## 1

Interp: The affirmative debaters must send a finalized version of the affirmative 15 minutes before round if requested and they are adding changes to the affirmative

Violation – No document sent – screenshots – if it shows up weird I can just send it again after the speech

**A screenshot of a computer

Description automatically generated with medium confidence**

A] Pre round prep- Hiding changes mean that pre round neg prep was skewed—4 minutes of prep is not enough to put together a coherent 1nc or update our answers to the aff

B] academic integrity – disclosing changes is key to ensure that new evidence isn't miscut and we have an idea of what analytics will look like – That outweighs - Your role as an educator mandates that you enforce academic rules

Fairness is a voter – only thing that the ballot resolves

Education is a voter – only terminal impact in debate

CI:

1. Reasonability causes a race to the bottom because debaters keep being barely reasonable, magnifying abuse.
2. Reasonability collapses to competing interps because we debate about the specified brightline.

Drop the debater – set a precedent that debaters wont be abusive and killed pre-round prep means im already skewed

No RVIs

1. **Real world applicability- Winning theory is not a reason to vote them up- In the real world proving you are meeting a necessary rule will not give you reward.**
2. **Discourages checking abuse because debaters will be afraid to lose on theory.**
3. **RVIs center the debate on theory instead of substance because it’s the only place the round can be decided. Outweighs on time frame; we only get two months to talk about the topic and on research - where the majority of debate education occurs**

## 2

#### Indigeneity connotates a state of non-ontology allowing for the construction of the human that legitimizes its self into a history of elimination, jettisoned from or assimilated into the national body to cohere settler temporality

Belcourt 16. Billy-Ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women’s Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch, and his poetry has been published or is forthcoming in Assaracus: A Journal of Gay Poetry, Red Rising Magazine, SAD Mag, mâmawi-âcimowak, PRISM International, and The Malahat Review. ("A POLTERGEIST MANIFESTO," 2016, *Feral Feminism*) vikas recut aaditg

