



Mapping property

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REVIEW ESSAY



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To say that the Supreme Court's decision in *Johnson v. M'Intosh* (1823) fundamentally altered the history of America is to understate the case's importance in establishing and enforcing the principles that now govern this nation at the intersections of land, knowledge, and race. That case, in which the Court unequivocally supported settler colonialism by holding that title to land passed through the United States federal government, was superior to that passed through the Piankeshaw Indians, articulated the property interests that arise from the Doctrine of Discovery and aboriginal title respectively. The Court reasoned that European settler colonizers, because they created the nation's architectures of sovereignty and rules of ownership through the Constitution and property law, were legally and intellectually superior to the inhabitants of the Americas, who had only a "right of occupancy"¹ in their lands. The Doctrine of Discovery, originally set forth in the 1493 Papal Bull "Inter Caetera,"² naturalized settler colonial taking as a foundational principle of colonization in the Americas and marked land and knowledge claims that did not originate from Euro-American property law as secondary to those that did. Yet its impact was not limited to the Americas. Settler colonies all over the world embraced the Doctrine of Discovery and its corollaries as vehicles for expanding national boundaries

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and advancing racial orders. From Canada to Australia, Western powers claimed “superior” title to real property, information, and humanity. Marking the overwhelming mythic status of property in the West, Cory Doctorow, science fiction author and technology theorist, describes this process in a column on the controversy over ownership of the name Aloha Poke and the legal concept *terra nullius*, which refers to unoccupied and/or unowned lands. He writes:

The Europeans – staunch Lockeans – had a problem: they wanted to harvest the bounty of a new continent but absent the agreement of the people who already lived there, this would be theft ... to solve the problem, they deployed a bit of Aloha Poke logic: they declared the ancient, communally held thing to be owned by no one. They called it *terra nullius* ... and proceeded to “improve” it to make it into property.³

By treating colonies as functionally empty, via Lockean labor theory and property law, settler colonists legitimized not only their land claims but also the systems of knowledge that underwrote them. The problematics of this logic persist even today.

Property is thus a profoundly important keyword for thinking about race not only in the United States but in settler colonies across the world. From the appropriation of Indigenous lands in the Americas to the brutalization of enslaved Black persons, the history of racism in America is deeply intertwined with the history of property. Cheryl Harris thoroughly demonstrates that point in her now canonical piece “Whiteness as Property.”⁴ The law review article that she originally wrote for a legal academic audience has become an anchor in literatures from Critical Race Theory to critical ethnic studies. Harris’s central argument – that whiteness itself functions like property insofar as it affords individuals that possess it a bundle of exclusive rights – demonstrates that settler colonial conceptions of property have evolved with and through moves for human rights and civil rights. In particular, she contends that the *de jure* discrimination through which white people structurally disenfranchised people of color, particularly African Americans, did not disappear after Emancipation but mutated into often invisible status associated with a bundle of rights. Whiteness, like the Doctrine of Discovery, establishes *a priori* rights and privileges that cannot be conferred on those who are not white. Racial liberalism is founded on the maintenance of whiteness as property, through obstruction of the structural changes that can produce true equity and inclusion.

Harris’s piece, though foundational in establishing the relationships between property and whiteness, is only the tip of the iceberg in mapping and theorizing the complex meanings and materializations of that term. As Harris foregrounds, property refers to tangible items in which people could claim use or possession. But it also refers to a system of *relationalities* that are negotiated in a variety of public cultural spaces through discursive and performative encounters. Understanding the production of those relationalities in different geographical places and historical moments is necessary, though not sufficient, for dismantling systems of oppression. One reason that Harris’s law review article is important, then, is because it does the work of demonstrating the evolutions of whiteness and white supremacy, as they are constructed in seemingly race neutral cultural, institutional, and legal spaces, over time. She showcases how structural racism is produced and maintained through a hegemonic war of position, not undone by progressive dismantling of the power of whiteness. That notion of the hegemonic war of position undergirds not only Harris’s work but also that of the larger body of scholarship in Critical Race

Theory, which began with the radical interrogations of legal scholars like Derrick Bell, Richard Delgado, Jean Stefancic, Ian Haney López, Kimberlé Crenshaw, and Lani Guinier, who theorized the rollback of civil rights gains in the post-civil rights era. It has evolved into an interdisciplinary endeavor centered on naming and undoing intersectional oppression.

I begin this piece by situating property as a relational socio-legal category in order to demonstrate how it is both complex in form and function and woven into the very fabric of everyday life. As the books that I consider here illustrate, Euro-American conceptions of property implicate not only land but also the politics of knowledge, labor, human health, and communities of care. They are also constructed and reconstructed through the discursive and material interventions of a range of actors, using nameable rhetorical strategies, in legal and non-legal spaces. For instance, *Colonial Lives of Property*, by Brenna Bhandar, seeks to understand how Western laws and philosophies of property underpin settler colonialism across the globe, in places such as Canada and Australia. Her ambitious historical inquiry illuminates how legal fictions structure property across time and space. *Empire's Tracks*, by Manu Karuka, theorizes settler colonialism as an incomplete project of ownership and domination. His analysis of the (counter)hegemonic struggles involved in railroad expansion urges his readers to rethink the inevitability of property, colonialism, and racial capitalism. *Pharmocracy*, by Ravi Sunder Rajan, examines how health is appropriated by capital, through the implementation of global health care and intellectual property regimes. His case studies, situated in an Indian context, illuminate the distinctly Euro-American construction of (intellectual) property in both spaces and map the institutions and values that produce global biomedicine. Finally, *Racial Melancholia, Racial Dissociation*, by David Eng and Shinhee Han, brings Critical Race Theory together with psychoanalytic theory in order to understand how structural racism affects the mental health and well-being of Asian Americans in Gen X and Gen Y, particularly through the racial scripts of yellow perils/model minorities.⁵ They show how allocations of real property and status property afforded to Asian Americans produce mental health crises that Western psychologists pathologize. One thread that runs through these books, then, is that property, in all its forms, is a socially constructed legal and cultural enterprise that is neither monolithic nor universal. Rather, it leaves space for contestation, through oppositional rhetorics and enactments.

Taking a cue from Bhandar, who locates mapping as a practice of appropriation, this review essay contemplates practices and metaphors of resistive mapping of manifestations of property and the rhetorical strategies used to build and contest them. I am concerned with how rhetoricians can examine, as each of these authors do, how property is a complex social formation imbricated in power, constructed through rhetorical enactments, organized through bodies, and materialized in institutions. Mapping is not simply a tool of domination. Rather, as Timothy Barney argues, it is a “rhetoric of social change *and* social control”⁶ and thus a productive means of imagining and reimagining landscapes of power. Maps are the “power lines”⁷ through which property is created and managed; they can be rewritten and redeployed for resistive ends. As the work I turn to by Indigenous scholars later in this essay demonstrates, mapping is a fluid, not fixed practice. Remapping property requires first understanding where and how it structures ideological, economic, and political commitments, via theorizable rhetorical strategies. As the authors whose work I consider show, through

mapping property, possibilities for *remapping* it, largely via institutional and everyday practices of decolonization, become clear.

