# Valley RR R1 Neg vs Archit

# 1NC

### 1

#### Interpretation: “medicines” is a generic bare plural. The aff may not defend WTO member nations reducing intellectual property protections for a subset of medicines.

#### The upward entailment test and adverb test determine the genericity of a bare plural

Leslie and Lerner 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. Adam Lerner, PhD Philosophy, Postgraduate Research Associate, Princeton 2018. From 2018, Assistant Professor/Faculty Fellow in the Center for Bioethics at New York University. Member of the [Princeton Social Neuroscience Lab](http://psnlab.princeton.edu/).] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### It applies to “medicines” – 1] upward entailment test – “reduce intellectual property protections for medicines” doesn’t entail reducing protections for aids, because it doesn’t prove that we should derestrict other beneficial tech

#### Vote neg:

#### 1] Limits – you can pick anything from COVID vaccines to HIV/AIDS to random biotech to insulin treatments and there’s no universal disad since each one has a different function and implication for health, tech, and relations – explodes neg prep and leads to random medicine of the week affs which makes cutting stable neg links impossible. Limits key to reciprocal engagement since they create a caselist for neg prep.

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) baiting – incentivizes good debaters to be abusive, bait theory, then collapse to the 1AR RVI, d) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

### 2

#### Settlerism is an everyday process shaped by affective investments in institutions that claim jurisdiction over native land.

Mark Rifkin, PhD, Director of the Women's and Gender Studies Program and Professor of English at the University of North Carolina, Greensboro. “Settler common sense.” Settler Colonial Studies, 2013 Vol. 3, Nos. 3–4, 322–340, http://dx.doi.org/10.1080/2201473X.2013.810702. JJN

In Walden (1854), Henry David Thoreau offers a vision of personhood divorced from the state, characterizing his experience of “Nature” during his time at Walden Pond as providing him with a sense of his own autonomous embodiment and a related set of ethical resources that enable him to reject the demands of contemporary political economy.1 The invocation of “Nature” appears to bracket the question of jurisdiction, opening into a different conceptual and phenomenological register that displaces the problem of locating oneself in relation to the boundaries of the state. However, the very feeling that one has moved beyond geopolitics, that one has entered a kind of space that suspends questions of sovereignty or renders them moot, depends on the presence of an encompassing sovereignty that licenses one’s access to that space. If the idea of “Nature” holds at bay the question of jurisdiction so as to envision a kind of place for cultivating a selfhood that can oppose state logics/politics, it also effaces the ways that experience/vision of personhood itself may arise out of the legal subjectivities put in play by the jurisdictional claiming/clearing of that space as against geopolitical claims by other polities, specifically Native peoples. Thoreau offers an example of how settlement – the exertion of control by non-Natives over Native peoples and lands – gives rise to modes of feeling, generating kinds of affect through which the terms of law and policy become imbued with a sensation of everyday certainty. This affective experience productively can be characterized as an instantiation of what more broadly may be characterized as settler common sense. The phrase suggests the ways the legal and political structures that enable non-Native access to Indigenous territories come to be lived as given, as simply the unmarked, generic conditions of possibility for occupancy, association, history, and personhood. Addressing whiteness in Australia, Fiona Nicoll argues that “rather than analysing and evaluating Indigenous sovereignty claims…, we have a political and intellectual responsibility to analyse and evaluate the innumerable ways in which White sovereignty circumscribes and mitigates the exercise of Indigenous sovereignty”, and she suggests that “we move towards a less coercive stance of reconciliation with when we fall from perspective into an embodied recognition that we already exist within Indigenous sovereignty”. 2 Addressing the question of how settlement as a system of coercive incorporation and expropriation comes to be lived as quotidian forms of non-Native being and potential, though, may require tactically shifting the analytical focus such that Indigenous sovereignties are not at the center of critical attention, even as they remain crucial in animating the study of settler colonialism and form its ethical horizon. “An embodied recognition” of the enduring presence of settler sovereignty, as well as of quotidian non-Native implication in the dispossession, effacement, and management of indigeneity, needs to attend to everyday experiences of non-relation, of a perceptual engagement with place, various institutions, and other people that takes shape around the policies and legalities of settlement but that do not specifically refer to them as such or their effects on Indigenous peoples. In order to conceptualize the mundane dynamics of settler colonialism, the quotidian feelings and tendencies through which it is continually reconstituted and experienced as the horizon of everyday potentiality, we may need to shift from an explicit attention to articulations of Native sovereignty and toward an exploration of the processes through which settler geographies are lived as ordinary, non-reflexive conditions of possibility. In Marxism and Literature, Raymond Williams argues for the necessity of approaching “relations of domination and subordination” as “practical consciousness” that saturat[es] … the whole substance of lived identities and relationships, to such a depth that the pressures and limits of what can ultimately be seen as a specific economic, political, and cultural system seem to most of us the pressures and limits of simple experience and common sense.3 Understanding settlement as, in Williams’s terms, such a “structure of feeling” entails asking how emotions, sensations, psychic life take part in the (ongoing) process of realizing the exertion of non-Native authority over Indigenous peoples, governance, and territoriality in ways that saturate quotidian life but are not necessarily present to settlers as a set of political propositions or as a specifically imperial project of dispossession. In the current scholarly efforts to characterize settler colonialism, the contours of settlement often appear analytically as clear and coherent from the start, as a virtual totality, and in this way, the ongoing processes by which settler dominance actively is reconstituted as a set of actions, occupations, deferrals, and potentials slide from view. We need to ask how the regularities of settler colonialism are materialized in and through quotidian non-Native sensations, inclinations, and trajectories. Moreover, administrative initiatives and legalities become part of everyday normalizations of state aims and mappings but in ways that also allow for an exceeding of state interests that potentially can be turned back against the state, giving rise to oppositional projects still given shape and momentum by the framings that emerge out of the ongoing work of settler occupation – such as in Walden. The essay will close with a brief reading of Thoreau’s text that illustrates how its ethical framing emerges out of, and indexes, everyday forms of settler feeling shaped by state policy but not directly continuous with it. 1. The figure of the vanishing Indian still remains prominent within US popular and scholarly discourses, both explicitly and implicitly. Within this narrative, Native peoples may have had prior claims to the land, but they, perhaps tragically, were removed from the area, or died out, or ceased to be “really” Indian, or simply disappeared at some point between the appearance of the “last” one and the current moment, whenever that may be.4 As against this tendency, scholars who seek to track the workings of settler colonialism face an entrenched inattention to the ways non-Native conceptions and articulations of personhood, place, property, and political belonging coalesce around and through the dispossession of Native peoples and normalization of (the) settler (-state’s) presence on Native lands. Insistence on the systemic quality of such settler seizures, displacements, identifications responds to this relative absence of acknowledgment by emphasizing its centrality and regularity, arguing that the claiming of a naturalized right to Indigenous place lies at the heart of non-Native modes of governance, association, and identity. However, such figurations of the pervasive and enduring quality of settler colonialism may shorthand its workings, producing accounts in which it appears as a fully integrated whole operating in smooth, consistent, and intentional ways across the socio-spatial terrain it encompasses. Doing so, particularly in considering the exchange between the domains of formal policy and of everyday life, may displace how settlement’s histories, brutalities, effacements, and interests become quotidian and common-sensical. Looking at three different models, I want to sketch varied efforts to systemize settler colonialism, highlighting some questions that emerge when they are read in light of issues of process and affect. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay – invasion is a structure not an event.” 5 Offering perhaps the most prominent definition of settler colonialism, Wolfe’s formulation emphasizes the fact that it cannot be localized within a specific period of removal or extermination and that it persists as a determinative feature of national territoriality and identity. He argues that a “logic of elimination” drives settler governance and sociality, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an organizing principle of settler-colonial society rather than a one-off (and superceded) occurrence”, adding, “Settler colonialism destroys to replace.” 6 Rather than being superseded after an initial moment/period of conquest, however, colonization persists since “the logic of elimination marks a return whereby the native repressed continues to structure settler-colonial society” (390), and “the process of replacement maintains the refractory imprint of the native counter-claim” (389). Yet, when and how do projects of elimination and replacement become geographies of everyday non-Native occupancy that do not understand themselves as predicated on colonial occupation or on a history of settler-Indigenous relation (even though they are), and what are the contours and effects of such experiences of inhabitance and belonging? In characterizing settlement as a “structure”, “logic”, and a “will”, Wolfe seeks to integrate the multivalent aspects of ongoing processes of non-Native expropriation and superintendence, but doing so potentially sidesteps the question of how official governmental initiatives and framings become normalized as the setting for everyday non-Native being and action in ways that cannot be captured solely by reference to “the murderous activities of the frontier rabble” (392–3).

