# 1NC

## 1NC -- K -- Colonial Capitalism

#### Reformism is not emancipatory but instead contributes to the iterative perfection of colonial capitalism – the transformative potential of legal change is circumscribed by hegemonic power structures that are embedded in international political systems.

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These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### WTO is a Trojan Horse for accumulation by dispossession and global imperialism---the regime of credibility surrounding it is ideologically manufactured

Screpanti 14 – Ernesto Screpanti, Professor of Political Economy at the University of Siena, Global Imperialism and the Great Crisis: The Uncertain Future of Capitalism, p. 110-113)

The Role of International Organizations

Of the international economic organizations, those that work most effectively to achieve the expansion of “freedom” are the World Trade Organization, the International Monetary Fund, and the World Bank, the three main political institutions charged with preparing the world for capitalist penetration.

The WTO was founded with the primary aim of favoring the expansion of international trade, and was equipped with effective instruments for disciplining opportunist countries. It fulfills the function of issuing international trade rules and rendering them enforceable better than any national empire has ever managed to do. It achieves this through multilateral agreements carrying binding commitments for signatory states. With the Dispute Settlement Understanding (DSU) these agreements are enforceable. The “judgments” handed down by the WTO’s Dispute Settlement Body (DSB) oblige noncompliant countries to conform to the rules, under the threat of economic sanctions ranging from compensating an injured country for damages to the implementation of retaliatory measures.

The rules, especially those known as “nondiscriminatory clauses,” are supposed to foster the expansion of free trade. In reality, they effectively force member states to accept penetration by multinational corporations. The National Treatment clause, for example, obliges governments to extend the best treatment afforded to national firms, including state-owned companies, to foreign ones. The Market Access clause, in turn, prohibits governments from hindering the entrance of multinational firms.60 Together these rules have contributed to creating a norm that encapsulates the essence of the whole set of regulations, a sort of “most favored firm” clause. If an advantage is granted to a firm, for example, a national company, it must be granted to all firms. This implies, among other things, that once a state-owned company has been privatized there is hardly any going back, even if it results in a market failure.

The TRIPs (Trade-Related Aspects of Intellectual Property Rights) serve to safeguard the ownership of the products of scientific and technological research, trademarks, and the like, and thus to guarantee the profitability of their use. Patents, which are mainly registered in the countries of the imperial Center, cannot be used by developing countries unless they pay the royalties established by the multinational companies to which the patents belong, often even if they apply to vital drugs.61 In the TRIPs, the World Trade Organization clearly reveals its nature as a political organization with the purpose of safeguarding the interests of multinationals. Not by chance, the big corporations played a key role in drawing up the TRIPs agreements.62 While all the other agreements formally have the aim of expanding competition and free trade, the TRIPs agreement takes the form of a protectionist regulation. It explicitly seeks to protect monopoly positions and the monopoly profits provided by scientific and technological research, an activity in which the big multinationals of the North excel.

Even more blatant are the agreements known as TRIMs (Trade- Related Investment Measures). Their content is essentially disciplinary, as they prohibit the adoption of the economic policy instruments63 that the governments of many countries use to protect their economies from certain negative consequences of foreign direct investments. The TRIMs serve to disarm states in their attempts to implement industrial and commercial policies for the benefit of local populations. They mete out discipline in the interests of the multinationals.

But possibly the most brazen of all these agreements is the GATS (General Agreement on Trade in Services), which regulates a highly heterogeneous sector (with 160 sub-sectors) effectively covering the production of all nonmaterial goods, from finance to postal services, from water supply to electricity, from telecommunications to transport, from insurance to banks, from education to health. The sector is so vast that it accounts for two-thirds of global output.

The GATS was expressly proposed, prepared, and armed by certain Anglo-American financial multinational lobbies whose names are well known.64 According to economic science, a large part of the goods covered generate market failures65—because they are produced in conditions of natural monopoly (for example, water supply), because they generate significant externalities (for example, pollution), or because they are commons (for example, woods), public goods (for example, justice), or merit goods (for example, education). This is why their production was traditionally controlled or regulated by the state in the public interest. The GATS instead considers policies that pursue public aims in the production of services as discriminatory. Under the pretense of making markets competitive, it forces signatory states to dismantle public sectors that regulate services and sell off the firms that provide them. In contrast to the other agreements, the GATS is not confined to regulating existing markets but plays a fundamental role as a creator of markets. It seeks to commodify public goods, public utilities, and commons, and to privatize natural monopolies.

