# 1

**Liberal philosophy and ideal theory’s attempt to establish a single normative account of the world is bound by settler colonial power structures. Under the guise of objectivity, the white settler subject inserts itself as the norm; the ideal model of a purely rational subject intrinsically deems redness as savagery—thus we criticize the structural foundations your theory finds coherence that means (a) your framing is another link and (b) even if your theory is true our criticism is a perquisite to accessing its truth.**

**Kincheloe 99** {Joe L; Research chair at Faculty of Education at McGill University; “The Struggle to Define and Reinvent Whiteness: A Pedagogical Analysis”; College Literature 26 (Fall 1999): 162-; 1999; <http://www.virginia.edu/woodson/courses/aas102%20(spring%2001)/articles/kincheloe.html>; accessed 9/22/16} MK

While no one knows exactly what constitutes whiteness, we can historicize the concept and offer some general statements about the dynamics it signifies. Even this process is difficult, as **whiteness** as a socio-historical construct **is constantly shifting in light of new circumstances and changing interactions with various manifestations of power**. With these qualifications in mind we believe that a dominant impulse of **whiteness took shape around the European Enlightenment’s notion of rationality with its privileged construction of a transcendental white, male, rational subject who operated at the recesses of power while concurrently giving every indication that he escaped the confines of time and space.** In this context **whiteness was naturalized as a universal entity** that operated as more than a mere ethnic positionalityemerging from a particular time, the late seventeenth and eighteenth centuries, and a particular space, Western Europe. Reason in this historical configuration is whitened and **human nature itself is grounded upon this reasoning capacity. Lost** in the defining process **is the socially constructed nature of reason itself**, not to mention **its emergence as a signifier of whiteness**.Thus**, in its rationalistic womb whiteness begins to establish itself as a norm that represents a**n authoritative, delimited, and **hierarchical mode of thought**. **In the emerging colonial contexts** in which Whites would increasingly find themselves in the decades and centuries **following the Enlightenment**, **the encounter with non-Whiteness would be framed in rationalistic terms - whiteness representing orderliness, rationality, and self-control and non-whiteness as chaos, irrationality, violence, and the breakdown of self-regulation**. **Rationality emerged as the conceptual base around which civilization and savagery could be delineated** (Giroux 1992; Alcoff 1995; Keating 1995). This rationalistic modernist whiteness is shaped and confirmed by its close association with science. As a scientific construct **whiteness privileges mind over body, intellectual over experiential ways of knowing, mental abstractions over passion, bodily sensations, and tactile understanding** (Semali and Kincheloe 1999; Kincheloe, Steinberg, and Hinchey 1999). In the study of multicultural education such epistemological tendencies take on dramatic importance. In educators’ efforts to understand the forces that drive the curriculum and the purposes of Western education, modernist whiteness is a central player. The insight it provides into the social construction of schooling, intelligence, and the disciplines of psychology and educational psychology in general opens a gateway into white consciousness and its reactions to the world around it. Objectivity and dominant articulations of masculinity as signs of stability and the highest expression of white achievement still work to construct everyday life and social relations a Black Studies presents a global critique of Western modernity and Western modes of knowledge production, while constructing alternative modes of thought and working for abolishing the West’s conception of Man. t the end of the twentieth century. Because such dynamics have been naturalized and universalized, **whiteness assumes an invisible power unlike previous forms of domination in human history. Such an invisible power can be deployed by those individuals and groups who are able to identify themselves within the boundaries of reason and to project irrationality, sensuality, and spontaneity on to the other.** Thus, European ethnic groups such as the Irish in nineteenth-century industrializing America were able to differentiate themselves from passionate ethnic groups who were supposedly unable to regulate their own emotional predispositions and gain a rational and objective view of the world. Such **peoples** **- who were being colonized**, exploited, enslaved, and eliminated **by Europeans during their Enlightenment and post-Enlightenment eras - were viewed as irrational and, thus, inferior in their status as human beings**. As inferior beings, they had no claim to the same rights as Europeans - hence, white **racism and colonialism were morally justified around the conflation of whiteness and reason**. In order for whiteness to place itself in the privileged seat of rationality and superiority, it would have to construct pervasive portraits of non-Whites, Africans in particular, as irrational, disorderly, and prone to uncivilized behavior (Nakayama and Krizek 1995; Stowe 1996; Alcoff 1995; Haymes 1996). As rock of rationality in a sea of chaos and disorder, whiteness presented itself as a non-colored, non-blemished pure category. Even a mere drop of non-white blood was enough historically to relegate a person to the category of "colored." Being white, thus, meant possessing the privilege of being uncontaminated by any other bloodline. A mixed race child in this context has often been rejected by the white side of his or her heritage - the rhetorical construct of race purity demands that the mixed race individual be identified by allusion to the non-white group, for example, she’s half Latina or half Chinese. Individuals are rarely half-white. As Michel Foucault often argued, reason is a form of disciplinary power. Around Foucault’s axiom, critical multiculturalists contend that reason can never be separated from power. Those without reason defined in the Western scientific way are excluded from power and are relegated to the position of unreasonable other. Whites in their racial purity understood the dictates of the "White Man’s Burden" and became the beneficent teachers of the barbarians. **To Western eyes the contrast between white and non-white culture was stark: reason as opposed to ignorance; scientific knowledge instead of indigenous knowledge; philosophies of mind versus folk psychologies; religious truth in lieu of primitive superstition; and professional history as opposed to oral mythologies**. Thus, **rationality was inscribed in a variety of hierarchical relations between European colonizers and their colonies** early on, and between Western multinationals and their "underdeveloped" markets in later days. Such **power relations** **were erased by the white claim of** cultural **neutrality** around the transhistorical norm of reason -in this construction rationality was not assumed to be the intellectual commodity of any specific culture. Indeed, colonial hierarchies immersed in exploitation were justified around the interplay of pure whiteness, impure non-whiteness, and neutral reason. Traditional **colonialism was grounded on colonialized people’s deviation from the norm of rationality**, thus making colonization a rational response to **inequality**. In the twentieth century thiswhite norm of rationality was extended to the economic sphere where the philosophy of the free market and exchange values were universalized into signifiers of civilization. Once all the nations on earth are drawn into the white reason of the market economy, then all land can be subdivided into real estate, all human beings’ worth can be monetarily calculated, values of abstract individualism and financial success can be embraced by every community in every country, and education can be reformulated around the cultivation of human capital.When these dynamics come to pass, the white millennium will have commenced - white power will have been consolidated around land and money. The Western ability to regulate diverse peoples through their inclusion in data banks filled with information about their credit histories, institutional affiliations, psychological "health," academic credentials, work experiences, and family backgrounds will reach unprecedented levels. **The accomplishment of this ultimate global colonial task will mark the end of white history in the familiar end-of-history parlance.** **This does not mean that white supremacy ends, but that it has produced a hegemony so seamless that the need for further structural or ideological change becomes unnecessary. The science, reason, and technology of white culture will have achieved their inevitable triumph** (MacCannell 1992; Nakayama and Krizek 1995; Alcoff 1995; Giroux 1992). Whatever the complexity of the concept, whiteness, at least one feature is discernible - **whiteness cannot escape the materiality of its history, its effects on the everyday lives of those who fall outside its conceptual net as well as on white people themselves.** Critical scholarship on whiteness should focus attention on the documentation of such effects.Whiteness study in a critical multiculturalist context should delineate the various ways such material effects shape cultural and institutional pedagogies and position individuals in relation to the power of white reason. Understanding these dynamics is central to the curriculums of black studies, Chicano studies, postcolonialism, indigenous studies, not to mention educational reform movements in elementary, secondary, and higher education. The history of the world’s diverse peoples in general as well as minority groups in Western societies in particular has often been told from a white historiographical perspective. Such accounts erased the values, epistemologies, and belief systems that grounded the cultural practices of diverse peoples. Without such cultural grounding students have often been unable to appreciate the manifestations of brilliance displayed by non-white cultural groups. Caught in the white interpretive filter they were unable to make sense of diverse historical and contemporary cultural productions as anything other than proof of white historical success. The fact that one of the most important themes of the last half of the twentieth century - the revolt of the "irrationals" against white historical domination - has not been presented as a salient part of the white (or non-white) story is revealing, a testimony to the continuing power of whiteness and its concurrent fragility (Banfield 1991; Frankenberg 1993; Stowe 1996; Vattimo 1992).

