble with Amnesia: Collective Memory and Colonial Injustice in the United States," in *Political Creativity : Reconfiguring Institutional Order and Change*, ed. Gerald Berk, Dennis Charles Galvan, and Victoria Charlotte Hattam (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2013), 236.

[517] Bruyneel, "The American Liberal Colonial Tradition," 237.

[518] Bruyneel, "The Trouble with Amnesia," 240.

Following Bruyneel then, we might ask how the contemporary initiatives of

universities to recuperate campus histories of slavery and anti-native violence replicate

patterns of remembering that likewise erase the racial-colonial investments, and

institutional power-knowledge, that has produced those very erasures. As such,

institutional practices of memory might be said to participate in a "practice of habit-

memory, a motor mechanism of national subjects," which, even while naming racial-

colonial violence simultaneously (un)name their conditions of possibility. [519] Within this

context, universities' efforts to research, acknowledge, and to name their historical

connections to racial slavery and settler colonial violence will likely recuperate the

ethical value of the university as an institution that can uphold liberal modes of

knowing and understanding. Indeed, to rupture this structure will take more than

memory work, will take more than acknowledgement. It will need to target the very

frame itself.[520]

In the *Afterword*, I consider Denise Ferreira da Silva's work, which articulates

the limits of Western knowledge practices and liberal justice in interrupting or

addressing the racial-colonial modern global capitalist conditions of the present, as a

necessary intervention engaging anti-colonial praxis. I also think with Vanessa de

Olivera Andreotti's articulation of the dispositions, (dis)attachments, and modes of

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[519] Bruyneel, 244–45.

[520] Stein, "Higher Education and the Im/Possibility of Transformative Justice."

being that can likewise orient anti-colonial struggles that are within, against, and

beyond the University.

Afterword: Towards an Anti-Colonial Praxis Within, Against and Beyond the University

In an effort to surface the ethical questions that situate the condition of the modern/colonial global capitalist present, scholar Denise Ferreira da Silva's work considers the metaphysical and ontoepistemological context of modern thought, which shapes the structure and practices of universities themselves.[521] Specifically, Da Silva considers how the "productive narratives of science and history" which anchor modern knowledge practices, establish the post-Enlightenment subject as always already non-raced, while figuring the "global" through the category of the racial.[522] Da Silva enters into her analysis with urgency, asking what are the logics that enable a lack of a response, a lack of an ethical crisis, to the systematic, condoned violence against generations of Black people?[523] Why aren't (all) people outraged?

Turning to the very logics that construct the legitimate subject, da Silva argues that even the interventions of postmodernists and critical race theorists are insufficient in capturing the ways of knowing that produce this ethical vacuum. For Da Silva, these critical theories fall into analytic traps, such as the "logic of discovery" or the "transparency thesis," which appeal within the same ontological and epistemological traditions that they seek to critique.[524] Such analyses attempt to "lift the veil" to

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[521] da Silva, *Toward a Global Idea of Race*.

[522] da Silva, xviiii.

[523] da Silva, xi.

[524] da Silva, xix.

understand the "before" of racial violence, as if explanation would mitigate the continuation of violence, as if such violences are separate from these very systems of thought. That is, the presumption of a "veil" dangerously "rehearses the sociohistorical logic of exclusion, which writes Blackness and whiteness as the "raw material" and not as the products of modern strategies of power".[525] The notion of the veil obscures the very "ontoepistemological" context, or the way in which the ontic – being- is constructed through representations –epistemology, which result from the knowledge systems from which they emerge. It presumes that the subject exists *a priori* of its representation. Analytical attempts to return to an imagined before, then, obscure the more fundamental question da Silva asks: "[h]ow did whiteness come to signify the transparent I and blackness to signify otherwise"?[526]

In "To Be Announced: Radical Praxis or Knowing (at) the Limits of Justice," da Silva builds on her 2007 analysis of the violence enacted by social categories of knowledge production to think through the conditions of possibility to intervene within these existing frameworks. Da Silva opens with a recounting of the story of Mark Duggan, a young Black man who was killed by a police officer in the borough of Tottenham in Northern London, England and the forms of protest that ensued by his community in the wake of the state-sanctioned violence. Da Silva writes that these protests could not "be comprehended in ethical-political programs informed by