Joining the WTO implies acceptance of the rules of national treatment and market access, as well as the principle that public monopolies and public services are unacceptable. Then, when a serious economic crisis arises and leaves a country in need of financial help from the IMF and the WB, the government is forced to sell off state-owned companies and commons to the multinationals.

The WTO has become a partial substitute for gunboats in imperial governance. Through it, the big capital clears and paves the way for expansion and accumulation on a global scale. What is more, it does so with the consent of the exploited countries, which are induced to join the organization to gain access to flows of foreign direct investments from multinationals, assistance from advanced countries, and financial aid from the IMF and WB.

As for the IMF, following the Washington Consensus (of “free market” economics) this pawnbroker for desperate states took on the role of liberator. Previously, based on the Keynesian approach of the Bretton Woods system, the IMF imposed restrictions on the demand side, while granting credit to check the severity of those restrictions as much as possible. With the success of the monetarist ideology of Milton Friedman and the Chicago School in the late 1970s, the “structural” adjustments imposed were expected to affect the supply side, that is, mainly structures of production and ownership, rather than aggregate demand alone. Moreover, a “long-run perspective” was to be preferred, rather than focusing on the “short run.” Thus, from 1979 onward, the IMF began to impose structural reforms with the aim of “relaunching development.” According to neoliberal ideology, such reforms require the deregulation and liberalization of markets. This meant the cutting of tariffs and other forms of protectionism to boost competition, the liberalization of prices to cure inflation, the deregulation of labor markets to foster flexibility and reduce labor costs, the deregulation of financial markets to encourage capital mobility, and the privatization of public utilities to balance national budgets and expand competition. Thus the IMF acts as a bulldozer, preparing the ground for the arrival of multinational capital in desperate states. It does so to make this arrival as profitable as possible: it cuts wages and the cost of raw goods, makes labor flexible, and gets states to sell off public utilities and natural resources at fire-sale prices.

Lastly, the WB plays a more subtle, but no less effective, role in bringing about the expansion of “freedom.” It offers help to developing countries by funding investments in the infrastructure necessary for industrial takeoff, or, in other words, for penetration by multinational capital. Like the IMF, with which it often acts in cooperation, the WB gives nothing for free. In particular, among the conditions for access to its loans, it also demands the demolition of trade barriers, the privatization of services, and the selling off of the commons to private companies.

Could the big multinationals let control over the great international economic organizations slip from their hands? And how could they get those organizations to serve their own interests while maintaining the decision-making autonomy of their managers? A powerful ideological campaign was called for. No sooner said than done. Having unleashed the most imaginative economists and even enlisted the help of the international academic body that decides on the recipients of the Nobel prize for economics, the right doctrines were promptly produced, one more audacious than the other: the right doctrines to replace the dated nineteenth- to twentieth-century free trade theory.66 Then the markets for allegiance, the mass media, the most prestigious U.S. universities, research institutes, and culture academies, sprang into action to defend the new orthodoxy and put the right people in the right places. This is how the great international economic organizations came to be capable of acting autonomously in the interests of multinational capital.

#### The 1AC’s minimal transfer of rights is drafted into a larger colonial politics of recognition, whereby symbolic gestures of redress are offered to delegitimize Native demands for real redress and perpetuate asymmetries of power.

Glen Coulthard, 2014, Yellowknives Dene and an associate professor in the First Nations and Indigenous Studies Program and the Departments of Political Science at the University of British Columbia, "Red Skin, White Masks," University of Minnesota Press, Conclusion, Pp. 155-7, https://www.upress.umn.edu/book-division/books/red-skin-white-masks; seambo

For Alfred, colonial recognition politics serves the imperatives of capitalist accumulation by appearing to address its colonial history through symbolic acts of redress while in actuality “further entrenching in law and practice the real bases of its control.”11 As we have seen, over the last forty years Canada has recognized a host of rights specific to Aboriginal communities, including most importantly to land and self-government. Canada has always used this recognition, however, as evidence of its ultimately just relationship with Indigenous communities, even though this recognition continues to be structured with colonial power interests in mind. Simpson levels a similar charge against the more recent “turn to reconciliation” in Indigenous politics. “As reconciliation has become institutionalized,” writes Simpson, “I worry our participation will benefit the state in an asymmetrical fashion.”12 In Simpson’s view, the state’s approach to reconciliation serves to neutralize the legitimacy of Indigenous justice claims by offering statements of regret and apology for harms narrowly conceived of as occurring in the past, thus off-loading Canada’s responsibility to address structural injustices that continue to inform our settler-colonial present. In doing so the state can claim “that the historical ‘wrong’ has been ‘righted’ and further transformation is not needed.”13 In the end, the optics created by these grand gestures of recognition and reconciliation suggests to the dominant society that we no longer have a legitimate ground to stand on in expressing our grievances. Instead, Indigenous people appear unappreciative, angry, and resentful, as we saw in chapter 4.