#### The idea of “rights” as a gift from the state to individual bodies is another form of biopolitical control that leaves the native forever dependent on the state, who wields illegitimate sovereignty and destroys decolonial potential. Corntassel and Bryce 12

Jeff Corntassel and Cheryl Bryce, Spring/Summer 2012, Brown Journal of World Affairs, “Practicing Sustainable Self-Determination: Indigenous Approaches to Cultural Restoration and Revitalization,” <http://www.corntassel.net/sustainable_selfdetermination.pdf>. Professor in Indigenous Governance Master’s Program at the University of Victoria and Director of Local Services at Songhees Nation // JPark

When addressing contemporary colonialism and cultural harm, it is important to understand that the indigenous rights discourse has limits and can only take struggles for land reclamation and justice so far. Indigenous mobilization around rights-based strategies premised on state recognition of indigenous self-determination—which entails unconditional freedom to live one’s relational, place-based existence, and practice healthy relationships—has serious shortcomings in terms of redressing cultural harms and loss. According to Dene political theorist Glen Coulthard, “the politics of recognition [for indigenous peoples] in its contemporary form promises to reproduce the very configurations of colonial power that Indigenous peoples’ demands for recognition have historically sought to transcend.”5 It follows that indigenous self-determination is something that is asserted and acted upon, not negotiated or offered freely by the state. Based on Coulthard’s description of the politics of recognition, it is clear that the rights discourse has certain limitations in relation to indigenous struggles for self-determination. Rights are state constructions that do not necessarily reflect inherent indigenous responsibilities to their homelands. Rather, rights are conditional in that the state can withdraw them at any time or selectively enforce them. Additionally, the rights discourse compartmentalizes indigenous self-determination by separating questions of governance and community well-being from homelands and relationships to the natural world. Consequently, a right to indigenous self-determination is often reduced to self-governance, when this is only one of several layers of indigenous self-determining authority. Finally, by embedding themselves within the state-centric rights discourse, indigenous peoples risk mimicking state functions rather than honoring their own sustainable, spiritual relationships with their homelands. In this context, indigenous self-determination can be rearticulated as part of a sustainable, community-based process rather than solely as narrowly constructed political or legal entitlements.

