# 1NC

## 1NC -- T

#### Interpretation- the affirmative must not garner offense from anything except for the hypothetical implementation of an unconditional right to strike

#### Violation – they defend the epistemic solvency of spectrality as a method and explicitly said they garner prefiat offense

#### 1. First is clash – having an agreed-upon stasis point is critical for left on left debates, key to creating an accessible point of clash to evaluate the efficacy of radical political engagement—predictable ground and clash are key to evaluating whether the method of the affirmative is good– the ability to defend a position against a knowledgeable opponent is key to export politics ---

#### 2. Predictable limits – they remove all topic limits by justifying any expansion of the topic beyond the resolutional wording, this is impossible for me to predict and desroys all semblance of in depth debate

#### 3. TVA – read evidence purely about medical intellectual property and defend that the resolutional mandate is in line with practical reason

#### 4. SSD solves all of their offense

#### 4. Fairness – a predictable limit is the only way to give the NEG a chance to win – radical AFF choice shifts the grounds for the debate and puts the AFF far ahead – anything other than a topical plan structurally favors the affirmative. And, fairness is an intrinsic good ­– debate is a game and requires effective competition - controls the internal link all their education claims.

#### Drop the Debater on T – they foreclose the ability to generate neg offense so they should lose

#### Vote on competing interps over reasonability:

#### a. no brightline for reasonability – forces judge intervention

#### b. incentivizes a race to the bottom –

#### No impact turns or RVIs – A~ Perfcon – if T’s bad and you vote for them on that arg, you’re voting on T. B~ Substance – if T’s bad then we should try debating on substance – impact turns force me to go for T since I need to defend my position. C~ Dead end – strategy guides debates so they’ll desire that people read T to beat them on the impact turn – that proves their strategy is reactive and can’t solve since they rely on the structures they critique.

## 1NC -- K

#### The 1AC’s fiated imagination of a hypothetical just government in which the settler state helps Native folk is an ahistorical dream – produces liberal multicultural fantasies that sustain settler colonialism – they are not getting out of a link after saying any government would be just post-plan

Tate A. LeFevre 2013, Representation, resistance and the logics of difference: indigenous culture as political resource in the settler-state, Settler Colonial Studies, 3:2, 136-140, DOI: 10.1080/2201473X.2013.781926//rLiu

Settler-colonial regimes of representation In this way, representation always ‘takes place in a terrain already partly sedimented and partly penetrated by relations of power’. 5 To represent is in many senses to make a claim. The claims made by settler-colonial representations ‘empower and disempower Indigenous peoples in the present’. As Aileen Moreton-Robinson reminds us, it was Captain Cook’s representation of Australian Aborigines as ‘uncivilized’ and without any form of land-tenure that led to the doctrine of terra nullius – a legal regime that endured until the 1992 Mabo Decision. Audra Simpson explains that representations of indigenous peoples function as: Categorical forms of recognition and misrecognition … indebted to deep philosophical histories of seeing and knowing; tied to legal fiat, they may enable disproportionately empowered political forms (such as ‘Empire’, or particular nation-states such as the United States, Canada and Australia) to come into being in a very short time, as without that category of knowing and its concomitant force land could not be wrested from those that belong to it, and those to whom it rightfully belongs.7 Exogenous representations of indigenous peoples thus result in a legal and historical effacement of indigeneity on which the legitimacy of the settler-state is in many ways predicated. Yet paradoxically, the settler-state depends on images of indigeneity even as it eliminates indigenous subjects. Settler dominions rely on the imposition of particular representational regimes to which the temporal ‘prior’ and its sign, indigenous peoples are central. The state’s hegemony inscribes itself on the lands and bodies of indigenous peoples, whose representation as distinctively ‘other’ is a crucial component in the construction of national identities.8 As Beth Povenelli has shown, images of indigeneity may be celebrated in settler states under the egis of liberal multiculturalism: An embeddedness, implication and engagement in the nation’s historic brutality towards its colonial subjects is rewritten as the necessary condition of nation-building in late modern liberal democratic societies … [indigenous peoples are] the crucial affective element in the definition of its [the nation’s] borders, interiors, discourses, imaginaries and identities.9 In this way, the valorization of ‘indigeneity’ within state and public discourses – and museums and art shows – may not correspond with improved access to political, cultural and economic rights for actual indigenous peoples. Likewise, Fred Myers had written on the close connection between the explosive growth of the market for Aboriginal art and kitsch and the modernist internationalist aspirations of the Australian state.10 Both indigenous and non-indigenous scholars have examined related examples of the representational paradoxes of ‘settler modernism’, in American, Canadian and Pacific contexts.11 In this issue, Eugenia Kisin explores the similarly complex representational logics behind ‘contemporary’ indigenous art funding in Canada. The battlefield of cultural production ‘Settler modernism’ illustrates how settler states strategically mobilize indigenous cultural productions toward hegemonic ends. As Bourdieu argues, ‘the field of cultural production is the area par excellence of clashes between the … dominant class … and the dominated fractions who are totally involved in this struggle’. Indigenous sovereignty movements are often deeply intertwined with struggles over self-representation and visibility – ‘clashes’ for recognition that play out in the field of cultural production. In this sense, indigenous cultural production can be part of a highly political, potentially transformative social discourse. And as the contributors to this special issue emphasize – indigenous cultural production goes beyond mere critique – it involves the development of ‘a counter-discursive … imaginary that is crucial to … contemporary [Indigenous] self-production and the creation of a “cultural future”’. 13 Along these lines, Faye Ginsburg proposes using the term ‘cultural activism’, in order to fully account for indigenous cultural production as a distinct form of cultural politics marked by concerted actions that are underpinned by political and artistic agendas.Accordingly, these papers explore the ways that indigenous peoples have rejected, taken up, inverted and otherwise played with settler-colonial representational regimes. We see how, ‘over time, and with increasing self confidence, indigenous cultural activists have sought to crack the distorted mirror that has been held up to them’. The forms of cultural production examined here not only reflect, but constitute the social worlds of Indigeneity within settler states, and draw our attention to representation as ‘a formative, not merely an expressive place’.

#### Their labor-centric theory of power can’t explain either the fungibility of blackness or the genocidal dispossession of natives.

Robinson, 2020 (Rowland – member of the Menominee Nation (Ka͞eyes-Mamāceqtawak) and PhD Candidate in Sociology @ the University of Waterloo, “An Autoethnographic Account of the Imaginarium of Late Capitalist/Colonialist Storytelling”, dissertation, shae)