Admittedly, the feral is a precarious space from which to theorize, sullied with an injurability bound up in the work of liberal humanism as such, an enterprise that weaponizes a set of moral barometers to distribute ferality unevenly to differently citizened and raced bodies—ones that are too close for comfort and must be pushed outside arm’s reach. Perhaps ferality traverses a semantic line of flight commensurate­ with that of savagery, barbarism, and lawlessness, concreting into one history of elimination: that is, a history of eliminating recalcitrant indigeneities incompatible within a supposedly hygienic social. The word savage comes from the Latin salvaticus, an alteration of silvaticus, meaning “wild,” literally “of the woods.” Of persons, it means “reckless, ungovernable” (“Savage”). In the space-time of settler states, savagery temporarily stands in for those subjectivities tethered to a supposedly waning form of indigeneity, one that came from the woods and, because of this, had to be jettisoned from or assimilated into the national body. Here is Audra Simpson on the history of Indian “lawlessness”: Its genealogy extends back to the earliest moments of recorded encounter, when Indians appeared to have no law, to be without order, and thus, to be in the colonizer’s most generous articulation of differentiation, in need of the trappings of civilization. “Law” may be one instrument of civilization, as a regulating technique of power that develops through the work upon a political body and a territory. (2014, 144) According to Simpson, the recognition of Indigenous peoples as lawless rendered them governable, motivating the settler state (here, Canada) to curate and thus contain atrophied indigeneities—and, consequently, their sovereignties, lands, and politics—within the borders of federal law (2014, 144-45). Similarly, in The Transit of Empire Jodi Byrd traces the epistemological gimmicks through which the concept of “Indianness” came to align with “the savage other” (2011, 27). For her, this alignment provided the “rationale for imperial domination” and continues to stalk philosophy’s patterns of thinking (ibid.). Simpson, writing about the Mohawks of Kahnawake, argues that “a fear of lawlessness” continues to haunt the colonial imaginary, thereby diminishing “Indigenous rights to trade and to act as sovereigns in their own territories” (2014, 145). We might take the following lyrics from the popular Disney film Pocahontas as an example of the ways indigeneity circulates as a feral signifier in colonial economies of meaning-making: [Ratcliffe] What can you expect From filthy little heathens? Their whole disgusting race is like a curse Their skin’s a hellish red They’re only good when dead They’re vermin, as I said And worse [English settlers] They’re savages! Savages! Barely even human. (Gabriel and Goldberg 1995) Savagery connotes a state of non-ontology: Indigenous peoples are forced to cling to a barely extant humanity and coterminously collapse into a putatively wretched form of animality. Savagery is lethal, and its Indian becomes the prehistoric alibi through which the human is constituted as such. Indigenous peoples have therefore labored to explain away this savagery, reifying whitened rubrics for proper citizenship and crafting a genre of life tangible within the scenes of living through that are constitutive of settler colonialism as such. These scenes, however, are dead set on destroying the remnants of that savagery, converting their casualties into morally compatible subjects deserving of rights and life in a multicultural state that stokes the liberal fantasy of life after racial trauma at the expense of decolonial flourishing itself. This paper is therefore interested in the subjectivities and forms of sociality that savagery destroys when applied from without, and the political work of appropriating that savagery in the name of decolonization. Ours is a form of indigeneity that hints at a fundamental pollutability that both confirms and threatens forms of ontology tethered to a taxonomized humanity built in that foundational episode of subjection of which Simpson speaks. I am suggesting that savagery always-already references an otherworld of sorts: there are forms of life abandoned outside modernity’s episteme whose expressivities surge with affects anomalous within the topography of settler colonialism. This paper is not a historicist or nostalgic attachment to a pre-savage indigeneity resurrected from a past somehow unscathed by the violence that left us in the thick of things in the first place. Instead, I emphasize the potentiality of ferality as a politics in a world bent on our destruction—a world that eliminates indigeneities too radical to collapse into a collective sensorium, training us to a live in an ordinary that the settler state needs to persist as such, one that only some will survive. This world incentivizes our collusion with a multicultural state instantiated through a myth of belonging that actively disavows difference in the name of that very difference. We are repeatedly hurried into a kind of waning sociality, the content and form of which appear both too familiar and not familiar enough. In short, we are habitually left scavenging for ways to go on without knowing what it is we want. Let’s consider Jack Halberstam’s thoughts on “the wild”: It is a tricky word to use but it is a concept that we cannot live without if we are to combat the conventional modes of rule that have synced social