#### Thus the alternative is one of refusal, a reshifting of posthumanist discource to interrupt settler communicative spheres like debate

King 2017 (Tiffany, Assistant Professor of Women’s and Gender Studies at the Georgia State University “Humans Involved: Lurking in the Lines of Posthumanist Flight” *Critical Ethnic Studies* 3, No. 1, pp. 163-170)

Native feminist politics of decolonial refusal and Black feminist abolitionist politics of skepticism informed by a misandry and misanthropic distrust of and animus toward the (over)representation of man/men as the human diverge from the polite, communicative acts of the public sphere, much like the politics of the “feminist killjoy.”4 [INSERT FOOTNOTE: I use “misandry” (hatred of men) and “misanthropic” (distrust or deep skepticism about humankind or humanity) to illustrate how Sylvia Wynter and other Black scholars attend to the ways that the human— and **investments in the human—and its revised forms or genres of the human as woman/feminist still reproduce violent exclusions that make the death of Black and Native people viable and in-evitable**. In other words, **neither men nor women (as humans) can absorb Black females/males/children/LGBT and trans people into their collective folds. Both the hatred of “misandry” and the distrust and pessimism of “misanthropy” are appropriate methods to describe the inflection of the critique levied by Wynter and the other Black scholars examined in this article**. END FOOTNOTE] Throughout this article, I deploy the term “feminist” both ambivalently and strategically to mark and distinguish the scholarly tradition created by Black and Native women, queer, trans, and other people marginalized within these respective communities and their anticolonial and abolitionist movements.5 [INSERT FOOTNOTE: See Sylvia Wynter’s afterword, “Beyond Miranda’s Meanings: Un/silencing the ‘Demonic Ground’ of Caliban’s ‘Woman,’” in Out of the Kumbla: Caribbean Women and Literature, ed. Carole Boyce Davies (Chicago, Ill.: Africa World Press, 1990) 355– 72. Wynter warns Black women in the United States and the Caribbean that they need not uncritically embrace womanism as a political position, which can effectively oppose the elisions, racism, and false universalism of white feminism. “Feminism” as well as “womanism” are bounded and exclusive terms that do not effectively throw the category of the human into continual flux. END FOOTENOTE], Until a more useful and legible term emerges, I will use “feminist” to mark the practices of refusal and skepticism (misandry/misanthropy) as ones that largely exist outside more masculinist traditions within Indigenous/Native studies and Black studies**. “Decolonial refusal” and “abolitionist skepticism” depart from the kinds of masculinist anticolonial traditions that attempt to reason Native/ Black man to White Man within humanist logic in at least two significant ways**. First, **neither participate in the communicative acts of the humanist public sphere from within the terms of the debate**. Further, they do not play by the rules.6 [INSERT FOOTNOTE: See the critiques of the anticolonial tradition within Caribbean philosophy articulated by Shona Jackson in her book Creole Indigeneity (Minneapolis: University of Minnesota Press, 2012). Jackson argues that **anticolonial Caribbean masculinist philosophy tends to argue from inside the logic of Western philosophy in order to counter it.** For instance, in a valorization of the laborer as human and inheritor of the nation-state, Caribbean philosophy tends to reproduce the Hegelian telos of labor as a humanizing agent for the slave, which inadvertently makes the slave a subordinate human and effectively erases the ostensibly “nonlaboring” humanity of Indigenous peoples in the Anglophone Caribbean. END FOOTENOTE] Specifically, the Native and Black “feminist” politics discussed throughout launch a critique of both the logic of the discussion about the human and identity as well as the mode of communication. In fact, **practices of refusal and skepticism interrupt and flout codes of civil and collegial discursive protocol to focus on and illumine the violence that structures the posthumanist discourse.** Attending to the comportment, tone, and intensity of an engagement is just as important as focusing on its content. **The** particular **manner in which Black and Native feminists push back against violence is important**. **The force**, break with decorum, and style **in which Black and Native feminists confront discursive violence can change the nature of future encounters**. Given that Black women who confront the logics of “nonrepresentational theory” are really confronting genocide and the white, whimsical disavowal of Black and Native negation on the way to subjectlessness, it is understandable that there is an equally discordant response. **Refusal and skepticism are modes of engagement that are uncooperative and force an impasse in a discursive exchange.** This article tracks how traditions of “**decolonial refusal**” and “abolitionist skepticism” that emerge from Native/Indigenous and Black studies **expose the limits and violence of contemporary nonidentitarian and nonrepresentational impulses within white “critical” theory.** Further, this article asks whether Western forms of nonrepresentational (subjectless and nonidentitarian) theory can truly transcend the human through self- critique, self-abnegation, and masochism alone. External pressure, specifically the kind of pressure that “decolonial **refusal**” and “abolitionist skepticism” as forms of resistance that **enact outright rejection of or view “posthumanist” attempts with a “hermeneutics of suspicion,**”7 [INSERT FOOTNOTE: See the work of Black feminists such as Susana M. Morris, author of Close Kin and Distant Relatives: The Paradox of Respectability in Black Women’s Literature (Charlottesville: University of Virginia Press, 2014), as well as womanist theologians who appropriate the phrase “hermeneutics of suspicion” as coined by Paul Ricoeur to describe the reading and interpretive practices of Black woman who are distrustful of traditional tropes about heteronormativity or conventional ways of thinking about what is natural and normal. Further, in Morris’s case, as well as within the tradition of Black women of faith and theologians, canonical and biblical texts are interpreted through a lens that acknowledges white supremacy and misogyny, and critically challenges racism and sexism (or kyriarchy in Morris’s case). Within Black feminist and womanist traditions, it is a position that can recognize the limitations of text and that refuses to accept the doctrine, theories, or message of an ideology wholesale. END FOOTENOTE**] is needed in order to truly address the recurrent problem of the violence of the human in continental theory.