## 1

#### Climate Patents and Innovation high now and solving Warming but patent waivers set a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid

The biotech industry is making remarkable advancestowards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensationand no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass**,** reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietaryknow-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary internationalcollaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to investat the current and required levels**.**

#### Climate change destroys the world.

Specktor 19 [Brandon writes about the science of everyday life for Live Science, and previously for Reader's Digest magazine, where he served as an editor for five years] 6-4-2019, "Human Civilization Will Crumble by 2050 If We Don't Stop Climate Change Now, New Paper Claims," livescience, <https://www.livescience.com/65633-climate-change-dooms-humans-by-2050.html> Justin

The current climate crisis, they say, is larger and more complex than any humans have ever dealt with before. General climate models — like the one that the [United Nations' Panel on Climate Change](https://www.ipcc.ch/sr15/) (IPCC) used in 2018 to predict that a global temperature increase of 3.6 degrees Fahrenheit (2 degrees Celsius) could put hundreds of millions of people at risk — fail to account for the **sheer complexity of Earth's many interlinked geological processes**; as such, they fail to adequately predict the scale of the potential consequences. The truth, the authors wrote, is probably far worse than any models can fathom. How the world ends What might an accurate worst-case picture of the planet's climate-addled future actually look like, then? The authors provide one particularly grim scenario that begins with world governments "politely ignoring" the advice of scientists and the will of the public to decarbonize the economy (finding alternative energy sources), resulting in a global temperature increase 5.4 F (3 C) by the year 2050. At this point, the world's ice sheets vanish; brutal droughts kill many of the trees in the [Amazon rainforest](https://www.livescience.com/57266-amazon-river.html) (removing one of the world's largest carbon offsets); and the planet plunges into a feedback loop of ever-hotter, ever-deadlier conditions. "Thirty-five percent of the global land area, and **55 percent of the global population, are subject to more than 20 days a year of** [**lethal heat conditions**](https://www.livescience.com/55129-how-heat-waves-kill-so-quickly.html), beyond the threshold of human survivability," the authors hypothesized. Meanwhile, droughts, floods and wildfires regularly ravage the land. Nearly **one-third of the world's land surface turns to desert**. Entire **ecosystems collapse**, beginning with the **planet's coral reefs**, the **rainforest and the Arctic ice sheets.** The world's tropics are hit hardest by these new climate extremes, destroying the region's agriculture and turning more than 1 billion people into refugees. This mass movement of refugees — coupled with [shrinking coastlines](https://www.livescience.com/51990-sea-level-rise-unknowns.html) and severe drops in food and water availability — begin to **stress the fabric of the world's largest nations**, including the United States. Armed conflicts over resources, perhaps culminating in **nuclear war, are likely**. The result, according to the new paper, is "outright chaos" and perhaps "the end of human global civilization as we know it."

## 2

#### Settler colonialism operates as an ongoing structure that seeks to eliminate or forcibly assimilate via erasure of the native. The settler enacts mass genocide in order to sever native epistemological ties to the land all while upholding the violent triad of the native-settler-slave. This structure perpetuates endless anti-black and anti-indigenous violence. Anything that does not start from the question of settler colonialism removes indigeneity from history.

**Tuck and Gaztambide-Fernandez 13** Eve, Professor at SUNY, Ruben, Professor at the University of Toronto, “Curriculum, Replacement, and Settler Futurity”, Journal of Curriculum Theorizing, Volume 29, Number 1, 2013, PDF, pg. 73-75, October 24, 2016 // RBA