Grounding its arguments in the work of four scholarly monographs that centrally engage with the concept of property, this review essay contends that rhetoricians have an important role to play in the decades old but still evolving “property turn” in the humanities and social sciences. In particular, rhetoric has cultivated the tools for understanding how the discursive comes to be transformed into the material, in structures and institutions. Raymie McKerrow’s conceptualization of critical rhetoric positions scholars to attend to precisely this task: understanding, theorizing, and confronting the tangible and intangible manifestations of (neo)colonial property regimes, particularly by naming and meditating on the rhetorical mechanisms through which power itself is produced. Zornitsa Keremidchieva, for instance, uses the notion of “governmental assemblage”⁸ to show how the state produces structural power via the arrangement and deployment of “bodies, interests, institutions and identities.”⁹ Rhetoric scholars ought to take a cue from Keremidchieva’s work in the context of property by seeking to understand how specific rhetorical vehicles, e.g. legal fictions, rhetorics of finance capitalism, discourses of human health, and strategies for pathologizing mental illness, mediate and facilitate the production of oppressive institutional property rights regimes. They also ought to consider how institutional structures are fundamentally produced by rhetorical choices. I return to the specific landscape of rhetorical scholars upon whom they might draw in the last section of this essay.

Theorizing property as a rhetorical object of study is not only a productive continuation of the work that those who take up questions of race, law, citizenship, immigration, spatiality, and decolonization – including Kent Ono, Lisa Flores, Raka Shome, Karma Chávez, Darrel Wanzer-Serrano, Ersula Ore, Tiara Na’puti, Ashley Mack, Vincent Pham, Catalina de Onís, and many others – have brought to the fore but also a reimagining of the field as one that is deeply in conversation with disciplines such as American Studies, Ethnic Studies, Black Studies, and Cultural Studies about the nature of racial orders and structural oppression. As the scholarly investigations I turn to here demonstrate, the impacts of property regimes are far reaching and, indeed, structurally anchor restrictive understandings of subjectivity and appropriation through which oppression is realized. The books that I consider offer a broad range of insights about property. They also implicitly ask all of those in the academy who are committed to resisting domination in all its forms to return to the concept of fugitivity that Stefano Harney and Fred Moten elegantly advance.¹⁰ The regressive commitments associated with property – including intellectual property – run deep in settler colonial societies. Indeed, undertaking thorough study of property regimes requires contemplating institutional complicity in white supremacist regimes of property writ large, including in the discipline of communication itself, which at the time this essay was written was embroiled in a public battle over gatekeeping, scholarly merit, and whiteness. Committing to the project of producing inclusive and equitable realities of property will produce not only new institutions but a new field.

Constructing property law

Though the purpose of this essay is not to define property, doing so is helpful to establish a starting point from which to contemplate the term and its thematic implications for

scholarship in and out of rhetoric. As Bhandar notes, “[p]roperty is notoriously difficult to define” (17). For lawyers, the term most often refers to the bundle of legal rights – including the right of possession, the right of exclusion, and the right of use and enjoyment – afforded to those who own property. Philosophically speaking, Euro-American property law owes a great deal to the work of John Locke, whose *Second Treatise on Government* outlines the labor theory of property.¹¹ While the bundle of legal rights theory is an important starting point, it is insufficient for defining “property.” Scholars across disciplines have argued against viewing property as merely a bundle of rights, using a range of approaches. While Harris offers an early and groundbreaking framework for critiquing the whiteness and instrumentalism of property law, she is certainly not a lone dissenter. Critiques of property law come from all angles, from the political economy of private property to the reprehensibility of treating humans as objects. Instead of detailing the landscape of property and its critics, my aim is to discuss the notion of property as relational and situate the importance of property for many other topics of scholarly inquiry.

To understand property as relational, as the books I engage here do, is to recognize that the bundle of rights that comes with title is not simply a connection between owner and object fiated into the world. Instead, it is a complex set of relationships between individuals and institutions, often across categories of race, gender, class, and so on, that is shaped by culture and political economy. Property is created and destroyed through hegemonic struggles in situated historical moments. For instance, slavery was, in name, about treating humans as objects. Yet it was not founded on a subject-object connection but rather a subject-subject one. That is to say, white persons articulated and produced a connection to Black persons that underwrote their justifications for their claims of property, within a larger system of capitalism. *The New York Times Magazine* writes about the embeddedness of this relation in American (racial) capitalism in its 1619 Project: “Given the choice between modernity and barbarism, prosperity and poverty, lawfulness and cruelty, democracy and totalitarianism, America chose all of the above.”¹² “Low road capitalism” became the American – and in many ways global – default.¹³ The notion that property, a vital tool for implementing that form of capitalism, is constructed through the interplay of individual and institutional choices in an ideology of unethical racial capitalism undergirds each of the books that I review. Whether in the context of settler colonialism, railroad expansion, pharmaceutical patents, or psychoanalytic theory, definitions of property are forged through relations between groups of individuals across categories of identity and institutions struggling to implement imagined realities. Attempting to understand property without attending to relationality – or the networks of power in which it is embedded – only reveals part of the story. The books that I turn to in the following pages engage in a project of mapping (intellectual) property across categories of social relations and political economy. In doing so, they reveal how, as Michael Omi and Howard Winant showcase in their groundbreaking analysis of racial formation,¹⁴ property is formed and negotiated through the complex interpersonal interactions of individuals and institutions in larger, constraining structures of culture, politics, law, and political economy.

The legal fictions of (settler) colonialism

Colonial Lives of Property investigates how property works as a mechanism for enforcing racial regimes and accumulating capital, as part of larger practices of settler colonialism.

Historically, ownership has served as a tool of occupation and as a means of normalizing racial hierarchies in settler colonial spaces. In particular, Bhandar notes, “[b]eing an owner and having the capacity to appropriate have been long considered prerequisites for attaining the status of the proper subject of modern law, a fully individuated citizen subject” (5). Bhandar’s analysis, which focuses on settler colonial spaces in Canada, Australia, and Israel, shows how property law produced and produces racial and capitalist power through philosophies and practices of use, abstraction, improvement, and status. Each of Bhandar’s chapters carries out a close reading of one of those themes, through a settler colonial case study. The conclusion of the book turns to South Africa as a model for contemplating how it might look to decolonize property law, with the aims of unmaking racial capitalism and coloniality/modernity binaries. While Bhandar acknowledges the difficulties in decolonizing property law, she concludes with optimistic frameworks for rescripting Euro-American philosophies of property. Bhandar’s approach highlights how use, abstraction, improvement, and status are complex legal fictions, stories known to be false but that are nonetheless used to justify legal outcomes, used to normalize settler colonialism.¹⁵ Her understanding of property as object leaves space for new modes of thinking and performing ownership.

