# Sharon Daoism Case Neg

## T

#### Interpretation—a strike is a collective industrial action taken by laborers that entails stopping work done in exchange for a change in their working conditions. The right to strike must be a legal guarantee of a government

#### Strikers are made up of a group of industrial workers advocating for material resolving disputes about working conditions—it can’t be individual. Malebye 14

Cynthia Dithato Malebye, Department of Mercantile Law, University of Pretoria, 2014, The Right to Strike in Respect of Employment Relationships and Collective Bargaining.” Dissertation. University of Pretoria, April 2014. <https://repository.up.ac.za/bitstream/handle/2263/43163/Malebye_Right_2014.pdf?sequence=1>

The employee in the strike definition includes both current and ex-employees.76 The right to strike is a collective action. An individual employee cannot take strike action.**77 The purpose of a strike must be to remedy a grievance or to resolve a disput**e. Where employees had taken strike action demanding the dismissal or removal of a supervisor after giving an undertaking that they would report to the supervisor, following an earlier dispute over the same issue, the Court held that through such an undertaking, the employees had by implication abandoned their demand, thus rendering the strike unprotected.78 If **employees refuse to work, but are not seeking to remedy a grievance or resolve a dispute, there is no strike in terms of the definition**.79 A court must have regard to substance rather than form and “ascertain the real underlying dispute”.80 The purpose of industrial action determines whether it qualifies as a strike action. What began as a strike can change its character once the initial purpose has fallen away. The moment the strike ends so does statutory protection.81

#### The right to strike must be a legal guarantee. Malebye 14

Cynthia Dithato Malebye, Department of Mercantile Law, University of Pretoria, 2014, The Right to Strike in Respect of Employment Relationships and Collective Bargaining, Dissertation, . University of Pretoria, April 2014. <https://repository.up.ac.za/bitstream/handle/2263/43163/Malebye_Right_2014.pdf?sequence=1>

**Before the implementation of the new *Constitution* in South Africa, employees only enjoyed the freedom to strike but not the right to strike**. This past situation implied that the employees who embarked on a strike, even if it was a legal strike were not protected from dismissal as in effect they were in breach of their employment contracts in terms of common law. A fundamental right contained in the Constitution is that workers will have “the right to strike for purposes of collective bargaining.” In other words, the right must be functional to collective bargaining.

#### Violation – they adopt a deterritorialized form of possession – hold them to cx.

#### Vote neg:

#### topic education—All of the literature on the topic is about industrial workers engaging in collective action for material changes to their pay or working conditions, not about the production of meaning. This means that none of the neg generics link such as econ disads, politics disads, PICs out of specific industries. They read multiple cards that strikes are bad which proves the abuse

#### Clash – it’s a pre-requisite to debate which is an intrinsic good since we are all here for the purpose of debating – yes this may seem tautological, but so is every impact – you should use your ballot to assert that since we all took our weekend and spent it here, that clash does have meaning

#### Drop the debater to preserve fairness and education – use competing interps – reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation. No RVIs – it’s their burden to be topical.

#### They have no offense

#### View T impacts as a process, not a product – any education impact about their content being important are solved by reading a book – filter impacts through what is unique to the process of debating itself

#### The TVA solves – they could have read an aff that talks about that an expansion of the right to striking causes a reorientation towards Daoist principles– yes, it isn’t perfect, but those imperfections are neg ground – if they aren’t forced to defend a controversy, then the meaning of any wins the gets become hollow anyway which takes out solvency

## Set Col

#### They say that we should adopt a deterritorialized notion of property which entails that indigenous people should stop fighting for their stolen land and should cede to settler governments. Justice for indigenous communities requires a territorial understanding of property.

#### Deterritorialization is a strategy of colonial power.

Ballantyne 14 – Dechinta Bush U, Dechinta Bush University: Mobilizing a knowledge economy of reciprocity, resurgence and decolonization [Erin Freeland; *Decolonization: Indigeneity, Education & Society* Vol. 3, No. 3; 2014; pg 67-85] ku - mads \*pronoun change denoted by brackets

