## 1

### 1nc – theory

#### New, un-disclosed affs are a voting issue –

#### Testing – they make it impossible to adequately test the aff without adequate pre-round prep – favors newness over engagement

#### Negative ground – they make negative ground concessionary to the goodwill of the aff and results in extremist generics that heavily skew ground in favor of the aff

#### Reject the team for detterence – DTA also makes no sense bc vote neg on presumption

#### Competing interps – reasonability invites judge intervention

#### No RVIs:

#### 1] logic: the aff doesn’t win for proving they’re fair or educational otherwise they’d win every round post-1ac.

#### 2] chilling effect: debaters would be scared to read theory for fear of losing to a prepped out counter-interp proliferating abuse

#### 3] substantive education: RVIs make every debate just a theory debate which prevents us from kicking theory and learning about the topic

## 2

### 1nc – k

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Hegel’s theory is a form of abstraction away from the material violence of settler colonialism – their view from nowhere is not only useless but actively props up settlerism.

Nichols 13 Nichols, R. (2013). Indigeneity and the Settler Contract today. Philosophy & Social Criticism, 39(2), 165–186. doi:10.1177/0191453712470359 SM

Throughout the 20th century, of course, these ‘high theories’ of human development have come under considerable attack. Although anti-imperial leaders and thinkers from those subject to European colonization had always offered trenchant critiques of the European discourse of progress, and counter-narratives were always available from within European thought, it was not until the 20th century that this counter-discourse began to take hold within Europe itself in any significant way. For instance, one of the first demands of the former colonies in the United Nations was to insist on the removal of references from UN documents to members in terms of ‘civilized’ versus ‘uncivilized’. The reason they gave was that this discourse was a prevailing justification for western imperialism in both its colonial and neo-colonial forms and, by the end of the two world wars – themselves major blows to European pretensions to be the standard of civilization – thousands of people in the West were reading these criticisms and taking them more seriously. And so, combined with various other factors (including the rise of Anglo-American analytic philosophy generally), the historical-anthropology language has largely been displaced by other modes of philosophical reflection – namely, more ‘ideal’ theory. As we also all know, in the early 1970s a particular variant of this formal or ideal theory came to predominate in the western academy. The publication of John Rawls’ A Theory of Justice (1971) and Robert Nozick’s Anarchy, State and Utopia (1974) revived and reactivated the intellectual tradition of social contract theory.3 Political 166 Philosophy and Social Criticism 39(2) Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 philosophers after Rawls and Nozick have been generally reluctant to engage in the grand, complex historical and anthropological narratives that characterized the work of, for instance, Hegel and Marx. Instead, they argued that guiding principles for the organization of a just society (and a just relationship between societies) can be generated by abstracting away from the specific historical and cultural conditions of the present. By imagining oneself in (to use Rawls’ parlance) an ‘original position’, behind a ‘veil of ignorance’ (i.e. without knowledge of one’s race, gender, culture, social location, etc.), it is possible to determine what first principles would be generally acceptable to all (regardless of the above qualifiers). The notion of an original ‘contract’ between such individuals is thus used as a device of representation to generate a normative theory which can then be used to critically examine actually existing practices. This tradition and mode of philosophical reflection have come to replace the 19th-century historical-anthropological discourse as the prevailing manner in which philosophers and political theorists in the western academy (but especially in Anglo-American countries) analyse the possibility of a just relationship to non-western societies. The purpose of this article is to reflect not only upon the limitations, but more importantly upon the political function of this approach, particularly when it is deployed as a resource for reflection on the political struggles and normative claims of the indigenous peoples in the settler-colonial societies of the Anglo-American world (e.g. Australia, Canada, New Zealand, the United States). In so doing, I hope to present a small slice of a much larger project comprising a genealogy of what I will refer to here asthe ‘Settler Contract’.4 In usingthe term ‘Settler Contract’ I am deliberately playing off of previous work by philosophers and political theorists who have been concerned to show the historical function and development of social contract theory in relation to specific axes of oppression and domination. Two of the most important