### 1NC—K

#### Settlerism is an everyday process shaped by affective investments in institutions that claim jurisdiction over native land. Legal and political action is inextricably dependent on the elimination of the native.

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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).

#### International law’s origins are based on the racist refusal to acknowledge Native sovereignty. Treaty authority is predicated on the nonexistence of indigenous governance and seeks to reconcile Native indifference through genocidal means.

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(Xavier Scott, Department of Philosophy, York University, Repairing Broken Relations by Repairing Broken Treaties: Theorizing Post-Colonial States in Settler Colonies, Studies in Social Justice, Volume 12, Issue 2, 388-405, 2018, JKS)

The divisibility of sovereignty in the case of non-Europeans allowed colonial states to grant them partial recognition in the form of quasi-sovereignty, thereby enabling the local people to enter into treaties that they could be punished for violating (through just war doctrine) but which could be unilaterally broken by the colonial power once they were no longer politically expedient. Since all the nations of the world are part of a single international community, no country has the right to invade any other. Yet that community was not founded on universal principles, but was based on a European consensus. Since recognition was the basis for membership in the “international community” and the original members of the jus gentium were all European (in practice, if not in theory), the Westphalian system would seem to promote conquest and colonialism abroad, even as it promoted mutual recognition within Europe. The legacy of the Westphalian peace has been a system that simultaneously maintains the historical legality of colonialism, while rejecting it as a principle of justice. The origins of international law were inherently unjust and based on a racist refusal to acknowledge Indigenous sovereignty in its entirety. However, in recognizing the moral and legal chicanery that was required to deny Indigenous sovereignty, we can lay the groundwork for understanding the sovereign violence that European powers committed and how that was then tied to the numerous forms of injustice committed afterwards. Not only did Indigenous peoples have political societies, but European sovereigns and jurists regularly recognized their sovereignty by signing over 800 treaties with different Indigenous communities (Kickingbird, 1995). Siegfried Wiessner (1995) divides the treaty-making conventions between the United States and Indigenous communities into two time periods – prior to and following the end of the War of 1812. Prior to this date, treaties were concluded on a relatively equal basis. They fully recognized the Indigenous governance structures and were ratified by the U.S. Senate using the language of international law. Once the threat of other colonial powers was over, treaties became increasingly used “to regularize and channel the removal of Indians from their traditional vast hunting and fishing grounds to ever smaller, ever more barren areas of land” (Wiessner, 1995, p. 577). The War of 1812 marks a switch from the nation-to-nation relationships that characterized earlier agreements, to a new species of treaty which deprived Indigenous communities of nationhood. I call the means by which colonial states appropriated Indigenous sovereignty “theft,” since it deprived Indigenous peoples of their right to selfdetermination and full use of their traditional territories. Moreover, the quasisovereignty that was granted to Indigenous peoples made the destruction of their communities a requirement to establish the legitimacy of the colonial power’s occupation. Taiaiake Alfred and Jeff Corntassel argue that contemporary settlers are no longer trying to eradicate Indigenous peoples as bodies, but rather “as peoples through the erasure of the histories and geographies that provide the foundation for Indigenous cultural identities and sense of self” (2005, p. 598; emphasis in original). This is both a continuation of the desire to appropriate Indigenous land and an attempt to foreclose the possibility that land that has already been annexed by colonists be returned. Indigenous sovereignty in its current form in the British colonial states continues to act as a form of “quasi-sovereignty” the goal and legacy of which are the assimilation and destruction of Indigenous peoples. The Truth and Reconciliation Commission of Canada (2015) has outlined the crimes the Canadian