Settler Colonialism and Curriculum Studies Settler colonialism is the specific formation of colonialism in which the colonizer comes to stay, making himself the sovereign, and the arbiter of citizenship, civility, and knowing. Patrick Wolfe (2006) argues that **settler colonialism destroys to replace**,” (p. 338) **operating with a logic of elimination**. “Whatever settlers may say—and they generally have a lot to say,” Wolfe observes, “the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory” (ibid., parentheses original). **The logic of elimination is embedded into every aspect of the settler colonial structures and its disciplines**—it is in their DNA, in a manner of speaking. Indeed invasion is a structure, not an event (p. 402). The **violence of invasion is not contained to first contact or the unfortunate birth pangs of a new nation, but is reasserted each day of occupation. Thus, when we write about settler colonialism in this article, we are writing about it as both an historical and contemporary matrix of relations and conditions that define life in the settler colonial nation-state**, such as the United States, Canada, New Zealand, Australia, Israel, South Africa, Chinese Tibet, and others. In North America, settler colonialism operates through a triad of relationships, between the (white [but not always]) settlers, the Indigenous inhabitants, and chattel slaves who are removed from their homelands to work stolen land. **At the crux of these relationships is land, highly valued and disputed. For settlers to live on and profit from land, they must eliminate Indigenous peoples, and extinguish their historical, epistemological, philosophical, moral and political claims to land. Land, in being settled, becomes property.** Settlers must also import chattel slaves, who must be kept landless, and who also become property, to be used, abused, and managed. Several **belief systems need to be in place to justify the destruction of Indigenous life and the enslavement of life from other lands**, in particular the continent of Africa. These **belief systems are constituted through** “what Michel Foucault identifies as **the ‘invention of Man**’: that is, by the Renaissance humanists’ epochal **redescription of the human outside the terms of the then theocentric, ‘sinful by nature’ conception/‘descriptive statement’ of the human**” (Wynter, 2003, p. 263). **These include what was termed in the 19th century “manifest destiny”–or the expansion of the settler state as afforded by God**; heteropaternalism–the assumption that heteropatriarchal nuclear domestic arrangements are the building block of the state and institutions; and most of all, white supremacy. **Settler colonialism requires the construction of non-white peoples as less than or not-quite civilized, an earlier expression of human civilization, and makes whiteness and white subjectivity both superior and normal** (Wynter, 2003). In doing so, **whiteness and settler status are made invisible, only seen when threatened** (see also Tuck & Yang, 2012). **Settler colonialism is typified by its practiced epistemological refusal to recognize the latent relations of the settler colonial triad; the covering of its tracks**. One of the ways the settlercolonial state manages this covering is through the circulation of its creation story. These stories involve signs-turned mythologies that conceal the teleology of violence and domination that characterize settlement (Donald, 2012a, 2012b). For example, Dwayne Donald examines the centrality of the “Fort on Frontier” as a signifier for the myth of civilization and modernity in the creation story of the Canadian nation-state. The image of the fort works as “a mythic sign that initiates, substantiates and, through its density, hides the teleological story of the development of the nation” (2012a, p. 43): Fort pedagogy works according to an insistence that **everyone must be brought inside and become like the insiders, or they will be eliminated. The fort teaches us that outsiders must be either incorporated, or excluded, in order for development to occur in the desired ways.** (2012a, p. 44) **The fort is not simply about the process of colonization–of the exogenous conquering of land and people, but more importantly, about a process of colonial settlement**—of imposing a hegemonic logic from the inside, “premised on the domination of a majority that has become indigenous” (Veracini, 2010, p. 5, emphasis added). As Donald (2012b) explains, “transplanting a four-cornered version of European development into the heart of the wilderness” (p. 95), the fort stands as a signifier “of the process by which wild and underutilized lands were civilized through European exploration, takeover, and settlement” (p. 99). Scholars like John Willinsky (1998) have offered ample evidence of the ways **in which schooling has served the purpose of promoting an imperialist view of the world that justifies colonization premised on European epistemological supremacy.** While he provides a powerful critique of the colonizing force of the North American curriculum, **such analyses stop short of examining how the project of curriculum is implied in the ongoing project of colonial settlement, assuming that settler colonies are a thing of the past. Recognizing that colonization is an ongoing process, there have been many postcolonial conceptualizations of curriculum and curriculum history** (e.g. Asher, 2005; Coloma; 2009; McCarthy, 1998). Yet such conceptualizations typically ignore important differences in the various kinds of colonial processes occurring in the contemporary world. Because it is different from other forms of colonialism in ways that matter, settler colonialism requires more than a postcolonial theory of decolonization. Indeed, “decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation” (Tuck & Yang, 2012, p. 7). In this light, the specific contours of settler colonialism in curriculum studies are as yet undertheorized, particularly its continued role in ensuring what we describe later in this article as settler futurity. This essay takes part in this conversation by theorizing what we call the curriculum project of replacement.

#### The aff’s understanding of knowledge is epistemologically flawed – it is not a commodity to garner profit but rather gifts from the earth. The aff’s commodification of knowledge is synonymous with the stealing of indigenous lands. The plan is merely a reformist gesture that fails to understand native relations to medicine and knowledge and makes indigenous futurity an impossibility.