contributions to this literature are Carole Pateman’s The Sexual Contract and CharlesMills’TheRacialContract.In Pateman’s 1988 work, she rereadthe canon of western social contract theory in an attempt to demonstrate that the presumptively neutral and ideal accounts of the origins of civil society as presented in the works of, for instance, Hobbes, Locke and Rousseau, were in fact always (implicitly or explicitly) sexual-patriarchal narratives that legitimized the subordination of women. In 1995, Charles Mills deliberately borrowed from Pateman in his project of unmasking the racial (or, more precisely, whitesupremacist) nature of the contract. There, Mills defined the ‘Racial Contract’ as ... that set of formal or informal agreements or meta-agreements ... between the members of one subset of humans, henceforth designated by (shifting) ‘racial’ (phenotypical/genealogical/cultural) criteria C1, C2, C3 ... as ‘white,’ and coextensive (making due allowance for gender differentiation) with the class of full persons, to categorize the remaining subset of humans as ‘nonwhite’ and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-ruled polities the whites either already inhabit or establish or in transactions as aligns with these polities, and the moral and juridical rules normally regulating the behaviour of whites in their dealings with one another either do not apply at all in dealings with nonwhites or apply only in a qualified form.5 Although they have not necessarily used the specific term of art ‘Settler Contract’, for some time now various thinkers have attempted to contribute to an expansion on these Nichols 167 Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 themes by demonstrating the ways in which social contract theory has served as a primary justificatory device for the establishment of another axis of oppression and domination: an expropriation and usurpation contract whereby the constitution of the ideal civil society is premised upon the extermination of indigenous peoples and/or the displacement of them from their lands. I will use the term ‘Settler Contract’ to refer to the strategic use of the fiction of a society as the product of a ‘contract’ between its founding members when it is employed in these historical moments to displace the question of that society’s actual formation in acts of conquest, genocide and land appropriation.6 The Settler Contract’s reactivation is used not to deny the content of specific indigenous peoples’ claims, but rather to shift the register of argumentation to a highly abstract and counter-factual level, relieving the burden of proof from colonial states. In such a case, the original contract between white colonial settlers thus ‘simultaneously presupposes, extinguishes, and replaces a state of nature. A settled colony simultaneously presupposes and extinguishes a terra nullius.’ 7 The Settler Contract then refers to the dual legitimating function of the philosophical and historical-narrative device of the ‘original contract’ as the origins of societal order: first, by presupposing no previous indigenous societies and second, by legitimizing the violence required to turn this fiction into reality. Although the Settler Contract has obvious similarities and points of overlap with the Racial Contract, and is constituted in gendered and sexualized practices, it is analysable as a distinct axis since it pertains more to issues related to land appropriation and the subordination of previously sovereign polities and societies. My specific contribution here is twofold. First, I am interested in expanding the scope of these critical genealogies to include the mode of argumentation or style of reasoning endemic to social contract theory. In order to explain what I mean by this it is helpful to look to a point of difference between Pateman and Mills. Although Charles Mills sees the actual historical instantiation of contract theory as implicated in white supremacy, he nevertheless argues that the form or model of reasoning it represents can be ‘modified and used for emancipatory purposes’.8 Mills argues that the language of an ideal contract that constitutes society ‘serves a useful heuristic purpose – it’s a way of dramatizing the original social contract idea of humans choosing the principles that would regulate a just society’.9 This is why Mills described his work as a contribution to that long struggle to ‘close the gap between the ideal of the social contract and the reality of the Racial Contract’.10 Carole Pateman, on the other hand, has argued that the theoretical device of an appeal to the ‘ideal’ contract is itself inherently problematic. This is because Pateman, unlike Mills, sees contract theory as requiring the ‘fiction’ of property in the person. This theoretical presupposition is, according to Pateman, necessarily enabling of domination and oppression. She writes: Property in the person cannot be contracted out in the absence of the owner. If the worker’s services (property) are to be ‘employed’ in the manner required by the employer, the worker has to go with them. The property is useful to the employer only if the worker acts as the employer demands and, therefore, entry into