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

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

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

#### The aff’s appeal to universal rationality is an epistemological-ontological divide between settlers and agency that requires separating the human from the nonhuman- this creates interruption in indigenous cosmologies that foreground place

Watts 13

(Indigenous place-thought & agency amongst humans and non-humans (First Woman and Sky Woman go on a European world tour!) Vanessa is Mohawk and Anishnaabe and is of the Bear Clan. She is currently in the process of completing her PhD in Sociology at Queen's University. Her undergraduate degree is from Trent University in Native Studies T0SDBD05B-F20HTQ945/indigenous\_human\_and\_nonhuman.pdf?c=1470952982-ddd2b10577e98de63dd2f5ba41c41d8bf52d41a9 ///GC)

Human thought and action are therefore derived from a literal expression of particular places and historical events in Haudenosaunee and Anishnaabe cosmologies. The agency that place possesses can be thought of in a similar way that Western thinkers locate agency in human beings. It follows that if, as Indigenous peoples, we are extensions of the very land we walk upon, then we have an obligation to maintain communication with it. A familiar warning is echoed through many communities, that if we do not care for the land we run the risk of losing who we are as Indigenous peoples. When this warning is examined in terms of original PlaceThought, it is not only the threat of a lost identity or physical displacement that is risked but our ability to think, act, and govern becomes compromised because this relationship is continuously corrupted with foreign impositions of how agency is organized. Colonization has disrupted our ability to communicate with place and has endangered agency amongst Indigenous peoples. The pre-colonial mind was confronted with a form of diminutive agency, and the process by which we ensured our own ability to act and converse with non-humans and other humans became compromised. A disruption of this original process goes beyond losing a form of Indigenous identity or worldview and how it is practiced – it has become a violation of Sky Woman’s intentionality. The epistemological-ontological divide processes agency much differently. A common understanding of epistemology would describe it as one’s perception of the world as being distinct from what is in the world, or what constitutes it (Descartes, 1996). Thought and ideas are reserved for the one perceiving – humans. All other objects, actants, or beings in the world may have an essence (Kant, 1999; Latour, 1987) or an interconnection with humans, but their ability to perceive is null or limited to instinctual reactions. The epistemological-ontological removes the how and why out of the what. The what is left empty, readied for inscription. Epistemology has many representations: there is Science, Christianity, Eurocentrism, Marxism, communism, etc. Ontology too contains many variables: do objects have an essence? What is in the world and how do its parts formulate a society? All of these concerns are by their very nature pursuits of human quandary and based on a capacity for reason. These distinct domains provide evidence that humans are assumed to be separate from the world they are in, in order to have a perception of it1 (Kant, 2008). This is one theoretical structure to understand the world and its constituents. It necessitates a separation of not only human and non-human, but a hierarchy of beings in terms of how beings are able to think as well. The man-made distinction between what and how/why is not an innocent one. Its consequences can be disastrous for not only non-humans but humans as well. If we lay this framing atop of nature, humankind is elevated outside or above the natural world. The reasoning being that perception is a gift or trait bestowed to the human mind, and most certainly not something possessed by a stone or a river. A river may act (i.e. flow) but does it perceive or contemplate this? An Anishnaabe perspective would respond in the affirmative. As we can see from the process of colonization and the imposition of the epistemology-ontology frame, our communication and obligations with other beings of creation is continuously interrupted.

