## 1

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination and erasure of indigenous life and land via the occupation of settlers.

Tuck and Yang 12 (Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap4 - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence.. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to *be a place*. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. **Thus,** the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the **wild** land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world(i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land).The settler's wealth is land**,** or a fungible version of it, and so payment for labor is impossible.6The settler positions himself as both superior and normal**;** the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the UnitedStates, as a settler colonial nation-state, alsooperates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation**.** Each of these features of settler colonialism in the US context -empire, settlement, and internal colony - make it a site of contradictory decolonial desires. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Through affirmation of disability, settlers never have to be accountable for the way they perpetuate colonialism.

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It was remarked earlier, citing Meekosha (2011) and Hollinsworth (2013), that colonisation is disabling of itself, and this emerged from the ethnography in two related ways: the impact of colonisation on the Indigenous Australian way of life that led to disability; and the creation of a category called ‘disability’ where none had existed before. Some example excerpts from the ethnography are cited to emphasise that these themes emerged across the participants in very similar ways. … Auntie Lily thought this was because of what had happened when white men came. They brought alcohol and changed diets so they moved away from the traditional bush food and had more sugar and flour. She thinks this is why so many Indigenous people are overweight and why there is so much diabetes. She also wondered if this was why cancer was becoming more common in the Indigenous community. She said it was hard to afford a good diet and so a lot could not get food that was good for them and some just didn’t know what was good for them anyway. She thought that maybe a lot of Indigenous Australian people were disabled because of diabetes especially when they were obese and needed to have a leg amputated. (Diary entry, Auntie Lily) … she [Clara] couldn’t remember anyone being disabled when she was young but could see that there seemed to be more around today and she said that she thought it was because their lives were different now to what they were when she was young. (Diary entry, Group 4) But years ago we were very much aware that people with Down Syndrome particularly, we had a man who came here, and he came out of institutionalised care, and he was just delightful, and his mother had searched for him, and it’s typical of people being taken away. We’ve seen people who’ve got certificates that say ‘Been taken because …’ and I know someone else who got taken because he had a clubfoot, and our bloke was taken because of his Down Syndrome, and some of them just had certificates marked just ‘Taken because …’ and that’s why people used to say years ago ‘We are disabled because we’re a race of people that the government has disabled, well and truly’. (Transcribed from a recording with Emma, an Indigenous service provider) These accounts have coherence in strongly connecting current circumstances of health and disability with colonisation. This is paired with a continuing sense of non-Indigenous domination that maintains this disadvantage. Thus in many informal conversations about disability, the underlying source of discrimination regularly came back to racism rather than disablism. Experiences of prejudice were regularly shared by the Indigenous people receiving support at the Indigenous Respite Centre. Overwhelmingly these were not stories about their experience of societal oppression in relation to their disability, but rather they were stories about racism in response to their Indigeneity. Also clear from the participants was a strong stance that their identification as Indigenous Australians was superordinate, situated above other possible sources of identity and solidarity. Thus being a person ‘with a disability’ – whilst clearly a strong basis for the disability movement internationally – holds much less sway for a people with such intense and damaging experiences of colonisation coupled with a rich sense of their Indigenous Australian identity. Along with statements asserting ‘Indigenous first, disabled second’, it was clear that the capacity to be a part of their local community was a fundamentally important social ‘benchmark’ that lessened the resonance of predominantly non-Indigenous assumptions that drive the broader disability discourse. This was reflected, for example, in Auntie Amelia’s description of the period in her life when she began losing her mobility but immediately followed by the relief that ‘she could still go to Elders meetings because they would pick her up’ (diary entry, Auntie Amelia).

#### **Settler colonialism is the root cause of all other impacts, its hierarchal project explains deviancies in settler action**

Glenn 15 [Evelyn Nakano Glenn, 2015, Settler Colonialism as Structure: A Framework for Comparative Studies of U.S. Race and Gender Formation] SJCP//JG