the contract means that the work becomes a subordinate. The consequence of voluntary entry into a contract is not freedom but superiority and subordination.11 168 Philosophy and Social Criticism 39(2) Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 Although Pateman’s more radical and comprehensive critique of social contract theory is instructive here, my contribution is different still. While I agree in general with Pateman’s assessment of the inherently problematic nature of contract theory, my aim is to bring to light another facet of this, one specifically related to colonization. As I will discuss in more length below, I am concerned to show how the appeal to an ‘ideal’ original contract, even as a heuristic device for the generating of ‘first principles’, serves to displace questions of the historical instantiation of actual political societies and domains of sovereignty and, as such, has served and continues to serve the function of justifying ongoing occupation of settler societies in indigenous territory. To do this, I draw upon a Foucaultian distinction between historico-political vs philosophico-juridical discourses of sovereignty and right as a means of complementing and augmenting previous work on the Settler Contract. Furthermore, I argue that the philosophico-juridical discourse of the Settler Contract has its origins – both in historical time and as an event repeated in contemporaneous time – at the moment in which the weight of the past cannot be borne. Contract theory can therefore be studied not merely in terms of the content of its claims (i.e. true or false depictions of indigenous peoples), but in terms of its strategic function in relieving the burden of the historical inheritance of conquest. When read in light of this function, I argue, contract theory emerges as an inherently problematic framework for the adjudication of indigenous claims and, moreover, for the establishment of a non-colonial relationship between indigenous peoples and settler-colonial societies. This also means, however, that unlike Pateman and Mills, I am less interested in the specific content of, for instance, the racist and demeaning depictions of indigenous peoples as pre-political ‘savages’ in the works of contract theorists since it is my claim that even independent of any specifically negative portrayal of indigenous peoples within such work, social contract theory is still a vehicle for the displacement of such peoples, conceptually and in actual historical fact. In fact, I want to argue, it is in those places where contract theory is at its most abstract (purportedly neutral and non-evaluative) that it often functions most effectively as a strategy of settler-colonial domination. The second contribution to this discussion I would like to make is to demonstrate how this form of theory continues to function today with respect to the claims of indigenous peoples. Thus, I am also less concerned here with the historical figures of Hobbes, Locke, Rousseau and Kant than Pateman or Mills, and more interested in those contemporary thinkers who explicitly work in this tradition – philosophers such as John Rawls, Robert Nozick and, the focus of this article, Jeremy Waldron. A few caveats before I proceed. First, it is not my claim that contemporary thinkers such as Rawls, Nozick, or Waldron necessarily intend to facilitate the logic of the Settler Contract (though I do not rule out this possibility either). I am not primarily interested in what specific authors intend to do with their arguments, but rather with how a specific rhetorical structure or style of argumentation shapes the discursive space such that certain outcomes appear as the logical or necessary conclusion to an argument when, in fact, the debate has been skewed in this direction by the point of departure itself. Second, I acknowledge that my selection of authors is non-comprehensive. I have chosen here to focus on Jeremy Waldron’s recent application of the social contract tradition to the claims of indigenous peoples. This is in part because (as I said at the outset) this particular article is merely one small slice of a much larger genealogy. But it is also in Nichols 169 Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 part because Waldron represents a kind of ‘exemplary figure’ here. One of the difficulties in examining contemporary analytic contract philosophy as it relates to indigenous claims is that, overwhelmingly, philosophers working within this tradition do not consider such questions at all. Jeremy Waldron is a major exception to this rule. Since Waldron explicitly locates his work within the tradition descending from Hobbes and Locke, through Kant to Rawls and Nozick, and because Waldron’s influential and prominent role as legal scholar enmeshes his work closely with the juridical apparatus that actually adjudicates indigenous claims in Anglo-settler societies, and finally, because Waldron (a New Zealander of European descent) takes up the question of ‘indigeneity’ so directly and seriously, it seems appropriate to take him as an exemplar of the attempt to reformulate some modified version of analytic contract theory in relation to indigenous peoples.