The optics of recognition and reconciliation can also have a colonial impact on Indigenous subjects. For both Alfred and Simpson, settler-colonial rule is a form of governmentality: a relatively diffuse set of governing relations that operate through a circumscribed mode of recognition that structurally ensures continued access to Indigenous peoples’ lands and resources by producing neocolonial subjectivities that coopt Indigenous people into becoming instruments of their own dispossession. According to this view, contemporary colonialism works through rather than entirely against freedom: In the “new relationship,” writes Alfred, the “rusty cage [of colonialism] may be broken, but a new chain has been strung around the indigenous neck; it offers more room to move, but it still ties our people to white men pulling on the strong end.” Alfred’s concern here is that many Indigenous people, particularly those leaders and community organizers heavily invested in the colonial politics of recognition, have come to associate this externally imposed field of maneuver with freedom or decolonization itself.

The biopolitics of settler-colonial recognition can also problematically inform our efforts at Indigenous resurgence. For both authors, recognizing this demands that we remain cognizant of the pitfalls associated with retreating into an uncritical essentialism in our practices of cultural revitalization. As Alfred states in Peace, Power, Righteousness: “Working within a traditional framework, we must acknowledge the fact that traditions change, and that any particular notion that constitutes ‘tradition’ will be contested.”15 A similar insistence on cultural dynamism informs Simpson’s work. Resurgence does not “literally mean returning to the past,” insists Simpson, “but rather re-creating the cultural and political flourishment of the past to support the well being of our contemporary citizens.”16 For Simpson this requires that we reclaim “the fluidity of our traditions, not the rigidity of colonialism.” Acknowledging culture’s malleability, however, does not mean that we cannot still identify certain “beliefs, values and principles that form the persistent core of a com- munity’s culture,” writes Alfred. It is this “traditional framework that we must use as the basis on which to build a better society.” The resurgence Alfred and Simpson advocate is thus a critical one: an intellectual, social, political, and artistic movement geared toward the self-reflective revitalization of those “values, principles and other cultural elements that are best suited to the larger contemporary political and economic reality.”18 Resurgence, in this view, draws critically on the past with an eye to radically transform the colonial power relations that have come to dominate our present.

#### The 1AC’s fiated imagination of a world where the settler state helps Native folk is an ahistorical dream – produces liberal multicultural fantasies that sustain settler colonialism

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’.

#### The settler colonial project requires the disappearance or assimilation of the Native, who produces Settler anxieties that confound national belonging – this is an ongoing genocide that also exists in premature moves to reconciliation and the desire to not have to deal with the Indian problem anymore.