#### Attempts to leverage extinction impacts as calls for action are fabricated by the logic of elimination - settlers have a psychological investment in imagining the end of the world to create a sense of white vulnerability at the expense of enacting decolonization.

Dalley 16

(Hamish Dalley received his Ph.D. from the Australian National University in 2013, and is now an Assistant Professor of English at Daemen College, Amherst, New York, where he is responsible for teaching in World and Postcolonial Literatures., (2016): The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1238160, JKS)

Settlers love to contemplate the possibility of their own extinction; to read many contemporary literary representations of settler colonialism is to find settlers strangely satisfied in dreaming of ends that never come. This tendency is widely prevalent in English-language representations of settler colonialism produced since the 1980s: the possibility of an ending – the likelihood that the settler race will one day die out – is a common theme in literary and pop culture considerations of colonialism’s future. Yet it has barely been remarked how surprising it is that this theme is so present. For settlers, of all people, to obsessively ruminate on their own finitude is counterintuitive, for few modern social formations have been more resistant to change than settler colonialism. With a few excep- tions (French Algeria being the largest), the settler societies established in the last 300 years in the Americas, Australasia, and Southern Africa have all retained the basic features that define them as settler states – namely, the structural privileging of settlers at the expense of indigenous peoples, and the normalization of whiteness as the marker of pol- itical agency and rights – and they have done so notwithstanding the sustained resistance¶ that has been mounted whenever such an order has been built. Settlers think all the time that they might one day end, even though (perhaps because) that ending seems unlikely ever to happen. The significance of this paradox for settler-colonial literature is the subject of this article.¶ Considering the problem of futurity offers a useful foil to traditional analyses of settler- colonial narrative, which typically examine settlers’ attitudes towards history in order to highlight a constitutive anxiety about the past – about origins. Settler colonialism, the argument goes, has a problem with historical narration that arises from a contradiction in its founding mythology. In Stephen Turner’s formulation, the settler subject is by definition one who comes from elsewhere but who strives to make this place home. The settlement narrative must explain how this gap – which is at once geographical, historical, and existential – has been bridged, and the settler transformed from outsider into indigene. Yet the transformation must remain constitutively incomplete, because the desire to be at home necessarily invokes the spectre of the native, whose existence (which cannot be disavowed completely because it is needed to define the settler’s difference, superior- ity, and hence claim to the land) inscribes the settler’s foreignness, thus reinstating the gap between settler and colony that the narrative was meant to efface.1 Settler-colonial narrative is thus shaped around its need to erase and evoke the native, to make the indigene both invisible and present in a contradictory pattern that prevents settlers from ever moving on from the moment of colonization.2 As evidence of this constitutive contradiction, critics have identified in settler-colonial discourse symptoms of psychic distress such as disavowal, inversion, and repression.3 Indeed, the frozen temporality of settler-colonial narrative, fixated on the moment of the frontier, recalls nothing so much as Freud’s description of the ‘repetition compulsion’ attending trauma.4 As Lorenzo Veracini puts it, because:¶ ‘settler society’ can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of ‘peace’ that can never be reached, settler projects embrace and reject violence at the same time. The settler colonial situation is thus a circumstance where the tension between contradictory impulses produces long-lasting psychic conflicts and a number of associated psychopathologies.5¶ Current scholarship has thus focused primarily on settler-colonial narrative’s view of the past, asking how such a contradictory and troubled relationship to history might affect present-day ideological formations. Critics have rarely considered what such narratological tensions might produce when the settler gaze is turned to the future. Few social formations are more stubbornly resistant to change than settlement, suggesting that a future beyond settler colonialism might be simply unthinkable. Veracini, indeed, suggests that settler-colonial narrative can never contemplate an ending: that settler decolonization is inconceivable because settlers lack the metaphorical tools to imagine their own demise.6 This article outlines why I partly disagree with that view. I argue that the narratological paradox that defines settler-colonial narrative does make the future a problematic object of contemplation. But that does not make settler decolonization unthinkable per se; as I will show, settlers do often try to imagine their demise – but they do so in a way that reasserts the paradoxes of their founding ideology, with the result that the radical potentiality of decolonization is undone even as it is invoked.¶ I argue that, notwithstanding Veracini’s analysis, there is a metaphor via which the end of settler colonialism unspools – the quasi-biological concept of extinction, which, when deployed as a narrative trope, offers settlers a chance to consider and disavow their demise, just as they consider and then disavow the violence of their origins. This article traces the importance of the trope of extinction for contemporary settler-colonial litera- ture, with a focus on South Africa, Canada, and Australia. It explores variations in how the death of settler colonialism is conceptualized, drawing a distinction between his- torio-civilizational narratives of the rise and fall of empires, and a species-oriented notion of extinction that draws force from public anxiety about climate change – an invocation that adds another level of ambivalence by drawing on ‘rational’ fears for the future (because climate change may well render the planet uninhabitable to humans) in order to narrativize a form of social death that, strictly speaking, belongs to a different order of knowledge altogether. As such, my analysis is intended to draw the attention of settler- colonial studies toward futurity and the ambivalence of settler paranoia, while highlighting a potential point of cross-fertilization between settler-colonial and eco-critical approaches to contemporary literature.