Indeed, in many ways because of these deeply held, and often unquestioned conceptions within at least mainstream and orthodox conceptions of Marxism, such as the conception of human-as-Man, of nature and of the human-nature relationship, it is possible for Marxism to actually deepen the commitment to modernity/coloniality within a given situation, even as it may work to struggle against others because of the perceived universality of Marxism. In fact, because of at least orthodox Marxism’s open and enthusiastic commitment to many of the core tenants of euromodernity, and hence its lurching fear of ‘postmodernism’ (itself a Eurocentric critique of euromodernity), a more cynical reading would see this kind of deeper westernization to be an almost inevitable. Marxism is thus, within this kind of understanding, a thoroughly modernist analytic and political project, and is thus tied up with many of the epistemological and ontological dimensions of coloniality. Marxism, like postmodernism and post-structuralism are, as Grosfoguel notes, “epistemological projects that are caught within the western canon, reproducing within its domains of thought and practice a particular form of coloniality of power/knowledge” (2008). This includes in many ways a recapitulation of liberal-bourgeois notions of the human and humanism, a problem with which I grapple significantly in this dissertation [you can catch a few glimpses of this aspect of my work in some previous posts I have made, which also were clips of my dissertation writings]. For Marx, and for the Marxist tradition that followed, this liberal-bourgeois humanist tendency is perhaps most clearly subsumed up within what Tiffany Lethabo King identifies as a Lockean formulation that links labour with land, and labour with property, and eventually labour with the ability to claim status as a proper human subject (2019:23). This analytic has been the site of deep challenge and critique from within both Black and Native Studies. The encounter between Marxist theory and Black and Native Studies is one that destabilizes the former by way of a structural violence that both prefaces the labourcentric analytics of Marxism, as well as exceeds its margins of theorizability and incorporation. From within Black Studies, Saidiya Hartman, for example, theorizes the fungibility of Blackness and of the enslaved Black person as a challenge to the labourcentric theoretical analytic of Marxism, which has historically, and currently, tended to reduce this ongoing structural mechanic and lived experience to mere alienated labour, if an extreme case of such. Pushing beyond these limitations, she proposes racialization, accumulation, and domination as the analytics best suited for understanding the development and position of Black subjectivity, rather than pure labour (2003). Similarly, emerging from Native Studies, Glen Coulthard, in his attempt to think through and with the Marxist analytic, necessarily pushes beyond the Lockean labourcentrism of Marxism in order to find grounding on which to orient both discussions of Native oppression and colonization, and question of Indigenous liberation. He notes in Red Skin White Masks: Rejecting the Colonial Politics of Recognition, “the history and experience of dispossession, not proletarianization, has been the dominant background structure shaping the character of the historical relationship between Indigenous peoples and the Canadian state” (2014:13). Indeed, the relationship between Indigenous people and the processes of proletarianization, or rather the lack thereof (in so far as the cognition of the settler state and society views it), is paradigmatic of the Native as the Savage, and as part of the Wild, an ontological status that I explore later in this dissertation. What is ultimately at stake here concerning Marxism as a particular kind of liberal-bourgeois, euromodern, and labourcentric humanism, is that the violences of conquest, genocide, and enslavement escape the ability of its grammars and registers to make a full accounting of them. If Marxism is to be made applicable to the violent sufferings experienced by genocided and enslaved peoples, it must be stretched so much that it will perhaps become unrecognizable to those theorists who take up and proclaim the myriad Marxist schools of thought. This, of course, reflects Fanon’s old, if perhaps quite understated, prescription that “a Marxist analysis should always be slightly stretched when it comes to addressing the colonial issue” (2004:5).

#### Movements against neoliberalism and worker exploitation must first address the structural dispossession of indigenous people.

Baker 17 (W Oliver Baker, PhD candidate and Mellon Fellow American Literary Studies at the University of New Mexico, intersecting histories of settler colonialism, racial capitalism, white supremacy, and class in American literature and culture, “Democracy, Class, and White Settler Colonialism”, 2017, https://www.academia.edu/34506752/Democracy\_Class\_and\_White\_Settler\_Colonialism)//RC

In recent years. settler state policies have shifted away from a strategy Of direct violence and forced assimilation—mostly in response to the political threat posed by the anticolonial nation• alisms of the mid-twentieth century—and toward what Glen Coulthard describes as a politics of -colonial recognition.- in which settler societies promise greater accommodation and recognition of Indigenous groups but only to the extent that claims of sosvreignty or demands for decoloniza- tion go unheard and remain disavowed: A politics of colonial recognition also calls for reconciliation and healing between settlers and Indigenous peoples as a way to mend what is believed to be a racial or cultural conflict rather than a struggle over land and sovereignty. While settler societies might atnrtn the diversity Of Indigenous cultures or even lament past incidents Of colonial violence. Centuries-old structures and institutions of dispossession remain in place. These can be witnessed today in the underdevelopment of tribal economies that encourages the privati- zation of (or the attempt to dissolve) tribally-held land and resources; neoliberal policies that slash public services and deregulate predatory credit and loan industries. while funding entrepreneurial self-help initiatives in Indian Country; the use of state and police violence to brutalize. incarcerate. and murder unsheltered and working poor Indigenous peoples whose presence -off the reservation- in border towns is seen as a threat and danger to the property and flows of capital of settler society. extraction industries that destructivelv seek to unearth and/or transport fossil fuels on or through tribal lands: and the ongoing refusal of federal governments to honour the treaties, land claims. and rights to self.determination of the Indigenous nations of North America. A second key analytic of settler colonial studies and Indigenous critical theory is the concept of Indigeneity. Although defined in various ways, for this essay3 purposes Indigeneity can be described as the social category of persons whose ways of life. forms of knowing. and modes Of being depend upon originary relationships to land bases that Euro-American settlers have enclosed and continue to occupy. Because Indigenous peoples claim originary ties to these land bases. their presence or attempt to live on and through them challenges the legitimacy of settler society. As a social category constituted through elimination and genocide. Indigeneity should be understood as distinct from, for example. the category of the wage labourer that is structured by proletarianization and hegemony. If wage labourers. whether employed or unemployed. are struc- turally included in the marketplace where their labour power is exploited. the marketplace itself and the liberal state form that upholds it are nonetheless premised on the elimination of Indigenous peoples altogether. The ideological framework that mediates, legitimates. and reproduces Indigenous dispossession and its category of Indigeneity is the colonial and racial grammar of what Jodi Byrd calls "Indianness.¯• The Indian came to be a social ontology in which Indigenous peoples were under- stood as savage. ancient. living fossils of early humanity. stuck outside of time and space in a state of nature. The Indian was and continues to be both abjected and romanticized in settler culture as a person who exists in a state of natural warfare. instability. and conflict. while also appearing liberated from the constraints and alienation of modern life. In this state of nature, the Indian is understood to lack the capacity to labour productivity. possess property. or enter into social con • tracts. Through such meanings. the Indian emerges as the outside or Other to Euro-American forms of liberal democracy. selfhood. and civil society.• As Byrd emphasizes. - European moder- nity hinges upon Indians as the necessary antinomy through which the New World—along with civilization. freedom. sovereignty. and humanity—comes to have meaning. structure. and pres- ence.-•• The Indian. in short, became the figure of the un-sovereign through which it was understood that the Indian might occupy but could never possess the ability or right to own lands or possess selfhood.' i The dispossession of Indigenous lands. resources. and bodies thus came to be seen less as a form of theft than the natural transition from -savage- communalism to civilized market society. Today. Indianness continues. as Byrd puts it. to "transit U.S. empire,- or put into motion, facil. itate, and cohere the United States' settler imperial project that reaches around the world." It is through Indianness that settlers come to view the lands. resources. and bodies of the earth as spaces and objects of a barren wilderness (terra nullius) freely available for expropriation. The current and future populations living in spaces of the lands and controlling the resources that US settler imperialism attempts to seize or control are, as Byrd explains. made "Indian- or abjected as mindless terrorist-savages whose confrontation with the agents of enclosure is under- stood not as an attempt to resist and survive colonization. occupation. and genocide. but an irrational attack against society. civilization. humanity. and the forces of modern progress. In short. Indianness is what legitimates the process of primitive accumulation or what David Harvey calls -accumulation by dispossession.- which is central to the formation. expansion. and domi- nance of global finance capitalism. What an understanding. then. of settler colonialism. Indigeneity. and Indianness demon• strates concerning the question of alliance-building among oppressed groups today is that political organizing through the spaces of the democratic commons or the identity of the settler wage labourer supports rather than disrupts the colonization of Indigenous peoples of North America In the case of the democratic commons. calls for preserving and expanding the public institutions and spaces of liberal democracy in order to cultivate more radical and progressive forms of democracy is a demand not to undo or transform but to uphold the settler colonial state As Byrd argues. "one reason why a racial' and just democratic society is a lost cause in the United States is that it is always already conceived through the prior disavowed and misremembered colonization of Indigenous lands that cannot be ended by further inclusion or more participation."" Coulthard echoes this point. showing that "in liberal settler states...the •com. not only belong to somebody.. .they also deeply inform and sustain Indigenous modes of thought and behavior"" While it should be acknowledged that the democratic Commons histori- eally has served an important role in cultivating and producing emancipatory modes Of analysis and forms Of social belonging. such gains have nonetheless always depended upon the tion of Indigenous peoples. Any defence. then, of the democratic commons today must at the same time defend Indigenous sovereignty. This means rethinking how groups relate in the spaces Of the commons in Ways that do not perpetuate liberal democracy's colonial project Oi building public institutions and democratic spaces through the seizure, theft, and colonization of Indigenous lands. bodies. and resources. Class .first models of a renewed workers' movement also risk reproducing colonial disposses. Sion When they fail to recognize that the Indian and the settler Wage labourer are structurally distinct categories Of oppression. former is constituted by dispossession through elimination. while the latter is structured by exploitation through hegemony. Even though exploited. settler wage labourers nonetheless come to experience their status in settler colonialism as a place Of refuge and protection tiom dispossession and abjection. The role of the settler state is to ensure and safeguard the settler wage labourers right not only to possess but not to be dispossessed of property, even if the only property the wage labourer possesses is labour power. In fact. possessing labour power as a commodity to sell on the market indexes the settler wage laboureös right and ability to enter the social Contract and find security from the forms structural exclusion natu• ralized in the position of the Indian. Such a status explains why. when neoliberal forms of precarious labour and exclusions from waged life increasingly target settler wage labourers, they are felt and represented as abnormal. undeserving, and. more importantly. grievable occurrences. The dispossession Of settlers challenges the symbolic and material consisten€y Of settler societies that are premised on dispossessing colonial peoples in order to reward and advantage settlers Of all classes. Settler society retains and reproduces its coherence as the promised site of settler sov. ereignty, possession. and rights by figuring the neoliberal dispossession of settlers as the exception to be if only because Indigenous dispossession remains the norm to be reproduced and repeated. grievability of neoliberal dispossession. heard today in the refrain that globalization has -abandoned the white working class.- depends upon the ungrievability and normalization of Indigenous dispossession that. in the narratives not only Of manifest destiny but also the demo- cratic commons and normative socialist futures. is depicted and accepted as a natural. inevitable. and necessary process. One of the limits. then. of calling for solidarity through the political identity of the wage labourer is that. in settler colonialism. what organized settler wage labourers demand is not necessarily an end to exploitation but the freedom. protection, and refuge from structural dispossession and exclusion that are normalized and naturalized in the social and racial ontologies of the Indian. Movements on behalf of settler labourers risk ending in reform rather than revolution precisely because they do not so much seek to confront capital as they seek refuge and protection within and through it.