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[525] da Silva, 8.
[526] da Silva, 8.

historical materialist, sociological, and postmodern descriptions of social subjugation,"

and as such, calls into question genealogies of critical thought that might seek to re-

read these events, even through critique.[527] Consistent with her articulation of the

inadequacy of the "logic of discovery" or the "transparency thesis", da Silva is not

interested in a "return to what has happened, the "facts" or their (scientific or

otherwise) representation" as she is not "interested in the meaning(s) –on the whys and

becauses –of the event".[528] Da Silva does not seek a (re)interpretation of the

"evidence", nor a (re)interpretation of the representations that are produced, but an

attention to the conditions or the logics that produce the fundamental inadequacy of

these explanations. Refusing to talk about otherness in ways that join into the very

discourses that produce otherness, da Silva wants to "consider the dissolution of that

which is at the basis of any and every explanation of any event," and that render the

deaths of Mark Duggan and too many Black people, outside of an "ethical crisis".[529] In

other words, da Silva wants to center the "ethical indifference with which racial

violence is met – an indifference signaled by how the obvious question is never (to be)

asked because everyone presumes to know why it can only have a negative

answer".[530]

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[527] Denise Ferreira da Silva, "To Be Announced: Radical Praxis or Knowing (at) the Limits of Justice," *Social Text* 31, no. 1 114 (2013): 43.

[528] da Silva, 44.

[529] da Silva, 44; da Silva, *Toward a Global Idea of Race*, xxxi.

[530] Denise Ferreira da Silva, "1 (Life) ÷ 0 (Blackness) = ∞ − ∞ or ∞ / ∞: On Matter Beyond the Equation of Value," *E-Flux* 79 (February 2017), https://www.e-flux.com/journal/79/94686/1-life-0-blackness-or-on-matter-beyond-the-equation-of-value/.

Da Silva refuses to resolve such gross ethical violations through moves to "objectivity" or through explanations that likewise seek to offer a rational account for the production of such lack of an ethical response. As such, da Silva's work departs from Sylvia Wynter, who suggests that the problem of Man$_2$ is connected to its "overrepresentation" of all being and calls for an "unsettling" of the category of the human.[531] Instead, da Silva calls for a "knowing (at) the limits of justice," which requires both critique and "something else".[532] The demarcation of limits speak to the impossibility of modern knowledges to account for the systematic death of brown and Black peoples, and the inability of "justice" to be an adequate framework through which to seek recourse, as these systems are predicated on the very production of difference.

Describing this intervention as a praxis that "unsettles what has become but offers no guidance for what has yet to become" da Silva articulates an orientation to knowing that "must start before, but face the beyond of, representation".[533] As an "ethico-political praxis," knowing (at) the limits of justice, "requires ontoepistemological accounts that begin and end with relationality (affectability) –that do no more than to anticipate what is to be announced, perhaps, a horizon of radical exteriority, where knowing demands affection, intention, and attention".[534] Knowledge

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[531] da Silva.

[532] da Silva, "To Be Announced," 44.

[533] da Silva, 44.

[534] da Silva, 44.

qua modern knowledge (rationality) then, cannot open this rupture. As such, da Silva

brings into question the presumption that naming the world, naming the suffering,

asking for recognition, through 'objective' methods of knowing, will in some-way

apprehend the violence, or attend to these gross injustices. In other words, da Silva

calls into question the project of critique itself as a project that will usher in new forms

of justice, if it is in fact, the mode of rationality that has not only allowed but produced

these very violences. Thus, if the university is likewise structured within and through

the figures of racial-colonial knowledges, what possibilities exist for engaging in

decolonial praxis in and through the university?[535]

What are we to do with the University?

