# 1NC

## 1

### 1NC – T

#### 1] Interp – Unjust refers to a negative action – it means contrary.

Black Laws No Date "What is Unjust?" <https://thelawdictionary.org/unjust/> //Elmer

Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

#### 2] Violation – The Aff is a positive action – it creates a new concept for Space i.e. the treating of Space as a “Global Commons”.

#### 3] Standards –

#### a] Limits – making the topic bi-directional explodes predictability – it means that Aff’s can both increase non-exist property regimes in space AND decrease appropriation by private actors – makes the topic untenable.

#### b] Ground – wrecks Neg Generics – we can’t say appropriation good since the 1AC can create new views on Outer Space Property Rights that circumvent our Links since they can say “Global Commons” approach solves.

#### Their failure to specify an agent is a voting issue – makes mechanism counterplans and agent-based disads impossible – it’s a voter for fairness because the 1AR can spike out of DAs and CPs, which kills clash and nuance.

#### 4] TVA – just defend that space appropriation is bad.

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

## 2

#### The 1AC’s descriptions of Space aren’t neutral, but replicate the project of Western rationality and enlightenment that depend on the ongoing colonization of spacetime and disappearance of the Native as a backwards impediment to progress

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Settling time

As an empire of time rather than space … many significant American national theorists sought to escape the political paradoxes of space by conquering time. (Allen, 2008: 13)

Allen examines how U.S. empire depends upon three notions of time: a romanticized historical time recounting myths of the nation’s founding, the geological time of natural history, and the mechanized time of the clock and apparatuses of measurement. The organization and control over these three temporalities constitutes a colonial totality (Matson and Nunn, 2017) that works to settle time as much as space in the projection of settler futures.

The projection of settler futures depends on the ordering of time, constituted by ideologies of progress, of a mythologized past and present oriented toward the future. Scientific “progress” is positioned as a universal value key to constructing the future, while questioning the actions of Western science is positioned as irrational or reactionary. Concerning the TMT controversy, Casumbal-Salazar writes:

Relegated to the ‘dark ages’ of tradition, Native peoples appear as the agonistic menace of the modern scientific state. Delegitimized as irrational within the gendered hierarchies of Western science and philosophy … Hawaiians become suspect and subject to institutional anti-Native racism yet fetishized as an archeological remnant within multicultural society. (2017: 2)

In dominant discourses, Indigenous time is linked to the past, with the present constituted on assimilation and the future on complete erasure (Rifkin, 2017). The existence of contemporary Indigenous peoples poses a challenge to ongoing settler colonial hegemony. Goodyear-Ka‘ōpua explains how “settler state officials cast the kiaʻi [land protectors, caretakers] as impediments on the road to ‘progress’ (aka settler futurity) … (mis)representing us as fixed in place, pinned in a remote time” (2017: 191–192). Enlightenment notions of universality erase difference and thus Indigenous claims to prior rights or sovereignty. While these conceptions of time have long been critiqued, they continue to shape the central logics of contemporary Western science, including space science.

Linear conceptions of time are necessarily produced out of complex practices that organize and control relative and variable spatio-temporal formations. Rifkin posits a multiplicity of temporalities, writing:

temporalities need to be understood as having material existence and efficacy in ways that are not reducible to a single, ostensibly neutral vision of time as universal succession. The concept of frames of reference provides a way of breaking up this presumed timeline by challenging the possibility of definitively determining simultaneity … Within Einsteinian relativity, simultaneity depends on one’s perspective based on one’s frame of reference. (2017: 20)

Einstein’s theory of relativity demonstrates how time is relative, variable, and dependent on acceleration, which is a function of location within a gravitational field. It is a relationship between space, masses, and matter. As Valentine explains:

gravity is a consequence of the relational warping of spacetime by matter … That is, gravitational effects are literally universal but emerge locally through relativistic and constantly shifting specific relations among the mass of cosmic bodies and spacetime, producing variable observations from differently situated observers of one another (2017: 189–190).

The practices of Western astronomy are dependent on variable and relative relations among space and time. Whether it is earth-bound astronomers punching the clock on Martian time (Mirmalek, 2020) or the stretching of temporal experience in a gravity well, the location of bodies matters as it produces ‘differently situated observers,’ who experience time differently based on their frames of reference. Yet, time is held as a stable frame of reference from which the colonial scientist constitutes the metric for a purportedly universal observer situated in a neutral position of observation. Even Western science’s own understanding of time refuses to conform to Enlightenment notions of universality, demonstrating a contradiction between this ontology and the broader political and social ideologies with which it is entangled.

While notions of linear, progressive time are used to justify settler colonial projects, the relative and contingent relationships among space, time, and matter complicate claims to universality. Time, like space, is subject to practices of organization and control that produce subject–object relations key to the Western colonial project. For instance, geologic time, or what Allen refers to as “vertical time,” is the spatial-temporal imaginary of geologic strata. He describes that, while “history often depicted time advancing horizontally across space, the geological revolution made it possible to imagine time extending perpendicularly into the territory beneath the nation” (Allen, 2008: 165). The deep time of geology historicizes Western civilization as the top layer, the apex of natural history, and thus stands to justify colonialism and its civilizational projects. The exploration of cosmological time in the space sciences extends the colonial project further into the far expanses of the future and the totality of the universe.