** While this article does not directly stake a claim in embracing or rejecting identity per se, it does take up the category of the human. **Because the category of the human is modified by identity in ways that position certain people** (white, male, able- bodied) within greater or lesser proximity to humanness, **identity is already taken up in this discussion**. Conversations about the human are very much tethered to conversations about identity. In the final section, the article will explore how Black and Native/Indigenous absorption into the category of the human would disfigure the category of the human beyond recognition. **Engaging how forms of Native decolonization and Black abolition scrutinize the violently exclusive means in which the human has been written and conceived is generative because it sets some workable terms of engagement for interrogating Western and mainstream claims to and disavowals of identity**. Rather than answer how Native decolonization and Black abolition construe the human or identity, the article examines how Native and Black feminists use refusal and misandry to question the very systems, institutions, and order of knowledge that secure humanity as an exclusive experience and bound identity in violent ways. I consider the practices and postures of refusal assumed by Native/Indigenous scholars such as Audra Simpson, Eve Tuck, Jodi Byrd, and Linda Tuhiwai Smith to be particularly instructive for exposing the violence of ostensibly nonrepresentational Deleuzoguattarian rhizomes and lines of flight. While reparative readings and “working with what is productive” about Gilles Deleuze and Félix Guattari’s work is certainly a part of the Native feminist scholarly tradition, this article focuses on the underexamined ways that Native feminists refuse to entertain certain logics and foundations that actually structure Deleuzoguattarian thought.8 [I thank one of the reviewers, who reminded me that Native feminist thought’s engagement with continental theory, specifically the work of Deleuze and Guattari, can be likened more to “constellations” as it takes up Deleuzoguattarian thought rather than a single point that always departs from a place of refusal. END FOOTENOTE] Further, I discuss **“decolonial refusal**” in relation to how Black scholars like Sylvia Wynter, Zakiyyah Iman Jackson, and Amber Jamilla Musser work within a Black feminist tradition animated **by a kind of skepticism or suspicion capable of ferreting out the trace of the white liberal human within (self-)professed subjectless, futureless, and nonrepresentational white theoretical traditions.** In other words, in the work of Sylvia Wynter**, one senses a general suspicion and deep distrust of the ability of Western theory— specifically its attempt at self- critique and self- correction in the name of justice for humanity— to revise its cognitive orders to work itself out of its current “closed system,” which reproduces exclusion and structural oppositions based on the negation of the other**.9 [INSERT FOOTENOTE: See Katherine McKittrick, “Diachronic Loops/Deadweight Tonnage/Bad Made Measure,” Cultural Geographies 23, no. 1 (2016): 3– 18, doi:10.1177/14744740156 12716, for an exemplary explication of how Sylvia Wynter uses the decolonial scholarship of an “autopoiesis.” END FOOTENOTE] Wynter’s study of decolonial theory and its elaboration of autopoiesis informs her understanding of how the human and its overrepresentation as man emerges. Recognizing that humans (of various genres) write themselves through a “self- perpetuating and self- referencing closed belief system” that often prevents them from seeing or noticing “the process of recursion,” Wynter works to expose these blind spots.10 [INSERT FOOTNOTE: See McKittrick, “Diachronic Loops,” in which the author cites the importance of the work of H. Maturana and F. Varela, Autopoiesis and Cognition: The Realization of the Living (London: D. Reidel, 1972), for the study of the human’s process of self- writing. END FOOTNOTE] Wynter understands that **one of the limitations of Western liberal thought is that it cannot see itself in the process of writing itself.** I observe a similar kind of cynicism about the way the academic left invokes “post humanism” in the work of Jackson and Musser. Musser in particular questions the capacity of queer theories to turn to sensations like masochism within the field of affect studies to overcome the subject. Further, Jackson’s and Musser’s work is skeptical that white transcendence can happen on its own terms or rely solely on its own processes of self-critique and self- correction. I read Jackson’s and Musser’s work as distrustful of the ability for “posthumanism” to be accountable to Black and Indigenous peoples or for affect theory on its own to not replicate and reinforce the subjugation of the other as it moves toward self- annihilation. Both the human and the post human are causes for suspicion within Black studies. Like Wynter, the field of Black studies has consistently made the liberal human an object of study and scrutiny, particularly the nefarious manner in which it violently produces Black existence as other than and at times nonhuman. Wynter’s empirical method of tracking the internal epistemic crises and revolutions of Europe from the outside has functioned as a model for one way that Black studies can unfurl a critique of the human as well as Western modes of thought. I use the terms “misanthropy” and “misandry” in this article to evoke how Black studies has remained attentive