As the conversation of Dechinta grew, the ugly politics of education on a broad political scale quickly surfaced. It became clear that education is a domain of power and privilege that is fiercely protected. Questions relating to control over its content, production and process were, apparently, not open for discussion. Curricula were deeply homogenized, deterritorialized and standardized. Post-secondary in the territory was overtly geared toward training people for industry and the endless promise of mining, pipeline and oil and gas booms (and busts). People were either emphatically supportive of the notion of ‘Elders as professors’ being recognized as equals and collaborating with university professors, or incensed by its disruption of typical academic power. The creation of Dechinta was polarizing, and reactions were telling of the deeply embedded sense of entitlement and power that the state, and existing institutions, had over determining what did and did not count as ‘education’. Rather than support spaces where academic and Indigenous knowledge would overlap, Indigenous knowledge was viewed as curriculum that should be relegated to ‘culture camps’. That processes like hunting and moose-hide tanning could draw parallels, or even inform governance, consensus building and self-determination, continue to elude most mainstream reporters, critics and institutions. Coming back to the land is a battle. ‘Education’ on the land is a direct hit to the exoskeleton of continued colonial power. By specifically disrupting education as a domain of settler colonial control to be deconstructed and re-imagined, Dechinta has challenged the most comprehensive, yet skilfully cloaked machine of settler colonial capitalism - the prescriptive education process, which produces more settler colonial bodies, thinkers, and believers. Building strong relationships of reciprocity with the land results in the crumbling of settler capitalism because it fundamentally shifts the relationships people experience and what they believe about who they [people] are, how they are in relation to and with land, and what they believe to be true. Being together on the land, learning with the land, and having a strong relationship with the land is antithetical to settler capitalism itself. The power of settler colonization relies on the total deterritorialization of people’s relationship with land. Deleuze and Guattari’s (1972) work on deterritorialization, ‘the process whereby colonization leads not just to the loss of territory but also to the destruction of the ontological conditions of the colonized culture’s territoriality,’ is a fitting philosophical conjecture to Dene expressions of how they are dislocated from their relationships with land due to process of nation-building and capitalism, and how this deterritorialization separates people from practices with the land that keeps them healthy, even if they still live on the land (Deleuze and Guattari, 1987, p. 192; Hipwell, 2004, p. 304). As Said (1993) has stated: land, in the final instance, is what empire is about. In this way, our relationships with land are central to the great unsettling. Reconnection, and the exchange of skills, knowledge and practice with land, thus directly threaten the settler colonial project. It removes bodies from the forces designed to encode the body as capital. The foremost space of enclosure, of encoding, is the ‘school’. The ongoing trend in Indigenous and Northern settler education since its earliest colonial intrusion has been to train Indigenous bodies to serve the needs of industry. Education has happened in Denendeh since time immemorial. It has been the settler prerogative to dismantle Indigenous ways of knowing and being, of education. Returning learning to an intergenerational exchange, on the land - which has at its very core the fundamental teachings that, if we take care of the land, the land takes care of us - will shake the foundation of settler colonization by breaking the dependency that has been created on capitalism through deterritorialization. Transformational learning supports intergenerational learners and teachers to think critically and re-imagine what the purpose of learning is. Learning on the land is healing and being in community on the land is challenging, pulling our attention to the hard work of decolonization. The year after our initial gathering, Dechinta launched a pilot semester with three courses nested within an interdisciplinary approach. Student evaluations of the program indicated it was profoundly ‘transformative’, and was for some the first ‘safe space’ of education that they had encountered (Luig et al, 2011). Interdisciplinary and collaborative, the pilot set the stage for the following four years. Dechinta now has 8 original courses, and a two semester-long program growing into a full degree that operates from -50 winters to the steamy height of summer. The challenges have been substantial. Conflict between academics and Indigenous students have made real the tensions of working on decolonization in concert, even with those who identify, or who are identified as allies. Solving conflict and difficulties through shared governance circles, while combating ingrained reactions of lateral violence and other social expressions codified in settler colonization are truly challenging, but deeply rewarding. Through the building of relationships we have a growing cohort of faculty dedicated to not just teaching but sharing in the creation of safe spaces, where the hard mental work of decolonizing in theory is met with the even harder work of decolonizing as practice. When students and faculty create a community where their relationships are ordered through their relationships with land, the work of decolonization move from a discussion in theory to practice of being and becoming a source of decolonial power. At Dechinta we debate this, and experiment with its meaning in tangible ways. Here, skills categorized as ‘subsistence’ or ‘arts and crafts’ are fundamental in forming and understanding theory. Such practices are themselves theory in action.

#### 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.

#### Settler colonialism is driven by the logic of elimination –settler societies establish the structure of invasion through the will-to-possession and structural occupation of indigenous land

Rifkin 14 – Associate Professor of English & WGS @ UNC-Greensboro [Mark, ‘Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance,’ pp. 7-10]

If nineteenth-century American literary studies tends to focus on the ways Indians enter the narrative frame and the kinds of meanings and associa- tions they bear, recent attempts to theorize settler colonialism have sought to shift attention from its effects on Indigenous subjects to its implications for nonnative political attachments, forms of inhabitance, and modes of being, illuminating and tracking the pervasive operation of settlement as a system. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—invasion is a structure not an event” (2).6 He suggests that a “logic of elimination” drives settler governance and sociality, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an organizing principle of settler-colonial society rather than a one-off (and superceded) occurrence” (388). Rather than being superseded after an initial moment/ period of conquest, colonization persists since “the logic of elimination marks a return whereby the native repressed continues to structure settler- colonial society” (390). In Aileen Moreton-Robinson’s work, whiteness functions as the central way of understanding the domination and displacement of Indigenous peoples by nonnatives.7 In “Writing Off Indigenous Sover- eignty,” she argues, “As a regime of power, patriarchal white sovereignty operates ideologically, materially and discursively to reproduce and main- tain its investment in the nation as a white possession” (88), and in “Writ- ing Off Treaties,” she suggests, “At an ontological level the structure of subjective possession occurs through the imposition of one’s will-to-be on the thing which is perceived to lack will, thus it is open to being possessed,” such that “possession . . . forms part of the ontological structure of white subjectivity” (83–84). For Jodi Byrd, the deployment of Indianness as a mobile figure works as the principal mode of U.S. settler colonialism. She observes that “colonization and racialization . . . have often been conflated,” in ways that “tend to be sited along the axis of inclusion/exclusion” and that “misdirect and cloud attention from the underlying structures of settler colonialism” (xxiii, xvii). She argues that settlement works through the translation of indigeneity as Indianness, casting place-based political collectivities as (racialized) populations subject to U.S. jurisdiction and manage- ment: “the Indian is left nowhere and everywhere within the ontological premises through which U.S. empire orients, imagines, and critiques itself ”; “ideas of Indians and Indianness have served as the ontological ground through which U.S. settler colonialism enacts itself ” (xix).