norms to economic practices and have created a world order where every form of disturbance is quickly folded back into quiet, where every ripple is quickly smoothed over, where every instance of eruption has been tamped down and turned into new evidence of the rightness of the status quo. (2013, 126) Where Halberstam finds disturbance, I find indigeneity-cum-disturbance par excellence. Halberstam’s “wild” evokes a potentiality laboured in the here and now and “an alternative to how we want to think about being” in and outside an authoritarian state (2013, 126-27). Perhaps the wild risks the decolonial, a geography of life-building that dreams up tomorrows whose referents are the fractured indigeneities struggling to survive a historical present built on our suffering. Ferality is a stepping stone to a future grounded in Indigenous peoples’ legal and political orders. This paper does not traffic in teleologies of the anarchic or lawless as they emerge in Western thought; instead, it refuses settler sovereignty and calls for forms of collective Indigenous life that are attuned to queerness’s wretched histories and future-making potentialities. Indigeneity is an ante-ontology of sorts: it is prior to and therefore disruptive of ontology. Indigeneity makes manifest residues or pockets of times, worlds, and subjectivities that warp both common sense and philosophy into falsities that fall short of completely explaining what is going on. Indigenous life is truncated in the biopolitical category of Savage in order to make our attachments to ourselves assimilable inside settler colonialism’s national sensorium. Settler colonialism purges excessive forms of indigeneity that trouble its rubrics for sensing out the human and the nonhuman. In other words, settler colonialism works up modes of being-in-the-world that narrate themselves as the only options we have. What would it mean, then, to persist in the space of savagery, exhausting the present and holding out for futures that are not obsessed with the proper boundary between human and nonhuman life? This paper now turns to the present, asking: what happens when indigeneity collides with queerness inside the reserve, and how might a feral theory make sense of that collision? Deadly Presents “I went through a really hard time… I was beaten; more than once. I was choked” (Klassen 2014). These were the words of Tyler-Alan Jacobs, a two-spirit man from the Squamish Nation, capturing at once the terror of queer life on the reserve and the hardening of time into a thing that slows down bodies and pushes them outside its securitized geographies. Jacobs had grown up with his attackers, attackers who were energized by the pronouncement of queerness—how it insisted on being noticed, how it insisted on being. When the dust settled, “his right eye [had] dislodged and the side of his faced [had] caved in” (ibid.). Settler colonialism is fundamentally affective: it takes hold of the body, makes it perspire, and wears it out. It converts flesh into pliable automations and people into grim reapers who must choose which lives are worth keeping in the world. It can turn a person into a murderer in a matter of seconds; it is an epistemic rupturing of our attachments to life, to each other, and to ourselves. It is as if settler colonialism were simultaneously a rescue and military operation, a holy war of sorts tasked with exorcising the spectre of queer indigeneity and its putative infectivity. I rehearse this case because it allows me to risk qualifying the reserve as a geography saturated with heteronormativity’s socialities. This is a strategic interdiction that destroys supposedly degenerative queer affect worlds, untangling some bodies and not others from the future. I don’t have the statistics to substantiate these claims, but there is an archive of heartbreak and loss that is easy to come by if you ask the right people. Indeed, what would such statistics tell us that we don’t already know? What would the biopolitical work of data collection do to a knowledge-making project that thinks outside the big worlds of Statistics and Demography and, instead, inside the smaller, more precarious worlds created in the wake of gossip? I worry about ethnographic projects that seek to account for things and theory in the material in order to map the coordinates of an aberration to anchor it and its voyeurs in the theatres of the academy. The desire to attach to a body is too easily energized by a biological reading of gender that repudiates the very subjects it seeks so desperately to know and to study. What about the body? I have been asked this question, again and again. A feral theory is something of a call to arms: abolish this sort of ethnography and turn to those emergent methodologies that might better make sense of the affects and life-forms that are just now coming into focus and have been destroyed or made invisible in the name of research itself. Queer indigeneity, to borrow Fred Moten’s description of blackness, might “come most clearly into relief, by way of its negation” (2014). Perhaps decolonization needs to be a sort of séance: an attempt to communicate with the dead, a collective rising-up from the reserve’s necropolis, a feral becoming-undead. Boyd and Thrush’s Phantom Past, Indigenous Presence thinks indigeneity and its shaky histories vis-à-vis the language of haunting, where haunting is an endurant facet of “the experience of colonialism” (Bodinger de Uriarte 2012, 303). But, for me, ghostliness is