#### Settler colonialism is deeply engrained in Western culture and reflects in the universalist logic of ideal theory – their philosophy gets appropriated to justify extermination of Indigenous peoples.

John **Hinkinson** – Editor at Arena, an Australian maganzine. “Why Settler Colonialism?” Arena. 20**12**. https://arena.org.au/why-settler-colonialism/ JJN

Settler colonialism as a practice is a subset of colonial history, one where the colonial relationship converts into a very specific cultural practice. It is where the ‘settler culture’ seeks a permanent place in the colonial setting and, as such, enters an unrelenting cultural logic of misrecognition and blindness towards the cultural other, issuing in acts of objective cruelty and cultural destruction. Because this relationship is based in cultures, which are prior to the individual (while simultaneously forming the individual), it is a relationship that is especially difficult to put aside. Empirically speaking, there are many such examples in history, many arising in the period of Western Empire associated with modernity and expansionism in the New World. Settler colonialism as a field illuminates the history of these myriad examples while bridging into accounts of contemporary expressions of the settler phenomenon, from the continued cultural suppression arising out of nineteenth-century Empire (in Africa, the Americas, Australia and New Zealand, for example) to twentieth-century expressions in Palestine. If settler colonialism is to develop as a field of critical study it needs to include but go far beyond empirical accounts simply framed by an ethic of cultural justice. To do this it is necessary to develop a theory and account of how settler colonialism as a practice is based culturally. And this will require a broader frame of reference than the specific localities of settler-colonial practice, a broader frame that shows how this phenomenon is an effect of power based in attitudes to other cultures more generally. For it is arguable that the settler-colonial attitude derives from a widespread cultural politics set within a larger frame, one which the world today assumes, rather than reflexively knows or seeks to reform. This is to speak of a continuing imperialist attitude expressed in a view of other cultures that has little respect for those cultures’ core assumptions. There are crude expressions of this lack of cultural empathy, but there are also ‘high’ expressions, such as those embodied in the universalist philosophy of the West. For high universalism, the emancipatory principle is argued to be beyond all specific cultures and, as such, superior to all of them. Recent US adventures in the Middle East come to mind, where the invocation of ‘freedom’ has become a sign of disrespect for the complex cultures of the region. Imposed ‘freedom’ has devastating effects. Common to these expressions is a deep cultural blindness associated with modernity that is unable to view other cultures empathically or engage them in informed, reciprocal cultural interchange. Rather, knowledge of such cultures has predominantly developed instrumentally as a means to domination. These relations of cultural power at a more general level both generate the settler colonial relationship and reflexively feed off its effects. As John Gray remarks in his Black Mass, the Enlightenment is responsible for many racist policies, especially towards colonized peoples. Enlightenment philosophers have a special responsibility, as is seen in the case of Locke: John Locke was a Christian committed to the idea that humans are created equal, but he devoted a good deal of intellectual energy to justifying the seizure of the lands of indigenous people in America.(8) Other philosophers, including Kant, are mired in much the same logic. The goal of equality within a universal civilization was the prospect, but this could only be achieved by the peoples of the colonies ‘giving up their own ways of life and adopting European ways’.(9) If they did not willingly give up their ways of life, extermination, an idea that was widespread, might be entertained. This was not merely a Nazi policy. When H. G. Wells asked himself about the fate of ‘swarms of black and yellow and brown people who do not come into the needs of efficiency’, he replied: ‘Well, the world is not a charitable institution, and I take it they will have to go’.(10) John Gray goes on: Nazi policies of extermination … drew on powerful currents in the Enlightenment and used as models policies in operation in many countries, including the world’s leading liberal democracy. Programmes aiming to sterilize the unfit were under way in the United States. Hitler admired these programmes and also admired America’s genocidal treatment of indigenous peoples: he ‘often praised to his inner circle the efficiency of America’s extermination — by starvation and uneven combat — of the “Red Savages” who could not be tamed by captivity’.(11) If there is any doubt about the crucial role of settler colonialism in the power effects of the West one should turn to the recent book by Timothy Snyder, Bloodlands.(12) Here the author confirms that the various plans constructed by Hitler and the Nazi regime for the mass starvation of the Slavs and the Final Solution of the Jews of Eastern Europe were based on settler-colonial assumptions, in particular as expressed in the example of the United States and the conquest of the Native American peoples. Hitler’s plan (the Generalplan Ost) to colonize the Ukraine breadbasket was one that sought to turn back the clock of industrialization in the Soviet Union, deliberately starve unwanted millions of people, introduce German settlers up to the Urals, enslave Slavs where they were deemed to be essential for economic production and push the Jews of Eastern Europe beyond the Urals into Asia. While the plan was quickly frustrated in its detail by the resistance of the Soviets, Hitler’s plan is nevertheless illustrative of crucial background assumptions and elaborations of notions of ‘development’. For Hitler, Colonization would make of Germany a continental empire fit to rival the United States, another hardy frontier state based upon exterminatory colonialism and slave labor. The East was the Nazi Manifest Destiny. In Hitler’s view, ‘in the East a similar process will repeat itself for a second time as in the conquest of America’. As Hitler imagined the future, Germany would deal with the Slavs much as the North Americans had dealt with the Indians. The Volga River in Russia, he once proclaimed, will be Germany’s Mississippi.(13) As suggestive as this material may be, the point is not that of equating the United States with the Nazis. Rather it is to make the more important ethical point about Western powers and Western culture: they are interwoven with practices that take settler colonialism for granted, practices that arguably define the underside of modernity.