#### The alternative is to give back the land.

Tuck and Yang 12

(Eve Tuck. Associate Professor and Coordinator of Native American Studies at SUNY New Paltz. Wayne Yang. Associate Professor of Ethnic Studies at the University of California, San Diego. (2012). Decolonization is Not a Metaphor. *Decolonization: Indigeneity, Education & Society, 1*(1), 31-6.)

More on incommensurability

Incommensurability is an acknowledgement that decolonization will require a change in the order of the world (Fanon, 1963). This is not to say that Indigenous peoples or Black and brown peoples take positions of dominance over white settlers; the goal is not for everyone to merely swap spots on the settler-colonial triad, to take another turn on the merry-go-round. The goal is to break the relentless structuring of the triad - a break and not a compromise (Memmi, 1991).

Breaking the settler colonial triad, in direct terms, means repatriating land to sovereign Native tribes and nations, abolition of slavery in its contemporary forms, and the dismantling of the imperial metropole. Decolonization “here” is intimately connected to anti-imperialism elsewhere. However, decolonial struggles here/there are not parallel, not shared equally, nor do they bring neat closure to the concerns of all involved - particularly not for settlers. Decolonization is not equivocal to other anti-colonial struggles. It is incommensurable.

There is so much that is incommensurable, so many overlaps that can’t be figured, that cannot be resolved. Settler colonialism fuels imperialism all around the globe. Oil is the motor and motive for war and so was salt, so will be water. Settler sovereignty over these very pieces of earth, air, and water is what makes possible these imperialisms. The same yellow pollen in the water of the Laguna Pueblo reservation in New Mexico, Leslie Marmon Silko reminds us, is the same uranium that annihilated over 200,000 strangers in 2 flashes. The same yellow pollen that poisons the land from where it came. Used in the same war that took a generation of young Pueblo men. Through the voice of her character Betonie, Silko writes, “Thirty thousand years ago they were not strangers. You saw what the evil had done; you saw the witchery ranging as wide as the world" (Silko, 1982, p. 174). In Tucson, Arizona, where Silko lives, her books are now banned in schools. Only curricular materials affirming the settler innocence, ingenuity, and right to America may be taught.

In “No”, her response to the 2003 United States invasion of Iraq, Mvskoke/Creek poet Joy Harjo (2004) writes, “Yes, that was me you saw shaking with bravery, with a government issued rifle on my back. I’m sorry I could not greet you, as you deserved, my relative.” Don’t Native Americans participate in greater rates in the military? asks the young-ish man from Viet Nam.

“Indian Country” was/is the term used in Viet Nam, Afghanistan, Iraq by the U.S. military for ‘enemy territory’. The first Black American President said without blinking, “There was a point before folks had left, before we had gotten everybody back on the helicopter and were flying back to base, where they said Geronimo has been killed, and Geronimo was the code name for bin Laden.” Elmer Pratt, Black Panther leader, falsely imprisoned for 27 years, was a Vietnam Veteran, was nicknamed ‘Geronimo’. Geronimo is settler nickname for the Bedonkohe Apache warrior who fought Mexican and then U.S. expansion into Apache tribal lands. The Colt .45 was perfected to kill Indigenous people during the ‘liberation’ of what became the Philippines, but it was first invented for the ‘Indian Wars’ in North America alongside The Hotchkiss Canon- a gattling gun that shot canonballs. The technologies of the permanent settler war are reserviced for foreign wars, including boarding schools, colonial schools, urban schools run by military personnel.

It is properly called Indian Country.

Ideologies of US settler colonialism directly informed Australian settler colonialism. South African apartheid townships, the kill-zones in what became the Philippine colony, then nation-state, the checkerboarding of Palestinian land with checkpoints, were modeled after U.S. seizures of land and containments of Indian bodies to reservations. The racial science developed in the U.S. (a settler colonial racial science) informed Hitler’s designs on racial purity (“This book is my bible” he said of Madison Grant’s The Passing of the Great Race). The admiration is sometimes mutual, the doctors and administrators of forced sterilizations of black, Native, disabled, poor, and mostly female people - The Sterilization Act accompanied the Racial Integrity Act and the Pocohontas Exception - praised the Nazi eugenics program. Forced sterilizations became illegal in California in 1964. The management technologies of North American settler colonialism have provided the tools for internal colonialisms elsewhere.