government committed against Indigenous peoples. While the summary of their findings focuses on the cultural genocide the Canadian state engaged in through residential schools, it acknowledges the physical and biological genocides engaged in by the state as well. It states: Canada asserted control over Aboriginal land. In some locations, Canada negotiated Treaties with First Nations; in others, the land was simply occupied or seized. The negotiation of Treaties, while seemingly honourable and legal, was often marked by fraud and coercion, and Canada was, and remains, slow to implement their provisions and intent. (Truth & Reconciliation Commission of Canada, 2015, p. 1) Australian Prime Minister Kevin Rudd (2008) issued an apology for the “Stolen Generation,” which took Aboriginal and Torres Strait Islander children from their families. The U.S. issued its apology to Indigenous peoples, hidden in section 8113 of a 2010 Defense Appropriations Act. It acknowledges “that there have been years of official depredations, illconceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes” and also “many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States” (111th Congress, 2009, s.8113). All three of these apologies profess a desire to “remove a stain from its past” (Truth & Reconciliation Commission of Canada, 2015, p. 237), for “the nation to turn a new page” (Rudd, 2008), and look towards a future “where all the people of this land live reconciled as brothers and sisters” (111th Congress, 2009, s.8113). Yet the Australian apology made no reference to reparations, the American apology contains a disclaimer that nothing in it is meant to “serve as any settlement against the United States” (111th Congress, 2009, s.8113), and while Canada has attached its apology to court mandated reparations payments, it has failed to reform its relationship with Indigenous peoples by (for example) reforming the 1876 Indian Act. The existence of sovereignty in a colonial context is predicated on the nonsovereignty of Indigenous peoples. At best, they are granted a form of “quasisovereignty” that is not taken seriously by the international state system and is generally considered to be a temporary stage in the integration of Indigenous peoples into the colonial state.5 The quasi-status of their sovereignty is not a step on the path towards full sovereignty, but towards destruction and the seamless transfer of sovereignty from them to the colonial state. In their critique of the literature on post-colonial theory and antiracist work, Bonita Lawrence and Enakshi Dua ask, “what does it mean to look at Canada as colonized space?” (2005, p. 123). Because settler states are founded on policies that combine extermination and assimilation, the continued existence of Indigenous peoples as peoples depends on the full recognition of their inherent sovereignty. For this reason: To speak of Indigenous nationhood is to speak of land as Indigenous, in ways that are neither rhetorical nor metaphorical. Neither Canada, nor the United States – or the settler states of “Latin” America for that matter – which claim sovereignty over the territory they occupy, have a legitimate basis to anchor their absorption of huge portions of that territory. (Lawrence & Dua, 2005, p. 124) To claim respect for Indigenous sovereignty, therefore, is to deny the legal legitimacy of Settler colonies. This is because of the territoriality and legal supremacy claims of sovereign states. While the development of international law has served to strip Indigenous peoples of their traditional lands, it also contains a number of mechanisms that have been used in other contexts of occupation, violence, and genocide. First, the principle of pacta sunt servanda is the cornerstone of international law (Uribe, 2010; Wiessner 1995) – states are required to abide by their word. The fact that colonial powers broke their treaties with Indigenous governments ought not to mean that it is thereby nullified, but rather that “there may be legal consequences” (Kickingbird, 1995, p. 603). Furthermore, the principle of sovereignty contains a right to reassert authority when territory is unjustly annexed. When a state’s sovereignty is violated, international law calls for its restoration. Following Kirke Kickingbird, I believe that “treaties form the backdrop of the past, confirm rights in the present and provide the basic definition for the evolving future” (1995, p. 605). Only by respecting the traditional rights of Indigenous peoples – including rights to their territories – can colonial states repair the sovereign wrong done in the abrogation of their duty to stand by their treaties.