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Recently in a symposium on the significance of Liberal Arts education in the United States, Eve presented an argument that **Liberal** **Arts education has historically excluded any attention to or analysis of settler colonialism.** **This, Eve posited, makes Liberal Arts education complicit in the project of settler colonialism and, more so, has rendered the truer project of Liberal Arts education something like trying to make the settler indigenous to the land he occupies.** The attendees were titillated by this idea, nodding and murmuring in approval and it was then that Eve realized that she was trying to say something incommensurable with what they expected her to say. She was completely misunderstood. **Many in the audience heard this observation: that the work of Liberal Arts education is in part to teach settlers to be indigenous, as something admirable, worthwhile, something wholesome, not as a problematic point of evidence about the reach of the settler colonial erasure.** Philip Deloria (1998) explores how and why the settler wants to be made indigenous, even if only through disguise, or other forms of playing Indian. Playing Indian is a powerful U.S. pastime, from the Boston Tea Party, to fraternal organizations, to new age trends, to even those aforementioned Native print underwear. Deloria maintains that, “From the colonial period to the present, the Indian has skulked in and out of the most important stories various Americans have told about themselves” (p. 5). The indeterminacy of American identities stems, in part, from the nation’s inability to deal with Indian people. Americans wanted to feel a natural affinity with the continent, and it was Indians who could teach them such aboriginal closeness. Yet, in order to control the landscape they had to destroy the original inhabitants. (Deloria, 1998, p.5) L. Frank Baum (author of The Wizard of Oz) famously asserted in 1890 that the safety of white settlers was only guaranteed by the “total annihilation of the few remaining Indians” (as quoted in Hastings, 2007). D.H. Lawrence, reading James Fenimore Cooper (discussed at length later in this article), Nathaniel Hawthorne, Hector St. John de Crevecoeur, Henry David Thoreau, Herman Melville, Walt Whitman and others for his Studies in Classic American Literature (1924), describes Americans’ fascination with Indigeneity as one of simultaneous desire and repulsion (Deloria, 1998). **“No place,” Lawrence observed, “exerts its full influence upon a newcomer until the old inhabitant is dead or absorbed.”** Lawrence argued that in order to meet the “demon of the continent” head on and this finalize the “unexpressed spirit of America,” white Americans needed either to destroy Indians of assimilate them into a white American world...both aimed at making Indians vanish from the landscape. (Lawrence, as quoted in Deloria, 1998, p. 4). Everything within a settler colonial society strains to destroy or assimilate the Native in order to disappear them from the land - this is how a society can have multiple simultaneous and conflicting messages about Indigenous peoples, such as all Indians are dead, located in faraway reservations, that contemporary Indigenous people are less indigenous than prior generations, and that all Americans are a “little bit Indian.” These desires to erase - to let time do its thing and wait for the older form of living to die out, or to even help speed things along (euthanize) because the death of pre-modern ways of life is thought to be inevitable - these are all desires for another kind of resolve to the colonial situation, resolved through the absolute and total destruction or assimilation of original inhabitants. Numerous scholars have observed that **Indigeneity prompts multiple forms of settler anxiety, even if only because the presence of Indigenous peoples - who make a priori claims to land and ways of being - is a constant reminder that the settler colonial project is incomplete** (Fanon, 1963; Vine Deloria, 1988; Grande, 2004; Bruyneel, 2007). The easy adoption of decolonization as a metaphor (and nothing else) is a form of this anxiety, because it is a premature attempt at reconciliation. The absorption of decolonization by settler social justice frameworks is one way the settler, disturbed by her own settler status, tries to escape or contain the unbearable searchlight of complicity, of having harmed others just by being one’s self. The desire to reconcile is just as relentless as the desire to disappear the Native; it is a desire to not have to deal with this (Indian) problem anymore.

#### 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.

Tuck & Yang 12 [Eve Tuck is Associate Professor of Critical Race and Indigenous Studies at the Ontario Institute for Studies in Education (OISE), University of Toronto. She is Canada Research Chair of Indigenous Methodologies with Youth and Communities. K. Wayne Yang writes about decolonization and everyday epic organizing, particularly from underneath ghetto colonialism, often with his frequent collaborator, Eve Tuck. Currently, they are convening The Land Relationships Super Collective, editing the book series, Indigenous and Decolonizing Studies in Education, and editing the journal, Critical Ethnic Studies. He is interested in the complex role of cities in global affairs: cities as sites of settler colonialism, as stages for empire, as places of resettlement and gentrification, and as always-already on Indigenous lands. \*Sometimes he writes as la paperson, an avatar that irregularly calls.“Decolonization is not a metaphor,” *Decolonization: Indigeneity, Education & Society* Vol 1 No 1 (2012) //tjb]

**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 materil 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 -- T -- Medicine

#### Interp -- Vaccines are not medicines

Vecchio 7/22 (Christopher Vecchio, [CFA, Senior Strategist,], 7-22-2021, “Delta Variant Concerns Won't Cripple Markets, US Economy“, DailyFX, accessed: 8-9-2021, https://www.dailyfx.com/forex/video/daily\_news\_report/2021/07/22/market-minutes-delta-variant-concerns-wont-cripple-markets-us-economy.html) ajs

Let’s stick to the facts. The COVID-19 vaccines are not medicines, which by definition “treat or cure diseases.” Vaccines “help prevent diseases,” an important distinction. Why does this matter? Because data coming out of some of the world’s developed economies with high adult vaccination rates suggest that the vaccines are working as intended: tail-risks have been reduced, with hospitalizations and deaths falling relative to the recent spike in infections (which have been occurring primarily among the unvaccinated at this point). Put another way, vaccines are like a Kevlar vest for the immune system; while they don’t make you bulletproof, they dramatically increase the odds of surviving an adverse event.

