## A. Links

#### 1. they use an anti-indigenous actor to dictate who and who does not get patents

2. Mcgonlicile 3 – make ontological claims - set col makes an ontological claim about indigenous ppl in view of non-in people - they need to show they have to change their view which they won’t

## B. Impacts

#### [Mutua] Colonial saviorism is at the heart of international law – it’s a method of erasing indigenous violence.

**Mutua:** Mutua, Makua W. [Professor and the Floyd H. and Hilda L. Hurst Faculty Scholar at the State University of New York at Buffalo School of Law] “Savages, Victims, and Saviors: The Metaphor of Human Rights”, *Harvard International Law Journal* Vol. 42, No. 1, pp. 201-245*,* 2001 AA

The idea that the human rights corpus is concerned with ordering the lives of non-European peoples has a long history in international law itself. More recent scholarship explores this link between international law and the imposition of European norms, values, ideas, and culture on non-European societies and cultures. Since the inception of the current international legal order some five centuries ago, there have been outright challenges by non-European cultures to the logic, substance, and purpose of international law. The development of human rights has only blunted, but not eliminated, some of those challenges. V. THE METAPHOR OF THE SAVIOR The metaphor of the savior is constructed through two intertwining characteristics—Eurocentric universalism and Christianity's missionary zeal. This section examines these characteristics and the institutional, international actors who promote liberal democracy as the antidote to human rights abuses. First, the savior metaphor is deeply embedded in the Enlightenment's universalist pretensions, which constructed Europe as superior and as center of the universe. International law itself is founded on these assumptions and premises. International law has succeeded in governing "states of all civilizations, European and non-European," and it has become "universal" although some have argued that it bears an ethnocentric fingerprint. In addition to the Eurocentric focus of human rights, the metaphor of the savior is also located in the missionary's Christian religion. Inherent to any universalizing creed is an unyielding faith in the superiority of at least the beliefs of the proselytizer over those of the potential convert, if not over the person of the convert. The project of universality or proselytism seeks to remake the "other" in the image of the converter. Christianity has a long history of such zealotry. Both empire-building and the spread of Christendom justified the means. Crusades, inquisitions, witch burnings, Jew burnings and pogroms, burnings of heretics and gay people, of fellow Christians and of infidels —all in the name of the cross. It is almost as if Constantine, upon his and his empires conversion to Christianity in the fourth century, uttered a well-fulfilled prophecy when he declared: 'In the name of this cross we shall conquer.' The cross has played the role of weapon time and time again in Christian history and empire building. In fact, the political-cultural push to universalize one's beliefs can be so obsessive that it has been identified frequently with martyrdom in history. [T]he supreme sacrifice was to die fighting under the Christian emperor. The supreme self-immolation was to fall in battle under the standard of the Cross .... But by the time Christianity was ready to meet Asia and the New World, the Cross and the sword were so identified with one another that the sword itself was a cross. It was the only kind of cross some conquistadores understood. There is a historical continuum in this impulse to universalize Eurocentrism and its norms and to ratify them under the umbrella of "universalism." Whether it is in the push for free markets, liberal systems of government, "civilized" forms of dress, or in the ubiquity of the English language itself, at least the last five centuries can appropriately be called the Age of Europe. These Eurocentric models have not been content to remain at home. They intrinsically define themselves as eternal truths. Universalization is an essential attribute of their validity. This validation comes partly from the conquest of the "primitive" and his introduction and delivery to "civilization." For international law, Anghie has captured this impulse clearly: [T]he extension and universalization of the European experience, which is achieved by transmuting it into the major theoretical problem of the discipline [international law], has the effect of suppressing and subordinating other histories of international law and the people to whom it has applied. Within the axiomatic framework of positivism, which decrees that European states are sovereign while non-European states are not, there is only one means of relating the history of the non-European world, and this the positivists proceed to do: it is a history of the civilizing mission, the process by which peoples of Africa, Asia, the Americas, and the Pacific were finally assimilated into a European international law. The impulses to conquer, colonize, save, exploit, and civilize non- European peoples met at the intersection of commerce, politics, law, and Christianity and evolved into the Age of Empire. As put by John Norton Pomeroy, lands occupied by "persons who are not recognized as belonging to the great family of states to whom international law applies" or by "savage, barbarous tribes" belonged as of right upon discovery to the "civilized and Christian nation." The savior-colonizer psyche reflects an intriguing interplay of both European superiority and manifest destiny over the subject. The "othering" project degrades although it also seeks to save. One example is the manipulative manner in which the British took over large chunks of Africa. Lord Lugard, the British colonialist, described in denigrating language a "treaty-making" ceremony in which an African ruler "agreed" to "British protection." He described this ceremony with both parties "[s]eated cross-legged on a mat opposite to each other on the ground, you should picture a savage chief in his best turn-out, which consists probably of his weapons of war, different chalk colourings on his face, a piece of the skin of a leopard, wild cat, sheep or ox." As put by a European missionary, the "Mission to Africa" was "the least that we [Europeans] can do ... to strive to raise him [the African] in the scale of mankind." Anghie notes that the deployment of denigrating, demeaning language is essential to the psyche of the savior. He writes: The violence of positivist language in relation to non-European peoples is hard to overlook. Positivists developed an elaborate vocabulary for denigrating these peoples, presenting them as suitable objects for conquest, and legitimizing the most extreme violence against them, all in the furtherance of the civilizing mission — the discharge of the white man’s burden. Human rights law continues this tradition of universalizing Eurocentric norms by intervening in Third World cultures and societies to save them from the traditions and beliefs that it frames as permitting or promoting despotism and disrespect for human rights itself.