differentially distributed: some more than others will be wrenched into the domain of the dead and forced to will their own ontologies into the now. Perhaps the universalist notion that haunting is a metonym for indigeneity repudiates the very life-forms that it claims to include: those who are differently queered and gendered, and, because of this, haunt waywardly and in ways that cannot be easily predicted (Ahmed 2015). This paper thus takes an imaginative turn and proceeds with something of an incantation to summon the figure of the queer Indigenous poltergeist—the feral monster in the horror story of decolonization. Queer Indigenous poltergeists do not linger inaudibly in the background; we are beside ourselves with anger, we make loud noises and throw objects around because we are demanding retribution for homicide, unloved love, and cold shoulders. We do not reconcile; we escape the reserve, pillage and mangle the settler-colonial episteme. Our arrival is both uneventful and apocalyptic, a point of departure and an entry point for an ontology that corresponds with a future that has yet to come. Sometimes all we have is the promise of the future. For the queer Indigenous poltergeist, resurrection is its own form of decolonial love. The poltergeist is an ontological anomaly: a fusion of human, object, and ghost, a “creature of social reality” and a “creature of fiction” (Haraway 1991, 149). From the German poltern meaning “[to] make noise, [to] rattle” and Geist or “ghost,” it literally means “noisy ghost,” speaking into existence an anti-subjectivity that emerges in the aftermath of death or murder (“Poltergeist”). It is the subject of Tobe Hooper’s 1982 film Poltergeist, which tells a story of “a haunting based on revenge” (Tuck and Ree 2013, 652). The film’s haunting is a wronging premised on an initial wrong: the eponymous poltergeist materializes when a mansion is constructed on a cemetery—a disturbing of spirits, if you will. José Esteban Muñoz argues that “The double ontology of ghosts and ghostliness, the manner in which ghosts exist inside and out and traverse categorical distinctions, seems especially useful for… queer criticism” (2009, 46). In this paper, the poltergeist names the form which indigeneity takes when it brings queer matter into its folds. In other words, this essay evokes haunting as a metaphor to hint at the ways in which queerness was murderously absorbed into the past and prematurely expected to stay there as an effect of colonialism’s drive to eliminate all traces of sexualities and genders that wandered astray. The poltergeist conceptualizes the work of queer indigeneity in the present insofar as it does not presuppose the mysterious intentions of the ghost—an otherworldly force that is bad, good, and undetectable all at once. Instead, the poltergeist is melancholic in its grief, but also pissed off. It refuses to remain in the spiritual, a space cheapened in relation to the staunch materiality of the real, and one that, though housing our conditions of possibility, cannot contain all of us. We protest forms of cruel nostalgia that tether ghosts to a discarded past within which queer Indigenous life once flourished because we know that we will never get it back and that most of us likely never experienced it in the first place. We long for that kind of love, but we know it is hard to come by. I turn to the poltergeist because I don’t have anywhere else to go. Help me, I could say. But I won’t. Queer indigeneity, then, is neither here nor there, neither dead nor alive but, to use Judith Butler’s language, interminably spectral (2006, 33). We are ghosts that haunt the reserve in the event of resurrection. According to Indigenous and Northern Affairs Canada, a reserve is a “tract of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band” (“Terminology”). The “reserve system” is part of the dispossessory ethos through which the settler state reifies land as the sign of sovereignty itself, and thus effects the political death of indigeneity, decomposing it into nothingness, into contaminated dirt. Reserves are the products of imaginations gone wild; they are ruins that bear “the physical imprint of the supernatural” on arid land, on decaying trailers arranged like weathered tombstones (Tuck and Ree 2013, 653). They are borderlands that connote simultaneous possession and dispossession: they represent the collision between settler sovereignty (insofar as the Crown holds the legal title to the land) and indigeneity (pointing to a genre of life that is distinctly Indigenous). Reserves were—some might say they still are—zones of death that regulated and regulate the movements of Indigenous bodies, quarantining their putatively contaminated flesh outside modern life in order to preserve settler-colonial futurities. It is as if the reserve were a site of complete atrophy, where indigeneity is supposed to waste away or degenerate, where queerness has already bled out. Look at the blood on your hands! The queer Indigenous poltergeist, however, foregrounds what I call a “reserve consciousness” —an awareness of the deathliness of the reserve. A reserve consciousness might be a kind of critical phenomenology that, to use Lisa Guenther’s description of this sort of insurgent knowledge project, pulls up “traces of what is not quite or no longer there—that which has been rubbed out or consigned to invisibility” (2015): here, the so-called on-reserve Indian. It might be about becoming a frictive surface; by rubbing up against