#### The inevitable presentation of a right to strike as a form of benevolent governance bestowed by the state on Indigenous communities problematizes Indigenous nonconformity as the cause of labor exploitation and shifts the analytical frame of criticism away from the settler state.

Strakosch 17 Elizabeth Strakosch, 10-21-17, Neoliberal Indigenous Policy: Settler Colonialism and the "Post-Welfare" State, <https://books.google.com/books/bout/Neoliberal_Indigenous_Policy.html?id=TPFbrgEACAAJ> mvp

The RPA gives both government and Indigenous parties space to outline their priorities (the Ngaanyatjarra Council in FaCSIA 2005: 1.6, and governments in 1.7). Indigenous priorities include cultural survival, connection to land, securing infrastructure funding and maintaining control over their own affairs. Government objectives reflect the COAG National Framework Principles for Service Delivery to Indigenous Australians (including sharing responsibility, harnessing the mainstream, efficiency and accountability) (Council of Australian Governments 2002), and also indicate specific priority areas. These areas for change in Indigenous lives include early education, substance misuse, family functionality and economic participation (1.7.6). Therefore, the RPA does give Indigenous parties space to articulate their values to governments, and these values do not align with the governments’ own neoliberal principles. However, the following section outlines the common agreement objectives, and these overall objectives are all directed at meeting government goals: In making this Agreement the Ngaanyatjarra Council and the Governments have agreed to work together ... [for the] provision of better coordinated and resourced programs and services to achieve improvements in the priority areas listed in Section 1.7.6. (2.1–2.1.1.1) But as noted above, section 1.7 outlines government priorities, rather than goals agreed upon by both parties. Government priorities have become common priorities, and the key objectives of the partnership. Therefore, while the agreement seeks to harmonise Indigenous and government interests, it requires reform within the Indigenous rather than government parties. The most important priority becomes the commitment by the Indigenous party to share government responsibility and goals. As with all mutual obligation-type compacts, this involves a complex temporal manoeuvre in which the obligations of government become reconfigured as gifts of government, and hence become legitimate consideration in a contractual exchange. In return for this gift, the state makes its own demands for change in its subjects. In the legal and political imaginary of the liberal contract, ‘consideration’ is an objective benefit of legal value which is exchanged by parties to a formal contract (Paterson et al. 2009: 74). It is the ‘price of the promise’: ‘[i]f we need to know whether A’s promise to B can be enforced by B, we must ask whether B ... has given consideration for that promise’ (Paterson et al. 2009: 73, 74). Superficially, the consideration exchanged in an SRA contract seems obvious: Indigenous peoples give the settler state a promise to share responsibility for their own government, and in return, the state offers resources to assist in this government. This is represented in Figure 7.1. However, more careful examination shows that the existence of government consideration relies on a complex temporal movement. Neoliberal Indigenous policy works on the assumption that the proper liberal government of Indigenous lives is the responsibility of Indigenous peoples themselves, but that they need to consciously recognise and accept this responsibility. Thus, while Indigenous governmental responsibility might exist at a theoretical level, there is an important sense in which it does not already exist as an actual fact. This lack is what makes the Indigenous undertaking to share responsibility a benefit to government (as discussed above, the wicked problem of Indigenous disadvantage is a government problem, and the mobilisation of subject responsibility is a government initiative to resolve that problem. This is not to say that this deprivation does cause suffering, or that Indigenous communities do not wish to address it; rather, I suggest that the specific kind of liberal self-government sought by the settler state is not automatically a goal and moral imperative for Indigenous peoples). Until the moment of exchange, in fact, both the responsibility for the full liberal government of Indigenous subjects, and the concrete resources for this government, belong to the government party (see Figure 7.2). The Ngaanyatjarra RPA agreements state that a key purpose of the contract, and therefore a shared interest of Indigenous and government parties, is to ‘share responsibility for achieving measurable and sustainable improvements for people living in the Ngaanyatjarra Lands’ (FaCSIA 2005: 2.1.1). However, ‘sharing responsibility’ is also listed as an objective of the governments, while it is not an interest listed by the Indigenous party (1.6–7). The RPA, therefore, turns an interest of the government party into a mutual interest. It enables government to divest some of the responsibility which would otherwise accrue entirely to it, and this divestment itself is the contractual benefit government seeks. So, in a sense, the major asset or power that Indigenous peoples bring to the contractual table is freedom from the burden of their own liberal/colonial rule, and the ability to take on some of the burden of their own government for the benefit of the state. However, until this responsibility is shared, the concrete resources that the state brings to Indigenous peoples are not recognisable as an item of value to the Indigenous party – they are simply the resources that the state must mobilise to meet its own responsibility to govern. To push this point further, we might even consider the governmental resources, such as unemployment support, community-building projects and adequate education, as rights possessed by Indigenous peoples by virtue of their status as citizens. Neoliberal rationality redefines the goods which the state owes its citizens as voluntary gifts which can legitimately be withheld (Ramia 2002). When governmental responsibility is shared and becomes a common interest with the governed, however, these goods are transformed into contributions to a common cause. They become contractual consideration, and their allocation is seen as an action that requires a reciprocal contribution from Indigenous peoples (Figure 7.3). SRA and RPA quasi-contracts, like the neoliberal SRA program logic which simultaneously recognises and seeks to create Indigenous governance capacity, have a peculiar suspended or circular temporality. Before the moment of contractual agreement, they make no sense. Only in the instant when Indigenous peoples take upon themselves the burden of their own adequate liberal government are government resources removed as a right and regifted as a contractual contribution to a common cause. This is the complex movement by which SRAs attempt to mobilise Indigenous subjects as resources in their own government, and as members of the sovereign community. Conclusion: government and sovereignty in Indigenous capacity building SRAs and RPAs aimed to enact Indigenous governmental consent to multiple, specific and concrete projects. However, this process also worked to generate sovereign consent to the settler state, and to erase Indigenous political difference. Capable Indigenous communities were seen as ‘willing to understand and work with governments’ in the project of addressing their own disadvantage (Morgan Disney 2006: 7). This meant demonstrating acceptance of the neoliberal problematisation of themselves as disadvantaged citizens, and the understanding of this disadvantage as a ‘wicked problem’ requiring Indigenous shared responsibility. In turn, they were asked to accept that their disadvantage was intimately connected to their own behaviour. Within the SRA framework, Indigenous communities could no longer locate the cause of their disadvantage in the action of settler authorities, or refuse to understand their lives as deficient in relation to the settler ‘norm’. Instead, the logic seeks to drive their consent to the settler state’s own framing of itself as the natural and legitimate partner in addressing Indigenous deficiencies. At a deeper level, the liberal settler state is seeking to bind itself to Indigenous communities by asking them to accept their own lives and behaviours as lacking, to request government assistance for change, and to help design the concrete governmental programs for this state intervention. Hindess suggests that liberalism must continually justify its project of rule, given its commitment to the abstract natural freedom of all individuals, and that its sovereign legitimacy therefore constitutes a ‘precarious practical accomplishment’ (Hindess 1997: 261; also Hindess 2005). A liberal polity must show that its (potential) subjects are failing in some way and that sovereign rule is necessary to help them attain their governmental goals. This means that its subjects must identify endless governmental goals, and always understand themselves as failing and in need of state assistance. SRAs aimed to build the capacity of Indigenous communities to identify their ‘needs and priorities’, articulate these to government and advise the government on appropriate interventions (Council of Australian Governments 2002: 1). These communities were being assisted to self-problematise and to provide the settler state with justifications for extending its authority into their lives. If liberal sovereign nation-states constitute a community of mutual governmental responsibility, then SRAs attempt to fully absorb Indigenous subjects into the sovereign state by absorbing them into this governmental community. Simultaneously, the SRA admission that Indigenous peoples were not yet part of such a community of mutual government exposed settler colonial sovereignty as an incomplete project.