¶ That ‘extinction’ should be a key word in the settler-colonial lexicon is no surprise. In Patrick Wolfe’s phrase,7 settler colonialism is predicated on a ‘logic of elimination’ that tends towards the extermination – by one means or another – of indigenous peoples.8 This logic is apparent in archetypal settler narratives like James Fenimore Cooper’s The Last of the Mohicans (1826), a historical novel whose very title blends the melancholia and triumph that demarcate settlers’ affective responses to the supposed inevitability of indigenous extinction. Concepts like ‘stadial development’ – by which societies progress through stages, progressively eliminating earlier social forms – and ‘fatal impact’ – which names the biological inevitability of strong peoples supplanting weak – all contribute to the notion that settler colonialism is a kind of ‘ecological process’ that necessitates the extinction of inferior races. What is surprising, though, is how often the trope of extinction also appears with reference to settlers themselves; it makes sense for settlers to narrate how their presence entails others’ destruction, but it is less clear why their attempts to imagine futures should presume extinction to be their own logical end as well.¶ The idea appears repeatedly in English-language literary treatments of settler colonial- ism. Consider, for instance, the following rumination on the future of South African settler society, from Olive Schreiner’s 1883 Story of an African Farm:¶ It was one of them, one of those wild old Bushmen, that painted those pictures there. He did not know why he painted but he wanted to make something, so he made these. [...] Now the Boers have shot them all, so that we never see a yellow face peeping out among the stones. [...] And the wild bucks have gone, and those days, and we are here. But we will be gone soon, and only the stones will lie on, looking at everything like they look now.10¶ In this example, the narrating settler character, Waldo, recognizes prior indigenous inha- bitation but his knowledge comes freighted with an expected sense of biological super- iority, made apparent by his description of the ‘Bushman’s’ ‘yellow face’, and lack of mental self-awareness. What is not clear is why Waldo’s contemplation of colonial geno- cide should turn immediately to the assumption that a similar fate awaits his people as well. A similar presumption of racial vulnerability permeates other late nineteenth- century novels from the imperial metropole, such as Dracula and War of the Worlds,¶ which are plotted around the prospect of invasions that would see the extinction of British imperialism, and, in the process, the human species.¶ Such anxieties draw energy from a pattern of settler defensiveness that can be observed across numerous settler-colonial contexts. Marilyn Lake’s and Henry Reynold’s account of the emergence of transnational ‘whiteness’ highlights the paradoxical fact that while white male settlers have been arguably the most privileged class in history, they have routinely perceived themselves to be ‘under siege’, threatened with destruction to the extent that their very identity of ‘whiteness was born in the apprehension of immi- nent loss’.11 The fear of looming annihilation serves a powerful ideological function in settler communities, working to foster racial solidarity, suppress dissent, and legitimate violence against indigenous populations who, by any objective measure, are far more at risk of extermination than the settlers who fear them. Ann Curthoys and Dirk Moses have traced this pattern in Australia and Israel-Palestine, respectively.12 This scholarship suggests that narratives of settler extinction are acts of ideological mystification, obscuring the brutal inequalities of the frontier behind a mask of white vulnerability – an argument with which I sympathize. However, this article shows how there is more to settler-colonial extinction narratives than bad faith. I argue that we need a more nuanced understanding of how they encode a specifically settler-colonial framework for imagining the future, one that has implications for how we understand contemporary literatures from settler societies, and which allows us to see extinction as a genuine, if flawed, attempt to envisage social change.¶ In the remainder of this paper I consider extinction’s function as a metaphor of decolonization. I use this phrase to invoke, without completely endorsing, Tuck and Yang’s argu- ment that to treat decolonization figuratively, as I argue extinction narratives do, is necessarily to preclude radical change, creating opportunities for settler ‘moves to innocence’ that re-legitimate racial inequality.13 The counterview to this pessimistic perspec- tive is offered by Veracini, who suggests that progressive change to settler-colonial relationships will only happen if narratives can be found that make decolonization think- able.14 This article enters the debate between these two perspectives by asking what it means for settler writers to imagine the future via the trope of extinction. Does extinction offer a meaningful way to think about ending settler colonialism, or does it re-activate settler-colonial patterns of thought that allow exclusionary social structures to persist?¶ I explore this question with reference to examples of contemporary literary treatments of extinction from select English-speaking settler-colonial contexts: South Africa, Australia, and Canada.15 The next section of this article traces key elements of extinction narrative in a range of settler-colonial texts, while the section that follows offers a detailed reading of one of the best examples of a sustained literary exploration of human finitude, Margaret Atwood’s Maddaddam trilogy (2003–2013). I advance four specific arguments. First, extinction narratives take at least two forms depending on whether the ‘end’ of settler society is framed primarily in historical-civilizational terms or in a stronger, biological sense; the key question is whether the ‘thing’ that is going extinct is a society or a species. Second, biologically oriented extinction narratives rely on a more or less conscious slippage between ‘the settler’ and ‘the human’. Third, this slippage is ideologically ambivalent: on the one hand, it contains a radical charge that invokes environmentalist discourse and climate-change anxiety to imagine social forms that re-write settler-colonial dynamics; on the other, it replicates a core aspect of imperialist ideology by normalizing whiteness as¶ equivalent to humanity. Fourth, these ideological effects are mediated by gender, insofar as extinction narratives invoke issues of biological reproduction, community protection, and violence that function to differentiate and reify masculine and feminine roles in the putative de-colonial future. Overall, my central claim is that extinction is a core trope through which settler futurity emerges, one with crucial narrative and ideological effects that shape much of the contemporary literature emerging from white colonial settings.