The apparatus

Gazing out into the night sky or deep down into the structure of matter, with telescope or microscope in hand, Man [sic] reconfirms his ability to negotiate immense differences in scale in the blink of an eye. Designed specifically for our visual apparatus, telescopes and microscopes are the stuff of mirrors, reflecting what is out there … Man is an individual apart from all the rest. And it is this very distinction that bestows on him the inheritance of distance, a place from which to reflect-on the world, his fellow man, and himself. A distinct individual, the unit of all measure, finitude made flesh, his separateness is the key. (Barad, 2007: 134, emphasis added)

In Barad’s deconstructive reading of Enlightenment science, linear time and evacuated space are both the product of active material processes through which a purportedly universal “Man” continually enacts a separation between himself and the universe. It is this supposed separation from the rest of existence that constitutes “Man” as the subject of a masculinist science and the remainder of the universe as the object of his will. Practices of scientific observation and colonial occupation work in tandem to re-enact and reinforce this fundamental subject–object relationship. Critical scholars of science have long argued against the purported passivity of observation, from critiques of the Archimedean point (Yaqoob, 2014) to feminist theories of the embodied and situated nature of knowledge production (Haraway, 1988). Yet, beyond simply noting the ontological impossibility of Man’s separation from the universe, Barad theorizes an emergent and contingent form of separability – what she calls agential separability – that is (re)produced through the material practices of apparatuses. Barad explains that “apparatuses enact agential cuts that produce determinate boundaries and properties of entities within phenomena” (2007: 148). Apparatuses determine what comes to matter and how, thus producing differences between subject and object, which are not stable positions but rather enacted and contingent forms of relationality.

We employ the apparatus to explore how subject–object relations of Western colonial science are not universal and absolute, but rather enacted through material practices that selectively produce the privileged subject positions on which settler colonialism and space science both depend. Barad’s theory of spacetime mattering highlights the mutual constitution of space and time through the ongoing material re-configuring of the world. Apparatuses are

neither neutral probes of the natural world nor social structures that deterministically impose some particular outcome …  the notion of an apparatus is not premised on inherent divisions between the social and the scientific …  [they] are the practices through which these divisions are constituted. (Barad, 2007: 169)

Reconceiving subjectivity, objectivity, space, time, and matter in this way implies that questions of ethics are inseparable from apparatuses as practices that produce differences and iteratively construct the world. Apparatuses enact material changes through which some possibilities are realized while others are foreclosed.

Ontologically, apparatuses produce spatial, temporal, and material relations that constitute projects of Western colonial science. This approach helps elaborate arguments like those of Matson and Nunn that “even the most futuristic space telescopes have embedded within them a lineage of Euro-western cultural supremacy” (2017: n.p.). This is not to simply claim that telescopes are in some way symbolic of settler colonial relations, but to recognize how space science apparatuses actively orient relations of observation and materialize settler colonial relations.

Both TMT and HI-SEAS constitute apparatuses that extend spatially well beyond the infrastructural footprint on these mountains, to the island and surrounding ocean, into the atmosphere, to Moon, Mars, and cosmos. As part of these apparatuses, mountain environments of Hawaii become both a gateway to the cosmos and simulation of an alien landscape. Temporally, the apparatus stretches beyond contemporary scientific practices, drawing on longstanding histories of European imperialism, Western law, and settler colonial logics, and projecting these ideologies into offworld futures. Materially, these projects enroll technological, logistical, and physical systems, including roads, mirrors and lenses, sensors and surveillance devices, electromagnetic waves and domes, the geology of the Hawaiian landscape, and bodies of observer and observed.

#### The AFF’s project of ‘reclaiming the commons’ through Public Trust is a replication of the logic of settler colonialism – the presumption of a shared right to the commons presumes a redistribution of resources that retains the logic of property and settlement.

Baines 15 [Paul, GLC's Outreach and Education coordinator with background in critical pedagogy, democratic media, and environmental and cultural studies, “Unsettling the Commons: the tragedy of Indigenous erasure,” Great Lakes Commons.org, <https://www.greatlakescommons.org/our-blog-b/2018/2/unsettling-the-commons>//ak47]

The book draws on 51 interviews Fortier had with political organizers who work to replace hetero-patriarchal, capitalist, and colonial systems rather than to just reform them. One of the clearest examples Fortier uses to disrupt the progressive politics of 'the commons' is by looking at several movements that are 'reclaiming the commons'. These would include: environmentalist back-to-the-land movements, Burning Man festival, community gardens, kibbutzes, and alternative currency movements (21).

The book is specifically focused on how these movements on Turtle Island (North America) erase relationships with Indigenous histories and futures. 'Commons' activism aims to renegotiate social relationships that are radically more democratic and egalitarian (21). But reclaiming and redistributing land and wealth in Canada and the USA (places with stolen land and people) opens up critical holes in the progressive banner of change.

Fortier uses the Occupy Movement as an example. Starting in 2011, activists 'reclaimed' city centers to demonstrate the glaring and corrupt wealth inequality in the U.S.A. In New York city's financial district, private land (Zuccotti Park) was renamed and reclaimed as a commons (Liberty Plaza). The change honored the Park's name in the 1930's, yet sidestepped the context of the 'Liberty' naming itself. Before it was known as Manhattan, this land was called Manna-hata by the Lenape nation. Once forcibly occupied by Europeans, these settlers renamed the lands to protect and project their own destiny. No liberty was being celebrated for the Lenape in this park.

After colonial critiques of these Occupy camps, ones such as Occupy Oakland considered changing their name to Decolonize Oakland instead. But this movement's focus on capitalism over colonization, caused a split in group.

In this 'reclaim the commons' example, radical political intentions about the wealth of the 1% and the resistance by the 99% erase ongoing events of settler colonialism. According to Clare Baynard (a white anti-racist educator with the Catalyst Project), settler's inability to imagine a future outside of the eurocentric settler-logic is a major barrier for change (32). For many, the 'collective' aspects of the commons garner all the attention, rather than their exclusive elements (34).