So to with philosophies of state and corporate land-grabbing24. The prominence of “flat world” perspectives asserts that technology has afforded a diminished significance of place and borders. The claim is that U.S. borders have become more flexible, yet simultaneously, the physical border has become more absolute and enforced. The border is no longer just a line suturing two nation-states; the U.S. now polices its borders interior to its territory and exercises sovereignty throughout the globe. Just as sovereignty has expanded, so has settler colonialism in partial forms.

New Orleans’ lower ninth ward lies at the confluence of river channels and gulf waters, and at the intersection of land grabbing and human bondage. The collapsing of levies heralded the selective collapsibility of native-slave, again, for the purpose of reinvasion, resettlement, reinhabitation. The naturalized disaster of Hurricane Katrina’s floodwaters laid the perfect cover for land speculation and the ablution of excess people. What can’t be absorbed, can’t be folded in (because the settlers won't give up THEIR land to advance abolition), translates into bodies stacked on top of one another in public housing and prisons, in cells, kept from the labor market, making labor for others (guards and other corrections personnel) making money for states -human homesteading. It necessitates the manufacturing of crime at rates higher than anywhere in the world. 1 in 6 people in the state of Louisiana are incarcerated, the highest number of caged people per capita, making it the prison capital of United States, and therefore the prison capital of the world.

The Yazoo and Mississippi Rivers’ delta flood plain was once land so fertile that it could be squeezed for excess production of cotton, giving rise to exceptionally large-scale plantation slavery. Plantation owners lived in houses like pyramids and chattel slavery took an extreme form here, even for the South, beginning with enslaved Chitimachas, Choctaw, Natchez, Chaoüachas, Natchez, Westo, Yamasee, Euchee, Yazoo and Tawasa peoples, then later replaced by enslaved West Africans. Literally, worked to death. This “most Southern on earth”(Cobb, 1992) was a place of ultimate terror for Black people even under slavery (the worst place to be sold off too, the place of no return, the place of premature death). Black and Native people alike were induced to raid and enslave Native tribes, as a bargain for their own freedom or to defer their own enslavibility by the British, French, and then American settlers. Abolition has its incommensurabilities.

The Delta is now more segregated than it was during Jim Crow in 1950 (Aiken, 1990). The rising number of impoverished, all black townships is the result of mechanization of agriculture and a fundamental settler covenant that keeps black people landless. When black labor is unlabored, the Black person underneath is the excess.

Angola Farm is perhaps the more notorious of the two State Penitentiaries along the Mississippi River. Three hundred miles upriver in the upper Delta region is Parchment Farm. Both State Penitentiaries (Mississippi and Louisana, respectively), both former slave plantations, both turned convict-leasing farms almost immediately after the Civil War by genius land speculators-cum-prison wardens. After the Union victory in the Civil War ‘abolished’ slavery, former Confederate Major, Samuel Lawrence James, obtained the lease to the Louisiana State Penn in 1869, and then bought Angola Farm in 1880 as land to put his chattel to work.

Cages on wheels. To mobilize labor on land by landless people whose crime was mobility on land they did not own. The largest human trafficker in the world is the carceral state within the United States, not some secret Thai triad or Russian mafia or Chinese smuggler. The U.S. carceral state is properly called neo-slavery, precisely because it is legal. It is not simply a product of exceptional racism in the U.S.; its racism is a direct function of the settler colonial mandate of land and people as property.

Black Codes made vagrancy - i.e. landlessness - illegal in the Antebellum South, making the self-possessed yet dispossessed Black body a crime (similar logic allowed for the seizure, imprisonment and indenture of any Indian by any person in California until 1937, based on the ideology that Indians are simultaneously landless and land-like). Dennis Childs writes “the slave ship and the plantation” and not Bentham’s panopticon as presented by Foucault, “operated as spatial, racial, and economic templates for subsequent models of coerced labor and human warehousing - as America’s original prison industrial complex” (2009, p.288). Geopolitics and biopolitics are completely knotted together in a settler colonial context.

Despite the rise of publicly traded prisons, Farms are not fundamentally capitalist ventures; at their core, they are colonial contract institutions much like Spanish Missions, Indian Boarding Schools, and ghetto school systems26. The labor to cage black bodies is paid for by the state and then land is granted, worked by convict labor, to generate additional profits for the prison proprietors. However, it is the management of excess presence on the land, not the forced labor, that is the main object of slavery under settler colonialism.

Today, 85% of people incarcerated at Angola, die there.

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.

#### The role of the judge is to refuse settler colonialism. Refusal turns settler colonialism into an object of research, de-naturalizing its totalizing western structure.