#### The alternative is a call for place-based education – this requires relating theorizing to present realities of injustice and acknowledging the ways settler colonialism creates those injustices to ground our strategies and normative theoroies

Gardner **Seawright** is a **doctoral candidate** in the Education, Culture, and Society department at the University of Utah. “Settler Traditions of Place: Making Explicit the Epistemological Legacy of White Supremacy and Settler Colonialism for Place-Based Education.” EDUCATIONAL STUDIES, 50: 554–572, 20**14**, American Educational Studies Association. JJN

As place-based educators have worked to disrupt the norms of schooling, they have started to examine the normative conception of place within the Western knowledge system. This, in turn, has led prominent scholars of place to sug- gest that the dominant understanding of place exists in an abstract capacity that subordinates place to simplistic conceptualizations of land as divorced from the personal and ontological. David Orr (2005) is emblematic of this perspective when he suggests, “Place has no particular standing in contemporary education” (87); all places have been relegated to “‘real estate’ or mere natural resources, their larger economic, ecological, social, political, and spiritual possibilities lost to the purely and narrowly utilitarian” (89). Western epistemology, and subsequently Western schooling, has come to be seen as placeless (Greenwood 2009, 2013a; Marker 2006; Orr 2005; Sobel 2004). Marking the Western concept of place as “narrowly utilitarian” is rooted in an accurate understanding of the distorted realities imposed by capitalism, but I argue that Western epistemology is not placeless and that, in addition to the distorted values of capitalism, place operates in a more significant capacity by shaping and influencing the self. Place, as it is articulated through a Western knowledge system, intersects with a social epistemology that normalizes domination through systems of white supremacy, settler colonialism, heteropatriarchy, and anthropocentrism, among other modes of domination. As a result, these epistemic norms curate conceptions of place, and come to bear on the way one knows oneself, others, and one’s relation to the natural world. Emerging from this normalized epistemological context, this article focuses on how Western social epistemologies constitute places in relation to the raced, classed, and gendered ontological possibilities embedded in the dominant knowl- edge system. Of particular interest is the method by which this oppressive epis- temology formulates an ideal social actor, an ideal social being that mirrors and reinforces the cognitive, moral, material, and spiritual norms of the operative modes of domination. In this article, I pay specific attention to how this formula- tion of the ideal social actor is established upon a particular conception of place that is integral in perpetuating domination. This article is rooted in the idea that to envision a better and more just fu- ture, the nuances and reality of systemically imposed oppression and violence must be understood. Jose ́ Medina (2013) offers an example of a similar guid- ing principle in The Epistemology of Resistance, in which he uses an approach to epistemology that emerges from an understanding that the prevailing social episte- mology operates from a normalized injustice. Medina explains, “If our normative theories should start where we are, in medias res, we should start our theorizing by reflecting on the details of the actual injustices that surround us, rather than by speculating what a perfect justice might be. We need a theory of injustice more than a theory of justice” (12, emphasis in original). In response, Medina argues that epistemologies of resistance must be cultivated through critical understand- ings of how injustice is epistemically proliferated across social systems and must begin with a structural account of domination. This article harbors a parallel spirit, and seeks to elucidate the epistemic mechanics of white supremacy and settler colonialism, to consider the possibilities of building resistance, and to encourage critical epistemic interrogation and introspection in place-based education. Place is an appropriate point of departure for this critical epistemic interroga- tion because inherent to place-based models of learning is epistemic challenge—a shifting of perspective that dares to see and understand the world around us in new ways (Gruenewald 2003). Critical epistemic shifts can move conceptions of place beyond simplistic visions of geography and flattened understandings of the land or the environment to a point where the soil, streams, and multitudes of beings engaged in complex relationships can be seen on their own terms outside of economic utility. Following the path set by many place-based scholars, I also see critical potential in place (Basso 1996; Cajete 1994, 1999; Greenwood 2013a, 2013b; Kawagley and Barnhardt 1999; Pen ̃a 1998). We all exist in place and we are all engaged in a subtle process of place-making: constituting and defining the places we exist in (Basso 1996), and thus the potential of place-based learning to encourage a shift in awareness towards our most intimate environments. As this article suggests, such an epistemic shift can be pushed further to incorporate a critical awareness of how place intersects with race, gender, and colonialism. How- ever, epistemic interrogation cannot only be comprised of an individual critically engaging structural aspects of epistemology. Interrogation must also forefront a process of “self-estrangement” (Medina 2013, 19), in which epistemic positional- ity is located, and an individual seeks awareness of their relationship to epistemic structures and matrices of power. Accordingly, place-based inquiry needs to more thoroughly engage the complex epistemic relationship between modes of domi- nation, conceptions of the natural world, and the politics of self. The structural epistemologies that influence conceptions of the self are not only enmeshed with white supremacy and settler colonialism. As has been pointed out by many scholars, educators and activists, to truly understand domination it must be seen in its entirety, meaning that white supremacy and settler colonialism have to be understood alongside the likes of heteropatriarchy (Smith 2006) and anthropocentrism (Martusewicz, Edmundson, and Lupinacci 2011; Plumwood 2002). Although these modes of domination employ intersecting and mutually invested logics (e.g., a dependence on false dichotomies like man/woman, nature/culture, reason/passion, mind/body; Plumwood 2002), they do not always operate in the same manner, and thus need to be considered on their own terms and according to their epistemic uniqueness (Medina 2013). With that being said, this article’s primary focus is on the structural epistemic interactions between white supremacy, settler colonialism, and place, hence the spotlight on white settler epistemology. I do my best to honestly engage with the complexities inherent to conversations of structure, positionality, and identity, and to acknowledge the concomitant nature between white supremacy and other modes of domination and elucidate these intersections where possible. To build upon the critical possibilities of epistemic interrogation within place- based education, this article examines white settler epistemology in relation to the politics of place and politics of self. To properly situate the role of place within the white settler epistemology, I argue that settler traditions of place are constituted by normative habits and practices that have been passed down for generations, encouraging particular relations to place, and ultimately impacting the contemporary potential of place-based education. Addressing the function of place within both white supremacy and settler colonialism provides a look at some of the nuances of settler traditions of place. The work of John Locke, as an epistemic representative of the West, is analyzed to push the politics of place to incorporate the politics of self. Locke’s theory of land, nature, people, and labor brings to light the racist, sexist, and anthropocentric characteristics and values of the ideal social actor embedded in Western epistemology. There is a radical potential in place-based education to promote productive epistemic friction and interrogation of the epistemic genealogy of the West. However, a critical comprehension of how we are differentially incorporated into epistemic structures is required to fully realize its potential.