I now turn to an exposition of settler colonialism as an alternative starting point for a framework that can generate a more historically and structurally grounded analysis of racial inequality in the United States, one that pays attention to variation across time and place while also being attentive to structures that link these differing cases. It is a framework that is amenable to intersectional understanding because it is widely understood that colonial projects simultaneously structure race, gender, class, and sexual relations within and between colonists and the colonized. Moreover, since settler colonial projects are transnational in scope, a settler colonialism framework invites investigation of cross-national connections and comparisons. The concept of settler colonialism has been most clearly elaborated by scholars of indigenous studies, especially in Australia, Canada, and the United States. It is a framework that highlights commonalities in the history and contemporary situation of indigenous peoples in many parts of the world. However, although it may seem to be best suited to explain the racialization and treatment of indigenous peoples, I agree with Patrick Wolfe (1999) that settler colonialism should be seen not as an event but as an ongoing structure. The logic, tenets, and identities engendered by settler colonialism persist and continue to shape race, gender, class, and sexual formations into the present. Scholars of settler colonialism argue that it is a distinct form of colonialism that needs to be theorized separately from colonialism more generally. In contrast to classic colonialism whose aim is to take advantage of resources that will benefit the metropole, settler colonialism’s objective is to acquire land so that colonists can settle permanently and form new communities. Lorenzo Veracini (2011) compares the narrative arc of classic colonialism and settler colonialism to the difference between a circle and a line. In classic colonialism, the narrative, as in the Odyssey, takes a circular form, “consisting of an outward movement followed by interaction with exotic and colonized ‘others’ in foreign surroundings, and by a final return to an original location” (p. 205). In contrast, “the narrative generally associated with settler colonial enterprises rather resembles the Aeneid, where the traveler moves forward along a story line that can’t be turned back” (p. 206). Settler colonists do not envision a return home. Rather, they seek to transform the new colony into “home.” The differing goals of classic colonialism and settler colonialism lead to a second major difference: their confrontation with indigenes. In classic colonialism, the object is to exploit not only natural resources but also human resources. Native inhabitants represent a cheap labor source that can be harnessed to produce goods and extract materials for export to the metropole. They also serve as consumers, expanding the market for goods produced by the metropole and its other colonies. Goods and raw materials, like colonists, follow a circular path in classic colonialism. In settler colonialism, the object is to acquire land and to gain control of resources. To realize these ambitions, the first thing that must be done is to eliminate the indigenous occupants of the land. This can be accomplished in a variety of ways: genocide, forced removal from territories desired by white settlers, and confinement to reservations outside the boundaries of white settlement. It can also be accomplished through assimilation. Assimilation can be biological (e.g., through intermarriage to “dilute” indigenous blood) and/or cultural (e.g., by stripping indigenes of their culture and replacing it with settler culture). The second thing that must be done is to secure the land for settlers. This can be accomplished by imposing a modernist property regime that transforms land and resources (sometimes including people) into “things” that can be owned. This regime consists of such elements as mapping and marking boundaries to delimit an object that is to be owned, a system for recording ownership, and legal rules for ownership and sale of objects defined as property. Indigenous people generally understand the land and their relationship to it very differently, viewing themselves as being provided for by the land and in turn as living in harmony with the land and having a sense of responsibility for its welfare. Settler society does not recognize indigenous conceptions and from their own perspective of land as property, views indigenes as failing to make productive use of it. The Logic and Practices of U.S. Settler Colonialism I turn now to the specific case of U.S. settler colonialism. Walter Hixson (2013:29) argues that the British settler colonial project in North America was unique from those of its Spanish and French rivals: “Like the Spanish and the French, the English embraced patriarchy, private property, and Christianity, but the emphasis on the settlement of families and communities distinguished them.” Spanish male colonists were spread thinly across vast vistas of land. French traders and missionaries were surrounded by indigenous people with whom they had to coexist. The French also were overwhelmingly male and often took Indian mistresses and wives with whom they formed Metis (mixed) communities. “By contrast European women migrated with men and children to settle in the English colonies.” This family-based colonization in combination with its rural character proved to be advantageous, enabling “a steady westward migration towards the agricultural frontier as the threat of Indian attack diminished” (Elliott 2006:43–44). With regard to the elimination of the indigene, settlers adopted all of the aforementioned policies at one time or another. Hixson (2013) documents the almost