Given this project's critique of "the university" as deeply entangled in

producing and upholding racial-colonial violences, even and especially through that

which is figured as 'ethical', I have encountered responses that inevitably include some

iteration of "what are we to do with the university?" or "how do we decolonize the

university"? Indeed, if the university simultaneously manages the distribution and

production of social political capital, while functioning as a vehicle through which

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[535] Scholar Kandice Chuh's most recent work, "comes of acknowledging that the humanities and their corollary disciplinary structures have long been central the organization and conduct of social life constituting Western Civilization" and as such, considers what it might mean to practice an "illiberal humanisms" (p. 1-2). Informed by the work of Sylvia Wynter, Chuh's project aims to re-articulate humanities through an unsettling of Western Man. To be sure, these are different projects than Denise Ferreira da Silva's articulations. Rather than "siding" with da Silva or Wynter on this, I think it might be generative to work in the space of both/and, in recognition that anti-colonial praxis is fraught, ongoing, incomplete. Kandice Chuh, *The Difference Aesthetics Makes: On the Humanities "after Man,"* 2019.

broader U.S. projects of racial-colonial violence are developed and upheld, we might

exercise caution of approaches that call or claim for reform of the institution as a long-

term horizon for justice. Yet, the university is also a space where critical praxis may find

space, even if limited or constrained. I conclude here by considering the work of

scholar Vanessa de Oliveira Andreotti who, in conversation with da Silva, considers the

political-affective dimensions of such questions that 'seek alternatives with

guarantees', and as such, recuperate the logics of the modern/colonial present.

Following Andreotti, I consider how 'hospicing' might situate the dispositions

necessary for engaging in anti-colonial praxes within, against, and beyond the

university. [536]

Through a practice that includes engagement with visual images and

metaphors as pedagogical tools to engage anti-colonial critique and the limits of

critique itself, Vanessa de Oliveira Andreotti asks, "What do we need to L(o)se(n) in

order to experience: Ethics with/out the modern subject? Politics with/out the nation

state? Education with/out the European Enlightenment? Being with/out separability?

The end of the world as we know it without despair?"[537] Andreotti foregrounds a

political disposition that is situated against desires for incorporation, recuperation, or

"(ontological) security" to consider the affective orientations that might guide the

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[536] This final section is provisional and undeveloped, and I recognize this to any readers who may, at some point, encounter this text. What I hope to extend here is an invitation of engaging within, against, beyond the university that is not invested in the reproduction or recuperation of the university as an ethical outside. Vanessa de Oliveira Andreotti, "The Enduring Challenges of Collective Onto- (And Neuro-) Genesis," *Lápiz - Latin American Philosophy of Education Society* 4 (2019), https://lapescollective.org/.
[537] Andreotti.

ongoing, messy, necessary work of decolonization.[538] Drawing from her collaborations

with scholars Sharon Stein, Dallas Hunt, and Rene Suša, Andreotti uses the metaphor

of the "house that modernity built" as a representation of the very structure that

produces and upholds the modern/global capitalist system, from its "foundations laid

on ontic concrete that separates humans from the land/earth and the rest of nature" to

its "bricks of utility-maximizing individual rationalism cemented onto the pillars of

Western humanism" as well as its still "wet wall of nation states offering (false)

securities through borders, rights, illusions of sovereignty, (national) homogeneity and

promises of social mobility, cohesion and inclusion".[539] As we come to witness the

"cracks" within modernity's house that we are in, Andreotti outlines how responses

often include distraction, denial, desire for alternatives with guarantees, reoccurring

back through one another in a circular loop. Such might be the position from which

the question "how do we decolonize the university?" and the attachment to the

university, emerges. Andreotti suggests that there is also a third possibility, one of:

> becoming disillusioned with this circularity and re-orienting of our desires
> towards possibilities of existence outside the promises and parameters of
> intelligibility that the house has created. This is the moment when we may start
> to disinvest in the structures of being (and not just of 'knowing') that are
> sustained by the promises and economies of the house. This disinvestment is
> not about a search for articulated solutions for the crises we face, or an exit
> from the house fueled by aversion, but rather about the insight for us to exist
> otherwise, we have to pay attention to the lessons being taught by the limits,
> failures and eventual collapse of the house itself (i.e. what I call "hospicing").