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Laurie Anne Whitt (1998). Biocolonialism and the commodification of knowledge. Science as Culture, 7(1), 33–67. doi:10.1080/09505439809526490

'The commodity fiction handed over the fate of man and nature to the play of an automaton running in its own grooves and governed by its own laws.' (Karl Polyani) While the market and market forces of late capitalism differ substantially from those envisaged by Adam Smith, they continue—notably under the banner of intellectual property law—to transform the legal system in ways that impact directly the western conception of knowledge. Just as land and labour were metaphorically transformed to accommodate a market economy, so too is knowledge—human intellectual labour—being transformed by what Polyani calls a 'commodity fiction'. Various commentators have noted how the market doctrine obtained political and philosophical hegemony over western society by pointedly ignoring the distinction between commodities and noncommodities. Commodities, for the economist, have a specific origin and purpose. They are manufactured goods that are produced for sale, sold and eventually consumed. Since human labour—intellectual or manual—is not manufactured for sale and consumption, it is not a commodity strictly speaking. It is not a product, but: a personal, intimate and intrinsic part of ourselves. Human work cannot be separated from the whole person ... it is a market fiction that there is a separation between the human and human work. We can no more sell our work than we can sell ourselves. (Kimbrell, 1993, pp. 269, 270) Neither, of course, is land—a part of nature—a commodity that is produced by people for sale and consumption. Yet to leave work and nature out of the market equation would challenge the market system. As Andrew Kimbrell observes: If market ideology was to be the central law of a society ... it had to extend to all important aspects of life ... Vital noncommodities had to be subsumed under the definition of commodity, treated like any other commodity, and subjected to the supply-and-demand laws of commodities, (p. 270) So, it was convenient to ignore the distinction between commodities and noncommodities. This metaphorical transformation of labour and land into 'fictitious commodities' also greatly enhanced the power of the market system, facilitating control of virtually all aspects of social behaviour and natural resources. Karl Polanyi recounts this transformation, and its full impact: The crucial step was this: llabor and land were made into commodities, that is, they were treated as if produced for sale. Of course, they were not actually commodities, since they were either not produced at all (as land) or, if so, not for sale (as labor). Yet no more thoroughly effective fiction was ever devised ... The true scope of such a step can be gauged if we remember that labor is only another name for man, and land for nature. (Polyani, 1968, pp. 61-62) The transformation and commodification of knowledge—of human intellectual labour—was part of this process. Knowledge is not produced by people for sale and consumption, and despite the tendency of recent work in science studies to speak of knowledge production and knowledge products, knowledge is not a product. Such talk merely reflects the effectiveness of the knowledge-ascommodity metaphor. Like manual labour, intellectual labour is a 'personal, intimate and intrinsic part' of human beings. To paraphrase Kimbrell, human knowledge cannot be separated from the whole person; it is a market fiction that there is a separation. We can no more sell our knowledge than we can sell ourselves. When market assumptions are extended to ideas, to information, intellectual property results. Patents, copyrights and trade secrets are protections that the state gives to innovations—to new ideas (Hettinger, 1989, p. 35). These types of property rights are intended to provide for ownership of 'noncorporeal, intellectual objects, such as writings, inventions and secret business information' (p. 31) that can be bought and sold in the marketplace. Private intellectual property restricts the use of ideas through patents, the expression of ideas through copyrights, and the methods of acquiring ideas through trade secrets. The rise of intellectual property has also helped to transform the western conception of knowledge in another way. Scholarly, as well as popular, conceptions of knowledge (see R. Roberts, 1987, and Fuller, 1991) have regarded it as nonexclusive—as existing in many places at once and as not consumed by use: 'the possession or use of (such) an intellectual object by one person does not preclude others from possessing or using it as well' (Hettinger, 1989, p. 34). However, when it is commodified, and rendered as intellectual property, information becomes exclusive, and its value is seen to lie in part in that exclusiveness. The point of owning a song, or certain genetic information, is to ensure and secure exclusive profits. Intellectual property laws serve as means of transforming indigenous knowledge and genetic resources into profitable commodities, and of advancing the commodification of nature. For example, the chief of the Global Environment Division of the World Bank, discussing traditional plant knowledge in the Ethiopian Coptic Church, recently proposed: 'Let's screen that knowledge stock ... (and) explore how it might be commercialized' (cited