#### The alternative is an incommensurable project of decolonization that necessitates the repatriation of indigenous lands, the abolition of slavery and property, and the dismantling of the global imperial metropole – this is a complete disavowal of settler futurity that refuses to be punctuated by narratives of reconciliation.

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**Having elaborated on settler moves to innocence, we give a synopsis of the imbrication of settler colonialism with transnationalist, abolitionist, and critical pedagogy movements - efforts that are often thought of as exempt from Indigenous decolonizing analyses - as a synthesis of how decolonization as material, not metaphor, unsettles the innocence of these movements.** **These are interruptions which destabilize, un-balance, and repatriate the very terms and assumptions of some of the most radical efforts to reimagine human power relations. We argue that the opportunities for solidarity lie in what is incommensurable rather than what is common across these efforts.** **We offer these perspectives on unsettling innocence because they are examples of what we might call an ethic of incommensurability, which recognizes what is distinct, what is sovereign for project(s) of decolonization in relation to human and civil rights based social justice projects.** There are portions of these projects that simply cannot speak to one another, cannot be aligned or allied. **We make these notations to highlight opportunities for what can only ever be strategic and contingent collaborations, and to indicate the reasons that lasting solidarities may be elusive, even undesirable.** Below we point to unsettling themes that challenge the coalescence of social justice endeavors broadly assembled into three areas: Transnational or Third World decolonizations, Abolition, and Critical Space-Place Pedagogies. For each of these areas, we offer entry points into the literature - beginning a sort of bibliography of incommensurability. Third world decolonizations **The anti-colonial turn towards the transnational can sometimes involve ignoring the settler colonial context where one resides and how that inhabitation is implicated in settler colonialism, in order to establish “global” solidarities that presumably suffer fewer complicities and complications.** This deliberate not-seeing is morally convenient but avoids an important feature of the aforementioned selective collapsibility of settler colonial-nations states. Expressions such as “the Global South within the Global North” and “the Third World in the First World” neglect the Four Directions via a Flat Earth perspective and ambiguate First Nations with Third World migrants. **For people writing on Third World decolonizations, but who do so upon Native land, we invite you to consider the permanent settler war as the theater for all imperial wars**: ● the Orientalism of Indigenous Americans (Berger, 2004; Marez, 2007) ● discovery, invasion, occupation, and Commons as the claims of settler sovereignty (Ford, 2010) ● heteropatriarchy as the imposition of settler sexuality (Morgensen, 2011) ● citizenship as coercive and forced assimilation into the white settler normative (Bruyneel, 2004; Somerville, 2010) ● religion as covenant for settler nation-state (A.J. Barker, 2009; Maldonado-Torres, 2008) ● the frontier as the first and always the site of invasion and war (Byrd, 2011), ● U.S. imperialism as the expansion of settler colonialism (ibid) ● Asian settler colonialism (Fujikane, 2012; Fujikane, & Okamura, 2008, Saranillio, 2010a, 2010b) ● the frontier as the language of ‘progress’ and discovery (Maldonado-Torres, 2008) ● rape as settler colonial structure (Deer, 2009; 2010) ● the discourse of terrorism as the terror of Native retribution (Tuck & Ree, forthcoming) ● Native Feminisms as incommensurable with other feminisms (Arvin, Tuck, Morrill, forthcoming; Goeman & Denetdale, 2009). Abolition **The abolition of slavery often presumes the expansion of settlers who own Native land and life via inclusion of emancipated slaves and prisoners into the settler nation-state.** As we have noted, it is no accident that the U.S. government promised 40 acres of Indian land as reparations for plantation slavery. Likewise, indentured European laborers were often awarded tracts of ‘unsettled’ Indigenous land as payment at the end of their service (McCoy, forthcoming). **Communal ownership of land has figured centrally in various movements for autonomous, self-determined communities. “The land belongs to those who work it,” disturbingly parrots Lockean justifications for seizing Native land as property, ‘earned’ through one’s labor in clearing and cultivating ‘virgin’ land.** For writers on the prison industrial complex, il/legality, and other forms of slavery, we urge you to consider how enslavement is a twofold procedure: removal from land and the creation of property (land and bodies). **Thus, abolition is likewise twofold, requiring the repatriation of land and the abolition of property (land and bodies).** Abolition means self-possession but not object-possession, repatriation but not reparation: ● “The animals of the world exist for their own reasons. They were not made for humans any more than black people were made for white, or women created for men” (Alice Walker, describing the work of Marjorie Spiegel, in the in the preface to Spigel’s 1988 book, The Dreaded Comparison). ● Enslavement/removal of Native Americans (Gallay, 2009) ● Slaves who become slave-owners, savagery as enslavability, chattel slavery as a sign of civilization (Gallay, 2009) ● Black fugitivity, undercommons, and radical dispossession (Moten, 2008; Moten & Harney, 2004; Moten & Harney, 2010) ● Incarceration as a settler colonialism strategy of land dispossession (Ross, 1998; Watson, 2007) ● Native land and Native people as co-constituitive (Meyer, 2008; Kawagley, 2010) Critical pedagogies The many critical pedagogies that engage emancipatory education, place based education, environmental education, critical multiculturalism, and urban education often position land as public Commons or seek commonalities between struggles. Although we believe that “we must be fluent” in each other’s stories and struggles (paraphrasing Alexander, 2002, p.91), we detect precisely this lack of fluency in land and Indigenous sovereignty. Yupiaq scholar, Oscar Kawagley’s assertion, “We know that Mother Nature has a culture, and it is a Native culture” (2010, p. xiii), directs us to think through land as “more than a site upon which humans make history or as a location that accumulates history” (Goeman, 2008, p.24). The forthcoming special issue in Environmental Education Research, “Land Education: Indigenous, postcolonial, and decolonizing perspectives on place and environmental education research” might be a good starting point to consider the incommensurability of place-based, environmentalist, urban pedagogies with land education. ● The urban as Indigenous (Bang, 2009; Belin, 1999; Friedel, 2011; Goeman, 2008; Intertribal Friendship House & Lobo, 2002) ● Indigenous storied land as disrupting settler maps (Goeman, 2008) ● Novels, poetry, and essays by Greg Sarris, Craig Womack, Joy Harjo, Gerald Vizenor ● To Remain an Indian (Lomawaima & McCarty, 2006) ● Shadow Curriculum (Richardson, 2011) ● Red Pedagogy (Grande, 2004) ● Land Education (McCoy, Tuck, McKenzie, forthcoming) 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 role of debate is to disrupt settler logics that produce epistemic or material violence – we control the question of uniqueness as academic institutions are currently saturated with anti-indigenous sentimentality – decolonization is the only ethical demand your ballot should be oriented towards