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[538] Sharon Stein et al., "The Educational Challenge of Unraveling the Fantasies of Ontological Security," *Diaspora, Indigenous, and Minority Education* 0, no. 0 (March 2, 2017): 1–11, https://doi.org/10.1080/15595692.2017.1291501.

[539] Andreotti, "The Enduring Challenges of Collective Onto- (And Neuro-) Genesis"; Stein et al., "The Educational Challenge of Unraveling the Fantasies of Ontological Security."

> This we can only do through facing its death both internal and external to ourselves, and opening up the possibility that the identification or dis-identification with the economies of the house will no longer define our existence or allocate our desires and affective and intellectual investments.[540]

Hospicing foregrounds a disinvestment in the violences that are not exceptional, but co-constitutive of modernity, and thus, a disinvestment in modernity itself. To engage in anti-colonial praxis then is both "internal" and "external" work, individual, collective, and structural, for we cannot help but desire the securities, prosperities, and promises of modernity. In addition, Andreotti reminds that we must not seek to locate ourselves in an ethical 'outside' –whether through critique or our political commitments – as we cannot be disentangled from the process of anticolonial work. Working within, against, beyond the university is as much about the objects and structures we critique as it is in the way we carry out our daily life practices within, against, beyond the institution itself. It is much more than asking about the role of the university.

Yet we are not equally positioned in this process. Our varying *responsibilities* to engage in this work, as Alexis Shotwell reminds, is not separate from our relationship to power, and to the role of the university in securing such relationships. Shotwell urges how "being against purity means that when we talk about impurity, implication, and compromise we are also foregrounding the fact that we are not all equally implicated in and responsible for the reprehensible state of the world".[541] Thus, to disinvest, both affectively and materially, from the projects of racial-colonial

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[540] Andreotti, "The Enduring Challenges of Collective Onto- (And Neuro-) Genesis."

[541] Shotwell, *Against Purity*, 19.

violence that have coalesced through "the university," to account for and respond to

our varying responsibilities to come into account for these violences, is a mere starting

point for engaging in an anti-colonial praxis.

Appendix

Table 1. Summary of Research Conducted

	Primary and Secondary Research	**Literatures**
Chapter 1	**University Archives, Bancroft Library, UC Berkeley** Documents of the College of California, 1 box Records of the Regents of the University of California, 1868-1933: • Box 1, Administrative Files (1868-1879) • Box 3, UC Regents • Box 5, Affiliated Colleges (1870 - 1899) • Box 6, Administrative Files (1880 – 1889) • Box 7, Administrative Files Continued • Box 8, Finance Papers relating to the development of various campuses of the University of California, 1950-1965, 3 boxes Abstract of title to lands in Berkeley, joining the University site on the South Berkeley Club Papers, CA 1873-1960s, Box 1 **University Publications** Blue and Gold, 1900 University Chronicles, 1898, Vol 1 University Chronicles, 1899, Vol 2 University Chronicles, 1900, Vol 3 University Chronicles, 1903 - 1905	Histories of the University of California, Berkeley 19th Century California Histories 19th Century Indigenous Peoples of California Histories U.S. Land Grant Histories American Studies and U.S. Imperialism

Chapter 2	**Social Science & Humanities Codes of Research Ethics** American Anthropological Association (AAA) American Sociological Association (ASA) American Psychological Association (APA) American Historical Association (AHA) American Educational Research Association (AERA) **Common Rule & Supplemental Policies** **Online Institutional Research Ethics Trainings** CITI Program Research Ethics and Compliance Training National Academy of Sciences Report: Proposed Revisions to the Common Rule	Feminist Research Ethics Collaborative, Community Based Research Ethics Social Science Research Ethics Medical Ethics
Chapter 3	**College and University Websites (tables 2 and 3) and Reports** • 2001 Yale, Slavery and Abolition Report • 2006 Report of Steering Committee on Slavery and Justice, Brown University • 2007 Response of Brown University • 2009 Report on Commissions of Memorials, Brown University • Harvard & Slavery: Seeking a Forgotten History • President's Commission on Slavery and the University, University of Virginia 2018	Critical Race Histories of U.S. Higher Education Critical Indigenous Studies Reparative Justice and Reparations