#### Every facet of IR and foreign policy is indebted to settler colonialism. Indigenous peoples are erased in IR through being cast as domestic, primitive, and landless. The aff’s foundational assumptions are complicit in the destructive of Native life and governance.

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(Hayden King, Gchi'mnissing Anishinaabe writer and educator based in the Faculty of Arts at Ryerson University in Toronto., 7-31-17, The erasure of Indigenous thought in foreign policy, <https://www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/>, JKS)

This type of arrangement between Indigenous and non-Indigenous Canadians might be conceptualized as politics, indeed effective diplomatic practice in an imperfect world. But for the scholars and practitioners in the field of foreign policy it is invisible. Likewise with the more provocative type of Indigenous diplomacy: the countless blockades to protect the land and water, land and treaty claims, the Idle No More movement, and so on. In the discipline of International Relations (IR), too, Indigenous philosophy and politics has been excused, marginalized and categorized as domestic, at best. Indeed, the centuries of colonization that have subjugated Indigenous political communities are the foundation on which contemporary thinking about ‘the global’ has revolved. In this sense, foreign policy and IR are implicated in both spawning and sustaining settler colonialism in Canada. As a result, there is a need to chart the links between these processes and consider the shape and content of long-neglected Indigenous philosophies of the international. For as long as settler colonialism defines the limits of what is possible for foreign policy, the relationship (or, the politics) between Indigenous peoples and non-Indigenous will continue to be characterized by conflict. Foreign policy, but in whose national interest? For those studying and working in foreign policy, there are certainly debates over what constitutes the definition of the field. In Canada, there are debates about what counts as foreign policy (defence, security, trade, peacekeeping) and also how to approach those subjects (from liberal frameworks, realist, even some critical lenses). In his textbook on foreign policy Kim Nossal notes that the field is inherently divisive, emerging from “the interplay of conflicting interests, divergent objectives, contending perceptions, and different prescriptions about the most appropriate course of action.” Yet despite these divisive debates, there is near universal acceptance of two core assumptions: the legitimacy of the Canadian state itself as the primary actor in foreign policy and the concept of the national interest, which the field of foreign policy strives to serve. This is no surprise, really, considering these assumptions are underwritten and supported by every domestic institution — from Canada’s constitutional sources, to the cultural organizations that currently promulgate the fantasy of Canada as 150 years of glowing hearts, or decisions of the Supreme Court that reflect on the “assertion of Crown sovereignty” without ever explaining how that sovereignty was obtained. But for critical Indigenous scholars, these assumptions are myths that form not a legitimate state in the community of nations, but rather a violent settler colony. Flower break Indigenous Between 1921 and 1923, after many years of resistance to the young countries, Canada and the United States were steadily encroaching into Haudenosaunee territory and governance. Cayuga Chief Deskaheh, also known as Levi General, travelled to London, England, to appeal to King George on the matter. (He wasn’t the first or last to appeal to a King or Queen; Anishinaabe leader Shingwaukonse actively attempted to, post-War of 1812, and Chief Theresa Spence did so in 2013, among many others). But when King George refused him, Deskaheh turned to the Geneva-based League of Nations, seeking a seat for the Haudenosaunee. With his efforts undermined by English officials there too, he returned home but was stopped at the U.S.