Adam J. Barker specifically names 3 ways 'commons' can erase Indigenous ways of knowing and being:

evading complicity in producing and maintaining structures of colonization

naturalizing settler spaces and systems of governance

appropriating Indigenous territories and ways of being (35)

Evading practices include the languages of 'reclaiming' and 'occupy' already mentioned. Fortier also looks at anti-gentrification activism to illustrate this practice. How can we link the spread of consumer-communities into poorer neighbourhoods with the ongoing conversion of Indigenous communal homelands into settler private property? Fortier's reflections on the No One Is Illegal movement adds another layer on this erasure because fighting for state status and migrant justice can bypass colonization on the way to granting citizenship.

I can use Canada's 'national' anthem as an example and tool of erasure. I put 'national' in apostrophes because a settler-state such as Canada cannot be a single nation. The borders of Canada and the USA enclose many Indigenous nations, while settlers celebrate a multi-national diversity based on settler inclusion rather than Indigenous exclusion. At schools and sporting evens Canadians sing our National Anthem, "our home and native land" instead of the hacked version of "our home on native land". This evading leads easily to naturalization.

GLC has connected with many water groups over the years who are 'taking back' the water, often labelled as 'our' water that should to be protected by 'our' democratic and 'public' institutions. To protect water from private corporations, these claims about water often validate the same values and governments that extinguish and erode Indigenous authority and relationship to water. When it comes to water quantity, the Great Lakes Compact denies Indigenous authority. What can be said about campaigns advocating for Public control of water systems and the Public Trust Doctrine? Within the current governance system, these narratives and tools disrupt the financialization and privatization of water and help keep water clean, affordable, and accessible.

Naturalization practices are also captured by Nationalist myths where peak social justice is about inclusion of Indigenous peoples into Canadian and USA society, rather than fostering multiple sovereignties. Insistence of 'public' resources for 'the people' also reinforces settler-state power. So while Occupy and other progressive movements fixate on wrestling the state from elite powers (the 1%), the default political code is that these rights and resources naturally belong 'to the people'. One of the complexities of a commons is figuring out who has authentic authority. While equality would mean dividing the USA's assets between the 99%, equitable distribution would have to first ask: "How did Americans come to claim the land known as the USA, who was this land taken from, and who should lead the calls for redistribution?" 'This Land is Our Land', 'Who's Streets, Our Streets', and many other commons-like political tags normalize settler political desires while reconstructing Indigenous desires at foreign (41). This is settler-logic in action.

#### The failure of the settler subject to come to grips with the death drive dooms their politics to totalitarianism. Force them to confront the reliance of public trust on indigenous genocide. They don’t make society more equitable. They make it more equitable for settlers.

Young ’17 [Bryanne; Ph.D Student, College of Arts and Sciences, Department of Communication, University of North Carolina at Chapel Hill; “Killing the Indian in the Child: Materialities of Death and Political Formations of Life in the Canadian Indian Residential School System”; Last Modified 3/22/19; Published August 2017; University of North Carolina Digital Repository; <https://doi.org/10.17615/zkyc-q417>; Accessed 7/24/20; NT]

This racist ideology disguised as Darwinism id driven to a homeostasis that contains difference within it is, to a very large extent, a more viable state project than the attempt to holistically eradicate the difference of the other. In nineteenth and twentieth-century Canada—an epoch shaped by colonial politics and emerging forms of nation-building centered on a collective futurity—the chronopolitical we/other opposition was fundamentally racialized: we indicated whiteness, while other indicated racial difference. Racial difference is here understood as “a class of people” (Scott 55) unified through their morphological similarities and perceived shared traits, and who, together, presumably were unable to stand “outside the body politic” (ibid, emph. added). The metaphor of standing “outside” the body politic is, I point out, as inherently temporal as it is spatial. The temporality of the body politic here convoked is a temporality of the here/now that also claims linear progress towards the future. The temporality of the Indian—whose position is distinctly outside the here/now—is a circular time that, in the colonial imagination, repeats itself in a closed loop. Not only is Indigenous time perceived to be circular and outside the body politic, it is outside of history. The interpellative call to die with which the Canadian Indian Residential School System legitimizes its objectives and ethos, therefore, recapitulates a subjectivity that has been trapped, already, temporally, within the field of signification, and the dense network of intersubjective relations these ideological structures suture and render legible. As a way of elaborating upon this, perhaps abstract, argument, pointing both to the materializing force of language, as well as the structural mechanism(s) whose circularity produces the effect of subject as ideological misrecognition, I offer the following story:

In 1942 government researchers visiting a number of remote reserve communities in northern Manitoba, found people who were hungry, “beggared by a combination of the collapsing fur trade and declining government support” (Mosby 147). They also found a demoralized population marked by, in the words of the researchers, “shiftlessness, indolence, improvidence and inertia” (ibid). In a potentially paradigm shifting moment that must have come close to epiphany, the researchers suggested those problems—“so long regarded as inherent or hereditary traits in the Indian race” (ibid, emph. added)—were in fact the results of malnutrition.”53 Importantly, and vividly illustrative of my argument in this chapter, and the project overall, instead of recommending an immediate increase in support, the researchers determined that isolated, dependent, already malnourished people would be ideal subjects for tests on the effects of different diets and nutritional interventions. Plans were developed for a longitudinal study to be conducted “on a limited number of Indians” (ibid) including Aboriginal children in residential schools in British Columbia, Ontario, Nova Scotia, and Alberta—tests which, through large-scale and coordinated efforts, greatly exacerbated already existing conditions of starvation and malnourishment by further withholding much-needed nutrition. Thus, “hereditary traits” in the “Indian race” were, through mechanisms of biopolitics, further inscribed in both bodily and discursive practices—concretized more immutably into Indian-ness with every rotation of the circular reasoning that characterizes ideological misrecognition.