In focusing on use, abstraction, improvement, and status as axes of property law, Bhandar demonstrates how deeply embedded Euro-American understandings of ownership are within the day-to-day logics of settler colonial and racial capitalist economies. She writes:

Property constitutes a central part of the narrative foundation in a way that is so ubiquitous, it is akin to the furniture in the drawing room of a manor house, shoring up and naturalizing possession and occupation. If the possession of land was (and remains) the ultimate objective of colonial power, then property law is the primary means of realizing this desire. (3)

Similar to the other books I engage here, Bhandar defines race as a contested set of practices, one that is produced by and through understandings of property, citizenship, and humanness. Her major contribution to the study of property is to illuminate how its core tenets produce racial subjectivity, which is, in turn, embedded within larger systems of exploitative racial capitalism. Her book is also notable for the depth of its engagements with the underlying philosophies and implementations of property law in settler colonial spaces across the globe. Thematically interrogating property law across time and space makes visible the extent to which regressive notions of ownership anchor contemporary politics and political economy and entrench racial orders. The historical and analytic nuance with which Bhandar considers the arguments of philosophers like John Locke and William Terry provides a useful model for rhetoricians interested in analysis of legal rhetorical texts – and legal scholars interested in property’s theoretical groundings. Through close reading of the work of property philosophers as they travel between settler colonial spaces, Bhandar sheds light on where and how the most corrosive ideologies of property reside in the interstitial spaces of everyday culture.

Chapter One, “Use,” considers how questions of land use, specifically who uses property and for whose benefit, were and are central to settler colonial ownership claims. In particular, Bhandar notes that “the physical ownership and use of land as a basis for ownership has been defined quite narrowly by an ideology of improvement in colonial contexts” (34). She traces how European understandings of improvement and modernity

coalesced in racist definitions of waste that dehumanized nomadic cultures and embraced restrictive statistical understandings of value. The chapter is divided into three parts: an analysis of the work of William Petty, who developed a model of the land survey as a way of quantifying the value of real property; an examination of how Petty's model of surveying operated in British Columbia as a mechanism for appropriating aboriginal lands; and a reading of the Canadian aboriginal land title case, *Tsilhqot'in v. British Columbia* (2014), as both highly progressive and still entrenched in Petty's reductive understanding of "use" as an instrumental and racial category of improvement. Ultimately, Locke naturalized Petty's theories by associating property law with labor, improvement, and whiteness and defining *terra nullius* as unutilized wasteland.

Chapter Two, "Propertied Abstractions," demonstrates how the shift from ownership by occupancy to title by registration signaled the rise of logics of abstraction, a "new grammar of property," (82) that systematically racialized and disenfranchised aboriginal peoples through bureaucratic language. The chapter contends that: the Torrens system of registration, which originated in Australia, was instrumental in erasing land contracts and histories that protected aboriginal peoples; the racial logics implied by the abstraction of property facilitated the settler colonial management of Australia as *terra nullius* filled with savages who could not be civilized; and British embrace of the Torrens system in Mandate Palestine erased Ottoman land claims and dispossessed Palestinians of their Ottoman-era land titles. Propertied abstractions are, in essence, legal fictions through which acts like land registration produce social facts that favor settler colonial understandings of property. In a moment in which the logic of post-fact has come to be overdetermined as a mechanism of persuasion, it is helpful to remember that the artificial production of facts has always been a tool of power – and often a fictitious one.¹⁶ Understanding why and how that is the case is a particularly important exercise for rhetoric scholars, who often build their theorizations of persuasion around distinctly European conceptions of *logos*.

Chapter Three, "Improvement," returns to the concept of the nomad that exists outside of civilization, this time through the case study of Israeli Bedouins. From the outset of the book, Bhandar commits to the claim that Israel is a settler colonial state. Here, she uses the case of Bedouin removal as evidence that early Zionists were influenced by Lockean property theory and, ironically, German idealism. Centering her analysis on the work of Arthur Ruppin, who she maintains was a primary architect of the agricultural colonization of Palestine, Bhandar shows how the logics of Lockean sweat of the brow theory and German understandings of the *volk* came together to justify possessive nationalism in Palestine. Ruppin, Bhandar notes, embraced the racial thinking of the time by distinguishing Jewish settler colonists with an organic and cultivated attachment to Palestine from the Bedouins who did not improve the land in a manner that justified retaining title over their Jewish counterparts. Bhandar goes on to trace her argument through the writings of Theodor Herzl. She concludes that "[t]he ideology of improvement and progress, informed entirely by a European episteme, was an inherent part of modern political Zionist ideology" (130), that allowed Jewish people to "return to history" (130). The rhetorical construction of improvement here is a legal fiction through which the Israeli state is imagined – and Bedouins are excluded from full participation. Property is articulated through improvement redefined, through the language of settlement contra mobility.

Chapter Four, “Status,” returns to the work of Harris, specifically through its consideration of identity as a tool of appropriating property. Bhandar focuses on Canadian articulations of Indian status as vehicles of settler colonialism. Status, a marker of the social and legal position that a human occupies, is associated with a set of rights and privileges. It is a culturally and legally constructed apparatus through which individuals are and are not excluded from access to property.¹⁷ For Bhandar, like Harris, assigning status is a racialized practice through which the self-possessive subject is defined as white and all others, including Indians, are defined as *not* self-possessive subjects undeserving of basic rights and privileges. The history of status as property is, significantly, enmeshed with that of patronage and the formal and informal benefits and obligations it creates. In this sense, Bhandar broadens Harris’ notion of status property by demonstrating how intellectual and economic arrangements of sponsorship could produce identity categories of privilege. In the context of Canadian Indian law, First Nations were deprived of ownership through their raced and gendered categorization as other than the self-possessive white subjects entitled to the rights and privileges of title to land. Coming full circle to Locke, Bhandar critiques Euro-American conceptions of ownership for being fundamentally appropriative in character and thus exclusionary along lines of race and gender. The “identity-property nexus” (165) that status includes, she contends, was an important tool for pushing forward the civilization imperatives in settler colonies such as Canada. Status, of course, is the ultimate legal fiction, crafted around imagined categories such as race, gender, and nation. It is also the ultimate tool of disenfranchisement.