Tuck & Yang 14 [Eve (Uangax), and Y. Wayne, “R-Words: Refusing Research,” Humanizing Research (2014): <https://faculty.newpaltz.edu/evetuck/files/2013/12/Tuck-and-Yang-R-Words_Refusing-Research.pdf>] DH

The Erased Lynching series yields another context in which we might consider what a social scientist’s refusal stance might comprise. Though indeed centering on the erasure of the former object, refusal need not be thought of as a subtractive methodology. Refusal prompts analysis of the festive spectators regularly backgrounded in favor of wounded bodies, strange fruit, interesting scars. Refusal shifts the gaze from the violated body to the violating instruments—in this case, the lynch mob, which does not disappear when the lynching is over, but continues to live, accumulating land and wealth through the extermination and subordination of the Other. Thus, refusal helps move us from thinking of violence as an event and toward an analysis of it as a structure. Gonzales-Day might have decided to reproduce and redistribute the images as postcards, which, by way of showing up in mundane spaces, might have effectively inspired reflection on the spectacle of violence and media of terror. However, in removing the body and the ropes, he installed limits on what the audience can access, and redirected our gaze to the bodies of those who were there to see a murder take place, and to the empty space beneath the branches. Gonzales-Day introduced a new representational territory, one that refuses to play by the rules of the settler colonial gaze, and one that refuses to satisfy the morbid curiosity derived from settler colonialism’s preoccupation with pain. Refusals are needed for narratives and images arising in social science research that rehumiliate when circulated, but also when, in Simpson’s words, “the representation would bite all of us and compromise the representational territory that we have gained for ourselves in the past 100 years” (p. 78). As researcher-narrator, Simpson tells us, “I reached my own limit when the data would not contribute to our sovereignty or complicate the deeply simplified, atrophied representations of Iroquois and other Indigenous peoples that they have been mired within anthropologically” (p. 78). Here Simpson makes clear the ways in which research is not the intervention that is needed—that is, the interventions of furthering sovereignty or countering misrepresentations of Native people as anthropological objects. Considering Erased Lynchings dialogically with On Ethnographic Refusal, we can see how refusal is not a prohibition but a generative form. First, refusal turns the gaze back upon power, specifically the colonial modalities of knowing persons as bodies to be differentially counted, violated, saved, and put to work. It makes transparent the metanarrative of knowledge production—its spectatorship for pain and its preoccupation for documenting and ruling over racial difference. Thus, refusal to be made meaningful first and foremost is grounded in a critique of settler colonialism, its construction of Whiteness, and its regimes of representation. Second, refusal generates, expands, champions representational territories that colonial knowledge endeavors to settle, enclose, domesticate. Simpson complicates the portrayals of Iroquois, without resorting to reportrayals of anthropological Indians. Gonzales-Day portrays the violations without reportraying the victimizations. Third, refusal is a critical intervention into research and its circular self-defining ethics. The ethical justification for research is defensive and self-encircling—its apparent self-criticism serves to expand its own rights to know, and to defend its violations in the name of “good science.” Refusal challenges the individualizing discourse of IRB consent and “good science” by highlighting the problems of collective harm, of representational harm, and of knowledge colonization. Fourth, refusal itself could be developed into both method and theory. Simpson presents refusal on the part of the researcher as a type of calculus ethnography. Gonzales-Day deploys refusal as a mode of representation. Simpson theorizes refusal by the Kahnawake Nation as anticolonial, and rooted in the desire for possibilities outside of colonial logics, not as a reactive stance. This final point about refusal connects our conversation back to desire as a counterlogic to settler colonial knowledge. Desire is compellingly depicted in Simpson’s description of a moment in an interview, in which the alternative logics about a “feeling citizenship” are referenced. The interviewee states, Citizenship is, as I said, you live there, you grew up there, that is the life that you know—that is who you are. Membership is more of a legislative enactment designed to keep people from obtaining the various benefits that Aboriginals can receive. (p. 76) Simpson describes this counterlogic as “the logic of the present,” one that is witnessed, lived, suffered through, and enjoyed (p. 76). Out of the predicaments, it innovates “tolerance and exceptions and affections” (p. 76). Simpson writes (regarding the Indian Act, or blood quantum), “‘Feeling citizenships’ . . . are structured in the present space of intra-community recognition, affection and care, outside of the logics of colonial and imperial rule” (p. 76). Simpson’s logic of the present dovetails with our discussion on the logics of desire. Collectively, Kahnawake refusals decenter damage narratives; they unsettle the settler colonial logics of blood and rights; they center desire. By theorizing through desire, Simpson thus theorizes with and as Kahnawake Mohawk. It is important to point out that Simpson does not deploy her tribal identity as a badge of authentic voice, but rather highlights the ethical predicaments that result from speaking as oneself, as