## 1NC -- Case

#### The Medak-Saltzman evidence flows neg and functions as a link to the k– it indicates that postcolonial theories of haunting and the trace utilize theoretical frames not contextualized to indigeneity and fit indigenous criticism into their box without actually engagint it – it specifically says that theorizing a ghostly presence replicates colonialism by perpetuating the myth of native absence – here’s a rehighlighting:

Dankia Medak-Saltzman ’15 is assistant professor of ethnic studies at the University of Colorado, Boulder. https://doi.org/10.5749/jcritethnstud.1.2.0011 “Specters of Colonialism: Native Peoples, Visual Cultures, and Colonial Projects in the United States and Japan” //lrl

Theories of postcolonial haunting and the trace—although recuperative and valuable to analyzing the experiences and complexities of histories faced by other minoritized groups in North America—provide a perfect example of how the application and utility of popular theoretical frames for examining the experiences of marginalized groups, even in a strictly U.S. context, often does not work when simply extended to the situations faced by Indigenous populations. We cannot simply expect that theoretical frames that are useful in making sense of the experiences of other racialized groups will be equally relevant when applied to Indigenous peoples and contexts. Surely there are cases where this wholesale application works, but it is far more common to see such “inclusion” of Indigeneity as more of an attempt to fit an Indigenous round peg into an all-other-racialized-groups square hole, while avoiding actual engagement with how and why the Indigenous case complicates such theoretical frames. However, the desire to “make” a given theoretical frame “fit” rather than to engage with Indigeneity and all of its attendant complexities represents a settler colonial desire that functions to render the value of, and need for, complex engagement with Indigenous difference inconsequential and irrelevant. This is a line of thinking that relies on the false assumption that Native peoples are simply another minority group in North America—a belief that is not only inaccurate but also serves to blind non-Native peoples to how their presence (even as minoritized groups) on stolen Indigenous territories makes a delicate and complex engagement with questions about collective complicity in the continued dispossession of Indigenous peoples necessary. For this is a complicity that a reckoning with the very fact of that theft, and working toward manifesting the decolonial goals outlined by Indigenous communities and our allies, might go a long way toward addressing. It seems that due, at least in part, to the general recognition of the shameful history of slavery in the United States—a basic level of visibility denied to Native peoples—it has become possible for scholars, historians, and novelists, among others, to employ ghosts and haunting as theoretically compelling and socially empowering tools for historical examination. From Ralph Ellison’s illustration of how that which is hypervisible is also an invisible ghostly presence in Invisible Man to Toni Morrison’s haunted Sethe, who comes face-to-face with the ghost of the daughter she murdered to save her from slavery, this trope is used far beyond these celebrated literary examples, both within and far afield from African American studies. Yet the very nature of haunting has been useful precisely because, as Avery Gordon tells us, “to be haunted is to be tied to historical and social effects,”9 even when, or perhaps especially when, these social effects of the past are dismissed as irrelevant and ahistorical or attributed to bitterness that ought to be “gotten over.” Indeed, the notion of haunting, often appearing as immutable “traces,” has proven a useful device for many groups in North America as they have sought to reveal long-hidden and silenced histories. However, wholesale applications of postcolonial and cultural studies notions of haunting and the trace to the specificity of Native American and Indigenous peoples’ experiences presents a distinct problem: precisely because the “fact” of Native vanishing has become part of a “common-sense” belief that renders Indigenous peoples always already ghostly presences, postcolonial notions of haunting and the trace simply cannot serve as recuperative, or decolonial, strategies for Indigenous peoples. Instead, indiscriminate application of these theories to Indigenous contexts manages to reinforce, rather than dismantle, settler colonial logics that mandate, carry out, and insist upon Indigenous absence. Indian ghosts have been and remain an indelible trope in North American narratives and national mythologies: we see Indigenous “absence” taught in schools, supported by media, and reinforced by statistics that encourage seeing Native peoples and contexts as unworthy of inclusion in studies because our populations are so small. Blaming this absence, neglect, and perceived statistical inconsequence on our small numbers—instead of recognizing the significance of teaching about, reporting on, and including populations that have been intentionally reduced to single-digit percentages of national populations (on our own lands)—shifts responsibility for this continued ignorance away from those who have benefited from settler colonialism and onto the shoulders of the victims and survivors of great violence and invasion. This orchestrated absence and insisted-upon irrelevance is also often unquestioningly reproduced in scholarship—even when the scholarly subject at hand seems to otherwise have little to nothing to do with Indigenous subjects. This pervasive, public, scholarly, and media supported and encouraged manner of thinking about—or more tellingly not thinking about—Native peoples is part of the unseen fabric that binds settler colonial societies together, legitimating the presence of all non-Native peoples on stolen land, whether they arrived by choice or by force. For these reasons, any attempt to simply extend notions of postcolonial haunting to Native peoples is neither empowering nor generative; instead, it further entrenches settler colonial fantasies of Indigenous absence that operate to absolve non-Native peoples, living on stolen Native lands, of this original sin. Therefore, in order to conceive of a theoretically compelling concept of haunting that can better illuminate Indigenous experiences, we must invert the familiar directionality of postcolonial haunting that locates the source of ghostly agency as emanating from the experiential realities of racialized subjects and situates haunting as a consequence of these complicated histories. Indeed, for any theory of haunting to be useful to Indigenous and allied efforts toward decolonization, Indigenous ghosts simply cannot be conceived of as the source of this haunting. Instead, the ghosts that emerge from and haunt settler colonial contexts radiate from their roots in the moral, intellectual, and legal logics developed to legitimate, as necessity, the great violence of empire. Settler colonial societies are haunted by the need to keep these unpalatable truths and their human consequences hidden. This is a feat the ghosts I am describing accomplish by maintaining and reinforcing foundational “truths” and assumptions (e.g., patently false beliefs that Native peoples had no sophisticated forms of governance before the arrival of Europeans) that aid in determining whether, and how, Indigeneity is considered, if it is considered at all. Rendered another way, the logics of empire that haunt settler colonial societies are vestiges of the goals and spirit of colonialism that haunt in order to maintain the foundational narratives of Indigenous absence/inconsequence that justify settler colonial presence on Indigenous lands and manage to absolve guilty consciences in the process. I call these the “specters of colonialism,” and they are as pervasive as they are relentless as they work continually and nearly imperceptibly in their efforts to keep the violence, theft, and logics used to legitimate colonial endeavors neatly hidden from view Naming these haunted logics the specters of colonialism—a turn of phrase that conjures certain European ghosts of its own—as I call attention to the need to focus on, implement, and contribute to critical Indigenous and ethnic studies theory might seem an odd choice. But this continental intellectual genealogy offers a significant and worthwhile means of considering ghostliness and the nature of haunting and their application to Indigenous contexts. Rather than thinking of that which haunts as alternatively tangible, visible, or as spirits that can be sensed but not seen as they affect the living in a variety of ways, there is a less common, but more theoretically compelling, manner of thinking about haunting that can better lend itself to considerations of Indigenous experiences. That is, when what that which haunts is the very spirit of an idea: Karl Marx and Friedrich Engels’s claim that a “specter of communism” was haunting Europe and Jacques Derrida’s discussions of the “specters of Marx” are prime examples of this kind of haunting.10 Adding to the challenges that arise when undertaking academic investigations of that which is both there-and-not-there is the fact that it is often difficult, and at times nearly impossible, to draw attention to that which haunts entire societies. This is precisely the point that Derrida is making regarding the specters of Marx when he coins the term hauntology; for the term itself in the original French is a homonym for ontology, literally replacing the study of existence with the study of that which does not exist yet wields considerable influence. These ghostly presences are deep seated and lingering, and they leave indelible traces of themselves that can be read—if we manage to free ourselves from the influence of these specters of colonialism, by learning to see them and resist their influence—to reveal seldom-considered perspectives on the past and present. While Marx and Engels reference ghosts of communism and Derrida the spirit of Marx and the Marxist inheritance, I assert that the specter haunting our world is our colonial inheritance made manifest. I locate the agents, ideologies, practices, and long-lasting effects of colonialism as the sites from which these myriad hauntings emerge, and contend that we are all more influenced by them than we are likely aware. After all, as the specters of colonialism exert their influence in carrying out the goals of the spirit of colonialism, they hold sway over the weight with which Indigeneity and Indigenous concerns are respected, engaged with, and investigated at the same time that they encourage the dismissal of certain questions and the blind acceptance of settler colonial foundational logics. In this way, the specters of colonialism help to justify and promote the very pattern of nonengagement with Indigenous intellectual traditions and Indigenous studies scholarship that this article seeks to trouble.