In the conclusion, “Life Beyond the Boundary,” Bhandar critiques the fundamental Lockean conception of the true subject of Reason as an appropriative one. Decolonization, she maintains, requires letting go of this appropriative frame as well as embracing radical political traditions from the margins. The legal fictions that undergird property law must be abandoned in favor of narratives that are true to the complex histories of land that preceded settler colonialism. Bhandar thus illuminates property’s nature as mutable social construction that can be reconstructed, often through complex myths about its origins and evolution. The next book, *Empire’s Tracks*, demonstrates how Indigenous understandings of property, community, and relationality provide avenues for imagining and realizing decolonization.

Railroads, finance capitalism, and continental imperial war machines

If Bhandar’s *Colonial Lives of Property* shows how the philosophical and rhetorical construction of property’s core justifications anchor racial regimes of ownership, Karuka’s *Empire’s Tracks* demonstrates the centrality of discourses of ownership and credit in securing public approval for railroad expansion, racial capitalism, and war. Karuka undertakes an in-depth historical analysis of railroad expansion as a means of understanding how settler colonialism and racial capitalism practically operate. Property is both a spoken and unspoken theme of the book, which traces the construction of American infrastructures through the realities of the daily lives of Chinese workers and Indigenous peoples. Karuka’s book models how rhetoric scholars can locate and theorize the strategies through which property is affectively, argumentatively, and materially constituted. In the context of railroads, one answer is through the “war-finance

nexus,” a particular interrelationship between state and corporation (34–35). At the heart of Karuka’s book is an argument about “countersovereignty,” which he defines as “a position of reaction to distinct Indigenous protocols governing life in the spaces the United States claims as its national interior” (xii). For him, “[r]ecognition of prior and ongoing indigenous collective life provides a substructure to stabilize US property claims” (xii). Unpacking this claim is central to understanding not only Karuka’s core thesis but also the import of his theoretical approach to property. By understanding the United States not as a coherent sovereign but nation struggling to acquire and retain power, Karuka creates space for mapping the incremental progress of settler colonialism and “continental imperialism,” which describes the American imaginary of taking and “civilizing” the next national frontier (168–169), through the acts and responses of actors such as Indigenous Nations, railroad capitalists, government, and military officials (xxi). Countersovereignty is a practice of Empire that, like the colonial and settler colonial property regimes that Bhandar identifies, proceed temporally, legally, and spatially in fits and starts, through rhetorics and enactments. Countersovereignty is a process that is constantly unfolding, contrary to narratives of the completeness of colonialism and nation.

Chapter One, “The Prose of Countersovereignty,” redefines railroad expansion in the United States not as the inevitable outcome of an Empire established but a reflexive reaction to incomplete colonialism and the (white) anxiety that accompanies it. Karuka highlights the role of rumors and speculation, specifically as communicated to Chinese workers by the Paiutes, as intentional and unintentional means of sabotaging railroad labor (4–7). Rumors, however, are not only the resistive tools of Indigenous peoples. They are also implements, particularly when coupled with speculation that historians use to claim the unequivocal victory of continental imperialism and settler colonialism, as in the case of the Gold Rush. Recognizing the rumors and speculation inherent in archives, then, creates space for locating Indigenous sovereignty and the fits and starts through which colonialism progresses. Further, Karuka’s detailed analysis of rumor and speculation highlights an important purpose of his meditation on railroads: rereading histories of the United States as the prose of countersovereignty, not incontrovertible historical facts about colonialism. Through this lens, capitalism was not a foregone conclusion in the United States but the outcome of a hegemonic process of negotiation. Karuka’s argument demonstrates that settler colonialism is often a rhetorical struggle in which moments of structural oppression/liberation, but also the histories of those moments, are negotiated.

Chapter Two, “Modes of Relationship,” demonstrates that capitalism was a *response* to the relational practices of Indigenous communities, not a system destined to supplant them. Through in-depth analysis of the work of Ella Deloria, Sarah Winnemucca, and Winona LaDuke, Karuka shows that property and political economy can exist in ways that enhance intimacy and build communities of care. Without reducing Indigenous peoples to noble savages, Karuka articulates the nuanced philosophies of property that countersovereignty had to diminish in order to produce a system of racial capitalism. The systems of property that he describes construct relationships with family, community, and land that are generous, not competitive. Indigenous understandings of property produce abundance while colonial ones produce scarcity. Decolonization restores the modes of relationship, including systems of political economy and property, in which

life, in all its forms, thrives. Read through this frame, countersovereignty is designed to destroy Indigenous ways of life, replacing them with racial capitalism and impoverished versions of intimacy and community. Here, Karuka reveals alternate enactments of property, negotiated through decolonial intimacy.

Chapter Three, “Railroad Colonialism,” contends that railroad expansion was not a foregone conclusion but rather an international struggle over wages, labor, and technology that produced new forms of imperialism and solidarity. In the United States, Indigenous lands were “proprietary anchors” (43) for railroad companies that had to be secured through government credit in advance of construction. In this retelling of the story of railroad expansion, colonialism and capitalism are neither complete nor uncomplicated. They were produced *through* the construction of the railroad, which could only be completed with government intervention, military might, capital investment, and labor from across the globe. Railroads were literally vehicles for the oppression of people of color, insofar as they facilitated slavery and produced new forms of continental imperialism (54). In this sense, railroad colonialism was a practice of countersovereignty that attempted to displace existing political economy and replace it with domination through continental imperialism. The practice thus implicated real property, as it involved the physical taking of land, and whiteness as property, as it required building new racial orders across the globe.

Chapter Four, “Lakota,” Chapter Five, “Chinese,” Chapter Six, “Pawnee,” and Chapter Seven, “Cheyenne,” tell stories of railroad colonialism from the perspectives of people of color. These historical chapters thicken Karuka’s readings of political economy, through the reframing of Indigenous peoples as sovereigns against which the United States struggled. They also demonstrate the complex property relationships and rhetorical strategies through which settler colonialism unfolded. The nation’s war-finance nexus was built through rhetorical practices, including trade, treaties, exclusion acts, forced education, and military threat. For instance, the United States disrupted the Lakota buffalo economy, structured around horses and buffalo, with its credit economy, structured around fur and railroads. Even as the Lakota developed strategies to oppose trade and treaty practices, the United States offered land credit to railroad companies and employed military force to ensure it could deliver on that credit. As Karuka writes, “The Union Pacific Railroad, in Sherman’s mind, was not an infrastructure for connection. The railroad was infrastructure to enforce a credible threat of total and catastrophic violence against Lakota communities” (74–75).