#### The discourse of the 1AC is what perpetuates settler traditions that are rooted in the logic of domination – centering Indigenous scholarship and questions of epistemology is your role as a judge

Seawright 14 Gardner Seawright is a doctoral candidate in the Education, Culture, and Society department at the University of Utah. “Settler Traditions of Place: Making Explicit the Epistemological Legacy of White Supremacy and Settler Colonialism for Place-Based Education.” EDUCATIONAL STUDIES, 50: 554–572, 2014, American Educational Studies Association. JJN

Situating Settler Traditions Settler traditions of place are an epistemic genealogy—the ethics, logics, and ideologies foundational to a knowledge system that have been passed down across generations, a knowledge framework that establishes what is known (the socially constructed commonsense of a culture), how things come to be known (the process of attaining new knowledge), how the world is to be interpreted according to what is known (the social construction of reality), and how the self is known in relation to perceived reality (the politics of self). Tradition is used as a conceptual tool allowing for domination to be empha- sized as an on-going historical process, while also allowing for epistemology as tradition to simultaneously be evolutionary and a cherished cultural artifact. As a cultural product, settler traditions of place are transmitted across generations through discipline, teaching, modeling and other forms of direct and subtle so- cial communication resulting in normalized habits, beliefs, values, and practices. In speaking about “western cultural traditions,” Val Plumood (2002) argues that there are “epistemic and moral limitations” embedded in these traditions—these normalized habits—that perpetuate hierarchized notions of the world that privi- lege white-hetero-landowning males (99). As Martusewicz et al. (2011) explain, these subtle discourses manifest as taken-for-granted cultural assumptions that are rooted in racism, sexism, classism that intertwine with and reflect the cultivation of violent relationships with the more-than-human world and natural systems that we depend on for life (119). The tradition in question here is the social air that penetrates the Western world, interacting with human beings whether they want it to or not. Using tradition as a metaphor for epistemology allows me to emphasize the way epistemology can im- pact every aspect of life while remaining removed from a deterministic position. Embedded in discourse, tradition appears as ever-present; despite this, individual social actors have the agency to break tradition. Consequently, in the same way that an individual breaks from familial, cultural, or religious tradition and faces the ramifications for transgressing, epistemic transgression can also incur social fallout and cause friction. When an individual epistemically transgresses, they employ an epistemic praxis (the operationalization of an alternative or critical epistemology) that goes against the grain and is counter to the tradition that defines the social environment. For conversations concerning the cultivation of criticality (like the one herein) this break in tradition is absolutely desirable and can inspire what Jose ́ Medina (2013) calls epistemic friction. Epistemic friction is contained in those uncomfortable moments in which our taken-for-granted assumptions about the world begin to crack. These moments can be transformative and cat- alyze critical consciousness to imagine and hopefully actualize an alternative epistemology.

## Case

### Framing O/V

#### Top level framing issues –

#### 1] Every morally repugnant blip in the 1AC is an independent link that they shouldn’t be allowed to kick out of – a refusal to hold the aff accountable for the racist choices they made in the 1AC encourages students to knowingly blip out racist one liners for strategic gain and is a form of settler fluidity

#### 2] You should auto reject any aff FW arg that tries to claim the impacts of the K don’t matter – denying that things like genocide or racism matter makes the debate space unsafe and encourages the development of racist subjectivities – that outweighs – a] accessibility – maintaining a safe environment is a pre requisite to every other impact b] it disproves the conclusion of their theory even if you can’t pinpoint exactly where it fell apart

#### 3] We get new 2NR responses to spikes – anything else incentivizes the 1AC hiding blippy arguments to avoid clash which decks engagement and ends the debate after the 1AR which is educationally bankrupt and unfair

#### 4] I’m making this clear at the top – I am NOT going to read util and they can NOT extend their util offense – there are two ROBs in the round – kant and the K ROB – and if we win kant is wrong that means you should evaluate the K’s framing which is explicitly not utilitarian and is about the aff’s resesrach project not the consequences of the plan – no 1ar extinction outweighs bullshit

### LBL

#### Ethics shouldn’t begin a priori but from a starting point of what we know is wrong –

#### 1] Beginning a priori assumes the position of a disembodied calculator that isn’t accessible to natives who are tied to their identity

#### 2] A priori knowledge can’t exist – if two people disagree about a priori claims you have to devolve to empirical claims to resolve them

#### 3] All of the ideal theory bad args answer this

#### Uncertainty

#### 1] Winning our structural claim proves certain experiences are universal features of an antagonistic settler state or world

#### 2] It’s a link – conclusion of the arg would be to say since some settlers don’t experience dispossession than dispossession can’t be an end line evil which is white pandering

#### Is-ought gap

#### 1] we can derive ethics from lived experience ie from taking the positionality of those who have violence committed against them – that’s our seawright ev

#### 2] Introspection on the is bridges the gap to the ought – i.e. strong intuitive conceptions that genocide is bad suggests human capacity to identify morality leads to our fw

#### Koorsgard 2

#### 1] Presupposes we need to keep asking why is this good or bad – even if that process leads us to unconditional human worth, our argument is the decision to avoid regress solves the problem of regress because we can choose to recognize genocide is bad full stop

#### 2] Even if reason is necessary for all decisionmaking processes its fallacious to therefore value reason in and of itself – I need oxygen to do anything but the standards not maximizing oxygen

#### 3] Prioritizing capacity for human agency and rationality might be good in a vacuum but is deployed to exclude and dispossess – that’s the Watts ev

#### Inescapability

#### 1] Its answered by the oxygen fallacy

#### 2] I can choose to be a smagent – guess its not binding!

#### 3] Moral theories don’t need to motivate – misunderstands normativity which answers skep

#### Universalizability

#### 1] Universal ethics is impossible and violent -- ethics is informed by social location – a rich white person might have an obligation not to steal but that doesn’t mean someone stealing to feed their family is bad – this proves the link