to, wary about, and deeply distrustful of the human condition, humankind, and the humanas-man/men in the case of Black “feminists.” Both Black studies’ distrust of the “human” and Black feminism’s distrust of humanism in its version as man/men (which at times seeks to incorporate Black men) relentlessly scrutinize how the category of the human and in this case the “posthuman” reproduce Black death. I link misandry (skepticism of humankind-as-man) to the kind of skepticism and “hermeneutics of suspicion” that Black feminist scholars like Wynter, Jackson, and Musser at times apply to their reading and engagement with revisions to or expansions of the category of the human, posthuman discourses, and nonrepresentational theory In this article, I connect discursive performance of skepticism to embodied and affective responses I have witnessed in the academy that challenge the sanctioned modes of protocol, politesse, and decorum in the university. For example, Wynter assumes a critically disinterested posture as she gazes empirically on and examines intra-European epistemic shifts over time. Paget Henry has described Wynter as an anthropologist of the Occident, as Europe becomes an object of study rather than the center of thought and humanity.11 [INSERT FOOTNOTE: Paget Henry, Caliban’s Reason: Introducing Afro-Caribbean Philosophy (New York: Routledge, 2002), 19. END FOOTENOTE] Throughout the body of Wynter’s work, she seems to be more interested in drawing our attention to the capacity of European orders of knowledge to shift over time— or their fragility— than in celebrating the progress that European systems of knowledge have claimed to make. Wynter’s tracking is just a tracking and not a celebration of the progress narrative that Western civilization tells about itself and its capacity to define, refine, and recognize new kinds of humanity over time. This comportment of critical disinterest is often read as an affront to the codes and customs of scholarly discourse and dialogue in the academic community, particularly when it is in response to the white thinkers of the Western cannon. **Decolonial refusal and abolitionist skepticism respond to how perverse and reprehensible it is to ask Indigenous and Black people who cannot seem to escape death to move beyond the human or the desire to be human**. In fact, Black and **Indigenous people have never been fully folded into the category of the human**. As Zakiyyah Iman Jackson has argued**, It has largely gone unnoticed by posthumanists that their queries into ontology often find their homologous (even anticipatory) appearance in decolonial philosophies that confront slavery and colonialism’s inextricability from the Enlightenment humanism they are trying to displace. Perhaps this foresight on the part of decolonial theory is rather unsurprising considering that exigencies of race have crucially anticipated and shaped discourses governing the non- human** (animal, technology, object, and plant).12 [Zakkiyah Iman Jackson, “Review: Animal: New Directions in the Theorization of Race and Posthumanism,” Feminist Studies 39, no. 3 (2013): 681. END FOOTENOTE] A crucial point that Jackson emphasizes is that Black and Indigenous studies, particularly decolonial studies, has already grappled with and anticipated the late twentieth century impulses inspired by Leo Bersani and Lee Edelman to annihilate the self and jettison the future. **Indigenous and Black “sex**” (as activity, reproduction, pleasure, world-building, and not-human sexuality) **are already subsumed by death**. For some reason, white critical theory cannot seem to fathom that self- annihilation is something white people need to figure out by themselves. In other words, “they can have that.”13 [INSERT FOOTNOTE: This is a colloquialism or form of vernacular often used by Blacks and People of Color to express that they disagree with something and more specifically reject an idea and will leave that to the people whom it concerns to deal with. END FOOTNOTE] Within Native feminist theorizing, ethnographic refusal can be traced to Audra Simpson’s 2007 article, “On Ethnographic Refusal.” In this seminal work, Simpson reflects on and gains inspiration from the tradition of refusal practiced by the people of Kahnawake.14 [INSERT FOOTNOTE: Simpson’s ethnographic work specifically focuses on the Kahnawake Mohawk who reside in a reservation in the territory is now referred to as southwest Quebec. END FOOTNOTE] **Simpson shares that** **Kahnawake refusals are at the core and spirit of her own ethnographic and ethical practices of refusal.** I was interested in the larger picture, in the discursive, material and moral territory that was simultaneously historical and contemporary (this “national” space) and the ways in which Kahnawakero:non, **the “people of Kahnawake,” had refused the authority of the state at almost every turn.** The ways in which their formation of the initial membership code (now replaced by a lineage code and board of elders to implement the code and determine cases) was refused; the ways in which their interactions with border guards at the international boundary line were predicated upon a refusal; how refusal worked in everyday encounters to enunciate repeatedly to ourselves and to outsiders that “this is who we are, this is who you are, these are my rights.”15 [INSERT FOOTNOTE: Audra Simpson, “On Ethnographic Refusal: Indigeneity, ‘Voice’ and Colonial Citizenship,” Junctures: The Journal for Thematic Dialogue, no. 9 (December 2007): 73. END FOOTNOTE] Because Simpson was concerned with applying the political and everyday modes of Kahnawake refusal, she attended to the “collective limit” established by her and her Kahnawake participants. 