Chinese immigrants, whose labor was vital to constructing railroads, also became part of the war-finance nexus. Railroad companies mobilized colonial practices to recruit Chinese laborers, while managing them as capital. Bringing Chinese workers to the United States was not a simple transaction but rather one that ignited rhetorical and physical violence, in the forms of labor disputes and xenophobic debates. As with the Lakota, the Chinese became embedded within larger conflicts over national identity; they were ultimately excluded from the United States through exclusion acts. The Pawnee became agents of the US war-finance nexus, as they were recruited as military scouts, forced to farm commodity crops, and educated in settler colonial schools. Like the Lakota, the Pawnee resisted settler colonial expansion, in part by contesting attempts to force industrial farming on their lands and English education on their children. However, their modes of relationship too were disrupted by the war-finance nexus, as agricultural production,

military scouting, and educational indoctrination broke down Indigenous intimacies. Finally, the Cheyenne, whose modes of relationship were fractured by illegitimate treaties, geographical isolation, wanton violence, and useless annuities, were forced to mobilize Dog Soldiers to carry out railroad raids. Dog Soldiers, often narrated in dominant histories as dangerous Indian enemies, confronted the war-finance nexus by impeding the expansion of the railroad colonialism and procuring provisions. Ironically, it was the Dog Soldiers' success in halting railroad expansion through a raiding economy that forced new resistive strategies.

Chapter Eight, "Shareholder Whiteness," tells the story of the mobilization of whiteness as financial capital through the corporate form. Karuka calls upon the notion of status property to explain how "finance capital and whiteness ripened through an historical elaboration of relationships between imperial corporations and colonial states, forging and sustaining continental imperialism" (150). In an analogue to the patronage model that Bhandar discusses, whiteness became a conduit for the development of financial relationships and a mechanism for distributing investment and risk, via the shareholder structure of the corporate form. Whiteness and corporate power came to be intertwined across class in ways that created broad-based buy-in for settler colonial models of property. This chapter, more than any other in Karuka's book, emphasizes the role of legal decisions, from *Fletcher v. Peck* (1810) to *Citizens United v. FEC* (2010), in incentivizing "citizen colonialism" (151) through corporate personhood. Citizen-shareholders, who were both agents and beneficiaries of the evolution of corporations, amassed capital through the growth of exploitative corporations who, unlike people of color, enjoyed the rights of persons. In another parallel to Bhandar, Karuka identifies colonial charters, which created racist and sexist allotments for white citizens and claimed rights in *terra nullius*, as important mechanisms for settler colonial expansion. Shareholder whiteness, the power of which was amplified through parallel racist labor and immigration policies, became an important tool for claiming real property and status property. The rhetoric of corporations was and remains the language of settler colonialism.

Finally, Chapter Nine, "Continental Imperialism," which precedes a brief epilogue, theorizes the frontier as evidence of the nation's investment in continental imperialism. Drawing on the work of Frederick Jackson Turner, Vladimir Ilyich Lenin, and W. E. B. DuBois, Karuka shows how the expansion of the American frontier, which employed the language and practices of imperialism, proceeded through the cultivation of ignorance and the historical fiction of closure (169–170). Fueled by insatiable desire for land and labor and narrated through the heroic, rugged white man, continental imperialism embraced Lockean narratives of property and mythic rhetorics of nation to justify violent colonial expansion. Karuka concludes that, far from being exceptional, this continental imperialism demonstrates the *ongoingness* and *ordinariness* of the American project of Empire as well as its constant struggle to impose countersovereignty and capitalism on those who resist it. Indeed, the Epilogue, "The Significance of Decolonization in North America," shows how infrastructure and imagined frontiers continue to justify American imperialism – and highlight the pressing need for new and persistent strategies of decolonization. "There is no alternative," Karuka writes. "Decolonization or mass extinction" (200).

Pharmaceutical speculation and judicial interventions around human health

Unlike the other books here, Sunder Rajan's *Pharmocracy* is primarily concerned with intangible property, which, in his examples, is constituted through the Lockean language of property applied to the informational and material landscapes of pharmaceuticals and human bodies. Human health, Sunder Rajan argues, is a contested concept. He begins his second monograph by observing "what health might mean, how health might be achieved, and what imaginations of social relations and relations of production underlie various conceptions of health differ depending on institutional location, social hierarchy, and power relations" (3). Pharmocracy is a term he uses to describe "the global regime of hegemony of the multinational pharmaceutical industry" (6). Using India as national case study, Sunder Rajan endeavors to understand how human health has been colonized by capital, via the production and protection of pharmaceuticals in international intellectual property regimes. He also examines how Indians, through non-profit organizations and judicial interventions, advance alternative and competing understandings of human health by reinterpreting the scope and purpose of capital, pharmaceuticals, and intellectual property (11). Yet in Sunder Rajan's reading, virtually all actors, including the state, are conflicted (23). India is a particularly apt example through which to study these issues because of its status as "pharmacy to the world."¹⁸ Sunder Rajan uses two case studies to theorize how corporations place value on human health and other actors push against their assessments: a Gardasil drug study gone wrong and the battle to patent Gleevec. As with the other books I discuss, Sunder Rajan points to rhetorical strategies through which controversies over global biomedicine are negotiated. He also demonstrates how conflicting global narratives about public health, (intellectual) property, and law shape the ways that pharmaceuticals and humans are treated and commodified.

Chapter One, "Speculative Values: Pharmaceutical Crisis and Financialized Capital," echoes a number of the themes that Bhandar and Karuka identify, perhaps most notably those of the role of speculation and shareholder whiteness in Euro-American conceptions of property. The pharmaceutical industry, at a most basic level, functions through the balance of pipelines for research and development (R&D) on new drugs and monopolistic sales of those drugs through drug patents. Yet because R&D is expensive and patents are short-lived, pharmaceutical industries "function less and less as discoverers of new therapy and more like investment banks themselves, controlling, regulating, and speculating on the flow of capital" (43). This structural problem in the pharmaceutical industry creates a number of property problems. First, pharmaceutical companies mirror the war-finance nexus that Karuka describes, this time through a health-finance nexus. Second, they are not primarily invested in human health as a moral goal but speculation on new drugs as a financial one. As Sunder Rajan writes, "financial capital results in the separation of value from consideration of patient needs or good health" (43). One way this manifests is by constructing some populations not as consumers of pharmaceutical therapies but experimental test subjects (45). The health economy created through the proprietization of global medicine is thus racialized. Speculation, like rumor, is a double entendre that highlights the high risk/low reward nature of pharmaceutical R&D and the arbitrariness with which pharmaceutical companies seek to place financial bets. The management of risk, rhetorical and material, is a central task for pharmaceutical companies that wish to secure (intellectual) property.