-Canada border and turned away by Canadian border guards. He spent his final days in Rochester, New York. Before his death he made one last plea to ordinary Canadians and Americans for justice: “Do you believe — really believe — that all peoples are entitled to equal protection of international law now that you are so strong? Do you believe — really believe — that treaty pledges should be kept? Think these questions over and answer them to yourselves…We have little territory left — just enough to live and die on [because] the governments of Washington and Ottawa have a silent partnership of policy. It is aimed to break up every tribe of red men so as to dominate every acre of their territory.” (His plea is documented in Rick Monture’s We Share Our Matters.) The last two sentences of this quote are an apt description of modern settler colonialism, nearly 100 years before scholars identified the process. For anthropologist Patrick Wolfe, there is a distinction between colonialism, which eventually ends when the invaders leave, and settler colonialism, where they don’t. While in the former formulation the Indigenous population is often transformed to labour for colonial extraction, in the latter, the settler colony attempts to liquidate all remnants of the previous (Indigenous) societies to legitimize its permanent presence. Deskaheh was speaking in the North American context, Wolfe in the Australian, but the phenomenon can be seen elsewhere, from Aotearoa/New Zealand to Palestine/Israel. Common strategies in this liquidation are as follows: physical extermination; oppressive Indian legislation designed to contain; the creation of reserves/reservations/settlements, residential or boarding schools; discrimination aimed specifically at women; and eventually legal absorption into state apparatuses and assimilation. While the genocidal nature of settler colonialism may not appear as physical violence today (though we do still have plenty of that), the underlying motivation to expunge threats to settler sovereignty endures. But where the specific harms of the field of foreign policy come into greater focus are in crafting a common sense around what counts as a legitimate politics of the international. Consider the core concepts of the field, or at least the discipline of IR that foregrounds foreign policy. I think its fair to say most traditional perspectives view the international system as an anarchic environment where self-interested and (mostly) rational states compete against each other for power. Or, in contrast, they may cooperate. For foundational IR scholar Hedley Bull, this simple formulation is “the supreme normative principal of the political organization of mankind.” I don’t need to elaborate on these concepts for this audience. But, what about political communities that do not resemble a state, that eschew coercive notions of exclusive sovereignty, that are bound by obligations and responsibilities to the land and thus do not recognize an anarchic world, political communities that do not start and end with men? The discipline of IR, as well as practice of foreign policy, effectively casts Indigenous peoples as primitive (or at least inferior), sanctions the theft of their lands, and then forecloses the possibility of resurgent political communities. At a fundamental level the perpetuation of this conceptual galaxy denies opportunities for Indigenous expressions of liberation — whether the case is the Six Nations of the Grand River, whose demands for a seat at the League of Nations in 1922 were rejected, or the current Canadian government demands that the articulation of international Indigenous rights not challenge territorial integrity or state sovereignty (this is true generally but seen clearly with the United Nation’s Declaration on the Rights of Indigenous Peoples). Such a denial is also expressed in the the unequivocal support of the state of Israel at the expense of Palestinian existence, or the collaboration with a Honduran government that suppresses Indigenous communities and murders activists like Berta Cáceres. I am talking about more than denying liberation. By continuing to enforce the view of humanity as a set of political states, with Europe at the centre of the planet – as Chickasaw lawyer James Youngblood Henderson once pointed out in his deconstruction of the familiar Mercator world map – foreign policy actively contributes to the erasure of Indigenous political difference conceptually as well as Indigenous bodies physically. (Not to mention non-Indigenous but racialized political communities and bodies, too.) Thus, Canadian foreign policy is a foreign policy that normalizes and affirms settler colonialism. This is the primary national interest. And so, foreign policy is itself a manifestation of settler colonialism.