16 [INSERT FOOTNOTE: Ibid., 77. END FOOTNOTE] The collective limit was relationally and ethically determined by what was shared but more importantly by what was not shared. Simpson’s ability to discern the collective limit could only be achieved through a form of relational knowledge production that regards and cares for the other. Simpson recounts how one of her participants forced her to recognize a collective limit. Approaching and then arriving at the limit, Simpson experiences the following: And although I pushed him, hoping that there might be something explicit said from the space of his exclusion— or more explicit than he gave me— it was enough that he said what he said. “Enough” is certainly enough. “Enough,” I realised, was when I reached the limit of my own return and our collective arrival. Can I do this and still come home; what am I revealing here and why? Where will this get us? Who benefits from this and why? And “enough” was when they shut down (or told me to turn off the recorder), or told me outright funny things like “nobody seems to know”— when everybody does know and talks about it all the time. Dominion then has to be exercised over these representations, and that was determined when enough was said. The ethnographic limit then, was reached not just when it would cause harm (or extreme discomfort)— the limit was arrived at when the representation would bite all of us and compromise the representational territory that we have gained for ourselves in the past 100 years.17 [INSERT FOOTNOTE: Ibid., 78. END FOOTNOTE] Extending her discussion of ethnographic refusal beyond the bounds of ethnographic concerns, Simpson also ponders whether this enactment of refusal can be applied to theoretical work. Simpson outright poses a question: “What is theoretically generative about these refusals?”18 [INSERT FOOTNOTE: Ibid. END FOOTNOTE] The question that Simpson asks in 2007 is clarified by Eve Tuck and K. Wayne Yang in the 2014 essay “R- Words: Refusing Research.” **Arguing that modes of refusal extended into the theoretical and methodological terrains of knowledge production are productive and necessary,** Tuck and Yang state: For the purposes of our discussion, the most important insight to draw from Simpson’s article is her emphasis that **refusals are not subtractive, but are theoretically generative, expansive. Refusal is not just a “no,” but a redirection to ideas otherwise unacknowledged or unquestioned.** Unlike a settler colonial configuration of knowledge that is petulantly exasperated and resentful of limits, **a methodology of refusal regards limits on knowledge as productive, as indeed a good thing**.19 [INSERT FOOTNOTE: Eve Tuck and K. Wayne Yang, “R- Words: Refusing Research,” in Humanizing Research: Decolonizing Qualitative Inquiry with Youth and Communities (Thousand Oaks, Calif.: SAGE, 2014), 239. END FOOTNOTE] In line with Simpson’s intervention, Tuck and Yang posit that “refusal itself could be developed into both method and theory.”20 [INSERT FOOTNOTE: Ibid., 242. END FOOTNOTE] For Tuck and Yang, a generative practice of refusal and a decolonial and abolitionist tradition is making Western thought “turn back upon itself as settler colonial knowledge, as opposed to universal, liberal, or neutral knowledge without horizon.”21 [INSERT FOOTNOTE: Ibid., 243. END FOOTNOTE] In fact, the coauthors suggest “making the settler colonial metanarrative the object of . . . research.”22 [INSERT FOOTNOTE: Ibid., 244. END FOOTNOTE] What this move effectively does is question the uninterrogated assumptions and exposes the violent particularities of the metanarrative. **Scrutiny as a practice of refusal also slows down or perhaps halts the momentum of the machinery that allows, as Tuck and Yang argue, “knowledge to facilitate interdictions on Indigenous and Black life**.”23 [INSERT FOOTNOTE: Ibid., 244. END FOOTNOTE] Taking a cue from Simpson and Tuck and Yang, I turn to Tuck’s 2010 critique of Deleuze’s notion of “desire” as an example of the theoretical practice of refusal, which Simpson wonders about and which Tuck and Yang elaborated on in 2014. Eve Tuck’s 2010 article “Breaking Up with Deleuze” refuses Deleuze’s understanding and imposition of his definition of desire for Native studies and Native resurgence in particular. Tuck refuses the Deleuzoguattarian nomadic due to its totalizing moves and specifically its evasion and refusal of Native and alternative notions of refusal that emerge from Native struggles for survival.24 [INSERT FOOTNOTE: Eve Tuck, “Breaking Up with Deleuze: Desire and Valuing the Irreconcilable,” International Journal of Qualitative Studies in Education 23, no. 5 (2010): 635– 50. END FOOTNOTE] For Tuck, paying attention to “the continuity of ancestors,” or genealogies, in Native and in all modes of knowledge production is imperative. For Indigenous and Native studies, it reverses the erasure enacted by continental European and settler-colonial theory, which uses a tradition of ongoing genocide to annihilate Native thinkers and subsequently their epistemologies and theories. Prior to Byrd’s indictment of Deleuzoguattarian laudatory accounts of America’s terrain of “Indians without Ancestry,” Tuck reroutes us back to ancestral and genealogical thinking as a way of asserting Indigenous presence and its epistemological systems and traditions, devoid of Cartesian boundary- making impulses and desires. Tuck’s work also prepares us in 2010 for the critique that Byrd levies in 2011, which exposes the traditions, roots, and genealogies of Western poststructuralist theory. Such theory created the conditions of possibility and emergence for Deleuzoguattarian genocidal forms of rhizomatic and nonrepresentational thought. Black Caribbean feminist Michelle V. Rowley argues we need to especially attend to a theory’s “politics and conditions of emergence.”25 [INSERT FOOTNOTE: See Michelle V. Rowley, “The Idea of Ancestry: Of Feminist Genealogies and Many Other Things,” in Feminist Theory Reader: Local and Global Perspectives, 3rd ed., ed. Carole R. McCann and Syeung Kyung Kim (New York: Routledge, 2013), 810– 81, where Rowley argues that transnational feminisms need to attend to how the white feminist wave as a metaphor and theory emerges, disciplines are thought, and more importantly how “its wins” are gained through the exploitation and suffering of women from the Global South. Rowley describes this work as attending to the “politics and conditions of emergence” of feminist metaphors and theories. END FOOTNOTE] In other words, we need to consider on whose backs or through whose blood a theory developed and then circulated while hiding its own violence.