#### The resolution’s call for a right to strike is a call to forcibly demand the latest iteration of neoliberal domination under the guise of recognition – labor reconciliation is parasitic on the revolutionary potential of decolonial anticapitalism.

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One of the outstanding ironies in a story rich with many is that the very things which made the prospect of an effective right to strike seem for a time so viable—the unlawful, illiberal, and altogether intolerable coerciveness of sit-down strike and mass picketing, especially—are also what made this concept impossible to ever realize. As we have seen, effective strikes could build the labor movement, validate the Wagner Act, secure the New Deal, and in many ways change America. But they could not make themselves legitimate. So it is that workers have found themselves with a right to strike that equals little more than a right to quit work—and maybe lose their jobs or their houses and savings in the balance. They have a right to strike, as Steinbeck’s character, Mac, complained, but they “can’t picket”—at least, not in a way that is really apt to change anything. And so they do not strike—in fact, under these circumstances they usually should not strike. The proof of this is readily evident, not only in the dramatic decrease in strikes since the 1970s, but in the sad regularity with which even the most vibrant strikes have ended in defeat for workers. Phelps Dodge (1983), Greyhound (1983 and 1990), Hormel (1985-1986), Caterpillar (1992, 1993, and 1994-1995), Detroit Daily News/Daily Free Press (1995-1997)—these are but the most notable of a litany of vibrant strikes since the 1970s that ended in failure.306 They are, in fact, the definitive labor struggles of this period, overshadowing a much smaller number of comparable disputes, like the strikes at United Parcel Service in 1997 and Verizon in 2016 that—often shaped by uniquely favorable labor dynamics—ended in something resembling victory for the union.307 Each of these big and unsuccessful strikes was motived by very modest, in fact anti-concessionary, goals and well-supported by workers and the larger public alike. And each featured mass picketing and other attempts at militancy. But these tactics were met with injunctions, civil suits, mass arrests, and criminal prosecutions, which ended the protests and left the employers free to exert their vast advantages in material wealth and political power, end the disputes on their terms, and leave thousands of strikers unemployed.308 It is true that the last year or so has witnessed what many people have declared to be a miniature strike wave, that has been widely celebrated by unionists and their allies as a welcome departure from past trends and portent, many hope, of a sustained resurgence of labor activism.309 Headlined by statewide teachers strikes in West Virginia, Oklahoma, and Arizona, all in the first part of 2018, the strikes commanded a great deal of media coverage, at least compared to what labor disputes usually receive nowadays.310 However, closer inspection suggests that this wave is mainly an artifact of wishful thinking exacerbated by the novelty for many people nowadays of seeing these strikes reported in the media. For in fact, the number of strikes over the last couple of years has remained close to the level that has prevailed for several decades now.311 Perhaps more significant in putting these strikes in proper context is a reflection on their character. None have been organizing strikes. All of these strikes have been over contracts and working conditions, with many driven by workers’ opposition to concessions and ended with less than spectacular gains by the strikers.312 Moreover, the strikes which comprise this supposed wave have been disproportionately mounted by government workers—teachers, mainly—who are not covered by the National Labor Relations Act. For this reason, several of the strikes have been unlawful, as state law typically denies such workers the right to strike anyway. But at the same time—and this may be the most crucial point—none of these strikes has unfolded in an especially militant way, at least by historical standards. There have been no big sit-down strikes, no threatening episodes of mass picketing, no routing of “scabs,” no destruction of property. Which is all to say that the kinds of strikes that built the labor movement eighty or more years ago remain thoroughly in check. There is little hope within the prevailing political and juridical order that things could ever be any different. Perhaps the right to strike could be made effective if it were fundamentally reconfigured in illiberal, corporatist terms. The right could conceivably be reconfigured such that the government might intervene more aggressively and make the workers protests effective—for example, stepping in to decide by adjudication, mediation, or arbitration which side should win a strike. Elements of this approach, which was vigorously opposed by IWW and AFL unionists alike in the early twentieth century, can be found internationally, in industry-specific statutes like the Railway Labor Act, and in labor statutes that apply to government workers, although most often when the law goes down this path it all but dispenses with the right to strike anyway, treating it as a redundancy, a tool without a purpose. As Senator Wagner himself perceived, alignment between the excessive reliance on the authority of the state to manage labor relations and the denigration of the right to strike was both dysfunctional and dangerous. As he put it back in the summer of 1937, defending the recently-passed statute that bore his name and the right that he placed at the center of it, [t]he outlawry of the right to strike is a natural concomitant of authoritarian governments. It occurs only when a government is willing to assume definitive responsibility for prescribing every element in the industrial relationship—the length of the day, the size of the wage, the terms and conditions of work.313 Clearly no such regime will be instituted in any event, not least because, as interest in such schemes in the twentieth century makes clear, support for this kind of corporatist intervention in labor disputes has itself been an elite reaction against strike militancy that currently does not exist. Where does this leave workers and unions, possessed of a right they cannot afford to surrender but cannot rely on as a means of advancing their interests and standing in society? Are they bound like Steinbeck’s strikers to meet defeat, albeit in a more peaceful way? Maybe. In one of his many commentaries on the sit-down strikes as they raged across the country in the spring of 1937, Walter Lippmann took time to analyze one of the speeches in which James Landis had argued that the tactic might well become a new right, in the same way that the right to strike in general had been created through its persistent assertion in the face of opposition and incredulity. No revolutionary, Lippmann nonetheless understood what Landis apparently did not: that the right Landis spoke of was revolutionary in its conception, and therefore not just an impracticality but a contradiction. “Never in the history of the law has rebellion been made lawful. Only the rights demanded by the rebels have been legalized,” said Lippman.314 As the labor scholars who call for the restoration of an effective right to strike have all understood, the tactics that made such strikes possible were tolerated only so long as there was not a functional system of labor rights in place, one that could stand alone in courts and hearing rooms. Once this was the case—once the rebel unionists’ aims, or at least those imputed to them, were realized—the sit-down strikes were predictably banned, and then so were mass picketing, secondary boycotts, and so forth. Thus it is that in cases like Fansteel and the debates on Taft-Hartley, sit-down strikers, mass picketers, and the like were presented as enemies of the labor law. Even more recent attacks on the right to strike, such as complaints in the 1980s about union violence going uncensored and the modest moves by the NLRB to rein in this, too, have been inevitably justified not in terms of overthrowing the system of labor rights but managing it, reconciling its virtues with the normative and juridical mandates of liberal society. And so it is that the right to strike—the right to an effective strike—has been sacrificed not in the name of capitalist hegemony but on liberalism’s altar of labor peace. Unfortunately, so far as the interests of workers go, these are the same thing.