in Bereano, 1995). Indigenous representatives to the Commission on Sustainable Development have challenged the practice of bioprospecting, and the global imposition of western intellectual property laws. Victoria Tauli-Corpus (1993) offers a compelling description of the cultural politics of science unfolding here, and of the contrasting metaphors of knowledge that help to sustain them: We have witnessed how indigenous seed varieties and medicinal plants which our women and healers have preserved and developed, were appropriated by international and national research institutes and transnational corporations ... Without our knowing, these seeds and medicinal plants were altered in laboratories and now we are told that the companies have intellectual property rights over these genetic plant materials because they have improved on them. This logic is beyond us ... we, indigenous peoples ... have developed and preserved these plants over thousands of years, (p. 25) Another particularly disturbing aspect of this debate is that the patenting of genetic information is simultaneously the patenting of life forms, since the innovations in question are based upon and produce life forms. A 1995 report to UNESCO's International Bioethics Committee notes: 'Genetic material is seen as part of what constitutes life; as such, patenting transforms this material into a commodity that can be owned and traded in' (1995, Section 2.3.2). Commenting on this phenomenon, José de Souza Silva (1995) observes that 'genetic property rights subject nature to worldwide commodification, an important step in the ongoing biotechnological revolution' (p. 57). This is not limited to plants, of course, it involves nonhuman animals as well. According to the Office of Technology Assessment, well over 190 genetically engineered animals (these include fish, cows, mice and pigs) are 'figuratively standing in line to be patented by a variety of researchers and corporations' (Kimbrell, 1993, p. 198). It also involves human animals, people, who are treated as sources of genetic information. As Okanagan activist Jeanette Armstrong (1995) states: 'it is not only knowledge about plants and animals that is being made a commodity: The essential substance of the human life form—human gene lines—are now items for transnational trade and profit' (p. 11). An instance of this, which has provoked widespread indigenous resistance, is the Human Genome Diversity Project, an international undertaking by scientists, universities, private researchers and governments to create thousands of cell lines from DNA collected primarily from indigenous peoples. The controversy surrounding the Diversity Project has been vigorous and substantial from the Project's outset, when the targetted sample populations were referred to as 'Isolates of Historic Interest' (Roberts, 1993, p. 675). (See Harry, 1994, and Whitt, 1998, for more discussion of this.) The Diversity Project's indigenous critics charge that 'This is just a more sophisticated version of how the remains of our ancestors are collected and stored in museums and scientific institutions' (TauliCorpus, 1993, p. 26). According to an article in the prestigious journal Science, whose advocacy of this western science project has been unremitting: As (indigenous) people vanish, they are taking with them a wealth of information, buried in their genes about human origins, evolution, and diversity ... Already, there are indications of the wealth of information harbored in the DNA of aboriginal peoples. (Roberts, 1991, p. 1614) Concerns about patenting and commercial exploitation have been repeatedly voiced: 'How soon will it be before they apply for intellectual property rights to these genes and sell them for a profit?' (Tauli-Corpus, 1993, p. 26). And as John Liddle, director of the Central Australian Aboriginal Congress, observes: If the Vampire Project goes ahead and patents are put on genetic material from Aboriginal People, this would be legalized theft. Over the last 200 years, non-Aboriginal people have taken our land, our language, culture and health—even our children. Now they want to take the genetic material which makes us Aboriginal people as well. (Nason, 1994, p. 3)GIFTS AND COMMODITIES 'Labor should not be sold like merchandise but offered as a gift to the community. ' (Che Guevara) The nature, depth and force of indigenous opposition to biocolonialism, and especially to the Diversity Project, is poorly grasped by advocates of these extractive initiatives of western science—whether corporate or academic.2 It is frequently assumed that once proper informed consent documents, material transfer agreements and database access agreements have been drafted, and the 'hysteria' whetted up by 'professional alarmists' subsides, opposition to the Diversity Project will and should dissipate (Moore, 1996, p. 62). At the least, it should be effectively disarmed. At best, indigenous people will realize, finally, that 'they should be grateful to us'.3 Such assumptions can be sustained only by wrenching certain indigenist critiques from their contexts. Some of the most substantive objections to the Diversity Project, and to biocolonialism more generally, contend that life forms, and indigenous knowledge of the natural world, are gifts; they must not be privatized, commercialized and commodified. This section contrasts a western commodity conception of knowledge with the construal of