#### The role of the ballot is to center indigenous scholarship and research. Indigenous theories must come before settler frameworks. We need to hold colonizers accountable to open the space up for new narratives and disrupt colonial institutions.

Carlson ‘16 [Elizabeth Carlson, Oct 21 2016, Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, 7:4, 496-517, DOI: 10.1080/2201473X.2016.1241213] [SS]

Macoun and Strakosch contend that ‘most settlers who use [settler colonial theory] are concerned to disturb rather than re-enact colonial hierarchies, and seek to contribute to Indigenous political struggles’.40 The particular research project out of which this article arises, focuses on the ways experienced white settler anti-colonial, decolonial, or solidarity activists have worked to disrupt and subvert settler colonialism within themselves, their organizations, their relationships, their pedagogies, their connections with land, their com- munities, and sometimes also in the Canadian government, with a goal of inspiring others to engage in or deepen such work, and of contributing to social change. As has been noted, **in subverting settler colonialism, the role of white settler academics is at the periphery, making space for Indigenous resurgence and knowledges, and pushing back against colonial institutions,** structures, practices, mentalities, and land theft. In order to do this, anti-colonial settler scholars can sit on departmental and university committees, supporting anti-colonial and anti-oppressive ethical choices to push for changes in Euro- centric and colonial curricula, narratives, policies, and structures**. We can seek to disrupt rather than enact colonial values and practices, and engage in anti-colonial actions within the academy.** This also applies to our writing: Settler scholars seeking to challenge colonial power relations should be doubly attentive to the operation of [colonial] narratives, and the way that we as individual scholars perform and deploy academic authority. For us, this has involved the need to interrogate our work – along with other settler cultural productions.41 **When settler scholars subvert colonialism in the academy, the ethics of their work are improved, and potentially more space is made for Indigenous scholars who wish to main- tain their own values in the academy.** Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colo- nized, 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 Indigen- ous 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 hegemo- nic 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 Indigen- ous 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 Indi- genous 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 scholar- ship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.** I embody the principle of relational and epistemic accountability by acknowledging here that my interest in the larger study out of which the anti-colonial research method- ology is based was inspired by a lifetime of influences. In particular, my work in this area has been influenced by years of guidance from a number of Indigenous and African-Amer- ican mentors including Nicholas Cooper-Lewter, Nii Gaani Aki Inini (Dave Courchene Jr), Zoongigaabowitmiskoakikwe, and my late brother Byron Matwewinin.45 I entered into dis- cussions with Indigenous scholars, friends, and Elders (in particular, Zoongigaabowitmis- koakikwe, Michael Hart, Leona Star-Manoakeesick, and Gladys Rowe),46 observing their protocols of gifts and offerings for the feedback I was requesting, depending on the context. In addition, my reading of Indigenous scholarship located the study as a response to a call by Indigenous scholars that settler peoples engage in decolonization processes and work. Throughout the research and writing process I made it a point to attend Indi- genous-led community events and gatherings to stay connected to community and con- tinue to learn. When I met with Leona Star-Manoakeesick, we discussed how Ownership, Control, Access, Possession research principles might relate to my research.47 Leona challenged me to think about who constitutes the community that relates to my research as a begin- ning step, and shared that accountability to Indigenous peoples would also mean account- ability to the land. Her input greatly influenced the methodology principles and practices. As I achieved greater clarity about the study, I engaged in formal consultations with a number of other Indigenous scholars, knowledge keepers, and/or activists. Chickadee Richard, Belinda Vandenbroek, Don Robinson, Aimée Craft, Louis Sorin, and Manito Mukwa (Troy Fontaine),48 provided guidance, input, and encouragement regarding the initial research design and process, much of which shifted and strengthened my initial thoughts and was readily integrated into the research. I was gifted key insights and values on which to build the research, and meaningful ideas for interview questions and interview participants. During the initial phases of the research, I was inspired by scho- larship that urges settler peoples on Indigenous lands who wish to identify themselves in the context of Indigenous sovereignty to learn and use words that local Indigenous peoples use for them.49 A number of individuals helped me in my quest to learn about Anishinaabemowin conceptions of white people – Nii Gaani Aki Inini (Dave Courchene), Rose Roulette, Niizhosake (Sherry Copenace), Daabaasanaquwat ‘Lowcloud’ (Peter Atkin- son), Byron Matwewinin, and Pebaamibines.50 **I further sought to embody relational accountability by centring Indigenous scholarship and literatures in my research proposal and literature review.** Aspects of the data analysis process were shared with a smaller group of Indigenous scholars (Leona Star-Manoakeesick, Aimée Craft, and Dawnis Kennedy),51 who provided feedback which shaped the analysis and the writing of the research report. Towards the end of the research process, I organized a research feast, which is described further below. **Relational accountability was embodied by sharing the research with the community and receiving feedback from it.**

# Case

Don’t give them 1AR theory

1. It’s a bad norm because we have less speeches to have the theory debate – only three speeches
2. Leads to intervention since any counter interps or responses to the counter interps are new in the 2
3. Unfair since we only get one speech to respond so the 2ar can spin the shell and we can’t do anything about it
4. Finite NC + AC spikes

#### Evaluate substance before 1AR theory:

#### 1 ) Resolvability – more speeches develop substance, so there’s more weighing analysis and the judge won’t have to evaluate entirely new 2A responses to 2N counterinterps or arbitrarily decide what counts as a new argum

#### 2 ) The neg has 1 chance to respond – means we can’t resolve arguments or weigh like the aff; AND 2AR clarification furthers a massive skew in favour of the aff

#### 3 ) Prep skew—encourages bad theory debates since people have less prep time and less time to make responses—worse for norms setting—means even if they win their interp you should put low credence into it and look to resolve the debate elsewhere

#### 4 ) Solves abuse – we return the debate to substance

Give us new responses

#### Permissibility negates A) “Ought” means the burden of the aff is to prove the obligation to do the resolution – failure to do that means u presume neg B) Otherwise the AC can just not be read and the aff would auto-win every round on permissibility C) lean neg

#### Presumption negates: A) We presume statements false – that’s why we don’t believe conspiracy theories B) probability: there’s an infinite amount of ways to prove statements true but only one way to prove them false so statements are more often false than true

#### Kantianism is racist: Kant’s transcendental philosophy depends on the character and capacity individuals have for moral reasoning. Black people may have value, but they lack moral worth and the character necessary for rational moral thought in Kant’s critical philosophy.. This is an independent reason to vote negative – judges have to reject arguments that make debate unsafe because accessibility is a prerequisite to debate existing as an activity

**Eze 97[[1]](#footnote-1)**

Eze—1997 (Emmanuel, Professor of Philosophy @DePaul University, “The Color of Reason” in PostColonial African Philosophy: A Critical Reader [Cambridge: Blackwell Publishing, 1997], 103-131