- Report of the Working Group on Slavery, Memory & Reconciliation, Georgetown University 2016 - The Demands, Black Liberation Collective, 2015	

Table 2. Universities in Universities Studying Slavery (USS) Consortia
Sorted by region and institution, as of February 2019 (total = 51)

Institution	Public/ Private	Denomination	Institution Type	Other	Year Founded	State	Region
Georgetown University	Private	Catholic, Jesuit	Research University	NA	1789	Washington, D.C.	East Coast
Rutgers University	Public	NA	Research University	NA	1766	New Jersey	East Coast
Dalhousie University	Public	NA	Research University	NA	1818	Nova Scotia, Canada	International
Liverpool John Moores University	Public	NA	Research University	NA	1823	UK	International
University College Cork	Public	NA	Research University	NA	1845	Ireland	International
University of Bristol	Public	NA	"Red brick"	NA	1595	UK	International
University of Glasgow	Public	NA	Research University	NA	1451	UK	International
University of King's College	Unclear	NA	Liberal Arts	NA	1789	UK	International
University of Liverpool	Public	NA	"Red brick"	NA	1881	UK	International
Saint Louis University	Private	Catholic, Jesuit	Research University	NA	1818	Missouri	Midwest
University of Cincinnati	Public	NA	Research University	NA	1819	Ohio	Midwest
Xavier University	Private	Catholic, Jesuit	Liberal Arts	NA	1831	Ohio	Midwest

Brown University	Private	NA	Ivy	NA	1764	Rhode Island	North East
Colombia University (Kings College)	Private	NA	Ivy	NA	1754	New York	North East
Dickinson College	Private	NA	Liberal Arts	NA	1783	Pennsylvania	North East
Morgan State University	Public	NA	Research University	HBCU	1867	Maryland	North East
Harvard	Private	NA	Ivy	NA	1636	Massachusetts	North East
Salem Academy and College	Private	Moravian	Liberal Arts	NA	1772	Massachusetts	North East
Clemson University	Public	NA	Formerly Military	Land Grant	1889	South Carolina	South
College of Charleston	Public	NA	Liberal Arts	NA	1770	South Carolina	South
College of William and Mary	Public	NA	Research University	NA	1693	Virginia	South
Davidson College	Private	Presbyterian	Liberal Arts	NA	1837	North Carolina	South
Elon University	Private	United Church of Christ	Liberal Arts	NA	1889	North Carolina	South
Furman University	Private	Baptist	Liberal Arts	NA	1826	South Carolina	South
George Mason University	Public	NA	Research University	NA	1949	Virginia	South
Guilford College	Private	Quaker	Liberal Arts	HBCU	1837	North Carolina	South
Hampden-Sydney College	Private	NA	Liberal Arts	NA	1775	Virginia	South

Hampton University	Private	Protestant	Research University	HBCU	1868	Virginia	South
Hollins University	Private		Liberal Arts	Seminary at founding	1842	Virginia	South
James Madison University	Public	NA	Research University	NA	1908	Virginia	South
Longwood University	Public	NA	Liberal Arts	NA	1839	Virginia	South
Norfolk State University	Public	NA	Poly-technical	HBCU	1935	Virginia	South
Roanoke College	Private	Evangelical Lutheran	Liberal Arts	NA	1842	Virginia	South
Sweet Briar College	Private	NA	Liberal Arts	NA	1901	Virginia	South
The Citadel	Public	NA	College	Military Academy	1842	South Carolina	South
Tougaloo College	Private	Christian	Liberal Arts	HBCU	1869	Mississippi	South
University of Mississippi	Public	NA	Research University	NA	1848	Mississippi	South
University of North Carolina at Chapel Hill	Public	NA	Research University	NA	1795	North Carolina	South
University of Richmond	Private	Baptist (at founding)	Liberal Arts	NA	1840	Virginia	South
University of South Carolina (South Carolina College)	Public	NA	Research University	NA	1801	South Carolina	South