#### Hegel’s theory is based on avoiding the state of nature

Blunden 7 (Andy Blunden, April 2007, <https://www.ethicalpolitics.org/ablunden/pdfs/state-of-nature.pdf>, “Hegel on the State of Nature”, EmmieeM)

At the time Hegel was writing, the expression “state of nature” had been given its meaning by writers like Spinoza,1 John Locke, Thomas Hobbes2 , Jean-Jacques Rousseau3 and many others, and was encapsulated images such as the ‘noble ~~savage’~~. Referring to the conditions in which human beings were supposed to have lived prior to the formation of society with its property relations, culture, division of labour, the political state and so forth, the “state of nature” was supposed to be one in which individuals or nuclear family groups lived without any bonds of cooperation, and consequently without duties or rights with respect to one another; they were deemed, according to Rousseau, to live in idyllic freedom which would have to be restrained in order to bring people together in a division of labour and the various institutions of society, while according to Hobbes, the “state of nature” took the form of a war of all against all.

Hegel’s opposition to liberal individualism 4 would suggest that Hegel would not agree with this conception of the “state of nature” but his position is not just as we might expect. He did not lay claim to a contrary conception of the “state of nature” of his own, but nor did he accept the usual conception of the “state of nature” as historical fact. Although we now know that the human species itself is a product of the cultural activity of our hominid forebears who lived in relatively complex social structures5 , nothing of the kind was known to Hegel6 . Furthermore, even if he were to have known of this natural history, such knowledge would have had no bearing on the claim that the behaviour of social animals is not governed by right (law, ethics, virtue and morality) which Hegel held to be exclusively the province of reason. 7 In the General Introduction to the Philosophy of History, he wrote: “The view [that man is free by nature but that in society and in the state, to which he necessarily belongs, he must limit this natural freedom] also introduces into the concept of man his immediate and natural way of existence. In this sense a state of nature is assumed in which man is imagined in the possession of his natural rights and the unlimited exercise and enjoyment of his freedom. This assumption is not presented as a historical fact; it would indeed be difficult, were the attempt seriously made, to detect any such condition anywhere, either in the present or the past. Primitive conditions can indeed be found, but they are marked by brute passions and acts of violence. Crude as they are, they are at the same time connected with social institutions which, to use the common expression, restrain freedom. The assumption (of the noble savage) is one of those nebulous images which theory produces, an idea which necessarily flows from that theory and to which it ascribes real existence without sufficient historical justification.”

#### We’ll turn their theory– it’s literally defined as Indigenous sovereignty and creates a moral obligation for Indigenous genocide. This means their NC doesn’t apply because Indigenous people exist outside of Deontological ethics. Drop them if they read it, it’s flagrantly racist

#### **Vote negative for decolonization.** Regardless of any other portion of the flow, the judge must surrender to indigeniety and vote neg to resist the infiltration of settlerism in debate.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

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.

#### The role of the ballot is to center indigenous scholarship and resistance-- Any ethical commitment requires that the aff place themselves in the center of Native scholarship and demands.

Carlson 16

(Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213, JKS)

Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.42 Relational accountability should be a cornerstone of settler colonial studies. I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoples, and take as its norm making this dialogue evident. In my view, it is critical that we not view settler colonial studies as a new or unique field being established, which would enact a discovery narrative and contribute to Indigenous erasure, but rather take a longer and broader view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with humi- lity and accountability. We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty. We can view oral Indigenous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and pro- vided the foundations for our work. If our work has no foundation of Indigenous scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.