Chapter Two, “Bioethical Values: HPV Vaccines, Public Scandal, and Experimental Subjectivity,” turns to a “postlicensure observational study” (69) of Gardasil in Andhra Pradesh and Gujarat in which seven girls died. The research study, he contends, raises issues relating to the nature of research, causality and accountability for adverse events, consent and custodianship of minors, state investments and involvement in drug testing, reparations after adverse events, and global imaginings of experimental subjects (70–71). These issues, in addition to deepening inquiry into how different actors value pharmaceuticals and human subjects, also illustrate how intellectual property operates as a site of contestation over race, capitalism, and human health. Sunder Rajan points out that at stake in this case was “not just the establishment of cause and effect but a question of what kinds of causal arguments can be made, under which circumstances, and through what kinds of rhetorical devices” (73). This was in part, he contends, because of the manner in which rhetorics of uncertainty became rhetorics of certainty: “It is ... to emphasize that dissociation happened because no unequivocal evidence of an association could be found” (85–86). Sunder Rajan’s reading of the scandal demonstrates the exploitative rhetorical strategies and imagined landscapes through which systems of (intellectual) property are maintained.

Chapter Three, “Constitutional Values: The Trials of Gleevec & Judicialized Politics,” demonstrates how the Indian judiciary articulated national values around knowledge, human health, and pharmaceuticals, even in the face of intense pressure. While the details of the Gleevec controversy, which Sunder Rajan lays out in detail, are far too complex to detail here, they emerged from a conflict over the patenting of an anti-cancer medication that had already been patented in the United States. Even after India harmonized its patent laws to comport with those in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the Indian Patent Office refused to grant Novartis a patent on the drug on the basis that it did not show “enhanced efficacy” over an existing drug on the market (121). In 2013, after a number of appeals, the Indian Supreme Court affirmed the patent denial on the grounds that Gleevec, understood through the legislative history of the Indian Patent Act of 2005, also determined that the drug did not demonstrate “enhanced efficacy” over the already marketed version. The rhetorical strategy through which this decision was made, involving “the coproductions between law and the life sciences” (123), demonstrates the role of the (Indian) judiciary in halting American (intellectual) property hegemony. Sunder Rajan notes that the outcome of the case is due, in part, to “different political imaginaries in relation to property, the deepest protectionist American attitude toward property (which has become almost sacred, especially since Reagan), a contrast to an Indian legal attitude toward property that has generally been much less reverent” (123). The Indian Supreme Court’s judicial activism marks a rhetorical strategy through which it can produce counterhegemonic opposition to seemingly settled values around (intellectual) property. Judicial activism, that would be politically unworkable in the US, can be mobilized in significant ways in India, with respect to valuing human health (148). As Sunder Rajan puts it: “There has clearly been a Global South turn to judicialization over the past two decades” (150). This successful deployment of judicial reform for social justice purposes something that rhetoricians ought to examine, especially vis-à-vis property.

Chapter Four, “Philanthropic Values: Corporate Social Responsibility & Monopoly in the Pharmocracy,” examines how Novartis attempted to counter India’s refusal to grant a

patent on Glivec by leveraging the language of corporate social responsibility. This argument is an important one because it attempts to recontextualize (intellectual) property monopolies in terms of social justice. Much like Karuka's discussion of shareholder whiteness, Sunder Rajan's focus on corporate social responsibility demonstrates how capitalist institutions mobilize the language of care to perform accountability. Yet, akin to the Gardasil context, Novartis did not actually perform accountability. Instead the company wielded philanthropy in a way that sought to justify monopoly (157). This chapter and the one that follows demonstrate the role of rhetoric in creating justifications for (intellectual) property's exploitative economic practices, as well as illuminating radical alternatives to those justifications.

Finally, Chapter Five, "Postcolonial Values: Nationalist Industries in Pharmaceutical Empire," provides a counterpoint to Novartis's questionable claims of social responsibility through the story of Indian pharmaceutical company, Cipla. Sunder Rajan writes that "Cipla's history is one that sees consistent action in its own interests; but it also sees the articulation of certain explicit nationalist and ... humanitarian sentiments, in ways that open up questions of postcolonial and welfare investments of these market actors" (193). Yet despite acting in its own interests, Cipla demonstrates that there are other free market alternatives to Western (intellectual) property that, while they do not embrace socialist goals and values, demonstrate possibilities for new ways of producing pharmocracy. Sunder Rajan's takeaway argument is that postcolonial alternatives to Euro-American (intellectual) property regimes, though not perfect, are still more moderate than those I have traced throughout this essay.

Model minorities/yellow perils and the propertizing whiteness of mental health

The last book I turn to in this review essay, Eng and Han's *Racial Melancholia, Racial Dissociation* theorizes how racism tangibly impacts the mental health of Asian Americans in the United States. Their book rereads psychoanalytic concepts through the lens of Critical Race Theory, a move the authors describe as putting the structural in conversation with the interpersonal in order to theorize how the experiences of Asian Americanness, in Generation X and Generation Y, shape traumatic responses in unnamed and often pathologized ways. Using two classical psychoanalytic concepts, melancholia and dissociation, and clinical case studies, Eng and Han demonstrate that the material aspects of property – i.e. the labor flows and infrastructural exclusions it underwrites – and the status aspects of property – i.e. that white people continue to enjoy the benefits of whiteness as property while disabling conversations about it – profoundly affect the psychological health of Asian Americans in the US. In Eng and Han's reading, the racist and (neo)colonial property rights regimes through which the United States exercises its sovereign authority become etiological factors in psychological crises previously understood to be pathological. Melancholia, a term derived from Sigmund Freud's essay "Mourning and Melancholia," refers to a type of "pathological mourning without end, in which the significance of the lost object remains unconscious and opaque" (3). Unlike Freud, Eng and Han locate the seemingly permanent state of loss and grief that the patient experiences as the outcome of juridicopolitical realities associated with immigration and exclusion. Racial melancholia describes the condition of melancholia produced largely by structural

racism but located in a lost object whose significance must be identified and unpacked in order to complete the grieving process.

Dissociation, a term derived from the attachment theories of John Bowlby and Mary Ainsworth, describes the process of psychic splitting of the Self through which individuals manage traumatic events. While Bowlby and Ainsworth contend that dissociation is an attempt to manage less than “good enough” parenting, Eng and Han contend that it is compounded by the racial hierarchies and labor practices that the patient has neither the coping skills nor the vocabulary to name. Racial dissociation, then, describes “histories of racial loss that are dispersed across wide social terrain, histories whose social origins and implications remain insistently diffuse and obscure” (4). Through close reading of psychological case studies, Eng and Han show how racial melancholia emerges in first generation Asian Americans in Gen X and racial dissociation emerges in “parachute children” in Gen Y. As such, Eng and Han not only push CRT into new terrain, they illuminate the practical value of groundbreaking theories of bodily trauma, fragmented selves, and psychic alienation in producing structural and therapeutic interventions addressing racism. Coming full circle in this review essay’s themes of mapping and relationality, Eng and Han demonstrate that property and race is not a subject-object relation but “a subject-subject relation mediated by legal modes of social inclusion and exclusion” (13).