#### The 1AC’s spikes and technical obfuscation are the hoops that white psychosis responds to critique with an abstraction to the level of fair play --- this fair play is embedded with a safe fantasy zone in which whiteness has the collective power to set rules and norms.

Wilderson 08 Frank B Wilderson III, Associate Professor of African American Studies and Drama at the UC, Irvine, Former Member of militarized wing of the ANC. “Incognegro: A Memoir of Exile and Apartheid” Originally published by South End Press, 2008. IB

Whereas Selma Thornton attempts an institutional analysis of the Student Senate by way of a critique of Tim Harold and his practices, Harold responds with a ready made institutional defense and, later in the article, a defense of his integrity (a personalized response to an institutional analysis). He brings the scale of abstraction back down to the level most comfortable for White people: the individual and the uncontextualized realm of fair play. It's the White person's safety zone. I'm a good person, I'm a fair person, I treat everyone equally, the rules apply to everyone. Thornton and Rodriguez's comments don't indict Harold for being a "good" person, they indict him for being White: a way of being in the world which legitimates institutional practices (practices which Thornton and Rodriguez object to) accepts, and promotes, them as timeless—without origin, consequence, interest, or allegiance—natural and inevitable. "The sign-up sheet was posted for a week, the same way we treat any workshop." The whole idea that we treat everyone equally is only slightly more odious than the discussion or how we can treat everyone equally; because the problem is neither the practice nor the debates surrounding it, but the fact that White people can come together and wield enough institutional power to constitute a "We." "We" in the Student Senate, "We" in Aptos, "We" in Santa Cruz, "We" in the English department, "We" in the boardrooms. "We" are fair and balanced is as odious as "We" are in control—they are derivations of the same expression: "We" are the police. The claim of "balance and fair play" forecloses upon, not only the modest argument that the practices of the Cabrillo Student Senate are racist and illegitimate, but it also forecloses upon the more extended, comprehensive, and antagonistic argument that Cabrillo itself is racist and illegitimate. And what do we mean by Cabrillo? The White people who constitute its fantasies of pleasure and its discourse of legitimacy. The generous "We." So, let's bust "We" wide open and start at the end: White people are guilty until proven innocent. Fuck the compositional moves of substantiation and supporting evidence: I was at a conference in West Oakland last week where a thousand Black folks substantiated it a thousand different ways. You're free to go to West Oakland, find them, talk to them, get all the proof you need. You can drive three hours to the mountains, so you sure as hell can cut the time in half and drive to the inner city. Knock on any door. Anyone who knows 20 to 30 Black folks, intimately—and if you don't know 12 then you're not living in America, you're living in White America—knows the statement to be true. White people are guilty until proven innocent. Whites are guilty of being friends with each other, of standing up for their rights, of pledging allegiance to the flag, of reproducing concepts like fairness, meritocracy, balance, standards, norms, harmony between the races. Most of all. Whites are guilty of wanting stability and reform. White people, like Mr. Harold and those in the English Division, are guilty of asking themselves the question. How can we maintain the maximum amount of order (liberals at Cabrillo use euphemisms like peace, harmony, stability), with the minimum amount of change, while presenting ourselves—if but only to ourselves—as having the best of all possible intentions. Good people. Good intentions. White people are the only species, human or otherwise, capable of transforming the dross of good intentions into the gold of grand intentions, and naming it "change." ...These passive revolutions, fire and brimstone conflicts over which institutional reform is better than the other one, provide a smoke screen—a diversionary play of interlocutions—that keep real and necessary antagonisms at bay. White people are thus able to go home each night, perhaps a little wounded, but feeling better for having made Cabrillo a better place...for everyone... Before such hubris at high places makes us all a little too giddy, let me offer a cautionary note: it's scientifically impossible to manufacture shinola out of shit. But White liberals keep on trying and end up spending a lifetime not knowing shit from shinola. Because White people love their jobs, they love their institutions, they love their country, most of all they love each other. And every Black or Brown body that doesn't love the things you love is a threat to your love for each other. A threat to your fantasy space, your terrain of shared pleasures. Passive revolutions have a way of incorporating Black and Brown bodies to either term of the debate. What choice does one have? The third (possible, but always unspoken) term of the debate, White people are guilty of structuring debates which reproduce the institution and the institution reproduces America and America is always and everywhere a bad thing this term is never on the table, because the level of abstraction is too high for White liberals. They've got too much at stake: their friends, their family, their way of life. Let's keep it all at eye level, where whites can keep an eye on everything. So the Black body is incorporated. Because to be unincorporated is to say that what White liberals find valuable I have no use for. This, of course, is anti-institutional and shows a lack of breeding, not to mention a lack of gratitude for all the noblesse oblige which has been extended to the person of color to begin with. "We will incorporate colored folks into our fold, whenever possible and at our own pace, provided they're team players, speak highly of us, pretend to care what we're thinking, are highly qualified, blah, blah, blah...but, and this is key, we won't entertain the rancor which shits on our fantasy space. We've killed too many Indians, worked too many Chinese and Chicano fingers to the bone, set in motion the incarcerated genocide of too many Black folks, and we've spent too much time at the beach, or in our gardens, or hiking in the woods, or patting each other on the literary back, or teaching Shakespeare and the Greeks, or drinking together to honor our dead at retirement parties ("Hell, Jerry White let's throw a party for Joe White and Jane White who gave Cabrillo the best White years of their silly White lives, that we might all continue to do the same White thing." "Sounds good to me, Jack White. Say, you're a genius! Did you think of this party idea all on your own?" "No, Jerry White, we've been doing it for years, makes us feel important. Without these parties we might actually be confronted by our political impotence, our collective spinelessness, our insatiable appetite for gossip and administrative minutia, our fear of a Black Nation, our lack of will." "Whew! Jack White, we sound pathetic. We'd better throw that party pronto!" "White you are, Jerry." "Jack White, you old fart, you, you're still a genius, heh, heh, heh.") too much time White-bonding in an effort to forget how hard we killed and to forget how many bones we walk across each day just to get from our bedrooms to Cabrillo...too, too much for one of you coloreds to come in here and be so ungrateful as to tell us the very terms of our precious debates are specious."