things and resisting motion between objects, we might become unstuck. Queer Indigenous poltergeists are what Sara Ahmed calls “blockage points”: where communication stops because we cannot get through (2011, 68). That is, queer indigeneity connotes an ethical impasse, a dead end that presents us with two options: exorcism or resurrection. If settler colonialism is topological, if it persists despite elastic deformations such as stretching and twisting, wear and tear, we might have to make friction to survive. I turn to the reserve because it is a geography of affect, one in which the heaviness of atmospheres crushes some bodies to death and in which some must bear the weight of settler colonialism more than others. The violence done to us has wrenched us outside the physical world and into the supernatural. Some of us are spirits—open wounds that refuse to heal because our blood might be the one thing that cannot be stolen. Does resistance always feel like resistance, or does it sometimes feel like bleeding out (Berlant 2011)? Feral Socialities I must leave the beaten path and go where we are not. Queerness, according to Muñoz, is not yet here; it is an ideality that “we may never touch,” that propels us onward (2009, 1). Likewise, Halberstam suggests that the presentness of queerness signals a kind of emerging ontology. He argues that failure “is something that queers do and have always done exceptionally well in contrast to the grim scenarios of success” that structure “a heteronormative, capitalist society” (2011, 2-3). For Muñoz, queer failure is about “doing something that is missing in straight time’s always already flawed temporal mapping practice” (2009, 174). We know, however, that this isn’t the entire story. Whereas Muñoz’s queer past morphs into the here and now of homonormativity’s carceral tempos, indigeneity’s queernesses are saturated with the trauma of colonialism’s becoming-structure. Queer death doubles as the settler state’s condition of possibility. Pre-contact queer indigeneities had been absorbed into colonialism’s death grip; however, this making-dead was also a making-undead in the enduring of ghosts (Derrida 1994, 310). If haunting, according to Tuck and Ree, “lies precisely in its refusal to stop,” then the queer Indigenous poltergeist fails to have died by way of time travel (2013, 642). Queer indigeneity might be a kind of “feral sociality”: we are in a wild state after escaping colonial captivity and domestication. When the state evicts you, you might have to become feral to endure. To be feral is to linger in the back alleys of the settler state. It is a refusal of settler statecraft, a strategic failing to approximate the metrics of colonial citizenship, a giving up on the ethical future that reconciliation supposedly promises. As an aside, I suspect that the settler state’s reconciliatory ethos is always-already a domesticating project: it contains Indigenous suffering within the spectacularized theatre of the Truth and Reconciliation Commission, building a post-Residential School temporality in which Indigenous peoples have been repaired through monetary reparations and storytelling. In the melodrama of reconciliation, the settler state wins its centuries-long war against Indian lawlessness by healing Indigenous peoples of the trauma that blocked them from becoming properly emotive citizens. Queer indigeneity, however, escapes discursive and affective concealment and therefore the category of the human itself, disturbing the binary clash between the living and nonliving by way of its un-humanity, a kind of “dead living” whereby flesh is animated through death. Perhaps we must become feral to imagine other space-times, to imagine other kinds of queerness. If settler colonialism incentivizes our collusion with the humanist enterprise of multiculturalism (and it does), what would it mean to refuse humanity and actualize other subject formations? In other words, how do the un-living live? Here, I want to propose the concept of “Indian time” to theorize the temporality and liminality of queer indigeneity as it festers in the slippage between near-death and the refusal to die. Indian time colloquially describes the regularity with which Indigenous peoples arrive late or are behind schedule. I appropriate this idiom to argue that the presentness of queer indigeneity is prefigured by an escape from and bringing forward of the past as well as a taking residence in the future. To be queer and Indigenous might mean to live outside time, to fall out of that form of affective life. Indian time thus nullifies the normative temporality of settler colonialism in which death is the telos of the human and being-in-death is an ontological fallacy. It connotes the conversion of queer indigeneity into non-living matter, into ephemera lurking in the shadows of the present, waiting, watching, and conspiring. Where Jasbir Puar argues that all things under the rubric of queer are always-already calculated into the state’s biopolitical mathematic, queer indigeneity cannot be held captive because it cannot be seen—we are still emerging in the social while simultaneously altering its substance (2012). If decolonization is, according to Tuck and K. Wayne Yang’s reading of Frantz Fanon, an “unclean break from a colonial condition,” perhaps the queer Indigenous poltergeist is feral enough to will a decolonial world into a future that hails rather than expels its ghosts (2012, 20). The queer Indigenous poltergeist might have nothing