This kind of strategic, repeated exposure to prolonged conditions of near or actual physical death marks the indigenous body for inevitable decline and erasure. Cultural theorist Lauren Berlant describes this as a condition of “slow death,” which she defines as, “the physical wearing out of a population and the deterioration of people in that population that is very nearly a defining condition of their experience and historical existence” (754). Thus, through material and signifying practices, Indianness is laminated more concretely onto death and finality. Correspondingly, the Indigenous body is marked as anachronistic, a relic, an embodiment out of time whose configuration of experience is slow death. Simultaneously, Indianness is renewed continually in the field of signification, performatively reproduced as “shiftless”, “indolent”, and “inert.” Through biopolitical techniques of control and regulation, the socalled Indian race was trapped simultaneously in two temporalities: slow death and circularity, neither of which afforded it a future—through a strategy of control that is fundamentally chronopolitical.

Whiteness, the Child, and the Logics of Futurity

Against the politicized topographies and temporalities of indigeneity and race, I now move into a consideration of the contributions of psychoanalytic theory to the questions of politics and time presented thus far. The kinds of questions psychoanalysis is interested in asking, the registers upon which it performs analysis, and its unique emphasis on temporality, language, and difference provide an excellent conceptual apparatus through which we might begin to trouble/problematize stable, taken-for-granted oppositions between psychic and social, personal and political, self and other. Freud’s interest in time is evident in his work on the uncanny, and in his inaugural work on what we might now call trauma studies and conditions we now call post-traumatic stress disorder (PTSD). For Freud, this theory of hysteria introduces a provocative temporality in which traumatic events reoccur, flashing up in perfect replication of themselves, as though happening again and again. In his diagnosis of so-called shell-shocked soldiers returning from World War I, Freud was keenly aware that time did not always progress along an even plane. Though Freud’s analysis of trauma is captivating and critically rich, it is not within my purview here to take on the full extent of this scholarship. Instead, what is most salient to my analysis are the capacities of psychoanalytic theory to move critique outside and beyond prevailing notions of time and narratives of progress that only mean moving forward. This chapter writes from a stance that views it as imperative that scholarship reaches beyond, and thinks outside, the paradigms that invented it. Psychoanalytic theory, with its idiosyncratic temporal logics—particularly in conjunction with Foucauldian theory—offers a productive and robust way to critique the continuing primacy of normative disciplines whose chronologics have historically warranted a politics that kills in the name of life. Such an approach allows us to hold in productive tension any definition of “the political” as stable and finite, with—as in the case of liberal political philosophy—the legally constructed “person” as its primary epistemological unit. This conceptual capacity of psychoanalysis, in turn, allows us to politicize a form of life and modality of corporeal personhood hitherto constructed as what, in Bataillean parlance, we might call colonialism’s accursed share—colonialism’s pure waste. Additionally, psychoanalytic notions of the death drive, whose proper movement is explicitly circular, allows us to begin to locate the child within logics of futurity, onto which is laminated a kind of indelible whiteness. For the purpose of my analysis I engage Lacanian psychoanalysis, limiting myself to a consideration of the structure of the drives and to a Lacanian conceptualization of language, and its role in the formation of self and the suturing of the psyche to sociality.

Freud, as Teresa De Lauretis (2008) emphasizes, elaborated the death drive between the First and Second World Wars, in a Europe living “under the shadow of death and the threat of biological and cultural genocide” (1). Situating her analysis of the death drive in the contemporary moment, De Lauretis points to this contextual, historical darkening, writing: “I wonder whether our epistemologies can sustain the impact of the real … If I return to Freud’s notion of an unconscious death drive, it is because it conveys the sense and the force of something in human reality that resists discursive articulation as well as political diplomacy, an otherness that haunts the dream of a common world” (9). Using psychoanalysis as reading practice, Freud’s suspicion that human life, both individual and social, is compromised from the beginning by something that undermines it, works against it, is (darkly?) generative. The death drive indicates a tension bordering psychic and libidinal relations, which marks Freud’s radical break with Cartesian rationality and points to a negativity that counteracts the optimistic affirmations of human perfectability. This dimension of radical negativity cannot be reduced to an expression of alienated social conditions, nor is it entirely something the body does on its own. Theorized as the destruction drive, the antagonism drive, or sometimes, simply “the drive,” it is impossible to escape. In psychoanalytic theory, therefore, particularly in the clinical setting, the objective is not to overcome the drive, but rather to come to terms with it, in what Slovenian Lacanian psychoanalytic theorist Slavoj Žižek (1989) calls “its terrifying dimension” (4). It is a fundamental axiom of Lacanian psychoanalytic theory that attempts to abolish the drive antagonism are precisely the source of totalitarian temptation. Žižek writes: “The greatest mass murders and holocausts have always been perpetrated in the name of man as harmonious being, of a New Man without antagonistic tension” (5). So it is that one of Canada’s greatest atrocities— the genocide of its First Peoples—took place in the name of Canada itself, that sought progress and unification as a single body politic with claims on a shared futurity. The fulfillment of this destiny relied upon the negation of the other, the bad race, the dangerous race, the race that stood outside the purview of the norm and had no share in its time-zone, the ones called to live in the between space—as nobody. As the relatively more benign civilization policies failed to convert Aboriginal forms of life into separate but civilized, Christian communities on reserves, the federal government intensified its tactics. Policies became more aggressive. As these more aggressive policies (such as enfranchisement) also failed, the federal government intensified its tactics once again, escalating the stakes and the strategies towards the horizon of assimilation. This ‘doubling down’ in the face of failure is a primary trace effect of the death drive, and indeed, it is not unreasonable to argue that the federal government Indian policy has, since confederation, been death driven. Because the aim of fully eradicating the otherness of the other can only fail—in Freudian parlance, it cannot be mastered—the trajectory of the aiming turns in a circularity, orbiting around that which can never be had: perfection. Caught in death drive circularity, the aiming towards the objective (i.e. a unified body politic) authorizes, and indeed recruits, escalating violence in the interest of—finally—closing the open. For Žižek, this compulsive ‘doubling-down’ in the face of failure to arrive at the impossible horizon of perfection tips towards totalitarian temptation, which, he tells us, is implicated in the drive to unify a singular body politic, a new man without antagonistic tension.