#### Hauntology’s deferral of politics to a future to come neutralizes its potential

**Noys 10** (Noys, Benjamin, balding prof of k lit at University of Chichester. The Persistence of the Negative: A Critique of Contemporary Continental Theory. Edinburgh: Edinburgh UP, 2010. Print.) rishi

Hauntology is, of course, **a Janus- faced concept: turned not only towards the description of what is, in terms of the necessity of deriving ontology from the fracture of the ‘living present’, but also to what can be, the evental disruption and opening of the living present to a future ‘to come**’. Hauntology inscribes the imminent necessity of events that will disrupt the capitalist ‘hell of the same’. 119 Žižek notes that the matrix of Derrida’s reading is that Marx and Marxism fail to respect spectral alterity as an irreducible event ‘to come’, and so tend to ontologise spectrality into a positive project. 120 This seems to remain within the terms of Negri and Eagleton’s criticisms – that Derrida cannot grasp the positivity of Marxism. The twist is that Žižek argues **that Derrida positivises the ‘negative’ moment of spectrality, and it is this failure to traverse towards negativity that actually leaves capitalism intact while we await the grand and shattering arrival of the spectral event ‘to come’, which never truly materialises as such**. Negri and Eagleton are right, but for the wrong reasons. They are right that Derrida does not really provide a meaningful moment of political agency; they are wrong because this is not the result of deconstruction being a prevaricating ‘negative thought’ that cannot accede to the positive moment of acting or organisation. Rather it is because **deconstruction fills out spectrality as such, as a reified ‘positive’ and irreducible moment that ‘comes from on high’.** This also means that Negri and Eagleton are wrong when they draw the conclusion that a greater ontologisation or positivity is required to resist the ‘weightless’ spectrality of capital. Such an ontologisation or positivisation only mimics capital, or becomes merely gestural or spectral in turn.

#### Haunting is counter-productive---they cause material violence without solving any power dynamic and those frames block valuable contingent interventions.