#### Independently, our interpretation is that the judge ought to evaluate the aff as a research project – they don’t get to weigh the philosophical values or the contention value of the case

#### 1. Their interpretation restricts the debate to a ten second statement and leaves the rest of the aff unquestioned. They should be responsible for the way their knowledge is constructed and used because that produces the best model for activism and ethics in the context of their aff

#### 2. The K is a prior question – it informs the value of the game – if we win debate trains students to be violent outside of their rounds, that should come first

#### 3. Performance DA – you’re an educator responsible for judging the behavior and scholarly production of the aff – that means you should TKO them if we win a link

#### 4. George Bush DA—justifications and representations influence our political advocacy. Even though George Bush and Marxists both hate Donald Trump, the reasons why matter as much. Winning a link argument means that their political advocacy looks more like a blue lives matter trust fund rather than anti-racist movements.

#### 5. Independently, vote neg on presumption—the affirmative does nothing. Voting aff won’t produce the advantages discussed, but our theory arguments spill up to how we view policies/debate, so vote negative because the aff cant alter material conditions in the world.

#### 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

Sammler and Lynch 21 – \* Assistant Professor California State University, Maritime Academy, \*\*Assistant Professor Department of Geography at University of Nevada-Reno [Katherine, Casey, “Apparatuses of observation and occupation: Settler colonialism and space science in Hawai'I,” 9/2/2021, Environment and Planning D: Society and Space, DKP]

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.

## Case

### Theory

#### 1] 1AR theory isn’t drop the debater by default – they need a specific warrant for a shell – “too short” isnt a warrant bc it should be evaluated on a case by case basis

#### 2 – Reject permissibility and presumption triggers –

#### a] they mean actions like rape, genocide, slavery, and saying the n word are allowed and can’t be morally condemned – that’s something you should reject on face, especially in an educational space for high schoolers. Also disproves skep because it contradicts basic intuitions – reason to throw out the theory like real philosophers do

#### B] they’re functionally NIBs that we have to answer or lose but can’t win on – links to our NIBs bad offense

#### 3 – Permissibility/Presumption flows neg – it means the aff hasn’t met their burden of proof so you should default neg, which outweighs on burdens which are most intrinsic to debate itself and come first before other silly justifications – shah is so close that nothing could happen

#### 4 – No risk of permissibility/presumption – there’s always a 1% risk of some impact that can’t be resolved – no need for this entire debate

### Framing

#### Not relevant if we win our framework interpreatation bc it’s a question of what models of debate should look like, not just the ROB/normative fw, so any risk of a link should be enough to vote neg regardless of who wins their framework. but even if they win that they get to weigh the case, I’ll still answer some of their args

#### No bs new util advantage shit – we’ve reading consequences and materiality matter, but only in the context of centering and forwarding indigenous scholarship and resistance.

#### mutual recognition = necessitates Indigenous sovereignty to recognize them which means K hjacks

#### No moral theory possible in world of ontological settler-colonialism – libidinal desires stuff, Settlers can’t be moral – that also means they can’t do mutual recognition because Settlers on a libidinal level cannot genuinely recognize Indigenous intersubjectivity or appreciate it

#### T/their standard – “materializing abstract right” is our link – the focus on abstract rights as a standard means actual rights – like treaties protecting Indigenous territory, their kids from being adopted out to Settlers or sent to boarding schools, etc don’t matter – only Settler Ivory Tower vague philosophizing does

#### They say it’s materialized in the community via the legal order – turn obvi – THE WARRANT IS THAT THE SYSTEM MANIFESTS OUR RIGHTS SO ITS BAD TO GO AGAINST IT – OBVIOUSLY YOU SHOULD SAY THEIR SYLLOGISM BREAKS BECAUSE THE SYSTEM DOESN’T MANIFEST INDIG RIGHTS

**Also says that Indigenous people aren’t truly free until they’re under state control, which proves they rely on the State of Nature as their terminal impact to not caring about their moral theory – also, this is a major link it’s the logic used by missionaries to brutally convert under the guise that even though indigenous ppl claimed they were oppressed they would be set spiritually free – also really paternalistic**

#### No bindingness or it flips neg – we can follow rules likecentering indigenous scholarship because we’ve won things like that are good

#### Action theory is irrel – in the context of indivisible actions but violence is all or nothing which also takes out scrhoder

#### Buchwalker maes no sense – no reason why membership occurs and ontology proves theyre alienated

#### Conseq don’t fail

#### A. Aggregation possible – we can use averages – even if there is no common good, the vast majority of people would prefer not to die in a nuclear war- also doesn’t apply since we’ve read extinction specifically first, not just regular util and death would be bad for everyone because it forecloses future value

#### B. Intent focus reinforces oppression – powerful actors will plead ignorance – consideration of consequences key

#### c) doesn’t prove it fails, just means you weigh. no infinite consequences – for each consequence the probability goes to zero the further out you move. They cancel each other out since they have an equal probability to be good or bad so we should maximize the short term good.