The drive aims for the return to a moment of unity before the intrusion of language and the entrance of the subject into what Lacan calls the Symbolic—the universe of symbols in which all human subjects share. Because this economy of signifiers operates through a modality of difference by association, on the premise that language does not reflect or carry within it universal a priori meaning, spirit, or Truth, signifiers are always and already sliding along a chain of signification that is never truly fixed. Rather, for Lacan, meaning is constructed through quilting points, durable concepts that affix ideas to their signifiers and which, in their durability, structure entire fields of meaning. For Lacan, subjects are formed by their entrance into this system of sliding difference from a pre-linguistic state retroactively constructed through nostalgic affective associations with unity, perfection, and completion. The loss or lack occurs in the imaginary, the order of presence and absence, and is formalized in the symbolic. This is experienced by the subject as a loss of that to which she/he can never again return, but for which she/he perpetually yearns, and toward which she/he perpetually moves. The circularity of movement toward this impossible horizon is precisely the movement of the drive. It is my argument that the concept of “the Indian” is a quilting point through which the field of politics in Canada is sutured into signification, a durable concept that organizes the meaning of nation, citizen, sovereignty, and subjecthood. Further, the hypoxic vision of national unity and a harmonious white(ned) citizenry is a movement propelled by the drive, a circularity impelled by the belief that what is lacking in the present can be made good in the future—an imaginary that activates/harnesses a kind of libidinal energy that is, by its very nature, inexhaustible.

It matters, in the instance of the Canadian Indian Residential Schools and their mandate, that before child subjects enter into the structuration of language/the Symbolic, their bodies are already marked as disprized, abject, inscribed into the signification for, and, I argue, as, loss itself. As I have argued above, reading through psychoanalytic theory facilitates a conceptualization of subject-formation that includes the role of signification in the contouring of subject/ivities. This analytic rubric is importantly brought to bear in my analysis of “the child” the Canadian Indian Residential School System announces into presence: a child fundamentally and constitutively tied to a death whose temporal structure is always deferred, always impartial, always unfolding, and yet always still to be. Indeed, even in circumstances in which her/his mode of being in the world is not a deliberate practice of making spectral, “the child” remains a notoriously ambivalent, slippery signifier. This plasticity—differently stated, this over-abundant availability of “the child” as concept—takes on an interesting significance within political thought, functioning not as that which is politicized, but as the signifier in whose name the political mobilizes itself. In this way, the child functions as the absolute outside to political thought and the logics of its temporality, functioning instead to condition its possibilities and organize, from beyond its borders, its spatial and temporal limits. An example of this conceptualization of the child as signifier—and certainly one of the more provocative articulations of this phenomena in the contemporary neoliberal moment—is the polemic Lee develops in his monograph No Future: Queer Theory and the Death Drive. For Edelman, the Child—in its conflation with the kind of futurity toward which the teleology of (neo)liberal discourse is mobilized—is not simply important to contemporary politics, but is that which “serves to regulate political discourse [itself]” (ii). Indeed, as Edelman points out, “the figural Child alone embodies the citizen as ideal, entitled to claim full rights to its future share in the nation’s good, though always at the cost of limiting the rights ‘real’ citizens are allowed. For the social exists to preserve for this universalized subject, this fantasmatic Child, a national freedom more highly valued than the actuality of freedom itself” (ii).

#### Settlerism ensures a paradigm of perpetual war. Settlers will always prioritize themselves over the “racialized other” to ensure their future which results in infinite violence.

Torres ‘8 (Nelson; associate professor of comparative literature at Rutgers; 2008; “Against War: Views from the Underside of Modernity”; AH)

In this work I have attempted to make explicit the subtle complicities between dominant epistemological and anthropological ideals and the exercise of violence. The works of Levinas, Fanon, and Dussel oppose what I have called a paradigm of **violence and war**. This dominant paradigm is characterized by making invisible or insignificant the constitutive force of inter human contact for the formation of subjectivity, of knowledge, and of human reality in general. The relation with objects, whether practical or theoretical, takes primacy over the relation between human beings. The first motivation for this way of thinking is to attain knowledge, truth, comprehension, or adequate understanding. The self is thereby taken to be primarily **a monad**, a transcendental ego, or an autonomous and free human being for whom the relation with the Other tends to represent only an undesirable detour in the project of adequately representing the world. The self becomes **allergic to the Other**, and the intersubjective contact is then accounted for either in epistemological categories or in concepts tied to a theoretical approach. This philosophical anthropology ends up legitimating the **superiority of theory over praxis** and contemplation over liberation. One of my central points is that once a civilization begins to conceive the humanity of the human in these terms it will either commit violence with good conscience, find itself incapable of opposing violence, or legitimize ideals of peace that are complicit with violence. I trace dominant themes surrounding the discussion of the crisis or so-called malaise of Europe back to the allegiance of Western civilization to practices that obey the logics opened up by a skewed vision of the human. Such a vision combines claims for autonomy and freedom with the production of the color line or the systematic differentiation between groups taken as the norm of the human and others seen as the exception to it. The so-called **discovery of the New World** became a crucial point in the establishment of this vision: it **oriented Western humanism** in a radically dehumanizing direction. From then on, Western humanism argued for the glory of Man and the misery of particular groups of human beings simultaneously. Indeed, Man became the most glorious as he was able to claim relative independence from God and superiority over the supposedly less than human others at the same time. The relationship between (imperial) Man and God has been ambiguous for the most part, but not so the relation between Man and his inferior sub-others. It is as if the production of the "less than human" functioned as the anchor of a process of autonomy and self-assertion. The **paradigm of war**, at first reconciled to and to some extent **promoted by imperial Christendom**, legitimates war against God, nature, and, particularly, the less than human others. The relationship with God and nature, however, can vary. What typically remains constant for the warring paradigm is the **assertion of the color line**. The distinction between God, Man, and the non-human precedes the reduction of subjectivity to a totality or its naturalization. And it was the **colonized and the modern slave** who experienced the systematic negation of her and his subjectivity, long before positivism, naturalism, or philosophies of history subsumed subjectivity in larger frameworks or anonymous mechanisms. In modernity, the racialized others **take the place of enemies in a perpetual war** out of which modern ideals of freedom and autonomy get their proper sense. This is the **foundation of modernity as a paradigm of war** and the source of many of its pathologies, crises, and evils.