continuous history of settler colonial ethnic cleansing. Regular outbreaks of warfare occurred throughout the seventeenth, second half of the eighteenth, and the nineteenth centuries as settlers pressed up against lands inhabited or used by Native Americans first in the East and then in the Midwest and finally the West. Some genocidal campaigns were carried out by official military forces of the metropole or the colonies, while others were unauthorized actions by settler vigilantes. Attacks launched by vigilantes were likely to be particularly brutal and to involve the slaughtering of women, children, infants, and the elderly. Hixson notes that in 1609 when hostilities broke out between the English settlers in Jamestown and Native Americans in the region, the leader of the colony, James Smith, “pioneered the tradition of irregular warfare in the ‘New World’ by burning and razing Indian homes and agricultural fields” (p. 31). Warfare escalated during and after the Civil War as American settlers pushed to occupy the remaining land in the West and Native tribes fought to preserve their ways of life. The Massacre at Wounded Knee (1890) that resulted in the death of 300 Sioux warriors was one of the last major battles and mostly ended Indian armed resistance (Brown 2007:439–50). A little known aspect of genocidal raids and warfare was the enslavement of indigenous survivors, particularly women and children. In colonial New England, the selling of Indian slaves on the international market in the Caribbean and South America helped defray the costs of the Powhatan Wars. Settler men spoke of their desire for Native American women whom they could use as domestic servants and sex slaves. In the South, according to Alan Gallay (2009:57), “Only through warfare could Carolinians obtain the slaves they desired to exchange for supplies to build their plantations.” In California between 1850 and 1863, Walter Hixson (2013:125) writes, “Some 10,000 Indians were sold into servitude. American slave traders often killed the parents of Indian children so they might be seized and trafficked.” Conflicts over territory were also resolved by removal and relocation under treaties that were agreed to by Native Americans induced to sign by false promises and duress. During the presidency of Andrew Jackson, and at his urging, the U.S. Congress passed The Indian Removal Act of 1830 (IRA). The IRA targeted the “five civilized tribes” of the southeast (Cherokee, Chickasaw, Choctaw, Creek, and Seminole), so called because they had gone furthest in adopting the culture and ways of life of white settlers (including the ownership of black slaves). Through treaty, these tribes were prevailed upon to cede their traditional lands in Mississippi, Alabama, Georgia, and Florida in exchange for land west of the Mississippi. The Choctaw, Creek, and Chickasaw were the first to be removed, and they suffered the loss of thousands of men, women, and children who died en route to the West. Cherokees waged a long legal battle that delayed removal until 1838. At that point, the U.S. government sent in 7,000 troops to force the Cherokee into stockades and then sent them on a forced march to the West with inadequate provisions. On the “Trail of Tears,” at least 4,000 Cherokees perished from hunger, cold, and disease. The Seminoles resisted militarily, waging two wars, the second of which did not end until 1858, at which point most Seminoles had been relocated to Oklahoma. Even so, one hardy band of Seminoles managed to hold out in Florida, where their descendants still live (Foreman 1974; Perdue and Green 2008). Near the end of Indian armed resistance in the West in the 1880s, federal Indian policy turned decisively toward assimilation, or as it was often dubbed, “Americanization.” The aim was to phase out Indian treaty rights and other special statuses so as to absorb indigenous peoples into settler society. The twin prongs of Indian assimilation policy were land allotments and education. Under the Dawes Act of 1887, the federal government divided tribal land into individual allotments. Heads of households were entitled to 160 acres, single individuals to 60 acres, and those under 18 to 40 acres (Debos 1973). By allotting larger holdings to heads of households, the program was designed to encourage the formation of heteropatriarchal nuclear households. Proponents of allotment believed that owning and cultivating individual plots would transform Indian men into citizen farmers and Indian women into farm wives. Importantly, the large surplus left after allotments was made available to white settlers and railroad companies for development. The net result of allotment policy was to dramatically reduce the amount of land owned by Indians collectively and individually. In 1887, before the start of allotment, Indians owned 138 million acres; that amount was reduced to 54 million acres by 1934 when the allotment program was terminated (McDonald 1991). Special education for Indian children was meant to complement allotment by preparing Indians for new productive roles in American society. Starting in the 1880s, reformers’ designs for Indian children consisted of two components: child removal and placement in boarding schools. Education officials at the Bureau of Indian Affairs (BIA) favored compulsory removal so as to limit the influence of Indian mothers. Estelle Reed, a longtime Superintendent of Indian Schools, explained, “The Indian child must be placed in school before the habits of barbarous life become fixed and there he must be kept until contact with our life has taught him to abandon his savage ways and walk in the path of Christian civilization” (Superintendent of Indian Schools 1900:426). Over a 24-year period from 1879 to 1902, the federal government established over 150 boarding schools, of which 25 