Bringing race and psychology together is not new, of course, but rather deeply rooted in the work of race, coloniality, and trauma scholars, from Franz Fanon and Albert Memmi to Cheryl Harris and Robin DiAngelo. Eng and Han push these conversations in important new directions through their interpersonal/structural engagement with the most practical and therapeutic aspects of trauma theory. They organize their analysis thematically, in two parts, using clusters of therapeutic case studies. Chapter One, “Racial Melancholia: Model Minorities, Depression, and Suicide,” focuses on racial melancholia, theorizing it as the result of the permanent failure of Asian American assimilation for those in Gen X. For Eng and Han, racial melancholia is not a result of pathology in Asian Americans but the historical centering of whiteness as property through exclusionary citizenship. As they observe:

[A]ssimilation into mainstream culture for people of color still means adopting a set of dominant norms and ideals ... The exclusion from these norms – the reiterated loss of whiteness as an ideal, notably – establishes a melancholic framework for assimilation and racialization processes in the US precisely as a series of failed and unresolved integrations. (35)

These unresolved integrations, which produce painful psychic splitting, are tied to legal exclusion and whiteness as property (39–40). The case studies of Elaine, who inherits her mother’s immigration trauma, and Nelson, whose connection to his family is complicated by him learning English, tangibly demonstrate racial elements of melancholia for Asian Americans. Reread in this way, racial melancholia can be understood as a tool of survival (61).

Chapter Two, “Desegregating Love: Transnational Adoption, Racial Reparation, and Racial Transitional Objects,” deepens this examination of racial melancholia by considering how the lack of racial memory affects mourning for transnational adoptees. Eng and Han note that “[t]ransnational adoption involves the intersection of two very powerful origin myths – the return to mother and to motherland” (67). In theorizing racial melancholia vis-à-vis transnational adoption, they extend Melanie Klein’s theories of good

and bad objects to think through conceptions of good and bad *racialized* objects and good and bad *racialized* mothers (68). The case study of Mina, a Korean transnational adoptee, shows how therapists can, by drawing upon D.W. Winnicott's theory of transitional objects, aid in healing the racial melancholia associated with adoption. Specifically, transitional objects create space for processing the racialized trauma that occurs when adoptees are put up for adoption and adopted.

Chapter Three, "Racial Dissociation: Parachute Children and Psychic Nowhere," turns from Gen X to Gen Y and from racial melancholia to racial disassociation. In it, Eng and Han examine how postracial rhetorics and globalization are mentally destructive for Asian Americans. They contend that the disruption of secure attachment produced by economically and politically necessary emigration, familial dynamics, absence of historical memory, and lack of language for speaking about race makes assimilation difficult. The racial disassociation that parachute children experience "constrain[s] the emergence of a (racial) true self" (125). Moreover, in a nation committed to discourses of colorblindness, parachute children arrive "both too early and too late in racial discourse" (129). The case studies of Yuna, an international student from Korea who was sent to the United States for educational opportunities, and Yung, an international student from China who wanted to study in the United States, show that children who are displaced through family and economic dynamics are often "psychically nowhere" (121) in the sense that they struggle to "make room at any given moment for subjective reality that is not readily containable by the self [they experience] as 'me' at that moment" (122). Social support and guidance in developing a sense of community are practical strategies for aiding in combatting the racial disassociation that parachute children often face (135). The concept of "good enough race" (139) that Eng and Han introduce is also an important one for parachute children, in creating a healthy sense of Self and Other. Rhetoricians, in particular, are well poised to consider how good enough race is discursively constructed in public spaces, including in the discipline's recent debates over "merit" and "rigor."

Finally, Chapter Four, "(Gay) Panic Attack: Coming Out in a Colorblind Age," contrasts the racial anxieties experienced by Asian Americans in Gen X and Gen Y while coming out of the closet. While Gen Xers often had parents who feared the consequences of their homosexuality, Gen Yers faced colorblind and genderblind rhetorics that prevented their engagement with the traumatic experiences associated with their identities. As Eng and Han write, "both sex and race are dissociated from their conscious psychic lives" (148). The case studies of Christopher, a Gen X model minority who lacked the language to grapple with his race or gender identity, and Neel, an academically successful Gen Y student with racial dating anxiety, show how whiteness continues to exclude, through structures of neoliberalism and post-culture. Eng and Han aptly conclude about this racial dissociation: "We have an abundance of racial grievance but no critical resources to process racial grief or loss" (172). Resmaa Menakem, who also theorizes racialized trauma, writes that "inherited trauma of white-body supremacy [is] embedded in all our bodies."¹⁹ Eng and Han demonstrate how psychoanalytic theory, particularly when understood as produced by and through structural and cultural exclusions such as immigration regimes and racial myths, creates (rhetorical) constraints to confronting and healing that trauma. The constant imposition of cultural and legal exclusions on Asian Americans – and other people of color – requires theory that can render the trauma produced by those exclusions therapeutically legible if it is to facilitate healing.

Rhetorically mapping property

The insights that the books that I have discussed here provide are important ones for thinking about future directions for rhetoric and rhetorical studies. For a field at a crossroads in terms of its investments in subjects and methods, the rich possibilities for studying (intellectual) property, particularly by way of the rhetorical strategies, cultural practices, and institutional structures that ensure its continued existence as a tool for normalizing racial orders and racial capitalism, can offer direction for scholars. Property implicitly structures the all too familiar “available means of persuasion,” in Aristotle’s words, in which individuals exist, often without notice. Returning to the notion of mapping property, then, can aid rhetorical scholars in thinking about how the field can contribute to studies of (intellectual) property, whether by breaking ground around new objects of study or deepening existing analyses around topics such as the ones that I have described. The property turn in the humanities, however, makes it clear that studying persuasion without an understanding of property as a set of rules for subject-subject relationalities that materially constrain rhetorical situations is ill-advised. Property provides nuanced explanations for material realities that other theories may not.

Bhandar, Karuka, Sunder Rajan, and Eng and Han highlight multiple, multimodal strategies through which property is incorporated, constructed, and decolonized. They show that discursive and material choices are pivotal in the outcome in property cases. In their canonical essay on the separate but equal doctrine, Marouf Hasian, Celeste Condit, and John Lucaites argue that law is dependent on rhetorical culture. They write that: “A rhetorical culture is ... power-in-action, and the meaning of the law necessarily derives from the forms available in rhetorical culture.”²⁰ The books I have reviewed certainly showcase the complex relationships between law and rhetorical culture. However, they also demonstrate that studying rhetorical culture is impossible without sustained attention to political economy, institutional structures, and interpersonal dynamics, among other issues. Rhetoric without materiality simply misses the ways that property and power exist in multiple forms, including deeds, railroads, prescription drugs, and therapeutic exchanges, among others.