#### The alternative is to adopt an ethic of incommensurability. You must reject compromise and coalitions in favor of positing material decolonization as prior.

Tuck & Yang ‘12 [Eve Tuck, Associate Professor of Critical Race and Indigenous Studies, Ontario Institute for Studies in Education, University of Toronto, Canada Research Chair of Indigenous Methodologies with Youth and Communities, William T Grant Scholar and former Ford Foundation Postdoctoral Fellow, is Unangax and an enrolled member of the Aleut Community of St. Paul Island, Alaska, and K. Wayne Yang, University of California, San Diego, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society, 1(1), 2012, <http://decolonization.org/index.php/des/article/download/18630/15554>]

Conclusion An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone these are the unwritten possibilities made possible by an ethic of incommensurability. when you take away the punctuation he says of lines lifted from the documents about military-occupied land its acreage and location you take away its finality opening the possibility of other futures -Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012) Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

## Case

### FW

#### Your extinction scenarios are a link.

Dalley 16 [Hamish; Assistant Professor of World Literature at Daemen College, Amherst; 10-4-2016; “The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature“; Taylor & Francis; Settler Colonial Studies, Volume 8, 2018, Issue 1, pp. 30-46; https://doi.org/10.1080/2201473X.2016.1238160; Accessed 9-10-2020; BM]

Conclusions: the paradox of settler persistence In this way, these settler-colonial narratives of extinction begin as a **contemplation of endings** and end as a way for settlers to persist. As in the classical solution to the settler-colonial paradox of origins, the native must be invoked and disavowed, and ultimately **absorbed** into the settler-colonial body as a means of accessing true belonging and the possibility of an **authentic future** in place. Veracini’s description of the settler colonial historical imagination thus applies, in modified but no less appropriate form, to visions of futurity haunted by the possibility of death: Settler colonial themes include the perception of an impending catastrophe that prompts permanent displacement, the tension between tradition and adaptation and between sedentarism and nomadism, the transformative permanent shift to a new locale, the prospect of a safe ‘new land’, and the familial reproductive unit that moves as one and finally settles an arcadia that is conveniently empty.67 And yet that parallel means that it is not entirely true to say that settlers cannot contemplate a future without themselves, or that they lack the metaphorical resources to imagine their own demise. It is in fact characteristic of settler consciousness to continually imagine the end. But it does so through a paradox that echoes the ambivalence of Freud’s **death drive**: it is a **fantasy of extinction** that tips over into its opposite and becomes a method of symbolic preservation, a technique for delaying the end, for living on in the contemplation of death.68 The **settler desire for death** conceals that wish – the hope that, between the thought of the end and the act, someone will intervene, something will happen to show that it is not really necessary, that the settlers can stay, that they have value and can go on living. In this way, they make their own redemption, an extinction that is an act of self-preservation, deferring the hard reckoning we know we lack the courage to face, and avoid making the real changes – material, political, constitutional, practical – that might alter our condition of being and set us on the path to a **real home** in the world. We dream instead of ends, imagining worlds without us, thinking of what it would be like not to be. But at every moment we know that that the dream is **nothing but a dream**; we know we will awake and still be here, **unchanged, unchanging, living on, forever**. Thus settlers persist even **beyond** the moment of extinction they thought they wanted to arrive.

### Solvency

#### Plan gets circumvented – empirics prove. Circumvention waters down enforcement

Johnson 20 [Matthew Johnson, PhD, University of Technology Sydney, “Mining the high frontier: sovereignty, property and humankind’s common heritage in outer space,” 2020, PhD Thesis, https://opus.lib.uts.edu.au/handle/10453/142380, EA]

However, the terrestrial history of mineral sovereignty tells us that even modest constraints imposed on private space mining interests may be undermined through the capture of democratic institutions. Private mining firms that have drawn on the political infrastructure of the neoliberal network have proven adept at hindering policies and governments that protect common interests in common spaces, from counter-movements against the nationalisation of mining operations to concerted lobbying efforts against international agreements that seek to impose limits on atmospheric carbon emissions. The US rejection of the Moon Agreement is consistent with neoliberal resistance to protective ‘double movements’ in a host of policy arenas, ranging from the creation of ecological conservation zones and provision of free healthcare, to increasing minimum wages or funding for public education. When the interests of mining capital are supported by and even embedded within political institutions (as in the case of ‘revolving doors’ between industry and public office), a concerted effort will need to be made in domestic and international institutions to push international space law towards anything resembling the ambitions of the Moon Agreement. Given the emergent connections between NewSpace and the Atlas Network, any double movement towards the preservation of intergenerational rights in the space commons would likely meet well-funded and well-organised resistance.