simultaneously part of a collective with internal disputes, vis-à-vis negotiations of various settler colonial logics. Simpson thoughtfully differentiates between the Native researcher philosophically as a kind of privileged position of authenticity, and the Native researcher realistically as one who is beholden to multiple ethical considerations. What is tricky about this position is not only theorizing with, rather than theorizing about, but also theorizing as. To theorize with and as at the same time is a difficult yet fecund positionality—one that rubs against the ethnographic limit at the outset. Theorizing with (and in some of our cases, as) repositions Indigenous people and otherwise researched Others as intellectual subjects rather than anthropological subjects. Thus desire is an “epistemological shift,” not just a methodological shift (Tuck, 2009, p. 419). CULMINATION At this juncture, we don’t intend to offer a general framework for refusal, because all refusal is particular, meaning refusal is always grounded in historical analysis and present conditions. Any discussion of Simpson’s article would need to attend to the significance of real and representational sovereignty in her analysis and theorizing of refusal. The particularities of Kahnawake sovereignty throb at the center of each of the three dimensions of refusal described above. We caution readers against expropriating Indigenous notions of sovereignty into other contexts, or metaphorizing sovereignty in a way that permits one to forget that struggles to have sovereignty recognized are very real and very lived. Yet from Simpson’s example, we are able to see ways in which a researcher might make transparent the coloniality of academic knowledge in order to find its ethical limits, expand the limits of sovereign knowledge, and expand decolonial representational territories. This is in addition to questions her work helpfully raises about who the researcher is, who the researched are, and how the historical/ representational context for research matters. One way to think about refusal is how desire can be a framework, mode, and space for refusal. As a framework, desire is a counterlogic to the logics of settler colonialism. Rooted in possibilities gone but not foreclosed, “the not yet, and at times, the not anymore” (Tuck, 2010, p. 417), desire refuses the master narrative that colonization was inevitable and has a monopoly on the future. By refusing the teleos of colonial future, desire expands possible futures. As a mode of refusal, desire is a “no” and a “yes.” Another way to think about refusal is to consider using strategies of social science research to further expose the complicity of social science disciplines and research in the project of settler colonialism. There is much need to employ social science to turn back upon itself as settler colonial knowledge, as opposed to universal, liberal, or neutral knowledge without horizon. This form of refusal might include bringing attention to the mechanisms of knowledge legitimation, like the Good Labkeeping Seal of Approval (discussed under Axiom III); contesting appropriation, like the collection of pain narratives; and publicly renouncing the diminishing of Indigenous or local narratives with blood narratives in the name of science, such as in the Havasupai case discussed under Axiom II. As long as the objects of research are presumably damaged communities in need of intervention, the metanarrative of social science research remains unchallenged: which is that research at worst is simply an expansion of common knowledge (and therefore harmless), and that research at best is problem solving (and therefore beneficial). This metanarrative justifies a host of interventions into communities, and treats communities as frontiers to civilize, regardless of the specific conclusions of individual research projects. Consider, for example, wellintended research on achievement gaps that fuels NCLB and testing; the documentation of youth violence that provides the rationales for gang injunctions and the expansion of the prison industrial complex; the documentation of diabetes as justification for unauthorized genomic studies and the expansion of antiIndigenous theories. Instead, by making the settler colonial metanarrative the object of social science research, researchers may bring to a halt or at least slow down the machinery that allows knowledge to facilitate interdictions on Indigenous and Black life. Thus, this form of refusal might also involve tracking the relationships between social science research and expansions of state and corporate violence against communities. Social science researchers might design their work to call attention to or interrogate power, rather than allowing their work to serve as yet another advertisement for power. Further, this form of refusal might aim to leverage the resources of the academy to expand the representational territories fought for by communities working to thwart settler colonialism. We close this chapter with much left unsaid. This is both because there is so much to say, and also because, as we have noted, all refusal is particular. Refusal understands the wisdom in a story, as well as the wisdom in not passing that story on. Refusal in research makes way for other r-words—for resistance, reclaiming, recovery, reciprocity, repatriation, regeneration. Though understandings of refusal are still emergent, though so much is still coming into view, we want to consolidate a summary of take-away points for our readers. A parting gift, of sorts, as each of us takes our leave to map our next steps as researchers, as community members, within and without academe. We think of this list as a tear-away sheet, something to cut out and carry in your pocket, sew into a prayer flag, or paste into your field notebooks.