#### Haase – moral agents like settlers exist which are bad

#### Pragmatism – language irrel if we won settlers overdetermine that

#### Buck-morss

#### The principle of diminishing marginal utility for happiness ensures that materialism safeguards minority rights

Mattoo and Subramanian 13 — (Aaditya Mattoo is the research manager for trade and integration at the World Bank. Arvind Subramanian is a senior fellow at the Center for Global Development and the Peterson Institute for International Economics. “GREENPRINT: A New Approach to Cooperation on Climate Change”, Center for Global Development, 2013, Available Online at <https://www.cgdev.org/sites/default/files/Mattoo_Subramanian_Greenprint.pdf>, accessed 11-9-19, HKR-AM)

“Emissions mitigation” refers to actions to reduce emissions. It imposes economic costs on countries that undertake such actions in terms of reduced consumption and growth. Most theories of justice would suggest that insofar as costs are imposed, more of them should be borne by those whose incomes are greater. In a utilitarian view, in circumstances of diminishing marginal utilities—meaning that an additional unit of consumption and income forgone is more costly for a poor person than a rich one—world welfare will be maximized, or at least the loss in world welfare will be minimized, if those who are poorer incur lower costs. A Rawlsian perspective (based on the views of the politica l philosopher John Rawls) would, of course, be even more strongly redistributive. In terms of a carbon budget, therefore, most ethical perspectives would require future allocations to be inversely related to the ability (or, alternately, capacity) to pay for emissions reductions. This approach is also embedded in the Kyoto Protocol and reflected in the principle of common but differentiated responsibilities.

### Contention

#### 1] Flows NEG – prefer over OST arguments on [1] scope, since we holistically evaluate all ILAW space private property [2] specificity – the OST is at best incredibly vague, the Moon Treaty explicitly goes NEG [3] author quals – we’re citing someone with extensive senior-level experience on the National Space Council and NASA who is better at interpreting contracts governing property rights in Outer Space than a random author

#### 2. Governments must consider utility only for decisions that affect their citizenry since that is the mandate of the state and foundational to their legitimacy. Sacrificing state sovereignty- e.g. if I-law required a state to give all its money to another state, would obviously not be required.

#### 3. I-law lacks any moral basis because states cannot meaningfully refuse consent to secondary rules that give rise to legal obligations in the first place.

Posner, 3 [Eric A. Posner, a professor at the University of Chicago Law School, “Do States Have a Moral Obligation to Obey International Law?” Stanford Law Review, Vol. 55, No. 5 (May, 2003), pp. 1901-1919, <https://www.jstor.org/stable/1229567>, accessed 11-14-2019]

Commentators make the same mistake about customary international law as they make about treaties: They say that customary international-law rules are binding because states consent to them (opinion juris). But, again, an act of consent is not sufficient to create a legal obligation. Formalities must be satisfied, and these formalities are themselves nonconsensual rules. It is thus not surprising that international law has evolved to the point where customary international-law rules are said to apply to states that did not consent to them, and even treaties can apply to states that did not consent to them. Commentators who see these developments as radical or paradoxical do not understand that international law has never solely been a matter of consent, and that therefore the developments are nothing new.

Following Hart, we can divide international law into two components: "primary" rules, which are the legal obligations, and "secondary" rules, which determine the conditions under which particular acts give rise to legal obligations.17 The secondary rules are conventions that evolved over time, and states today can make themselves understood as entering legal obligations only by complying with those conventions, whether they like them or not-just as an individual can make a legally binding will under domestic law only by complying with the relevant rules (number of witnesses and so forth), even though he never consented to those rules. The primary rules, like the contents of the will, are much more in control of states, though there are exceptions. But the point is that because the secondary rules are not validated by consent- states cannot meaningfully refuse to consent to the international legal system- one cannot say that the obligations of international law are based on the consent of states. 18