**The 1AC’s Kantian articulation of rationality is a justification for Native genocide—Kantian ethics view indigenous people as children, absent of Western liberal ideas and thus sanctioned to violence and exclusion**

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The contemporary construction of native peoples as feral children has not changed much from its articulation by the social contract theorists. Since then, however, the settler colonial homology of civilizational progress has accrued a veneer of academic and scientific legitimacy that bears mention. During the late eighteenth and nineteenth centuries, a stages view of progress coalesced in the philosophical work of Kant, Hegel, Mill, and Comte that explicitly premised historical, biological, and sociological understandings of cultural evolution on the development of the child. In his formative essay, ‘An Answer to the Question: What Is Enlightenment?’, for example, Kant argues the Enlightenment is marked by ‘man’s release from his self incurred immaturity’. 78 The terms in which he defines immaturity are telling: ‘the **inability to use one’s own understanding without the guidance of another’**. 79 Kant’s notion of immaturity preserves virtually unaltered the political/childhood binary born in Greek and Roman antiquity and it is central to his vision, and subsequent visions, of civilizational progress. The German word translated here as immaturity (sometimes as ‘tutelage’) is unmündikeit, which has as its root mund, or mouth, and connotes the ability to speak for oneself.80 While man exists in a state of immaturity – without speech – we are merely ‘passive citizens’. 81 Kant and his contemporaries are often criticized for espousing racist positions at the same time as they celebrate the timeless and universal nature of human rights. The issue here is the timelessness and universality of the process of maturation. The medieval homology heavily informs Kant’s view that ‘children ought to be educated, not for the present, but for a possibly improved condition of man in the future; that is, in a manner **which is adapted to the idea of humanity** and the whole destiny of man’. 82 **Independence must be learned, according to Kant, lest one end up like the Indigenous people**s of what is now Tahiti, ‘**who remain children all their lives’**. 83 He argued that the **absence of a civil state indicates a lack of**, or rejection of, **reason and a threat to civilized people** which justifies pre-emptive ‘hostile action’. 84 Like Vitoria, he sanctions violence against Indigenous peoples who, as ‘**immature children**’, violate the dictates of reason, as manifest in their rejection of **private property and liberal rights**.85 The identical homology is carried through in the work of John Stuart Mill, who wrote in On Liberty and elsewhere that Indigenous societies, which are to be considered children, have **no rights to bodily integrity or freedom from violence**.86 Mehta perfectly summarizes the colonial mandate expressed by Mill and others in the context of colonial India: ‘India is a child for which the empire offers the prospect of legitimate and progressive parentage and toward which Britain, as a parent, is similarly obligated and competent.’ 87 I