knowledge as a gift that is prevalent in many indigenous knowledge systems. I do not suggest that all knowledge within all western and indigenous knowledge systems conforms to these divergent metaphors of commodity and gift.4 Certainly within the west there has been resistance to life-form patents on analogous grounds. Similarly, some indigenous peoples have embraced such patents, to varying degrees and with varying degrees of consensus and reluctance. As Greaves (1994) notes, 'the arena of Western institutions are played in when the stakes are high and there is no other choice' (p. 6). Knowledge systems, whether western or indigenous, are neither monolithic nor static; they are varied and changing, far more so than my discussion here will reflect. Nevertheless, these diverging metaphors of knowledge do capture tendencies and features that are typical of, or prevail in, many indigenous and western knowledge systems. Moreover, they have not only intellectual but social and moral implications for what and how something can be known: metaphors 'shape our perceptions and in turn our actions, which tend to be in accordance with the metaphor' (Stepan, 1993, p. 372). These are politically significant insofar as they inform contemporary struggles within indigenous and western knowledge systems over biocolonialist policies and practices. Indeed, pan of what is at issue in resistance to the Diversity Project is whether or not a particular change should take place within indigneous knowledge and value systems ... a significant change in how certain knowledge is understood and in how it is valued. Consider Aroha Mead's statement of the basis of Maori opposition to the Project. Many of the Diversity Project's advocates, she notes, 'have the mistaken view that the reason for indigenous opposition to the (Project) rests in lack of understanding of (its) aspirations, and confusion over minor details' (Mead, 1995). Anyone who has followed the long electronic debate on Native-Net between opponents of the Project and its central apologist—Henry Greely, a Stanford University law professor and head of the Project's North American Ethics Committee—will concur with Mead here. Greely and other Project proponents have repeatedly failed to address—or even to indicate they take seriously—what lies at the heart of indigenist resistance: It is difficult to articulate the degree to which the indigenous and western scientific philosophies differ on such a fundamental point, but ... I wish to emphasize that it is the difference in understanding of the origin of humanity, the responsibility of individuals and the safety of future generations which sits so firmly at the core of indigenous opposition to the (Diversity Project) ... the fundamental reason is that, according to an indigenous world view, this type of research proposes to interfere in a highly sacred domain of indigenous history, survival and commitment to future generations. (Mead, 1995) As Mead explains, the Maori translate the word 'gene' as 'iratangata' ('life spirit of the mortals') or 'whakapapa' ('genealogy'). So a physical gene is understood to be 'imbued with a life spirit handed down from the ancestors' (1995). Each successive generation contributes to it, passing it on to future generations. Genes, thus, are part of the heritage of families, communities, tribes and entire indigenous nations. They are not the property of individuals, and neither is any part or derivative of them. The innovative manipulations leading to the isolation and storage of DNA segments, and the privatization and commercialization of cell lines, turn them into such and must therefore be vigorously resisted. Comparable concerns have been expressed by diverse indigenous peoples protesting the patenting of traditional medicines and crop varieties, and for whom knowledge of the natural world, particularly medicinal and agricultural knowledge, is regarded (like life itself) as given, not produced. There are normative implications to such an epistemological posture. When knowledge is construed as a gift, the process of knowing rather than the product of knowledge, and the nature and quality of the relations with the nonhuman world which are constitutive of that process, become central. To properly engage in a process of reciprocal exchange, of giving and receiving, behavioral constraints must be accepted. The reciprocity of the exchange is to be respected and reflected in one's conduct. These normative constraints are simultaneously ecological and social. The process of knowing must be undertaken in a way that respects and reflects the fact that each individual, each community, each tribe, each nation and species has 'a responsibility to the workings of the universe' (Allen, 1986, p. 73), to the generations to come and to those that have passed. Like knowledge of the natural world, for many indigenous peoples land itself is a: gift... (so) they assume certain ceremonial duties which must be performed as long as they live on and use the land ... Obligations demanded by the lands upon which people lived were part of their understanding of the world; indeed their view of life was grounded in the knowledge of these responsibilities. (Deloria, 1992, pp. 262-63) This construal of knowledge and the normative constraints that attend it can be readily illustrated by diverse indigenous knowledge practices. I emphasize here, knowledge of healing, of hunting and of crop cultivation