#### **Their own solvency advocate makes a distinction between the COVID-19 vaccine and medicines**

Public Citizen 6/22 - Public Citizen et. al, “Please Speedily Secure Implementation of a COVID-19 Emergency Waiver of WTO TRIPS Rules for Vaccines, Tests and Treatments,” *Open Letter to President Joe Biden*. June 22, 2021. <<https://www.citizenstrade.org/ctc/wp-content/uploads/2021/06/COVIDTRIPSWaiver_SignOnLtr2_062221.pdf#new_tab>> AT

We the undersigned organizations respectfully urge you to speedily secure a waiver that is:¶ • Comprehensive: The U.S. government must secure swift adoption of a temporary waiver of the patent, copyright, industrial design and undisclosed data rules of the WTO’s TRIPS Agreement with respect to COVID-19-related medical products. The scope of the waiver must extend beyond vaccines to also cover the diagnostic tests needed to detect outbreaks and variants; the treatments, ventilators and other medical devices necessary to shorten lockdowns and save the lives of the millions who will contract COVID-19 before sufficient vaccine doses can be made and the materials, components, means and methods of manufacturing such goods.¶ • Swift: The WTO Director General’s December 2021 deadline for a final waiver text is far too late to meet the urgency of the pandemic, which requires agreement on a waiver in a matter of weeks, not months.¶ • Long-lasting: A waiver must be of sufficient duration to incentivize and sustain increases in manufacturing capacity for and output of medical goods to prevent, contain or treat COVID19, taking into consideration that the pandemic may yet escape current vaccines. We support the waiver sponsors’ proposal that the initial waiver last three years and be regularly reviewed thereafter, particularly given uncertainties around variants, the need for boosters, and what levels of immunization may be needed.¶ Current global production capacity of COVID-19 vaccines, medicines, and diagnostic tests cannot come close to meeting global needs to detect, treat, prevent, or contain COVID-19. Absent significant increases in vaccine production, many in developing nations will not have access to vaccines until 2024. This lag would mean more deaths and the greater chances for development of new variants that can undermine vaccines' achievements to date.¶ Every country should have the right to develop and make their own vaccines free from the worry that they and their suppliers would be sued by IP holders. To date, vaccine intellectual property rightsholders have refused to issue open licenses under transparent and accountable terms and conditions, and transfer technology fully to and negotiate payment terms with qualified manufacturers in Africa, Asia, and Latin America, creating supply shortages and production bottlenecks and prohibiting urgently needed production of doses worldwide. The worst global health crisis in a century has resulted in at least 3.5 million deaths worldwide and is conservatively estimated to cost the U.S. alone $16 trillion in economic losses, accompanied by yet greater global losses that have impoverished hundreds of millions of people worldwide. We are in a race against time to save lives and prevent new variants. Absent a major increase in vaccines, treatments, diagnostic tests, ventilators, and other COVID-19-related medical supplies, the pandemic will rage largely unmitigated among a significant share of the world’s population. COVID-19 infections will increase, resulting in increased deaths and long-term damage to the health of millions of people, a dragging blow to the global economy and a risk that vaccine-resistant variants will put the world back on lockdown and evade immunity for those previously infected and/or vaccinated. The long-term impact on people’s health and the world’s health system would be unprecedented.

#### Prefer our interp –

#### 1] Precision – Our definition is most precise which is the biggest internal link to predictability - anything else justifies the aff arbitrarily jettisoning words in the resolution which is the only stasis point we know before the round.

#### 2] Predictable limits - their interp includes affs that deal with intellectual property protections beyond medicines which justifies thousands of new affs based on the expansive literature base surrounding the multitude of applications of IP law – music, literature, fine art, software, non-pharmaceutical corporate trade secrets and patents, trademarked logos, etc. which explodes neg research burdens and makes it impossible to develop stable generics that are the backbone of neg prep on any topic

#### 3] Ground – their interpretation makes it impossible for neg teams to access stable generic ground – we can’t ready any CPs, DAs, or Ks that apply to pharmaceutical IP law which includes virtually everything read on this topic – Innovation DA, Health Diplomacy DA, Compulsory Licensing CP, Waiver CP, most links to the cap K, etc., not even generic caseturns apply to affs like this one which proves abuse

#### TVA solves all your offense – read an aff about malaria drugs rather than vaccines

#### Paradigm Issues –

#### 1] T is DTD – A] their abusive advocacy skewed the debate from the start B] DTA is incoherent because we indict their advocacy

#### 2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them

#### 3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] only our interp sets norms -- reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom of questionable argumentation

#### 4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly

## 1NC -- Case

### 1NC -- No Solvency

#### COVID-19 waiver can’t solve – vaccine supply chains and lack of technological infrastructure constrain efficacy and cumbersome negotiations detract from pandemic control efforts.