#### The alternative is refusal – a political depression that recognizes reconciliation will never be enough and creates harmful optimism to the political. Instead, embrace an affective pessimism that grounds alternative futures. The question is not whether Native people want the world, but if the world wants Native people

Belcourt 2016 (Billy-ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women's Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch,Political Depression in a Time of Reconciliation, Jan 15, 2016, <http://activehistory.ca/2016/01/political-depression-in-a-time-of-reconciliation/)//NotJacob//recut> anop

It’s tough: knowing that you might not get the world you want and the world that wants you back, that your bones might never stop feeling achy and fragile from the wear and tear of mere existence, from the hard labour of getting through the day. Ours are bodies that have been depleted by time, that have been wrenched into a world they can’t properly bend or squirm into because our flesh is paradoxically both too much and not enough for it. In the wake of both eventful and slowed kinds of premature death, what does it mean that the state wants so eagerly to move Indigenous bodies, to touch them, so to speak? Reconciliation is an affective mess: it throws together and condenses histories of trauma and their shaky bodies and feelings into a neatly bordered desire; a desire to let go, to move on, to turn to the future with open arms, as it were. Reconciliation is stubbornly ambivalent in its potentiality, an object of desire that we’re not entirely certain how to acquire or substantiate, but one that the state – reified through the bodies of politicians, Indigenous or otherwise – is telling us we need. In fact, Justice Murray Sinclair noted that the launch of the Truth and Reconciliation Commission’s final report on December 15, 2015, puts us at the “threshold of a new era in this country.”[1] I am interested in how life might be lived willfully and badly in the face of governmental forms of redress when many of us are stretched thin, how reconciliation, though instantiating a noticeable shift in the national affective atmosphere,[2] doesn’t actually remake the substance of the social or the political such that we’re still tethered to scenes of living that can’t sustain us. What I am trying to get at is: reconciliation works insofar as it is a way of looking forward to being in this world, at the expense of more radical projects like decolonization that want to experiment with different strategies for survival.[3] This way of doing things isn’t working and, because of that, optimism is hard to come by. According to cultural theorist Ann Cvetkovich, political depression emerges from the realization “that customary forms of political response, including direct action and critical analysis, are no longer working either to change the world or to make us feel better.”[4] It is the pestering sense that whatever you do, it won’t be enough; that things will continue uninterrupted, teasing you because something different is all you’ve wanted from the start. To be politically depressed is to worry about the temporal reach of neoliberal projects like reconciliation, to question their orientation toward the future because the present requires all of your energy in order to feel like anything but dying. Political depression is of a piece with a dispossessory enterprise that remakes the topography of the ordinary such that the labour of maintaining one’s life becomes too hard to keep up. We have to wait for the then and there in the here and now; how do we preserve ourselves until then? As Leanne Simpson points out, reconciliation has been reparative for some survivors, encouraging them to tell their stories, to keep going, so to speak.[5] But, what of the gendered and racialized technologies of violence that created our scenes of living, scenes we’ve been forced to think are of our own choosing? Optimism for the work of reconciliation disappeared in the face of multiple crises: of Missing and Murdered Indigenous Women and Girls, of HIV infection rates, of mass incarceration, of diabetes, of suicide. Reconciliation, at once a heuristic and a form of statecraft, fakes a political that doesn’t actually exist as such, one that not only presupposes that we – Indigenous peoples, that is – are willing to stay attached to it, but that we are already folded into it, that we’ve already consented to it. What does it mean, for example, to consent to a nation-to-nation relationship if there are no other options to choose from? Reconciliation wants so badly to be a keyword of sorts, to contain so much inside its semantic confines, to be “wide-reaching in its explanatory power.”[6] I’m not surprised things have started to leak all over the place. Decolonization might need something of an affective turn: I think there are ways of being attuned to our bodies such that we can gauge if our visceral responses are trained or not, parasitic or not. In short: what do our tears signal, what do his – Justin Trudeau’s – signal? We cry because pain holds our world together. I don’t want pain to hold our world together anymore. Perhaps admitting we are politically depressed is one of the most important things we could do in this day and age. When survival becomes radical and death becomes part and parcel of the ordinary itself, political depression might be our only point of departure. But, political depression is also about dreaming up alternatives that can sustain your attachments to life. Cvetkovich reminds us that we need “other affective tools for transformation” because hope and blind allegiance have failed too many of us too often.[7] I am interested in the generative work of pessimism, how being fed up propels us onward, and keeps us grounded in the now, such that we can make it to the future, even if that’s just tomorrow. As Kim TallBear put it, we’ve been living in a post-apocalyptic world (in its ecological ruins and in the face of its crisis-making politics) for quite some time,[8] one that exhausts our bodies to the point of depression and death and one that slowly removes us from the non-normative or the astray.[9] We are stuck in the thick of things, left clinging to an impasse without an exit strategy. We might need reconciliation today, but Indigenous peoples need a more capacious world-building project for tomorrow, one that can bear all of us and the sovereignties built into our breathing. We should not be asked: do you want the world today? Instead, we should be asking: does the world want us?