#### Decolonizing practices begin with endorsing methods that challenge settler normative modes of thoughts and futurity, creating relations with the land as more than beings through indigenous science, technology and society – thus the rotb is to embrace indigenous futurity

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Krisha Hernández, 2019, "View of Co-Creating Indigenous Futurities with/in Academic Worlds," (Krisha J. Hernández (Yaqui/Xicanx/Bisayan), raised on Tongva/Gabrieleño land near the village of Nacaugna—in so-called Los Angeles, California—is an Indígenx Ph.D. Candidate and Teaching Fellow in the Department of Anthropology at the University of California, Santa Cruz (UCSC) whose work is relationally grounded through Indigenous Queer Feminist politics. They are a researcher in the Indigenous Science, Technology, and Society (Indigenous STS) international research and teaching hub chaired by Dr. Kim TallBear, and writes with the Creatures Collective.) <https://catalystjournal.org/index.php/catalyst/article/view/32833/25438> //RBA

I dream again of Babok the toad, the deliverer of fire to humans and bringer of rain to Earth. Babok, an excellent storyteller, holds my hand and shows me the way to the river and to myself—a reminder of responsibilities and possibilities. The dream ignites a vision: in the place of flowers, where their power far surpasses their beauty, all beings are regarded as having purpose(s)—with bodies and lives worthy of living and thriving to fulfill those purposes. Here, our community acknowledges each other’s roles and accepts our own as meaningful contributions. In this community, one seeks out the Hu’upa (Mesquite) and Cho’i (Palo Verde) trees to ask for guidance because trees have revealed many truths to our Yoemem ancestors from long ago and continue to teach us still. The vision becomes reality, a way of being and moving among worlds where many persons, such as insect beings, plant beings, soil bodies, elder stones, caretaker plants, and water beings, for example, are relegated to “natural resources”—objects of exploitation who are often taken up in servitude or generally mistreated. Doing academic work that listens to and thinks with more-than-human beings as having bodies and lives worthy of living through to their fullest meaning is indeed a challenge in arenas where settler futurities take precedence over all else. Place/land and all beings tied up with them, despite having much to teach, are rarely treated and centered as living beings in academic analysis (Tuck & McKenzie, 2015). In other words, taking up this sort of work has proven to be such a challenge that it is often skipped over by academics, and quite possibly for good reason. Engulfment in worlds largely filled with settler logics creates seemingly insurmountable barriers to those who may otherwise wish to co-create Indigenous futurities with/in academe, and in particular, with Indigenous Land. Scholars who work to co-create bridges that link the gaps between human-centered worlds and the many more-than-humans already living among them/us are of particular guidance to me in the challenge of co-creating Indigenous futurities with/in academic worlds. I am grateful to geographer Sarah Whatmore (2006) for gifting communities in/beyond the academy with “more-than” terminology, where, in English, one is provided with language that shifts landscape as a plane to land—a living actor. I look to Tonawanda Band of Seneca scholar on literature, race, and ethnic theory Mishuana Goeman (2013) when considering the necessary decolonizing work that is to (re)claim, (re)name, and (re)vitalize—where “(re)” creates Indigenous futurities that are simultaneously past and present but made anew. Sisseton Wahpeton Oyate anthropologist Kim TallBear’s (2013, 2014) work illuminates the ways in which worlds and beings are co-constituted in relation with others, where collaborations are sites for new knowledge formations, thus creating space for academe that is more-than research. I often think with the work of Kanaka Maoli political scientist Noelani Goodyear-Ka‘ōpua (2016), who reminds one that Indigenous Peoples forge their relationships with place/land and land-bodied beings, and, therefore, researchers are obligated to such land beings far beyond the scope of a research project. Political scientist Audra Mitchell (2018), a settler of Ukrainian, Polish, Scottish, and English ancestry who lives on the Ancestral and Treaty Lands of the Attawandaron (Neutral), Haudenosaunee, and Mississaugas of the New Credit, demonstrates ways in which non-Indigenous scholars might honor the efforts of Indigenous resurgents who seek to repair protocols and relations between particular peoples, plants, animals, and many land and water beings. Drawing on these lineages of thought and scholarship, my work strives to co-create Indigenous futurities with more-than-human beings, an effort that simultaneously envisions Indigenous futurities as it takes up and works against settler colonial modes of being and separation. I find an academic home in the emerging discipline of Indigenous Science, Technology, and Society (I-STS), a community of scholars who contribute to the interplay of emerging worlds, realities becoming. Together, this community honors land-bodied beings seen, unseen, and felt, while co-creating Indigenous futurities through scholarship.

#### The ROTJ is to center indigenous knowledge – red pedagogy is the only orientation that combats settler colonialism within educative spaces

**Grande 04** [Red Pedagogy Native American Social and Political Thought Sandy Grande 2004; quals: a professor of Education and Director of the Center for the Critical Study of Race and Ethnicity (CCSRE) at Connecticut College. She is Quechua. She got her masters and PhD from Kent State University.] // SJ AME