Over and beyond Buffon or Linnaeus, **Kant**, in his transcendental philosophy (e.g., *Critique of Pure Reason),* **describes ways of orienting oneself geographically in space, mathematically in space and time, and, logically, in the construction of both categories into other sorts of consistent whole**. In the *Observations on the Feeling o/the Beautiful and Sublime,* a work which ought to be considered as primarily anthropological, **Kant shows the** theoretic **transcendental** philosophical **position** at work **when he attempts to** work out and **establish how a particular (moral) feeling** relates to *humans generally,* and how it **differs between** men and women, and among different **races**. For example, "feeling" as it appears in the title of the work refers to a specific refinement of character which is *universally* properly human: that is, belonging to human nature as such. And we recall that for Kant "human nature" resides in the developmental expression of rational-moral "character." Since **it is character that constitutes** the specificity of **human nature, "human nature *proper,"* then whatever** dignity or **moral worth the individual" may have is derived from the fact that one has struggled to develop one's character, or one's· humanity, as universal**. Kant states: In order to assign man into a system of living nature, and thus to characterize him, no other alternative is left than this: that he has a character which he himself creates by being capable of perfecting himself after the purposes chosen by himself. Through this, he, as an animal endowed with reason *(animale rationabile)* can make out of himself a rational animal *(animale rationale).* "**Character**," as the moral formation of personality, **seems to be that on which basis humans have worth** and dignity, and one consequence of this is that **those** peoples and **"races" to whom Kant assigns minimal** or pseudo **rational-moral capacity** - either because of their non-"white" skin color (evidence of lack of "true talent") or because of the presence of phlogiston in their blood or both - **are** seriously naturally or **inherently inferior to those who have the "gift" of higher rational attainments**, evidence of which is **seen in their superior "white" skin** color, the absence of phlogiston in their blood, **and** the superior **European civilization**. **While the non-European may have "value," it is not certain that** he or **she has** true "**worth**." According to Kant: everything has either a value or a worth. What has value has a substitute which can replace it as its equivalent; but whatever is, on the other hand, exalted above all values, and thus lacks an equivalent ... has no merely relative value, that is, a price, but rather an inner worth,. that is dignity ... Hence morality, and humanity, in so far as it is capable of morality, can alone possess dignity. **If non-white peoples lack "true" *ratironal* character** (Kant believes, for example, that the character of the *Mohr* is made up of *imagination* rather than reason) **and therefore lack "true" *feeling* and moral sense, then they do not have "true" worth**, or dignity. **The black person**, for example, **can accordingly be denied** full **humanity, since** full and "true" **humanity accrues only to the white European.** For Kant **European humanity is *the* humanity** *par excellence.*

#### 1] Copyright protection key for free market—turns case. Reducing protection harms agents’ ability to set and pursue ends of access and use of works.

**Hartline 13** (Devlin Hartline, 11-14-2013, "Copyright is Still Essential to a Free Market in Creative Works," Center for Intellectual Property x Innovation Policy, <https://cip2.gmu.edu/2013/11/14/copyright-is-still-essential-to-a-free-market-in-creative-works/>) // CH

In the modern digital era, **strong copyright protection is still an essential component of a flourishing free market in creative works**. Viewed properly as a property right in creative works, **copyright is fundamental to economic freedom** in our creative economy. Criticisms of copyright have flooded the public policy debate in recent years. Proponents of weakening or eliminating copyright protection argue that copyright is outdated in the digital age, and that given the ease with which creative works can be distributed and shared online, creators today no longer need robust copyright protection to incentivize the development of creative works. **Arguments against strong copyright protection hinge on the belief that copyright should be treated differently from other property rights, eschewing the traditional “right to exclude” in favor of the public’s right to access or use the creative works of others**. But the arguments for weakening copyright overlook copyright’s fundamental role in fostering a vibrant creative economy – a role that is every bit as important today as it was before the digital revolution.

Proponents of **scaling back** copyright **protection claim** that a robust, property-based copyright system **is undesirable because** (1) **it is not needed to incentivize** the **production** of creative works, and (2) it harms the public by unduly restricting people’s right to access and use creative works. Putting aside several inherent flaws in this reasoning (including the implicit assumption that having to pay for creative works will unduly restrict access, as well as the general disregard of individuals’ property interest in the fruit of their labor), this argument fails from an economic standpoint because it **ignores the** fundamental **function of copyright in developing and maintaining the market mechanisms** that facilitate not just the creation, but also the commercialization and distribution of creative works. The approach also fails because it assumes the continued production of valuable creative works at economically optimal levels without a basis for such an assumption. Furthermore, focusing primarily on the incentive to create, while ignoring copyright’s larger economic role in supporting a free market economy for creative works, overlooks a critical function of copyright protection.

#### 2] Only way a monopoly could happen is if there is no substitutes or competition in the market – Me Too Drugs prove that’s not the case.

**Schultz 14** (Mark Schultz, 2-24-2014, "A free market perspective on intellectual property rights," American Enterprise Institute - AEI, <https://www.aei.org/technology-and-innovation/intellectual-property/free-market-perspective-intellectual-property-rights/>) // CH

**Myth 1: Intellectual property is a monopoly**

One complaint is that intellectual property grants its owners a “monopoly.”**Prof.** Ed **Kitch called this** assertion one of the “**Elementary** and Persistent **Errors in the Economic Analysis** of Intellectual Property,”and he’s right. Intellectual property does not create an economic monopoly, because **a monopoly exists only where there are no close substitutes and thus no competition.**

**Most markets covered** by intellectual property **are intensely competitive**, and the providers of products have little market power. If you go to the multiplex this weekend and find that a ticket for the movie you want to see is triple the price of other tickets, would you lack choices? Of course not! You could see another movie, or you could choose other entertainment.

The same is true of markets covered by patents, **in part because of** what critics often deride as patents on “mere”incremental innovations or **“me too”products** (which is ironic, given the concurrent monopoly critique). Need a cholesterol drug? **You have a host of statins from which to choose**. Osteoporosis? Choose from Fosomax, Actonel, or Boniva. **Each of the owners of patents in these products has exclusive rights**; none of them has a monopoly.

And in the rare cases when intellectual property does result in the creation of monopoly power, **holders of intellectual property rights are constrained by the antitrust laws** in how those rights are exercised.

#### 3] Reducing protections of IP leads to theft and the free riding of ideas.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the many reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!

# 2N

1. Eze—1997 (Emmanuel, Professor of Philosophy @DePaul University, “The Color of Reason” in PostColonial African Philosophy: A Critical Reader [Cambridge: Blackwell Publishing, 1997], 103-131 [↑](#footnote-ref-1)