were off-reservation (Reyhner and Eder 2004). BIA recruiters were hired to convince parents to enroll their children, with the promise that their children would be fed, housed, and educated so that they could improve their lives. Once at school, Indian children were given haircuts and issued settler clothing. They were prohibited from speaking their native languages and from practicing native religions and rituals. The curriculum focused on gender-typed vocational training. Boys were trained in farming and trades and girls in domestic skills. Even though most federal officials placed more emphasis on “civilizing” Indian men, they were persuaded to try to educate Indian girls under the tutelage of white female teachers. They blamed Indian women for the “backwardness” of Indian men. In their view, the fact that Indian women did heavy physical labor and were ignorant of modern housekeeping methods accounted for Indian men’s laziness and disinterest in material progress. If Indian women could be educated to focus on the household and to desire better furnishings, Indian men would be impelled to work hard to acquire material goods (Stremlau 2005). Thus, assimilation was intended to instill a sense of gender-appropriate duties and obligations. Ultimately, the aim of Indian schooling was to impose “social death.” Col. Richard C. Pratt, founder and head of the Carlisle Indian School, proclaimed in a speech given in 1892: A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man. (Pratt 1973:260) The decades of the 1940s to the 1960s saw still another shift in settler policy toward Native Americans. The intent was to assimilate Native Americans as individuals into settler society and to break their communal orientation and tribal ties. In 1953 the U.S. Congress passed legislation terminating the tribal status of many Indian groups. Termination of tribal status meant the loss of legal standing as a sovereign dependent nation and the end of federal aid, protections, and services, such as health care, which had been provided by the Indian Health Service. Many reservations were also terminated and reservation land sold off, primarily to non-Indians. Tribal members were unilaterally made U.S. citizens, subject to taxes and state laws from which they had been exempt. Over the next decade the government terminated 109 tribes and removed 2.5 million acres of trust land (Fixico 1986, 2000; Ramirez 2007). A linked policy was to disperse Indians away from reservations. The Indian Relocation Act of 1956 paid moving expenses and provided vocational training and job placement to Native Americans willing to leave their reservations for 9 government-designated urban centers (Chicago, Denver, Los Angeles, San Francisco, San Jose, St. Louis, Cincinnati, Cleveland, and Dallas). Indian men were tracked into low-level, dead end jobs, and Indian women were directed into domestic service in white households. Many relocated Indians found that the promised jobs and stipends did not materialize and fell on hard times in the city; some returned to the reservation. The relocation policy resulted in the dispersal of the Indian population. An estimated 750,000 Native Americans migrated to cities between 1950 and 1980. Whereas in 1940 only 8 percent of Native Americans resided in cities, by 2012, 70 percent did (T. Williams 2013). In the city, Native Americans often found community with members of other tribes, leading to the development of a pan-Indian orientation; intermarriage across tribes increased the proportion of Indians with multi-tribe identities. With the rise of the black civil rights movement, Native Americans began to organize for the cause of self-determination for Indian people. This activism included legal challenges to termination and relocation policy that eventually succeeded (LaGrand 2005; Smith and Warrior 1997). U.S. Settler Colonialism as a Race-Gender Project: Development of National Identity and Normalization of Gendered Whiteness In this section, I describe U.S. settler colonialism as a race-gender project. By that I mean that it transplanted certain racialized and gendered conceptions and regimes from the metropole but also transformed them in the context of and experiences in the New World. What emerged out of the settler colonial project was a racialized and gendered national identity that normalized male whiteness. Since settlers initially were exogenous others seeking to claim rights to land and sovereignty over those who already occupied the land, they needed to develop conceptions of indigenous peoples as lesser beings, unworthy of consideration. They harnessed race and gender to construct a hierarchy of humankind. Conceiving of indigenous peoples as less than fully human justified dispossessing them and rendered them expendable and/or invisible. Land occupied or used seasonally by indigenes was conceived of as terra nullius (empty land or land belonging to no one) and therefore available for taking by white settlers. Simultaneously, settlers conceived of themselves as more advanced and evolved, bringers of progress and enlightenment to the wilderness. Masculine whiteness thus became central to settler identity, a status closely tied to ownership of property and political sovereignty. The latter in turn articulated with heteropatriarchy, which rendered white manhood supreme with respect to control over property and self-rule. This entailed settler wives being denied an independent legal identity; instead, her identity was merged into that of her husband, and her property and labor were under his control**.** Further, it was presumed that “heteropatriarchal nuclear-domestic arrangements, in which the [white] father is both protector and leader should serve as the model for social arrangements of the state and its institutions” (Arvin, Tuck, and Morrill 2013:13