De Bolle and Obstfeld ’21 -- Senior Fellows at PIIE (Monica de Bolle and Maurice Obstfeld, 5-12-2021, "Waiving patent and intellectual property protections is not a panacea for global vaccine distribution," PIIE, <https://www.piie.com/blogs/realtime-economic-issues-watch/waiving-patent-and-intellectual-property-protections-not>, accessed 9-3-2021) //nikki

The Biden administration's decision in early May 2021 to support temporary waivers of intellectual property rights (IPRs) on COVID-19 vaccines produced by the world's largest pharmaceutical companies is a welcome step intended to help countries with low access to vaccines. Unfortunately, however, the waivers by themselves will do little to aid global vaccination in the near term. In fact, these actions could be counterproductive if governments become complacent and fail to finance and organize vaccine supply chains worldwide, without which vaccines will not get to those who need them. As the pandemic has exploded in India and fears for Africa have intensified, the pressure on the United States, the European Union, and other advanced vaccine-producing countries to relax IP protections in World Trade Organization (WTO) agreements has intensified. Policymakers have also increasingly understood that no one is safe from COVID-19 until everyone is safe. Led by India and South Africa, the developing world has been arguing on moral and practical grounds that IP waivers are essential to accelerating vaccine distribution and containing the pandemic worldwide. Absent widespread vaccination in less prosperous countries, experts say, all countries, even those with high vaccination rates, would remain vulnerable. But IP waivers alone will not necessarily accomplish that goal. Among the obstacles to getting wide distribution of vaccines are bureaucratic hurdles within the WTO, the difficulty for many poor countries of producing vaccines even if they have the legal right to do so, and the fact that vaccine production depends on global supply chains that cannot quickly be mobilized to deliver shots to low- and middle-income countries. THREE KEY CHALLENGES Navigating the procedural obstacles to get WTO agreement on a streamlined mechanism for suspending IP protections is not as easy as it would seem. It is already possible to waive protections in the 1994 WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). But the WTO's track record suggests that roadblocks may lie ahead in expanding the scope of its waiver procedure. Since August 2003, the WTO has explicitly allowed emergency departures from the TRIPS agreement, enabling countries with manufacturing capacity to suspend IP protections to produce life-saving drugs and vaccines, not just for domestic use but also for export to countries that lack manufacturing capacity of their own. However, the process of negotiating the August 2003 decision—which created a temporary procedure for export waivers—took 14 months, and it was not until January 2017 that two-thirds of WTO members had ratified it as a formal amendment to the TRIPS agreement. Because of this painful negotiation process, the bureaucratic procedures for exercising IP flexibility are so cumbersome that there are very few instances of its use. The best known (though not very successful) example occurred with Canadian exports of an AIDS treatment to Rwanda in 2007. Complicating matters further has been the opposition of some major countries to revisiting the issue, as well as the likely need for WTO members to revise their domestic legal frameworks to accommodate patent waivers. These factors make it clear that renewed negotiations within the WTO are unlikely to yield results with the speed that the current health emergency demands or result in a meaningfully better framework. Recognizing the likely difficulty of negotiations, WTO Director-General Ngozi Okonjo-Iweala has suggested a December 3, 2021 deadline for completion—but like past initial deadlines in this space, this one could well prove overoptimistic. The second, and arguably more intractable, challenge is technical: Even if they overcome IP obstacles and get permission to produce vaccines, less prosperous countries lack the know-how, facilities, and trained personnel to produce them. Despite the abysmal decades-long record of vaccine distribution in those countries, existing TRIPS flexibilities have done nothing to improve the situation. A smoother IP waiver process might help, but only as a component of a broader effort. True, patent protection is the main obstacle to creation of generic small-molecule drugs, which chemists can synthesize. But other major obstacles exist for vaccines, which are biologics. For the latter category of drugs, an identical product requires an identical production technology, with most steps categorized as hard-to-replicate trade secrets rather than patentable innovations. Thus, Moderna announced in October 2020 that it would not enforce its COVID-19-related patents during the