### Advantage

#### Nuclear war is not an existential risk – damage-limitation and contemporary science rules out every extinction internal link – Cribb is exaggerating.

Scouras ‘19 (James Scouras, Fellow at the Johns Hopkins Applied Physics Laboratory, PhD in Physics from the University of Maryland, creator of the Scouras model which uses an Excel spreadsheet to calculate the outcomes of nuclear force exchanges to create tabular outputs and graphs and incorporate the notion of “sensitivity” into nuclear security, Summer 2019, “Nuclear War as a Global Catastrophic Risk,” *Journal of Benefit-Cost Analysis* Volume 10 Issue 2, footnotes 2 and 4 included in curly braces) gz

One needs to only view the pictures of Hiroshima and Nagasaki shown in figure 1 and imagine such devastation visited on thousands of cities across warring nations in both hemispheres to recognize that nuclear war is truly a global catastrophic risk. Moreover, many of today’s nuclear weapons are an order of magnitude more destructive than Little Boy and Fat Man, and there are many other significant consequences – prompt radiation, fallout, etc. – not visible in such photographs. Yet, it is also true that not all nuclear wars would be so catastrophic; some, perhaps involving electromagnetic pulse (EMP) attacks2 using only a few high-altitude detonations or demonstration strikes of various kinds, could result in few casualties. {2 Many mistakenly believe that the congressionally established Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack concluded that an EMP attack would, indeed, be catastrophic to electronic systems and consequently to people and societies that vitally depend on those systems. However, the conclusion of the commission, on whose staff I served, was only that such a catastrophe could, not would, result from an EMP attack. Its executive report states, for example, that “the damage level could be sufficient to be catastrophic to the Nation.” See www.empcommision.org for publicly available reports from the EMP Commission. See also Frankel et al., (2015).} Others, such as a war between Israel and one of its potential future nuclear neighbors, might be regionally devastating but have limited global impact, at least if we limit our consideration to direct and immediate physical consequences. Nevertheless, smaller nuclear wars need to be included in any analysis of nuclear war as a global catastrophic risk because they increase the likelihood of larger nuclear wars. This is precisely why the nuclear taboo is so precious and crossing the nuclear threshold into uncharted territory is so dangerous (Schelling, 2005; see also Tannenwald, 2007). While it is clear that nuclear war is a global catastrophic risk, it is also clear that it is not an existential risk. Yet over the course of the nuclear age, a series of mechanisms have been proposed that, it has been erroneously argued, could lead to human extinction. The first concern3 arose among physicists on the Manhattan Project during a 1942 seminar at Berkeley some three years before the first test of an atomic weapon. Chaired by Robert Oppenheimer, it was attended by Edward Teller, Hans Bethe, Emil Konopinski, and other theoretical physicists (Rhodes, 1995). They considered the possibility that detonation of an atomic bomb could ignite a self-sustaining nitrogen fusion reaction that might propagate through earth’s atmosphere, thereby extinguishing all air-breathing life on earth. Konopinski, Cloyd Margin, and Teller eventually published the calculations that led to the conclusion that the nitrogen-nitrogen reaction was virtually impossible from atomic bomb explosions – calculations that had previously been used to justify going forward with Trinity, the first atomic bomb test (Konopinski et al., 1946). Of course, the Trinity test was conducted, as well as over 1000 subsequent atomic and thermonuclear tests, and we are fortunately still here

. After the bomb was used, extinction fear focused on invisible and deadly fallout, unanticipated as a significant consequence of the bombings of Japan that would spread by global air currents to poison the entire planet. Public dread was reinforced by the depressing, but influential, 1957 novel *On the Beach* by Nevil Shute (1957) and the subsequent 1959 movie version (Kramer, 1959). The story describes survivors in Melbourne, Australia, one of a few remaining human outposts in the Southern Hemisphere, as fallout clouds approached to bring the final blow to humanity. In the 1970s, after fallout was better understood to be limited in space, time, and magnitude, depletion of the ozone layer, which would cause increased ultraviolet radiation to fry all humans who dared to venture outside, became the extinction mechanism of concern. Again, one popular book, *The Fate of the Earth* by Jonathan Schell (1982), which described the nuclear destruction of the ozone layer leaving the earth “a republic of insects and grass,” promoted this fear. Schell did at times try to cover all bases, however: “To say that human extinction is a certainty would, of course, be a misrepresentation – just as it would be a misrepresentation to say that extinction can be ruled out” (Schell, 1982). Finally, the current mechanism of concern for extinction is nuclear winter, the phenomenon by which dust and soot created primarily by the burning of cities would rise to the stratosphere and attenuate sunlight such that surface temperatures would decline dramatically, agriculture would fail, and humans and other animals would perish from famine. The public first learned of the possibility of nuclear winter in a *Parade* article by Sagan (1983), published a month or so before its scientific counterpart by Turco et al. (1983). While some nuclear disarmament advocates promote the idea that nuclear winter is an extinction threat, and the general public is probably confused to the extent it is not disinterested, few scientists seem to consider it an extinction threat. It is understandable that some of these extinction fears were created by ignorance or uncertainty and treated seriously by worst-case thinking, as seems appropriate for threats of extinction. But nuclear doom mongering also seems to be at play for some of these episodes. For some reason, portions of the public active in nuclear issues, as well as some scientists, appear to think that arguments for nuclear arms reductions or elimination will be more persuasive if nuclear war is believed to threaten extinction, rather than merely the horrific cataclysm that it would be in reality (Martin, 1982).4 {4 As summarized by Martin, “The idea that global nuclear war could kill most or all of the world’s population is critically examined and found to have little or no scientific basis.” Martin also critiques possible reasons for beliefs or professed beliefs about nuclear extinction, including exaggeration to stimulate action.} To summarize, nuclear war is a global catastrophic risk. Such wars may cause billions of deaths and unfathomable suffering, as well set civilization back centuries. Smaller nuclear wars pose regional catastrophic risks and also national risks in that the continued functioning of, for example, the United States as a constitutional republic is highly dubious after even a relatively limited nuclear attack. But what nuclear war is not is an existential risk to the human race. There is simply no credible scenario in which humans do not survive to repopulate the earth.