As we raise yet another generation in a nation at war, it is even more imperative for schools to be reimagined as sites for social transformation and emancipation; as a place "where students are educated not only to be critical thinkers, but also to view the world as a place where their actions might make a difference" (McLaren 2003). More specifically, McLaren outlines the essential elements of a post-9/11 critical pedagogy: (1) to support the broader societal aim of freedom of speech; (2) to be willing to challenge the Bush ad- ministration's definition of "patriotism"; (3) to examine the linkages between government and transnational corporations; (4) to commit to critical self- reflexivity and dialogue in public conversations; (5) to enforce the separation between church and state; (6) to struggle for a media that does not serve corporate interests; and, above all, (7) to commit to understanding the fundamental basis of Marx's critique of capitalism (McLaren 2003) Indeed, in a time when the forces of free-market politics conspire not only to maintain the march of colonialism but also to dismantle (i.e., privatize) public education, such aims are essential. In addition to these immediate concerns, the frameworks of revolutionary critical theory provide indigenous educators and scholars a way to think about the issues of sovereignty and self-determination that moves beyond simple cultural constructions and analyses. Specifically, their foregrounding of capitalist relations as the axis of exploitation helps to frame the history of indigenous peoples as one of dispossession and not simply oppression. Their trenchant critique of postmodernism helps to reveal the "problem" of identity (social representation) as a distraction from the need for social transformation. Similarly, the work of revolutionary critical feminists helps to explain how gendered differences have been systematically produced and continue to operate within regimes of exploitation. In all these ways, the analyses of revolutionary critical pedagogy prove invaluable. As discussed in previous chapters, however, there are also ways in which the analysis of revolutionary theorists fails to consider their own enmeshment with the Western paradigm. Specifically, the notion of "democratization" remains rooted in Western concepts of property; the radical constructs of identity remain tied to Western notions of citizenship; the analyses of Marxist-feminists retain Western notions of subjectivity and gender; and revolutionary conceptions of the "ecological crisis" presume the "finished project" of colonization. Such aporias of revolutionary critical pedagogy, however, must not be viewed as deficiencies. Rather, they should be theorized as points of tension, helping to define the spaces in-between the Western and indigenous thought-worlds. Revolutionary scholars themselves acknowledge "no theory can fully anticipate or account for the consequences of its application but remains a living aperture through which specific histories are made visible and. intelligible" (McLaren and Farahmandpur 2001, 301). In other words no theory can, or should be, every- thing to all peoples—difference in the material domain necessitates difference in discursive fields. Therefore, while revolutionary critical theory can serve as a vital tool for indigenous educators and scholars, the basis of Red pedagogy re- mains distinctive, rooted in indigenous knowledge and praxis. Though a "tradition-based" revitalization project, Red pedagogy does not aim to reproduce an essentialist or romanticized view of "tradition." As several indigenous scholars have noted (e.g., Alfred, Deloria, Mihesuah, Warrior) the "return to tradition" is often a specious enterprise. In contradistinction to essentialist models of "tradition," Taiaiake Alfred suggests a model of "self- conscious traditionalism" for indigenous communities. He defines "self- conscious traditionalism" as an intellectual, social, and political movement to reinvigorate indigenous values, principles, and other cultural elements best suited to the larger contemporary political and economic reality (Alfred 1999, 81). In this context, tradition is not simply "predicated upon a set of uniform, unchanging beliefs" but rather is expressed as a commitment to the future sustainability of the group (Warrior 1995, xx). In other words, the struggle for freedom is not about "dressing up in the trappings of the past and making demands" but about being firmly rooted in "the ever changing experiences of the community." As such, the process of defining a Red pedagogy is necessarily ongoing and self-reflexive— a never-ending project that is continually informed by the work of critical and indigenous scholars and by the changing realities of indigenous peoples. Though the process is continual, the overarching goal of Red pedagogy is stable. It is, and will always remain, decolonization. "Decolonization" (like democracy) is neither achievable nor definable, rendering it ephemeral as a goal, but perpetual as a process. That is not to say, however, that "progress" cannot be measured. Indeed, the degree to which indigenous peoples are able to define and exercise political, intellectual, and spiritual sovereignty is an accurate measure of colonialist relations. The dream of sovereignty in all of these realms, thus, forms the foundation of Red pedagogy. As such, indigenous responses of the international, transnational, postcolonial question are discussed in terms of Lyons's quest for a "nation-people," and Alfred's (1999) model for self-determined and self-directed communities. [Continued…] In the words of Peter McLaren, "one of the first casualties of war is truth." History, in other words, belongs to the victors (McLaren 2003, 289). Perhaps no one understands this better than indigenous peoples who, in addition to suffering the depredations of genocide, colonization, and cultural annihilation, have been revictimized at the hands of whitestream history. The lesson here is pedagogical. The imperative before us, as educators, is to ensure that we engage a thorough examination of the causes and effects of all wars, conflicts, and inter/ intracultural encounters. We must engage the best of our creative and critical capacities to discern the path of social justice and then follow it. The ongoing injustices of the world call educators-as-students-as-activists to work together—to be in solidarity as we work to change the history of empire and struggle in the common project of decolonization. To do so requires courage, humility, and love *(mun).* Moreover, revolutionary scholars remind us that "our struggle must not stop at calling for better wages and living conditions for teachers and other workers but must anticipate an alternative to capitalism that will bring about a better chance for democracy to live up to its promise" (McLaren 2003, 290). Though the promise of democracy has always been specious for American Indians, the notion of an anticapitalist society has not. Indigenous peoples continue to present such an alternative vision, persisting in their lived experience of collectivity and connection to land, both of which vehemently defy capitalist desire. Red pedagogy is the manifestation of sovereignty, engaging the development of "community-based power" in the interest of "a responsible political, economic, and spiritual society" 12 (Richardson and Villenas 2000, 272). Power in this context refers to the practice of “living out active prescnecses and survivancesrather than an illusionary democracy" (Richardson and Villenas 2000, 273). As articulated by Vizenor, the notion of survivance signifies a state of being beyond "survival, endurance, or a mere response to colonization," toward "an active presence . . . and active repudiation of dominance, tragedy and victimry"(Vizenor 1998, 15). The *survivance* narratives of indigenous peoples are those that articulate the active recovery, reimagination, and reinvestment of indigenous ways of being. These narratives assert the struggles of indigenous peoples and the lived reality of colonization as a complexity that extends far beyond the parameters of economic capitalist oppression. Survivance narratives form the basis of a Red pedagogy. They compel it to move beyond romantic calls to an imagined past toward the development of a viable, competing moral vision. Specifically, a Red pedagogy implores our conversations about power to include an examination of responsibility, to consider our collective need "to live poorer and waste less." It implores struggles for human rights to move beyond the anthropocentric discourse of humans-only and to fetter battles for "voice" with an appreciation for silence. In the end a Red pedagogy embraces an educative process that works to reenchant the universe, to reconnect peoples to the land, and is as much about belief and acquiescence as it is about questioning and empowerment. In so do- ing, it defines a viable space for tradition, rather than working to "rupture" our connections to it. The hope is that such a pedagogy will help shape schools and processes of learning around the "decolonial imaginary." Within this fourth space of being, the dream is that indigenous and nonindigenous peoples will work in solidarity to envision a way of life free of exploitation and replete with spirit. The invitation is for scholars, educators, and students to exercise critical consciousness at the same time they recognize that the world of knowledge far exceeds our ability to know. It beckons all of us to acknowledge that only the mountain commands reverence, the bird freedom of thought, and the land comprehension of time. With this spirit in mind, I proceed on my own journey to learn, to teach, and to be.