#### Thus, the only alternative is refusal.

Simpson 16

(Audra, August 2016, Kahnawake Mohawks, Associate Professor of Anthropology, Consent’s Revenge." Cultural Anthropology 31, no. 3 (2016): 326–333. <https://doi.org/10.14506/ca31.3.02>, JKS)

What is it in the way that we imagine the political that might demand or suggest an easy answer? By “easy answer” one might think of a diagnostic, a characteristic of action, a statement of effect, rather than analysis that may course to the unthinkable. Recognition, repair, resilience, resistance, revolution—all diagnostics, all characterological, all containers for describing the political. And in this, for grasping at intent and at outcomes. The political describes distributions of power, of effective and affective possibility, the imagination of how action will unfold to reach back to that distribution for a re-sort, but also for a push on what should be. For anthropologists this is a record of the observed and of the political, rendered objectlike. And this rendering of complexity is far from new. The early Africanists like E. E. Evans-Pritchard (1940) took structure and function to constrain action, and even Americanists like Lewis Henry Morgan (1851) saw governance and hierarchy converge into stages of civilization that one could sort people into, seamlessly, in a global project of naming and sorting. Morgan’s gaze on material culture operated as an anthropological and political magic wand of sorting, ordering, and ranking. The context for both was the colonial and imperial project, and the very occasion of their anthropology owed itself to Indigenous dispossession (Morgan) or imperial governance (Evans-Pritchard). The paradigmatic work in political anthropology was itself inherently political, and yet what was defined as “political” in these texts was presented as an order outside of the ordering context itself. The people; the place; their culture—all orderable, ranked, discernible, and ultimately (it was thought) governable. Meanwhile, these colonial encounters were and still are a mess of disorder, of so-called transformation, of dispossession of people from land and culture. The easy answers for the emergent field were the ethnological grid; the kinship chart; the orderly, predictable clan unit1—categories that contained difference and controlled for the nightmare many Indigenous people were thrust into as they came into anthropological purview. When I first conceived of the project that would become my book Mohawk Interruptus: Political Life Across the Borders of Settler States (Simpson 2014), my plan was a study of nationhood and citizenship among an Indigenous people in North America who are resolutely committed to jurisdiction over territories of various forms. Their own object was and is territory in a material sense, their land—but also ideas, the past, the present, the future, their membership within the polity itself. They make all of this effort as they travel across various borders and boundaries on their inherited and their claimed territories. They assert their histories in the face of the bordered contestation of those claims by liberal, democratic, and still-settling states. Because these are my own people, I had a very strong, a priori ethnographic sense of what was going on. However, I was paying attention differently for years before my formal fieldwork began. Our band council (tribal council) was evicting non-Native people from the community, the evictions were of a piece with a 50 percent blood-quantum requirement for membership that was vigorously debated, contested, embraced, defended. These processes were symptoms of something more than intolerance or liberal subject failure, and I wanted to know why. I looked for linkages between land, law, and governance within and beyond the reserve. The project turned into something else when I got into the archive and when I conducted interviews—when supposed observations and materials from the community took form in dense, identifiable lines of argument, of stances, of theories themselves. Suddenly I had something else, and that something was no easy answer. In fact, before me was a study in difficulty, a study of constraint, of contradictions, and I had no way to describe or theorize what was crucial. What was crucial were the very deliberate, willful, intentional actions that people were making in the face of the expectation that they consent to their own elimination as a people, that they consent to having their land taken, their lives controlled, and their stories told for them. Refusal was a stance but also a theory of the political that was being pronounced over and over again. It emerged in my own writing through observation of Kahnawà:ke action, but also through their words. I would hear “enough is enough,” “it’s not us, it’s them,” “the white man put that there, not us”—on the international border. The people of Kahnawà:ke used every opportunity to remind non-Native people that this is not their land, that there are other political orders and possibilities. This meant longer waits at borders, awkward (to say the least) interactions with cashiers, as well as difficult personal decisions. I also saw that these matters of moral and political habit were articulated quite perfectly to larger actions by the Iroquois Confederacy through time, to broader efforts to demand recognition of existing agreements, as well as refusals to play various games. Among these games is citizenship: voting, paying taxes—actions that would move Mohawks out of their own sovereignty into settler citizenship and into the promise of whiteness.3 All of this pointed analytically to