#### No space PTD – no sovereignty.

Jonckheere, 18 – Master’s Dissertation on Public and International Law, Evarist Ghent University.

(Evarist Jonckheere, reviewed by Maes Frank and René Oosterlinck, professors at Evarist Ghent University, “The Privatization of Outer Space and the Consequences for Space Law”, May 2018)

b. Application of the Principle: The Public Trust Doctrine

66. Public trust.

121 The common heritage of mankind principle has been applied throughout history in the form of the ‘public trust’ doctrine.122 However, this application is problematic in outer space.

The doctrine proposes that states possess all the property rights of the common areas. While these states remain the owners, they can subsequently convey usage rights of the property to its residents – possibly private enterprises. This results in a division between the rights of the state and the rights conveyed to its residents. Both parties have their own interests in owning the area and using its resources, but the state’s interest is the primary concern.

Article I of the Outer Space Treaty seemingly creates such a public trust situation. However, states do not have the purposed sovereignty over outer space that is necessary in the public trust doctrine. Sovereign control over real property by a state is needed before any rights can be conferred to private actors. States do not have this control in outer space and as a result, states would not be able to recognize private ownership there.

#### Court-empowered public trust lacks legitimacy and has no legal teeth to compel corporations.

Byrne, ‘12 (J. Peter, Professor of Law, Georgetown University Law Center, “The Public Trust Doctrine, Legislation, and Green Property: A Future Convergence?”, University of California, Davis Law Review, Vol. 45:915, pp. 915-930)

Professor Mary Wood has articulated a theory of a planetary public trust in the atmosphere.46 Concerned that climate change will bring catastrophe and that environmental law will not adequately address it, she has urged a global effort to secure judicial enforcement of a public trust ordering carbon accountings and “enforceable carbon budgets.”47 Professor Wood admirably explains the doctrinal foundation by asserting that “it is no great leap to recognize the atmosphere as one of the crucial assets of the public trust.”48 One must respect the boldness of such an effort to counter looming disaster, based upon a plausible chain of legal reasoning. Yet, the initiative also exposes the public trust doctrine’s greatest weakness: it simply claims too much. The purpose of declaring the atmosphere a public trust is to empower judges to employ traditional legal tools, such as nuisance law, to order private entities to reduce harmful emissions and governments to introduce other mitigation measures. Thus, courts around the world would truly become the “Platonic guardians”49 of society, establishing basic environmental norms on the basis of a valuable yet unfamiliar legal doctrine. Such authority would lack political legitimacy. To respond to climate change, political majorities need to acknowledge the problem and authorize their institutions to take the difficult painful measures necessary to address it. Pressing for judicial recognition of a public trust in the atmosphere seems impractical in the short run and may be counterproductive in the long run. The Supreme Court’s recent decision in American Electric Power Co. v. Connecticut50 demonstrated that courts are unlikely to accept authority to order reductions in emissions without legislative direction and administrative support. The Court unanimously held that because Congress addressed carbon pollution through the Clean Air Act, it had displaced the federal common law of nuisance. As a result, courts were without authority to entertain federal nuisance actions against major emitters of greenhouse gases. Underlying the decision and mirrored in other climate nuisance decisions, Justice Ginsburg’s opinion for the unanimous Court expressed strong judgment that tackling climate change requires complex and coordinated judgments about science and economics beyond the judicial capacity: It is altogether fitting that Congress designated an expert agency, here, EPA, as best suited to serve as primary regulator of greenhouse gas emissions. The expert agency is surely better equipped to do the job than individual district judges issuing ad hoc, case-by-case injunctions. Federal judges lack the scientific, economic, and technological resources an agency can utilize in coping with issues of this order. Judges may not commission scientific studies or convene groups of experts for advice, or issue rules under notice-and-comment procedures inviting input by any interested person, or seek the counsel of regulators in the States where the defendants are located. Rather, judges are confined by a record comprising the evidence the parties present. Moreover, federal district judges, sitting as sole adjudicators, lack authority to render precedential decisions binding other judges, even members of the same court.51 Although the case dealt with displacement of federal common law, American Electric Power stands as a strong admonishment against employing judicial power to comprehensively address climate change. Even if judges felt confident enough to order emission reductions based upon a public trust in the atmosphere, such orders might undercut long-term efforts to reach environmental sustainability. There is no substitute for persuading U.S. citizens to support protection of the atmosphere through the democratic political process. Because implementation will require widespread and willing compliance, such measures require political legitimacy, which the courts lack. Reducing emissions substantially and adapting to inevitable climate change will require people to change their preferences and behavior. Political debate and messy compromises will more likely mobilize such change than the judicial extensions of legal principles, notwithstanding the current stalled state of national discussions of climate change. My disagreement with Professor Wood about which institutions should address climate change does not mean that I think the public trust doctrine cannot play a constructive role in the legal struggle. Legal recognition of public property rights in the atmosphere may improve political discourse and should reduce the threat that courts will find reasonable regulations — reducing emissions or lessening harms from climate change — to constitute regulatory takings. Reasonable legislative adjustment of competing property rights should be judged more generously than regulations that diminish property. In my approach, courts are asked to permit rather than command legislative action.