## Case

#### Reject their ROB - Deferential politics is the idea that we should cede to oppression – it’s an offront to the core of debate which is to teach students to use their voices to challenge existing power structures.

#### This idea of manifestation and mindset denies the reality of oppression for millions of ppl. Reifies the idea that if your experience is a product of your mindset then oppression is in your head

#### This undercuts political solutions to actual oppression

#### No brightline for what makes a desire intrinsic or temporal

#### Not real world – if you don’t *want* a good wage then they won’t steal it from you – that makes zero sense and is utopian at minimum

#### Actor fails:

#### The law physically cant change mindset around property

#### Pluralism DA – modern states should not pass laws enforcing one particular ideology That leads to criminalization of thought and is authoritarian.

#### Framing issue: if the whole idea is to disclaim desire then there is no reason to vote for the aff because otherwise they would be making a claim to the ballot which links into their aff.

### AT deny existence of objective reality

#### The affirmative over-states the role played by illusion in politics---their emphasis on unmasking reality leaves us unable to deal with practical political problems

Unger 9—founding member of the Brazilian Democratic Movement Party (Roberto, The Self Awakened, 15-8)

15 they have much more often been put forward by different thinkers and different schools of thought. However, even when living separate lives, the two bodies of belief have regularly coexisted in a broad range of civilizations and historical periods. Everything happens as if, despite their seeming distance and even contradiction to each other, they were in fact allied. What is the meaning of this working partnership between partners with such widely differing motives, ambitions, and tenets? The world may be strife and illusion, but its troubles, sufferings, and dangers do not dissipate simply because they have been denied solidity and value. Once devalued, the world—especially the social world—must still be managed. We must prevent the worst from happening. Those who can apprehend the truth of the situation, divining ultimate being under the shadows of mendacious difference, and permanence under the appearance of change, are a happy few. Their withdrawal from social responsibility in the name of an ethic of contemplative serenity, inaction, and absorption into the reality of the One fails to solve the practical problems of social order. On the contrary, such a retreat threatens to leave a disaster in its wake: the calamity of a vacuum of initiative and belief. Into this vacuum steps the doctrine of hierarchical specialization in soul and society. Seen through the sharp and selective lens of the perennial philosophy, this doctrine may be no more than a holding operation, as inexorable in its claims on those who must govern society as it is groundless in its metaphysical justification. There is then no surprise in seeing it most often represented by traditions of thought different from those that have adhered to the perennial philosophy. Some in the world history of thought, however, have claimed to discern a more intimate connection between the doctrine of order and the perennial philosophy. If ultimate reality is spirit residing in all the apparent particulars, and most especially in living beings, then identification with universal spirit creates as well a basis for universal solidarity or compassion. The same compassion can then reappear in a commanding place among the highest faculties of the soul. It can therefore also be most closely identified with rulers and priests. The bonds of reciprocity, of mutual allegiance and devotion, among supe 16 riors and subalterns as well as among equals, can be founded on the expression and the worship of universal spirit, manifest among us as compassion and solidarity. It is a belief we find articulated in philosophical and religious teachings as different as those of Buddha and Confucius. It reappears in that uniquely relentless Western statement of the otherwise un-Western instance of the perennial philosophy—the teaching of Schopenhauer. This belief turns the doctrine of social and moral order into something more than an effort to contain calamity and savagery in this vale of tears and illusions: into a concerted effort to soften the terror of social life, shortening the distance between ultimate being and everyday experience. The perennial philosophy suffers from both a cognitive and an existential defect. The former is manifest in its vision of the world, and the latter, in its quest for happiness through serenity, and for serenity through invulnerability and distance. Its cognitive flaw is its failure to recognize how completely and irreparably we are in fact embodied and situated. Not only our sufferings and our joys but also our prospects of action and discovery are engaged in the reality and the transformation of difference: the differences among phenomena and among people. To understand a state of affairs, whether in nature or in science, is to grasp what it might become as it is subject to different directions and varieties of pressure. Our imagination of these next steps—of these metamorphoses of reality—is the indispensable sign of advance in insight. When we deny the reality— at least the ultimate reality—of differences, we sever the vital link between insight into the real and imagined or experienced transformation. The existential failing of the perennial philosophy is the revenge of this denied and unchained reality against the hope that we would become freer and happier if only we could see through the illusions of change and distinction. The point of seeing through these illusions is supposed to be greater freedom on the basis of truer understanding. However, the consequence of the required denial of the reality of particulars may be the inverse of the liberation it promises. Having declared independence in the mind and ceased war against the realities 17 around us, we find ourselves confined within a narrowing space.

In the name of freedom

, we become more dependent and more enslaved. We may cast on ourselves a spell temporarily to quiet our restless striving. However, in so doing we deny ourselves instruments with which to explore the real world. We forego the means by which to see how everything in it can become something else when placed under resistance. By the same token, we lose the tools with which to strengthen our practical powers. We become cranks, slaves, and fantasists under the pretext of becoming free men and women. It is true that there will always be moments when we can transport ourselves, through such self-incantation, into a realm in which the particulars of the world and of the body, to which we have denied ultimate reality, cease to burden us. However, we cannot live in such a world; our moments of supposed liberation cannot survive the routines and responsibilities of practical life. The alliance of the perennial philosophy with the practical doctrine of hierarchical specialization in soul and society has been the predominant position in the world history of speculative thought. Its major opponent has been a direction of thinking that, though exceptional in the context of world history, has long been the chief view in Western philosophy. The expression of this view in philosophical texts, however, is secondary to its broader articulation in religion, literature, and art. It is not merely the artifact of a tradition of speculative theorizing; it is the mainstay of a civilization, though a mainstay that represents a radical and uncompromising deviation from what has elsewhere been the dominant conception. Today this deviation has become the common possession of humanity thanks to the global propagation of its ideas by both high and popular Western culture. Its assumptions nevertheless remain inexplicit and its relation to the representation of nature in science unclear. To render this Western deviation from the perennial philosophy both perspicuous and uncompromising is a major part of the work of a radicalized pragmatism. The hallmark of the deviation is belief in the reality of time as well as in the reality of the differences around which our experience is organized: in the first instance, the reality of the individual person and of 18 differences among persons; in the second, the discrete structure of the world we perceive and inhabit. It is the view of individual personality that is most central to this belief system; everything else follows as a consequence. The individual, his character, and his fate are for real. Each individual is different from every other individual who has ever lived or who will ever live. A human life is a dramatic and irreversible movement from birth to death, surrounded by mystery and overshadowed by chance. What individuals can do with their lives depends on the way society is organized and on their place within the social order, as well as on achievement and luck. What happens in biographical time turns in large part on what happens in historical time. For this reason alone, history is a scene of decisive action, and everything that takes place in it is, like individuality itself, for real, not an illusory or distracting epiphenomenon obscuring a timeless reality. History is not cyclical but rather resembles individual life in being unilinear and irreversible. The institutions and the beliefs we develop in historical time may expand or diminish the life chances of the individual, including his relative power to challenge and change them in the course of his activities. The reality of difference and of transformation, rooted in the basic facts of individual experience, then becomes the model on which we see and confront the whole world. Nothing is more crucial to the definition of such an approach to the world than its way of representing the relation between its view of humanity and its view of nature. This representation is subject to three related misstatements that narrow the reach and weaken the force of the alternative it offers to the perennial philosophy. In the process of criticizing and rejecting these alternatives, we come to see more clearly just what is at stake in the advancement of this alternative conception. Many of the most influential positions in the history of Western philosophy—including the “rejected options” discussed in the previous section—represent variations on qualified and inadequate versions of the alternative.