#### The alt is an ethic of incommensurability- a project of decolonization that forces us to unconditionally commit to decolonization of both ourselves and the land. We let go of the thought that a settler future on stolen land is possible.

Tuck and Yang 12 (Eve Tuck and K. Wayne Yang. “Decolonization is not a metaphor.” Decolonization: Indigeneity, education & society. Vol. 1, No. 1, 2012, pp. 1-­‐40, <https://www.researchgate.net/publication/277992187_Decolonization_Is_Not_a_Metaphor>. Eve Tuck is Associate Professor of Critical Race and Indigenous Studies at the Ontario Institute for Studies in Education (OISE), University of Toronto. She is Canada Research Chair of Indigenous Methodologies with Youth and Communities. She is a William T Grant Scholar (2015-2020) and was a Ford Foundation Postdoctoral Fellow (2011-2012). K. Wayne Yang is an Associate Professor & Director of Undergraduate Studies. He holds a Ph.D. Social and Cultural Studies in Education, University of California, Berkeley. His research interests include Popular culture and social movements, Urban education and critical pedagogy, Coloniality in urban ghettos, and Decolonization.)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate[s] 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 means removing 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.

### K before case

#### Don’t let them weigh k vs case

#### 1] prior question – the K indicts epistemic logic that the aff relies on to pass plan, weighing case kills discussion about the method of the aff and ows on education and portability

#### 2] flights from epistemology – allowing them to weigh case against K means they can justify harmful rhetoric with no consequences, you wouldn’t let them weigh the benefits of the aff vs them saying a slur so it is logically incoherent to let them weigh case – ows on accessibility

# Case