the deeply unequal scene of articulation that people were thrown into and remaking through the quotidian and the grand. This deeply unequal scene of articulation that I am describing may be understood as the settler-colonial present.4 How, then, do those who are targeted for elimination, those who have had their land stolen from them, their bodies and their cultures worked on to be made into something else articulate their politics? How can one articulate political projects if one has been offered a half-life of civilization in exchange for land? These people have preexisting political traditions to draw from—so how do they, then, do things? They refuse to consent to the apparatuses of the state. And in time with that, I refused then, and still do now, to tell the internal story of their struggle. But I consent to telling the story of their constraint. This relationship between refusal and consent became the point to needle through and then stitch with. Part of the context for this argument is “let’s not pretend that there is an even playing field for interpretation, let’s not pretend that the Iroquois are not already prefigured, that their actions are going to be interpreted fairly or that we do not push on all of these processes in a full-court press.” So I refused to be that thick description prosemaster who would reveal in florid detail the ways in which these things were being sorted out. As such, my ethnographic refusal operated at the level of the text: it was deliberate, it was willful, it was—like the people I was working with and the process I was documenting—very aware of its context of articulation. That context includes a settler suspicion of Indigenous peoples, and at times, as we saw during the so-called Oka Crisis of 1990, a deep hatred for Mohawks.5 How then to describe or theorize that which is cognizant of its own space of articulation? The history that governs apprehension? This was also a way of listening that opened up a theoretical possibility for imagining and writing the political ethnographically.6 Here was a writing strategy and an analytic that stood outside the repetitive stance of resistance, which again overinscribed the state with its power to determine what mattered (Abu-Lughod 1990), which treated domination as an all-encompassing frame for action and treated engagements with it as one-up events, or concealed acts of sly, double-meaning subterfuge (Scott 1990). Here refusal offers its own structure of apprehension that maintains and produces sociality through time, manifest in a political posture of acute awareness of the conditions of this production. Settler colonialism is not eventful; it is enduring, it has its own structure and logic and refusal as well, operating like a grammar and posture that sits through time. It is a politics deeply cognizant of its own production, of the never-ending nature of inequity and the need to stay the course. So refusal availed itself through the research and helped as well in thinking beyond what counted through the channel of recognition (Coulthard 2014; Povinelli 2002; Simpson 2014) while pointing to the overly determined, effective capacity of the state. The people I worked with and belong to know all this, and of course they know this in stratified ways. The condition of Indigeneity globally is to know this. Indigenous peoples are grappling with the fiction of justice while pushing for justice. So this is not particular to Kahnawà:ke or to Haudenosaunee peoples (McCarthy 2016) and can be found in Indigenous ethnography and cultural criticism elsewhere. In her book The White Possessive, Aileen Moreton-Robinson (2015) revisits the interpretive debate between Gananath Obesekeyere and Marshall Sahlins on the right way to think about Captain Cook’s interpretation by Kanaka Maoli—was he a god, was he an invader? How did “the Natives” think about him? This was a tired exchange that met on the terrain of questions of structure. Moreton-Robinson revisits it with those that saw Cook and their stories of his arrival on another Indigenous coast. Her presentation and analysis of the narratives offer a gorgeous triangulation between accounts and a variance in interpretation. She centers the Bubu Gujin elder Hobles’s version, as told to Deborah Bird Rose: “I know you been stealing country belong to mefellow. Australia. What we call Australia, that’s for Aboriginal people. But him been take it away. You been take the land, you been take the mineral, take the gold, everything. Take it up this big England” (Moreton-Robinson 2015, 117). Suddenly “how ‘Natives’ think” (Sahlins 1995) is not a presumptive claim of interpretive ownership; it is a statement of theft, in raw form. What does one do with this sort of knowledge? If such histories animate the consciousness of your people, do you then consent to notions of just law, of just governance? Of the lawful theft of your land? It is just this sort of cognizance of differing social and historical facts that make for the posture of refusal. Refusal holds on to a truth, structures this truth as stance through time, as its own structure and comingling with the force of presumed and inevitable disappearance and operates as the revenge of consent—the consent to these conditions, to the interpretation that this was fair, and the ongoing sense that this is all over with. When I deploy the term revenge, I am hailing historical consciousness. As such it is a manifestation of deep awareness of the past, of, for example, theft, in raw form. We see this with Hobles, who asserts this knowledge against the grain of presumed fairness, of justice, of settled affairs. As such this