pandemic. But this step, however laudable, is of limited immediate help to would-be producers of a "generic" version of the Moderna vaccine. Without precisely replicating all steps of Moderna's production process, including the many quality controls, a generic version would have untested immunogenicity (the ability to induce the body to generate an immune response) and thus would require extensive clinical trials before release. Production glitches—such as those that afflicted the Janssen/Johnson & Johnson vaccine in the United States—could prompt widespread vaccine skepticism, damaging pandemic control efforts. The replication hurdle is especially high for the new and more sophisticated messenger ribonucleic acid (mRNA) vaccines, which have proven most effective against SARS-CoV-2 (the virus that causes COVID-19) and which are likely to provide the most adaptable platforms for the vaccines of the future. The genetic vaccines produced by Pfizer-BioNTech and Moderna require considerable technical knowledge and sophisticated techniques to generate a version of the viral spike protein that elicits a strong immune response.1 Therefore, from a biological standpoint, patent and IP waivers alone cannot resolve the existing lack of capacity in most countries to produce genetic vaccines at scale locally. A final challenge is that vaccine supply chains are intricate and global in scope. Different stages of vaccine manufacturing are spread across different parts of the globe, with various countries supplying key inputs and equipment. Patent and IP waivers cannot resolve export restrictions that these countries may decide to impose—and in fact have imposed—throughout the pandemic. Nor can poor countries with production waivers easily integrate into global supply chains. At the moment, current production capacity and quality standards continue to constrain global supply. SHORT- AND LONG-TERM PRIORITIES A streamlined mechanism for IP waivers can be useful, but the back and forth of waiver negotiations within the WTO will prove counterproductive if it distracts from necessary immediate and longer-term measures to contain the pandemic and prepare for future threats. In the short run, global vaccine production by existing producers should be ramped up with more global sharing, and at subsidized prices for poor countries. All countries can start by renouncing export restrictions that threaten global supply chains. Rich countries must also step up to provide financial support for vaccine purchases and immunization programs and also to directly share vaccine doses that are now in oversupply. Political leaders in the rich countries should explain to their citizens that aiding poor countries is in their own interest. That is because the pandemic is producing potentially more transmissible and deadlier variants that will inevitably spread worldwide. Over the long run, the global community needs to build a cooperative infrastructure to address the likelihood of the current pandemic lasting a long time, while preparing for future pandemics that could arrive with increasing frequency. In February 2021, the Group of Seven nations proposed a global health treaty that would help create a framework for more effective and coordinated pandemic response. Systematic worldwide genomic surveillance of current and potential pathogens is one aspect of such a treaty that would be imperative in order to inform public health policymakers and guide rapid vaccine development. Another useful step could be a vaccine investment and trade agreement, as suggested by Thomas J. Bollyky and Chad P. Bown, which would enable countries to coordinate vaccine development, supply chains, and production to eliminate beggar-thy-neighbor policies and speed vaccine development and deployment worldwide. The public-private partnerships underlying such an agreement might incorporate reform of the TRIPS patent and IP flexibilities acceptable to all parties. Unfortunately, finance ministers and central bank governors did little more than rehearse broad principles at their April 2021 Group of Twenty (G20) meeting, even as the COVID-19 outlook has deteriorated in India and elsewhere. Italy will host the next important international public health meeting on May 21, 2021 at a Global Health Summit in Rome. Participants may consider proposals by the High Level Independent Panel on Financing the Global Commons for Pandemic Preparedness and Response, which the G20 established in January 2021 and which Dr. Okonjo-Iweala co-chairs. International engagement over patents and other IP protections will be immensely more beneficial as a component of much broader commitments to speed vaccine deployment in the near term and build a robust cooperative framework for ongoing pandemic response. By the time of their October leaders' meeting, G20 countries should be well along in implementing an ambitious global public health framework rather than squabbling over the narrower issue of IP protections.