#### 2] Tailoring objection – you can tailor your rule to be specific to your circumstance which prevents a contradiction when its universalized

#### 3] Indigenous people are excluded from their conception of reason – indigenous agency destabilizes settler sovereignty which necessitates the relegation of the native to the nonhuman – the inevitable 1AR pivot to “we recognize ALL agency” is a settler ruse of inclusion that creates cruel optimism in the possibility of Western theory to provide liberation

#### Korsgaard 1 answers apply to Koorsgard 1 regress answers

#### Risptein

#### 1] Is ought fallacy – just bc they do doesn’t mean they should

#### 2] They also use a ton of other metrics

#### 3] Locks in settler state as norm – appealing to existing institutions as the only possible state is a link because it fractures struggles for alternative worlds

#### Shelby ideal theory good

#### 1] Its bad – doesn’t give us the tools to overcome existing oppression – i.e. decol requires screweing over white ppl and kicking them off a land

#### 2] Yes its inevitable – we’ll orient ourselves to certain goals but that doesn’t mean ideally theorys necessary – decol example of end goal

#### 3] We know exactly what should be altered – dispossession and genocide r bad – u don’t need a fw to prove that

#### No hindering a hinderance bs – makes any action permissible on grounds that it COULD rectify a past or future violation

### Contention

#### 1. Property rights are generated from individual intents and necessary for freedom—material vs immaterial is irrelevant

Uszkai 18 (Radu Uszkai, [University of Bucharest Research Center In Applied Ethics; Bucharest University of Economic Studies Assistant Professor], 2018, “Intellectual Property Has No Personality“, Annals Of The University Of Bucharest - Philosophy Series, accessed: 8-29-2021, https://www.semanticscholar.org/paper/Intellectual-Property-Has-No-Personality-Uszkai/fa1334ec56c8d599e26a7d7d1f0847b4a6567668) ajs

The starting point of a Kantian argument in favor of property rights rests on the following observation: individuals not only desire, but need resources from the external world. An additional premise is also important for understanding his perspective on ownership: property rights are not about individuals interacting in a world of limited resources. In other words, Kant rejects the Humean social and moral diagnosis that property rights are an institutional mechanism which we stumble upon in our strife to avoid conflict due to the scarcity of resources. No, property rights mean something because some of the external objects have a certain type of importance for us, as persons. We should abandon the Humean jargon dominated by ‘scarcity’ and ‘conflict’ and embrace the Kantian one, focused on ‘individual will’ and ‘autonomy’. What matters for Kant is the fact that we impose our wills on external objects and that this process has an essential role in our life projects. Property rights are, in this sense, an extension of the seminal role that freedom has. In order to be free, though, “people must be able to set all sorts of goals or ends for themselves. And to pursue the ends that they set for themselves, people need stable, durable claims over objects. Out of people’s desire to carry out individual projects on particular objects, according to Kant, the idea of legal possession is born” (Merges 2011, 70).

The first step in reconstructing a Kantian perspective on IP has to be his notes on ownership and property rights from the Metaphysics of Morals. Talking about ownership in relation to external objects, Kant distinguishes between two definitions. On the one hand, we have a nominal one, which stipulates that the object “outside me is externally mine which it would be wrong (an infringement upon my freedom that can coexist with the freedom of everyone in accordance with universal law) to prevent me from using as I please” (1991 [1797], 71). On the other hand, we have a real definition of property: “[s]omething external is mine if I would be wronged by being disturbed in my use of it even though I am not in possession of it (not holding the object). I must be in some sort of possession of an external object if it is to be called mine, for otherwise someone who affected this object against my will would not also affect me and so would not wrong me” (1991 [1797], 71).

#### Individual possession can constitute intangibles which requires the application of Kantian property rights to IPR – this evidence answers his writings on copyright law

Merges 11 MERGES, ROBERT P. Justifying Intellectual Property. Harvard University Press, 2011. JSTOR, www.jstor.org/stable/j.ctt24hgdd. Accessed 11 Aug. 2021. mvp

Our earlier example of Michelangelo showed how stable possession is required for a creator to fully work his will on a found object— in that case, a block of marble. The same basic logic applies in all sorts of cases. Individual farmers and landowners generate and then bring to life a vision for the lands they work on;28 inventors transform off- the- shelf materials into prototypes, rough designs, and fi nished products; and artists work in media such as paint and canvas, paper and pen, textiles and wood, keyboard and iPad, and so on, to give life to a concept or mental image. Wherever personal skill and judgment are brought to bear on things that people inherit or fi nd, we see evidence of the Kantian pro cess of will imprinting itself on objects.   
It even happens when the objects at hand are themselves intangible. A composer working out a new instance of a traditional form— a fugue or symphony, blues song or tone poem— is working on found objects just as surely as the farmer or inventor. Even in our earlier example, some of the objects that Michelangelo works on in the course of carving his sculpture are intangible: received conventions about how to depict an emotion; traditional groupings of fi gures in a religious set piece, such as the Pieta; or accepted norms about how to depict athletic grace or youthful energy. He Kant p 77 may take these pieces of the cultural tableau and refi ne them, or he may subtly resist or transform them. However he handles them, these conventions are just as much objects in his hands as the marble itself.29

As with found physical objects, extended possession of these objects- intransformation is required to fully apply the creator’s skill and judgment. And because of this, Kantian property rights come into play with intangible objects as well.

Let me say a word about this complex, and perhaps controversial, possession of intangible objects. It has often been argued that this feature of IP, the control of copies of an intangible work, constitutes a form of “artifi cial scarcity,”30 that it runs counter to an ethically superior regime where information is shared freely— and is maybe even counter to the nature of information, which, some say, “wants to be free.”31

According to Kant, all property rights have this element of artifi ce, because they defi ne a conceptual type of possession. Property is not just a matter of physical contact between person and object; it describes a relationship that is deeper and goes well beyond the basic acts of grasping and holding.