#### They’re a page out of Trump’s playbook – criticizing objective truth is a weapon of the alt-right

Williams 17—Ph.D. student in literature at Duke University (Casey, “Has Trump Stolen Philosophy’s Critical Tools?,” <https://www.nytimes.com/2017/04/17/opinion/has-trump-stolen-philosophys-critical-tools.html?_r=0>, dml)

Trump’s playbook should be familiar to any student of critical theory and philosophy. It often feels like Trump has stolen our ideas and weaponized them. For decades, critical social scientists and humanists have chipped away at the idea of truth. We’ve deconstructed facts, insisted that knowledge is situated and denied the existence of objectivity. The bedrock claim of critical philosophy, going back to Kant, is simple: We can never have certain knowledge about the world in its entirety. Claiming to know the truth is therefore a kind of assertion of power. These ideas animate the work of influential thinkers like Nietzsche, Foucault and Derrida, and they’ve become axiomatic for many scholars in literary studies, cultural anthropology and sociology. From these premises, philosophers and theorists have derived a number of related insights. One is that facts are socially constructed. People who produce facts — scientists, reporters, witnesses — do so from a particular social position (maybe they’re white, male and live in America) that influences how they perceive, interpret and judge the world. They rely on non-neutral methods (microscopes, cameras, eyeballs) and use non-neutral symbols (words, numbers, images) to communicate facts to people who receive, interpret and deploy them from their own social positions. Call it what you want: relativism, constructivism, deconstruction, postmodernism, critique. The idea is the same: Truth is not found, but made, and making truth means exercising power. The reductive version is simpler and easier to abuse: Fact is fiction, and anything goes. It’s this version of critical social theory that the populist right has seized on and that Trump has made into a powerful weapon. One might object that Trump’s disregard for the truth is nothing new. American presidents have always twisted facts to fit their agenda and have always dismissed truths that threatened to sink them. Even George Washington’s great claim to honesty — that he ’fessed up to felling a cherry tree — was a deception. One could also argue that Trump is more Machiavellian than Foucauldian and that he doesn’t actually believe what he says: He propagates misinformation strategically, to excite his base and smear his opponents. There’s no question that past presidents have lied. And Trump is nothing if not a cynical manipulator. But Trump’s relationship to the truth seems novel, if only because he doesn’t try to hide his relativism. Mexican immigration, Islamic terrorism, free trade: For Trump, truth is always more about how people feel than what may be empirically verifiable. Trump admits as much in “The Art of the Deal,” where he describes his sales strategy as “truthful hyperbole.” For Trump, facts are fragile, and truth is flexible. Trump and Stephen K. Bannon probably don’t spend evenings poring over Jean Baudrillard’s “Simulacra and Simulation” or Michel Foucault’s “The Archaeology of Knowledge” (although Bannon’s adviser, Julia Hahn, did write her undergraduate thesis on the psychoanalytic theorist Leo Bersani). But the parallels between Trump’s attacks on accepted knowledge and critical philosophy’s insistence that we interrogate truth claims suggest that not all assaults on the authority of facts are revolutionary. Indeed, the social theorist Bruno Latour saw Trump coming back in 2004. In his essay “Why Has Critique Run Out of Steam?” Latour observed that conservatives had begun using methods similar to those of critical theory to muddy debates around issues, like climate change, that required immediate and decisive action. Conservatives were casting doubt on the reality of planetary warming by pointing to “the lack of scientific certainty” around the issue. Latour had made a career questioning “scientific certainty” and worried that his critical “weapons” had been “smuggled” to the other side: Entire Ph.D. programs are still running to make sure that good American kids are learning the hard way that facts are made up, that there is no such thing as natural, unmediated, unbiased access to truth, that we are always prisoners of language, that we always speak from a particular standpoint, and so on, while dangerous extremists are using the very same argument of social construction to destroy hard-won evidence that could save our lives.