### 1NC -- Preempts

#### Top level – every single one of these cards presumes an abstract alternative solely based in epistemic restructuring which is not our alternative – decolonization is a material project that results in the return of land and sovereignty which is the furthest thing from abstract theorizing.

#### Treating radical change as a “possibility” rather than a “certainty” when compared to an aff that will also likely not pass in the real world is a form of settler pathologization that arbitrarily deflates the probability and feasibility of decolonization in order to maintain sovereign control over the lands – their preempts are an attempt at resuscitating settler governance by depicting the alternative as destined for failure without engaging in its particularities

#### The appropriation of decolonization by settler justice frameworks is a move to innocence that brackets out the incommensurable aims of indigenous self-determination movements and naturalizes settler futurity within decolonial futures.

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For the past several years we have been working, in our writing and teaching, to bring attention to how settler colonialism has shaped schooling and educational research in the United States and other settler colonial nation-states. These are two distinct but overlapping tasks, the first concerned with how the invisibilized dynamics of settler colonialism mark the organization, governance, curricula, and assessment of compulsory learning, the other concerned with how settler perspectives and worldviews get to count as knowledge and research and how these perspectives - repackaged as data and findings - are activated in order to rationalize and maintain unfair social structures. We are doing this work alongside many others who - somewhat relentlessly, in writings, meetings, courses, and activism - don’t allow the real and symbolic violences of settler colonialism to be overlooked. Alongside this work, we have been thinking about what decolonization means, what it wants and requires. One trend we have noticed, with growing apprehension, is the ease with which the language of decolonization has been superficially adopted into education and other social sciences, supplanting prior ways of talking about social justice, critical methodologies, or approaches which decenter settler perspectives. Decolonization, which we assert is a distinct project from other civil and human rights-based social justice projects, is far too often subsumed into the directives of these projects, with no regard for how decolonization wants something different than those forms of justice. Settler scholars swap out prior civil and human rights based terms, seemingly to signal both an awareness of the significance of Indigenous and decolonizing theorizations of schooling and educational research, and to include Indigenous peoples on the list of considerations - as an additional special (ethnic) group or class. At a conference on educational research, it is not uncommon to hear speakers refer, almost casually, to the need to “decolonize our schools,” or use “decolonizing methods,” or “decolonize student thinking.” Yet, we have observed a startling number of these discussions make no mention of Indigenous peoples, our/their1 struggles for the recognition of our/their sovereignty, or the contributions of Indigenous intellectuals and activists to theories and frameworks of decolonization. Further, there is often little recognition given to the immediate context of settler colonialism on the North American lands where many of these conferences take place. Of course, dressing up in the language of decolonization is not as offensive as “Navajo print” underwear sold at a clothing chain store (Gaynor, 2012) and other appropriations of Indigenous cultures and materials that occur so frequently. Yet, this kind of inclusion is a form of enclosure, dangerous in how it domesticates decolonization. It is also a foreclosure, limiting in how it recapitulates dominant theories of social change. On the occasion of the inaugural issue of Decolonization: Indigeneity, Education, & Society, we want to be sure to clarify that decolonization is not a metaphor. When metaphor invades decolonization, it kills the very possibility of decolonization; it recenters whiteness, it resettles theory, it extends innocence to the settler, it entertains a settler future. Decolonize (a verb) and decolonization (a noun) cannot easily be grafted onto pre-existing discourses/frameworks, even if they are critical, even if they are anti-racist, even if they are justice frameworks. The easy absorption, adoption, and transposing of decolonization is yet another form of settler appropriation. When we write about decolonization, we are not offering it as a metaphor; it is not an approximation of other experiences of oppression. Decolonization is not a swappable term for other things we want to do to improve our societies and schools. Decolonization doesn’t have a synonym. Our goal in this essay is to remind readers what is unsettling about decolonization - what is unsettling and what should be unsettling. Clearly, we are advocates for the analysis of settler colonialism within education and education research and we position the work of Indigenous thinkers as central in unlocking the confounding aspects of public schooling. We, at least in part, want others to join us in these efforts, so that settler colonial structuring and Indigenous critiques of that structuring are no longer rendered invisible. Yet, this joining cannot be too easy, too open, too settled. Solidarity is an uneasy, reserved, and unsettled matter that neither reconciles present grievances nor forecloses future conflict. There are parts of the decolonization project that are not easily absorbed by human rights or civil rights based approaches to educational equity. In this essay, we think about what decolonization wants. There is a long and bumbled history of non-Indigenous peoples making moves to alleviate the impacts of colonization. The too-easy adoption of decolonizing discourse (making decolonization a metaphor) is just one part of that history and it taps into pre-existing tropes that get in the way of more meaningful potential alliances. We think of the enactment of these tropes as a series of moves to innocence (Malwhinney, 1998), which problematically attempt to reconcile settler guilt and complicity, and rescue settler futurity. Here, to explain why decolonization is and requires more than a metaphor, we discuss some of these moves to innocence: 1 As an Indigenous scholar and a settler/trespasser/scholar writing together, we have used forward slashes to reflect our discrepant positionings in our pronouns throughout this essay. 4 E. Tuck & K.W. Yang i. Settler nativism ii. Fantasizing adoption iii. Colonial equivocation iv. Conscientization v. At risk-ing / Asterisk-ing Indigenous peoples vi. Re-occupation and urban homesteading Such moves ultimately represent settler fantasies of easier paths to reconciliation. Actually, we argue, attending to what is irreconcilable within settler colonial relations and what is incommensurable between decolonizing projects and other social justice projects will help to reduce the frustration of attempts at solidarity; but the attention won’t get anyone off the hook from the hard, unsettling work of decolonization. Thus, we also include a discussion of interruptions that unsettle innocence and recognize incommensurability.