I can hear one objection to this right away. Yes, Kant speaks of legal own ership as a special relation between a person and an object. But, the objection might run, in his writings he refers only to physical objects, for example, an apple (à la Locke). So maybe the own ership relation is limited to that sort of thing?

No. I give no weight to the fact that Kant uses only examples of tangible, physical property in most of the sections of the Doctrine of Right (DOR).32 Kant describes an additional type of possession that makes it crystal clear that the idea is not in any way limited to physical things—the expectation of future performance under a contract. He posits that one could not properly be said to “possess” a right to per for mance under an executory contract (one that has been signed or agreed to, but not yet performed) unless “I can maintain that I would have possession . . . even if the time of the per for mance is yet to come.”33 With that legal relation established, however, “[t]he promise of the [promisor] accordingly belongs among my worldly goods . . . , and I can include it under what is mine.”34 The synonymous use of “possession,” “object,” “belonging,” and “mine” in the case of a tangible, physical thing such as an apple and an intangible thing such as a promise of future contractual per for mance is too clear to require much comment. “Object” is very abstract for Kant, and can of course therefore include IPRs.35

Kant’s ideas about own ership and intangibles are sometimes called into question by virtue of an essay he wrote about the rights of authors and Foundations p 78 book publishers.36 In this essay, he defends the right of an author to prevent counterfeiting of his books by unauthorized publishers. Near the beginning he states: “For the author’s property in his thought (even if one grants that there is such a thing in terms of external rights) is left to him regardless of the unauthorized publication . . .”37 The main body of the essay is taken up with a sort of agency argument, whereby Kant contends that a counterfeiter who buys a copy of a book cannot copy it and sell copies, because to do so implicitly (and falsely) represents that the author has authorized the new copies. Kant in this essay closely identifi es the author’s interests with those of his publisher, and characterizes the author’s core right as the right to authorize a single, chosen publisher of a work.38

Though much has been made of the structure of this argument, with some scholars fi nding in it evidence of Kant’s rejection of a property claim to authorial works, the introductory passage cited earlier seems clear enough to me. Eliminating the parenthetical, it says, plainly enough, “For the author’s property in his thought or sentiments . . . is left to him regardless of the unauthorized publication.” Some see in this essay a normative statement that property rights ought not be granted over authorial works.39 But for my part, the only hint of a qualifi cation is the parenthetical in the passage cited above, which says “even if one grants that there is such a thing in terms of external rights.” This is not much of a problem for my interpretation, however. Kant appears to be saying “even though” external (positive) law does not provide for copyright, the author’s property remains, that is, it survives the act of counterfeiting. Not every country had true copyright protection when Kant was writing, and a lively debate was raging throughout Eu rope on the desirability of adopting strong copyright protection for books. Kant was saying, in effect, “even if copyright is not in force in a given jurisdiction, counterfeiting is still wrong.” And it is wrong, he says, by virtue of the “author’s property in his thought.”

#### 2. Copiers infringe on the rights of the original agent

Uszkai 18 (Radu Uszkai, [University of Bucharest Research Center In Applied Ethics; Bucharest University of Economic Studies Assistant Professor], 2018, “Intellectual Property Has No Personality“, Annals Of The University Of Bucharest - Philosophy Series, accessed: 8-29-2021, https://www.semanticscholar.org/paper/Intellectual-Property-Has-No-Personality-Uszkai/fa1334ec56c8d599e26a7d7d1f0847b4a6567668) ajs

In the Metaphysics of Morals Kant actually discusses certain aspects related to owning a book (1991 [1797], 106-108). His analysis in those passages is nothing more than a restatement of his earlier ideas from a 1785 essay entitled On the Wrongfulness of Unauthorized Publication of Books. There, Kant starts from the following usual dilemma: let’s say that you bought a novel from the bookstore and it is in your power to copy and multiply it. Do you have the right to do it? Kant immediately replies in a negative manner: “the author’s property in his thought (even if one grants that there is such a thing in terms of external rights) is left to him regardless of the unauthorized publication” (1996 [1785], 29).

Besides the fact that an author retains a property right in her thoughts behind the novel, there is one additional reason why what we (nowadays) call copyright infringement is morally wrong. To see why we should explore, following Kant’s suggestion, the special relation that exists between an author, her book, and the authorized book publisher. According to Kant, an authorized book publisher acts as an agent of an author. After she finishes a novel, she uses the book to communicate with her public. The authorized book publisher carries out this action by printing copies of the novel but only in the name of the author. The unauthorized book publisher infringes both on the rights of the authorized agent and on the will of the author, presuming her consent for an unauthorized edition of her novel.

The reason? Unsurprisingly, it has to do with personhood concerns: “[t]he author and someone who owns a copy can both, with equal right, say of the same book, ‘it is my book’, but in different senses. The former takes the book as writing or speech, the second merely as the mute instrument of delivering speech to him or the public, i.e. as a copy. This right of the author is, however, not a right to the thing, namely to the copy (for the owner can burn it before the author’s eyes), but an innate right in his own person, namely, to prevent another from having him speak to the public without his consent, which consent certainly cannot be presumed because he has already given it exclusively to someone else” (1996 [1785], 35).

Before embarking on a similar task (that of reconstructing a Hegelian case for IP), a short summary is in place. An author’s right (or any creative individual for that matter) is best understood in the Kantian perspective, in terms of personality: “an author’s words are a continuing expression of his inner self [...] An author’s right in his work is thus fundamentally a personal right” (Netanel 1994, 17). As a consequence, copyright is best understood as enhancing the autonomy of creative individuals (Treiger-Bar-Am 2008, 1061). Last but, more importantly, not least, if IP law should cherish something, than that should be both human creativity and dignity (Merges 2011, 71).

#### Yes scarce