University of the South (Sewanee)	Private	Episcopal	Liberal arts	NA	1858	Tennessee	South
University of Virginia	Public	NA	Research University	NA	1819	Virginia	South
Virginia Commonwealth University	Public	NA	Research University	NA	1838	Virginia	South
Virginia Military Institute	Public	NA	College	Military	1839	Virginia	South
Virginia State University	Public	NA	Research University	HBCU Land Grant	1882	Virginia	South
Virginia Tech	Public	NA	Research University	Land Grant	1872	Virginia	South
Virginia Union University	Private	Baptist	Liberal Arts	HBCU	1865	Virginia	South
Virginia University of Lynchburg	Private	Baptist	Liberal Arts	HBCU	1886	Virginia	South
Wake Forest University	Private	Baptist	Research University	NA	1834	North Carolina	South
Washington and Lee University	Private	NA	Liberal Arts	NA	1749	Virginia	South
Wesleyan College of Georgia	Private	Methodist Episcopal	Liberal Arts	Women's College	1836	Georgia	South

Table 3. Universities not in USS Consortia

Campuses with initiatives or student-led efforts to address racial-colonial histories, as of February 2019, sorted by region and institution (total = 19)

Institution	Public/ Private	Denom ination	Institution Type	Other	Year Founded	State	Region
Eastern Illinois University	Public	NA	Comprehen sive	NA	1895	Illinois	Midwest
John Carroll University	Private	Jesuit	Liberal Arts	NA	1886	Ohio	Midwest
Lindenwood University	Private	Presbyteria n	Liberal arts	Women 's College	1827	Missour i	Midwest
Oberlin College	Private	NA	Liberal Arts	NA	1833	Ohio	Midwest
University of Madison Wisconsin	Public	NA	Land Grant	Sea Grant	1848	Wiscon sin	Midwest
Amherst College	Private	NA	Liberal Arts	NA	1821	Massac husetts	North East
Dartmouth College	Private	NA	Ivy	NA	1769	New Hampsh ire	North East
College of the Holy Cross	Private	Jesuit	Liberal Arts	NA	1834	Massac husetts	North East
Princeton University	Private	NA	Ivy	NA	1746	New Jersey	North East
St. Mary's College of Maryland	Public	NA	Liberal Arts	Former Seminar y	1840	Marylan d	North East
University of Maryland	Public	NA	Research University	Land Grant	1856	Marylan d	North East
Yale University	Private	NA	Ivy	NA	1701	Connec ticut	North East
Arkansas State University	Public	NA	Research University	NA	1909	Arkansa s	South
Duke University	Private	NA	Ivy	NA	1838	North Carolin a	South

Emory University	Private	Methodist Episcopal	Research University	NA	1836	Georgia	South
University of Alabama	Public	NA	Research University	Land Grant	1831	Alabama	South
University of Georgia	Public	NA	Research University	NA	1785	Georgia	South
Washington College (of Virginia)	Private	Presbyterian	Non-Profit	Non-Profit	1749	Virginia	South
University of Oregon	Public	NA	Research University	NA	1876	Oregon	West Coast

Table 4. Schema of University Responses

Acknowledgement of History	Acknowledgement
	Acknowledgement and regret
	Acknowledgement, regret and responsibility
Memorials & Commemorations	Monument, plaque, or installation on campus acknowledge history
	Walking tours
	Changed Insignia
	Physical display of archival materials or special exhibits
	Buildings renamed
Academic Programs	Research sponsored on campus's history
	Establishment of a Research Center / An institutional body
	Report and/or publications of research on campus's history
	Conference
	Graduate and Postdoctoral Research Fellowships
	Archives digitized for research
	Undergraduate Scholarships
	Development of courses on campus history and related topics
	Partnership with resource share with HBCU
	Admissions Benefit
	Faculty Lines in Africana, Indigenous, or Ethnic Studies
	Other forms of support to Africana, Indigenous, or Ethnic studies
Community-Directed Initiatives	Professional development for K-12 public educators
	Curriculum resources for K-12 public educators
Campus Culture	Mascot and/or sports logo changed

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