consciousness avenges the prior—the deep inequities of interpretation that structure the sense of settlement, of matters that are done. Revenge does not mean individuated harm inflicted on a perpetrator in a transaction that renders justice. In my usage here, I mean avenging a prior of injustice and pointing to its ongoing life in the present.7 This refusal to let go, to roll over, to play this game, points to its presumptive falsity of contractual thinking. With this, the notion of two parties knowingly abstracting themselves out of their own context to contract into an agreement.8 So-called treaties are the paradigmatic imagination of the social contract in the New World (North American variant) and are in many cases the foundational document of colonial recognition, the mechanism by which Indigenous nationhood is first recognized and affirmed. The matter of postcolonial frankly eludes the North American case: “They” never left; the Native never disappeared. Treaties are central to contractual thinking in Native history and politics, regardless of the fact that most treaties were for land cessions, and many were signed under duress. These conditions were sometimes so forceful that if they were actually conditions of equal standing, they probably still would not have been signed in the first place.9 Yet they represent legal forms of incontrovertible rights to land, to resources, to jurisdiction. Regardless of intent, regardless of interpretation, they represent agreement and recognition; they are forms of covenant-making that bind. And that is where consent is bound with recognition and its refusal, symptomatic of truth itself and a mechanism for other possibilities. I want to turn now to a different anthropological case to define and theorize refusal further. In Barrio Libre: Criminalizing States and Delinquent Refusals of the New Frontier, Gilberto Rosas (2012) takes on the structuring role of neoliberalism and capitalism in the production of criminals. His interlocutors are Mexican youth who are pushed and moved through borders not of their making. They move through sewers, through filth, in passages that are dangerous, and which hold nothing for them, it seems, but uncertainty on the other side. Yet they move, and their posture is one of nonconsent, as well as, at times, flagrant and ostentatious cruelty. They call themselves Barrio Libre, denizens of the free neighborhood. This is a space without constraint under conditions of “neo-liberal sovereignty-making” (Rosas 2012, 100), a sovereignty-making that is incomplete, that in its commitment to free trade and not people, cooks people in the desert. This militarization and violent precarity of life’s passage (and possible death, horrible death, body-slicing death through or beyond the border) is what Rosas (2012, 105) names neoliberal sovereignty’s incomplete but “violent affirmation.” In spite of the precarity of life through the border, the youth with whom Rosas worked feel freedom—deeply, linguistically, behaviorally. Their own force on others is a manifestation of this unvanquished and internal script of refusal. Here Rosas (2012, 109) describes their geopolitics, their mapping, and their stance: “Barrio Libre was more than a free-floating geography, superimposed over a dominant one . . . to belong to it was an expansive, furious refusal of normativity, an enraged subversion of the respective sovereignties of the U.S. and Mexico that seeped from under the new frontier.” What of these politics? Is this an agreed-upon resistance? Is this resilience, with lives and bodies contorting to withstand and accommodate pain and structures of injustice? They inflict pain. They walk through shit to get to where they are going. They get arrested. They get deported. They run and climb and get killed, fleeing from officers. Their refusal to see this condition as anything other than a state of freedom is a refusal for us of the easy answer, of a structure of consent, of ease. There is nothing easy in what I have charted out in this brief thesis on refusal. Rosas’s interlocutors smash these categorical imperatives—what I want to call “the easy answers.” The people I work with refuse the eliminatory efforts of the state. They operate as nationals in a scene of wardship and dispossession. They differ from Rosas’s interlocutors, but they operate from a similar and flagrantly self-assured position, and from an impossible-to-record, or to-analyze, easy answer. My ethnographic prerogative is to make the practice of ethnography itself a refusal in time with theirs.

#### The role of the ballot is to center indigenous scholarship and resistance-- Any ethical commitment requires that the aff place themselves in the center of Native scholarship and demands.

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Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.42 Relational accountability should be a cornerstone of settler colonial studies. I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoples, and take as its norm making this dialogue evident. In my view, it is critical that we not view settler colonial studies as a new or unique field being established, which would enact a discovery narrative and contribute to Indigenous erasure, but rather take a longer and broader view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with humi- lity and accountability. We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty. We can view oral Indigenous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and pro- vided the foundations for our work. If our work has no foundation of Indigenous scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.