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Democratic politics calls for public spaces where political action can be seen and talked about. Yet it also presumes and requires a democratic temporality – a temporality that frees the people to govern themselves, liberated from the grip of the past and with the future open to their action and decisions. Without breaking from the past, the people remain mired not only in previous relations of rule, but also in unequal relationships (economic, familial, and cultural) that threaten their ability to rule themselves. Yet even as they need to break from the past in order to rule themselves, the people must somehow also engage that past if it is not to come back to *haunt them*, to persist in the form of ghostly threats to their self-governance. As Jed Rubenfeld puts it, “[p]roclaiming a freedom to be in the here and now, a freedom that was supposed to come from living in the present … turns out to require an interminable engagement with the past and with the future.”1 P.J. Brendese’s book, The Power of Memory in Democratic Politics, is an extended meditation on the question of how democratic citizens have addressed, and should address, memories of past injustice whose legacy persists at the level of unconscious prejudice, bias, and habit, as well as in the form of uncanny ghosts. *Brendese’s basic claim is* that democratic ~~citizens~~ (political actors) need to address memories of injustice not only at the level of “active memory” – for example, through pluralizing narratives – but also at the level of “virtual memory” (habit, bias) and “haunting memory” (ghosts). *For Brendese*, our ability to address these various forms of memory is crucial to our ability to be self-governing: “[d]emocratization is best enabled by a continual struggle to come to terms with the various ways the past lives on in memory” (5). To put the point differently, our ability to govern ourselves well and freely changes in relation to how we deal with our memories of the past. If the past rules us, we cannot rule ourselves. Yet if we attempt to rule the past (by “getting over it” or claiming it no longer matters), we might end up being inadequately attentive to how the past rules us anyway. Brendese argues that the liberal understanding of freedom as “freedom from the past” is insufficient to address the persistence of past constraints, prejudices, and hierarchies – especially sedimented racial prejudice and injustice. Instead, Brendese argues for an agonistic relation to the past. Specifically, he suggests that citizens must find a balance between the need to forget a past of injustice that threatens to deaden democratic possibility in the present, and the need to remember those injustices that continue to exert unjust effects on citizens now. As Brendese puts it, “a more democratic politics of memory is one that has to constantly struggle to come to terms with the tension between remembering to forget and remembering that which others cannot be expected to forget” (126). Brendese’s examination of this double bind – the need to both remember and forget – will be familiar to readers of the literature on transitional justice and the Holocaust, where the question of how societies remember and address mass atrocity is crucial to how and whether they are able to rule themselves in the future. Brendese enters such terrain in chapters on Antigone, the South African Truth and Reconciliation Commission, and the problem of doing justice to “the disappeared” in Mexico. Yet Brendese’s book is distinguished by its engagement with the politics of racial memory in the United States and, in particular, with what he calls “segregated memory.” Segregated memory refers to divided memories of the injustice of slavery in the United States, with whites tending to remember slavery (if they remember it at all) as a past injustice that has supposedly been rectified and African-Americans experiencing that injustice as one that deeply colors their present and anchors contemporary racial injustice. Segregated memory does not just exist at the level of active memory – that we can change by hearing other narratives – but also and perhaps primarily at the level of virtual and haunted memory. “[S]egregated memory…contributes to a segregated polity” because, as virtual memory, it informs the habitus of everyday interactions through which racism, segregation, and racial violence are perpetuated and because, as haunted memory, the ghosts of slavery continue to erupt in our present, interrupting attempts to claim that racial equality and justice has been achieved (17). The “habituated practices, assumptions, intimate passions, and aversions” of segregated memory (Ibid.) also mean that blacks and whites live with different horizons of political possibility. Segregated memory sediments into and constitutes conditions of racial bias, economic inequality, and incarceration (as well as, we might add, anti-black police violence) that stymie and constrain blacks’ sense of what is possible. While telling new stories about slavery and racial injustice – that reveal its persistence in the present, and the horrors of the past – is important, such appeals to active memory are insufficient to address the constraining and unjust effects of memory at the levels of habit and ghosts. Brendese’s response to this is to argue, via a reading of James Baldwin, for pursuing what he calls “desegregated memory” – a form of memory that demands “intensely personal dialogue” between people of different races (79). Such dialogue presses us to shift our perspective on the past: “By moving between voices ranging from black and white individuals and collectives to a trans-racial ‘we,’ Baldwin seeks to convene another public that does not yet exist – a public that is both less alienated and less willfully blinded – a public that would extend the work his text initiates: the work of being cocreators of each other’s awareness” (77). Desegregated memory is agonistic rather than deliberative. Practices of desegregating memory need not – and likely will not – end in agreement, but they may result in “transfiguration,” that is, in “a fusion that would effectively transform prior recollections and expose the fallacies in histories that arch over tragedy to land at a happy ending” (79). Desegregating collective memory ushers in a more integrated self and, perhaps more importantly, a more robust form of self-governance, because it allows us to more fully understand who we are: “[i]n seeing that ‘we are history,’ we see that when Americans (of all races) forget their ancestors, they forget themselves” (79). Desegregated memory does not release us from the rule of the past, but shifts the terms of political possibility. Indeed, Brendese is clear that democratic self-governance depends on learning to live with, rather than exorcise, the (in-exorcisable) ghosts of slavery. As *Brendese* argues in a nice reading of Morrison’s Beloved, trying to exorcise these ghosts only leaves us less capable of addressing them when they (inevitably) emerge again. Overall, the book offers a compelling depiction of segregated memory and its role in perpetuating racial injustice. In so doing, it also helps to address a widespread failure in political theory to treat race and racial injustice as constitutive of democratic possibility. As Lawrie Balfour puts it, “our inattention to the slaves’ perspective on the promise of emancipation…and to the deep roots of sedimented forms of inequality distorts our conception of the political world. It reinforces a view of racial hierarchy as tangential rather than fundamental to the development of our most cherished political ideals.”2 Brendese’s book helps us to ~~see~~ [consider] the double import of attending to racial injustice and the legacy of slavery: that is, that it is both important and pressing in its own right, and also that our failure to address the persistence of racial injustice (via segregated memory) undermines any attempt to govern ourselves democratically. For these reasons, Brendese’s book deserves to be widely read. . *However, I* was left with some *question*s about *the role of memory in politics* and, in particular, about segregated memory. While I found Brendese’s depiction of the power of memory in democratic politics to be persuasive, I was also unsure of the bounds of memory, or the stakes of articulating memory as determinative of every aspect of our lives. In the book, memory seems to be almost everything: thought, habit, convention, prejudice, the unconscious (to name just a few). For Brendese, memory also has a material, visceral presence – in the modern incarceration system, for example, as well as (in the chapter on Morrison) physical sites of past (but still ghostly) oppression. Yet if memory constitutes, and perhaps determines, all parts of us (and it was hard for me to find aspects of the polity and self that were not essentially/only memory, on Brendese’s account), how can we profitably engage in the forms of desegregating and/or democratizing memory that he recommends? In other words, what part of us is not (or at least not fully) a memorial to the past and is thus available for an agonistic relationship to that past? I think this question could have been addressed in the book if Brendese had more explicitly thematized a kind of third term – something like “practices of remembrance” which, while constraining, may be (re)iterated differently. While such practices are implicit throughout (for example, in the kinds of personal dialogues that Brendese sees as characteristic of desegregated memory, or in practices through which citizens ignore or actively sustain our incarceration system), Brendese focuses more on “memory” as a kind of independent actor in the book. I think that by turning memory into an independent actor, Brendese means to convey the ways in which memory’s effects on the polity elude ordinary forms of democratic political action that presume an ability to act into the future without reference to the past. Memory shapes the conditions of racial (in)justice in the polity even if we try to leave that memory behind. Brendese’s insight is significant and reminds us that grappling with the past is important to acting into the future. And yet, the book’s portrayal of memory as an actor which constitutes all aspects of our lives and thus is largely invulnerable to our actions leaves the reader unsure how and where we would start to grapple with the past in a way that could have meaningful effects on our present and future. If democratic self-governance depends on an agonistic relation to the past that negotiates the tension between remembrance and forgetting, then we must critically engage not only sites of sedimented memory, but also concrete practices through which our capture by memory is sustained, and thus where democratic ~~citizens~~ [people] may call on each other (always contingently, and with the risk of failure) to transform the terms of that capture. For example, what might the recent plan to put an MLK memorial atop Stone Mountain in Georgia (and mixed reactions to it) teach us about segregated memory, and the democratic (in)capacity to rework that memory? Or the attempts of Northeastern universities like Brown to acknowledge and grapple with their early imbrication with slavery? Or more broadly and at the grassroots level, the anti-racist activism of the community dubbed “Black Twitter”? Or the many attempts to reveal white supremacy and systematic police violence by the Black Lives Matter movement? Brendese’s conception of segregated memory might help us understand the ambivalence present in many of these examples. At the same time, closely examining such diverse practices of remembrance might help to more concretely reveal the character and limits of democratic capacities for reworking memory and, in turn, for transforming the horizon of democratic possibility.

#### Their focus on justice to right historical wrongs fails – only a perpetual re-questioning of injustice can free the other to achieve true justice.

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As we have seen, in “Violence and Metaphysics,” Derrida does deal with some ethical issues but only in abstract ways to avoid, it is argued, falling into the structured mire of theory, method and philosophy or, in general, of the “limited economy.” Indeed, Derrida is often criticized for lacking positive and concrete socio-political aims and purposes. It seems that he has changed his privilege subjects—linguistic and philosophical thought over political and social thought6—although the spirit of deconstruction remains the same there for him. In most of his recent ethical-political articles and books, he clearly, directly and devotedly explores the political implications of deconstruction by joining the textual-linguistic différance to an ethico-political deconstructive messianism—justice (along with notions of democracy, laws, friendship and politics). “Justice in itself, if such a thing exists, outside or beyond law, is not deconstructable. No more than deconstruction itself, if such a thing exists. Deconstruction is justice” (Derrida 1992: 14-15). Justice, as the only thing he believes is undeconstructable, is a forever-coming messianic otherness—“the coming of the other, the absolute and unpredictable singularity of the arrivant as justice” (Derrida 1994b: 28). Justice, in the image of haunting specter, has directly lead deconstruction into ethical, social and political arenas and into, one may suggest, a post-deconstructive era. Deconstructive justice, however, can never be fully done in any tangible juridical form for it exists not merely for a historical wrong (which must be righted) or an epistemological violence (which must be repaired). Rather, it stands for the very possibility of justice as an imminence. In other words, just as history per se can never risk being reduced to historiographical records, files or representations, so can justice never be ontologized as juridical-moral rules within a hegemonic horizon. The logic of hauntology7 indicates this irreducible justice wholly external to the justice, a justice which is, and refers to, a justice of otherness separated irrevocably from juridical-moral justice and is always already antecedent to ontology and exterior to totality. Furthermore, this demand of justice to question is always imminent, uncompromising and unconditional. Only through a perpetual re-questioning injustice in an irremediable rupture, can the Other gain access to speak for itself and of itself in the name of justice. Responding to the imminent ethical demand of the Other for Derrida becomes “the art of politics” in our postmodern/postcolonialist context. Simon Critchely rightly states: The infinite ethical demand of deconstruction arises as a response to a singular context and calls forth the invention of a political decision. Politics itself can here be thought of as the art of response to the singular demand of the other, a demand that arises in a particular context— although the infinite demand cannot simply be reduced to its context—and calls for political invention, for creation. (1999: 276)