#### The alternative is one of decolonization – settlers need to enact an ethic of incommensurability to relinquish settler futurity.

Tuck and Yang 12 Eve Tuck and K. Wayne Yang, 2012, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society, // SJ DL

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly.But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It meansremoving the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.

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

Carlson 16 (Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213) // recut SJ DL

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 peoplesand 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 broade\_r 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.

## 2

#### Interp: The affirmative must define “outer space” in a delineated text in the 1AC.

#### “Outer Space” is flexible and has too many interps – normal means shows no consensus

Leepuengtham 17 [Tosaporn Leepuengtham (Research Judge, Intellectual Property and International Trade Division, Supreme Court of Thailand). "International space law and its implications for outer space activities." 01-27-2017, Accessed 12-9-2021. https://www.elgaronline.com/view/9781785369612/06\_chapter1.xhtml // duongie

Those states which favor the precise demarcation of outer space support the spatial approach, whereas those who oppose to such demarcation prefer the functional approach, as the latter allows more flexibility in terms of the development of space technology.34 This lack of a definition and delimitation of outer space is problematic, since certain particular areas are neither explicitly defined as ‘air space’ or ‘outer space’. For example, it is vague whether an area located between 80 km and 120 km above sea level would be classified as either air space or outer space in the absence of demarcation, since 80 km is the maximum attitude for convention aircraft, and 120 km is the lowest attitude in which space activities could be carried out.35 Satellites which are stationed in a geostationary orbit are a good example of this ambiguity. Owing to this lack of any internationally recognized delimitation, equatorial states claim sovereignty over that part of the geostationary orbit which is located over their respective territories;36 whereas technologically developed countries believe that the geostationary orbit is an integral part of outer space.37 This uncertain status of areas leads to legal jurisdictional problems. According to international law, a state has sovereignty over the airspace above its territory.38 However, national sovereignty does not extend into outer space.39 Thus, it is necessary to determine where a state’s airspace ends to ensure that the appropriate legal regime is applied. One possible scenario which might occur and which is relevant to the subject of this book is the creation or infringement of an intellectual work is in just such an ambiguous location. This would cast doubt on the ‘legal’ location of creation or infringement, and the question of which applicable legal regime arises. Should we apply the law of the underlying state or is there no law to apply? For example, would satellite signals transmitted from a satellite stationed in a geostationary orbit located over equatorial countries be considered as works created or, if intercepted, be infringed, in outer space or in the sovereign air space of those respective countries? These hypothetical examples highlight why a boundary is necessary if unpredictability arising from different legal application is to be avoided. While it might be argued that this issue is being overemphasized at this stage, given increasing use of space technology, this problem is worth considering now rather than later.

#### Violation – you don’t.

#### Prefer –

#### 1] Stable Advocacy – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement and becomes two ships passing in the night –We lose access to Tech Race DA’s, Asteroid DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### 2] Real World – Policy makers will always define the entity that they are recognizing. It also means zero solvency, absent spec, private entities can circumvent since there is no delineated way to enforce the aff and means their solvency can’t actualize.

#### Fairness is a voter debate is a competitive activity that requires objective evaluation. Procedurally ow because a) every argument assumes that the judge will fairly evaluate your arguments. Absent some judge-debater reciprocal relationship, they could just hack against or for you. B) Probability- theory norms are set all the time since arguments go in and out of the meta but nobody ever stops oppression with one position

#### Competing interps for T a] it tells the negative what they do and do not have to prepare for b] reasonability is arbitrary and incentivizes judge intervention

#### No RVIs—a] it’s your burden to be topical. Anything else chills real abuse b] forces theory debaters to bait theory and win on it every time

## 3

#### Interpretation – If the affirmative defends anything other than the exact text of the resolution, they must provide a counter-solvency advocate for their specific advocacy. (To clarify, you must have an author that states we should not do your aff, insofar as the aff is not a whole res phil aff.)

**Violation – You can’t provide one**

**Standards –**

**[1] Fairness – This is a litmus test to determining whether your aff is fair – a) Ground – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer I can’t be expected to b) Limits – Operating outside the bounds of the general maxim places an infinite research burden, narrowing the plans to ones with counter-solvency advocates ensures good substantive engagement since it guarantees both sides, and narrows out trivially true advocacies.**

**[2] Education – It ensures the aff is educational – a) Clash – Lack of a solvency advocate proves the aff is not contestable enough for me to find evidence – even if there are generic turns, those arguments lack quality and lead to recycled debates skewed in your favor. An advocate proves there is legitimate debate over the aff b) Research – Forces the aff to go to the other side of the library and contest their own view points, as well as encouraging in depth-research about their own position. Having one also encourages more in-depth answers since I can find responses.**

## Case

#### Theory comes before materiality

#### [1] Error Replication – Focusing purely on materiality allows for structural forces that contribute to violence to go unquestioned and unnoticed – if every time someone is walking down a street, they get beat up material reforms can temporarily solve that but the forces that caused that violence will manifest themselves again.

#### [2] Ballot Proximity – The ballot CANNOT solve their impacts but the ballot can solve our impacts about violent epistemology. They are missing huge internal links between solvency and the ballot whereas we only want unwavering pessimism – to notendorse the ballot into futurism.