There is perhaps no more immediate example in the discipline of rhetoric through which to demonstrate the ubiquity and urgency of (intellectual) property problems than the controversy that erupted in the summer of 2019, when Dr. Martin Medhurst decided to pen an editorial for publication in *Rhetoric & Public Affairs* on the topic of the long-brewing controversy over the process for selecting the Distinguished Scholars of the National Communication Association. In less than a week, over 1,500 scholars mobilized to express their outrage at Dr. Medhurst’s sentiments – and those in a letter signed by nearly all the living Distinguished Scholars as well. Without belaboring the details or histories of the event, I want to very briefly note some of the ways that property, rhetorical and otherwise, came to the fore, particularly in forms that the authors here would presumably highlight as examples of property’s exclusions.

For instance, editorships, awards, and other markers of disciplinary prowess confer status property on particular individuals for “improving” the discipline. As in the examples that Bhandar highlights, that status property is deeply intertwined with narrow, Euro-American conceptions of (white) romantic scholarship, which I have written about at length elsewhere. Further, the infrastructures of the discipline are

built to reinforce whiteness as (intellectual) property. Karuka's argument is, fundamentally, one about the manner in which material infrastructures have operated through racialized labor to entrench white racial power, even through hegemonic struggle. In the discipline of rhetoric, graduate programs are the metaphorical infrastructure through which (racial) capitalism operates to destroy healthy modes of relationship, all too often replacing them with competitive, patronage-based ones. Additionally, the field is a site for the management of multiple, competing understandings of (rhetorical) knowledge. Sunder Rajan highlights how cultures, nations, and institutions conceptualize value differently, in his case in the context of human health. The emergence of the methodological distinction between close reading and critical rhetoric showcases how such disparate values emerge in spaces that are purportedly attempting to achieve the same ends. Finally, the underdevelopment of critical race studies within rhetoric highlights the exclusionary praxis of the field. If #CommunicationSoWhite and #RhetoricSoWhite have demonstrated anything, it is that the disciplines of communication and rhetoric have, as of yet, not enacted the theory and praxis that can achieve stated goals of diversity, equity, and inclusion.²¹ More intersectional work remains to be done around race and property.

Indeed, CRT-Net and the Facebook Group "Communication Scholars for Transformation" have demonstrated that many white scholars have not hesitated to invoke the "cultural logics of white racial grievance"²² in order to protect whiteness as (intellectual) property. As scholars in rhetoric take up questions of (intellectual) property in this kairotic moment, they would be well served to begin by interrogating the spaces closest to them. Rhetoric itself is built on the edifices of the regimes that scholars such as Bhandar, Karuka, Sunder Rajan, Eng and Han describe. As with whiteness, the machinations of property frequently goes unnoticed, at considerable cost to those who do not benefit from them.²³ Whiteness as (intellectual) property has been normalized for far too long in communication and rhetoric. Turning inward to consider how rhetoric, specifically, is mired in problems of (intellectual) property will not only aid the field in becoming more just but also in thinking with more depth about problems of property in the world.

Notes

1. *Johnson v. M'Intosh*, 21 U.S. 543 (1823).
2. Pope Alexander VI, "The Legal Battle and Spiritual War Against the Native People," *The Bull Inter Caetera*, May 4, 1493, <https://doctrineofdiscovery.org/inter-caetera/>.
3. Cory Doctorow, "Terra Nullius," *Locus*, March 4, 2019, <https://locusmag.com/2019/03/cory-doctorow-terra-nullius/>.
4. Cheryl Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (2003).
5. Vincent N. Pham, "Our Foreign President Barack Obama: The Racial Logics of Birther Discourses," *Journal of International and Intercultural Communication* 8, no. 2 (2015).
6. Timothy Barney, "Power Lines: The Rhetoric of Maps as Social Change in the Post-Cold War Landscape," *Quarterly Journal of Speech* 94, no. 4 (2009): 413–414.
7. *Ibid.*
8. Zornitsa Keremidchieva, "The Congressional Debates on the 19th Amendment: Jurisdictional Rhetoric and the *Assemblage* of the US Body Politic," *Quarterly Journal of Speech* 99, no. 1 (2013): 52.
9. *Ibid.*

10. Stefano Harney and Fred Moten, *The Undercommons: Fugitive Planning and Black Study* (New York: Autonomedia, 2013).
11. Kristen Carpenter, Sonia Katyal, and Angela Riley, "In Defense of Property," *Yale Law Journal* 118, no. 6: 1066, n. 206 (April 2009).
12. Matthew Desmond, "In Order to Understand the Brutality of American Capitalism, You Have to Start on the Plantation," *The New York Times Magazine: 1619 Project*, August 14, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/slavery-capitalism.html>.
13. Ibid.
14. Michael Omi and Howard Winant, *Racial Formation in the United States* (New York: Routledge, 2014).
15. See e.g. L. L. Fuller, "Legal Fictions," *Illinois Law Review*, 25 no. 4 (December 1930).
16. Robert Meija, Kay Beckermann, and Curtis Sullivan, "White Lies: A Racial History of the (Post)truth," *Communication and Critical/Cultural Studies* 15, no. 2 (2018).
17. Harris, 1713.
18. Dinesh C. Sharma, "'Pharmacy of the World' is in Peril," *The Hindu Business Line*, January 25, 2018, <https://www.thehindubusinessline.com/news/science/pharmacy-of-the-world-is-in-peril/article10048324.ece>.
19. Resmaa Menakem, *My Grandmother's Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies* (Las Vegas: Central Recovery Press, 2017), 10.
20. Marouf Hasian, Celeste Condit, and John Lucaites, "The Rhetorical Boundaries of 'the Law': A Consideration of the Rhetorical Culture of Legal Practice and the Case of the 'Separate but Equal' Doctrine," *Quarterly Journal of Speech* 82, no. 4 (1996): 328.
21. A growing body of scholarship, including a now canonical essay called #CommunicationSoWhite and a special issue of *Communication and Critical/Cultural Studies*, explores these themes. See e.g. Paula Chakravarthy, Rachel Kuo, Victoria Grubbs, and Charlton McIlwain, "#CommunicationSoWhite," *Journal of Communication*, 68 no. 2 (2018): 254–266; Martin Law and Lisa Corrigan, "On White-Speak and Gatekeeping: Or, What Good Are the Greeks?," *Communication and Critical/Cultural Studies* 15, no. 4 (2018): 326–330; Matthew Houdek, "The Imperative of Race for Rhetorical Studies: Toward Divesting from Disciplinary and Institutionalized Whiteness," *Communication and Critical/Cultural Studies* 15, no. 4 (2018): 292–299.
22. Roopali Mukherjee, Sarah Banet-Weiser, and Herman Gray, *Racism Postrace* (Durham: Duke University Press, 2019), 2.
23. Robert Krizek and Thomas Nakayama, "Whiteness: A Strategic Rhetoric," *Quarterly Journal of Speech* 81, no. 3 (1995).