#### Systems of knowledge serve to institute and replicate settler colonialism — the human is a storytelling species and knowledge systems are always already being chartered through the replication of sociogenic codes

Wynter and McKittrick 15. Sylvia Wynter is a Professor Emerita at Stanford University. Katherine McKittrick is a professor in Gender Studies at Queen's University. She is an academic and writer whose work focuses on black studies, cultural geography, anti-colonial and diaspora studies, with an emphasis on the ways in which liberation emerges in black creative texts. (Sylvia Wynter: On Being Human as Praxis, *Duke University Press*, 2015) vikas

To resolve the aporia of this cognitive dilemma, I turn again to Césaire’s proposed new and hybrid bios / mythoi science of the Word. Here because, as he proposed, and as earlier cited, the study of the Word / the mythoi will now determine the study of the bios / of the brain, and this will thereby enable us to gain an external (demonic ground) perspective on the always already storytellingly chartered / encoded discursive formations / aesthetic fields, as well as of, co- relatedly, our systems of knowledge. And, with this gain insight into how these systems of knowledge, each together with its genre- specific “truth of solidarity,” all institute and **stably** replicate our genres **of being hybridly human** with the also communitarian viability of each respective societal order. Yet **with all of the above—including, in macro terms, the instituting of our contemporary secular and “single model” liberal (now neoliberal) monohumanist Western / Westernized transnational world system—what again must be emphasized is** that the respective “truths” of their knowledge systems are always already prespecified by **our** storytellingly chartered sociogenic replicator code of symbolic life / death, its Word and / or Bateson- type “descriptive statement” as rigorously discursively elaborated by its “status quo system of learning” and its overall epistemological order. **This order circularly ensures that each such genre- specific regime / program of truth, will law- likely function to semantically- neurochemically induce the performative enactment of** our ensemble of **always already role- allocated individual and collective behaviors** within the reflexly and subjectively experienced terms of a cognitively closed, thereby genre- specific and fictively eusocializing, autonomously functioning, higher- level living autopoietic system. Cosmogonies of Our Planetary Life and Our Chartered Codes of Symbolic Life and Symbolic Death: Fictively Induced Modes of Inter- Altruistic Kin Recognition and Auto- Instituted Pseudospeciated Mode of Kind KM: Here Wynter elaborates on storytelling beginnings and cosmogonies. She returns to her extension of Frantz Fanon’s conception of our being hybridly human, both bios and mythoi, in order to address the unsolved phenomenon of human consciousness. She explores how our chartering / encoding genre- specific cosmogonies provide the narrative source of our fictively eusocializing subjectivities, thus enabling us to be reborn- through- initiation as always already sociogenically encoded inter- altruistically kin- recognizing members of each referent- we. At the same time, however, **the law- like reification of** each fictively induced and subjectively experienced order of consciousness **of each referent- we is, itself, absolutized by** what Wynter identifies as **the law of cognitive closure**. SW: Fanon put forward the idea of our skin / masks, thereby of the hybridity of our being human, in 1952. Crick and Watson cracked the genetic code in 1953. Now, I argue that Fanon’s masks enact a “second set of instructions”: that of the sociogenic code of symbolic life / death. Further, within the overall enactment of each such “second set of instructions,” the ism of gender is itself—while only one member class—a founding member class. Gender is a founding member because in order to auto- institute ourselves as subjects of a genre- specific referent- we, we must, first, co- relatedly and performatively enact each such code’s “second set of instructions” at the familial level, in terms of our gender roles. We know of this brilliant concept of the performative enactment of gender from Judith Butler.60 I am suggesting that the enactments of such gender roles are always a function of the enacting of a specific genre of being hybridly human. Butler’s illuminating redefinition of gender as a praxis rather than a noun, therefore, set off bells ringing everywhere! Why not, then, the performative enactment of all our roles, of all our role allocations as, in our contemporary Western / Westernized case, in terms of, inter alia, gender, race, class / underclass, and, across them all, sexual orientation? All as praxes, therefore, rather than nouns. So here you have the idea that with being human everything is praxis. For we are not purely biological beings! As far as the eusocial insects like bees are concerned, their roles are genetically preprescribed for them. Ours are not, even though the biocentric meritocratic iq bourgeois ideologues, such as the authors of The Bell Curve, try to tell us that they / we are.61 So the question is: **What are the mechanisms, what are the technologies, what are the strategies by which we prescribe our own roles?** What is common to all are cosmogonies and origin narratives. The representations of origin, which we ourselves invent, **are then retroactively projected onto an imagined past.** Why so? Because each such projection is the shared storytelling origin out of which we are initiatedly reborn. In this case we are no longer, as individual biological subjects, primarily born of the womb; rather, we are both initiated and reborn as fictively instituted inter- altruistic kinrecognizing members of each such symbolically re- encoded genre- specific referent- we. This is to say we are all initiatedly reborn—renatus in Saint Thomas Aquinas’s Christian term—to subjectively experience ourselves as subjects of the same encoded symbolic life kind. Why this imperative? Because **for all genre- specific subjects who are reborn from the same eusocializing origin myth and / or cosmogony, their genetically encoded individual biological life and its attendant imperative of naked self- preservation must at the same time be**, via initiation, **aversively experienced as symbolic death.** 62 This is the concomitant condition of inducing in all subjects the mimetic desire for the group- collective symbolic life of its genre- specific referent- we, its fictive mode of pseudospeciated kind. **The centrality of the ritually initiated and enacted storytelling codes, and thus their positive / negative, symbolic** life / death **semantically- neurochemically activated “second set of instructions,”** **emerges** here: these codes are specific to each kind. **The** positive verbal meanings **attributed to their respective modes of kind** are alchemically transformed into living flesh**,** as **its members all reflexly subjectively experience themselves, in the mimetically desirable, because** opiate-rewarded, placebo terms of **that mode of** symbolic **life prescribed by the storytelling** code. This at the same time as they subjectively experience their former “born of the womb” purely biological life as mimetically aversive, because they are doing so in now opiate- reward- blocked symbolic death, nocebo terms.63 For the preservation of which of these lives, then, do you think wars are fought? In the wake of the answer to the above, we see our chartering cosmogonies as being isomorphic with what we now define as our “cultures”— in both cases **we are talking about our hybrid sociogenic codes and their “second set of instructions.”** These are **codes that are even able to override where necessary**—this with respect to our auto- instituted, non– genetically restricted fictive modes of eusociality—**the first set of instructions of our own dna** (unlike as is the case with all other primates). The logical corollary is this: our modes of auto- institution, together with their initiatory rituals of rebirth—as iconized by the ritual of Christian baptism—are indispensable to the enacting of the human as the only living species on Earth who is the denizen of its third and hybrid bios / mythoi level of existence! Our mode of hybrid living being alone—this together with our also hitherto always genre- specific bios / mythoi enacted orders of supraindividual consciousness—is thereby to arrive on the scene all at once! With the Big Bang of the biomutational Third Event! So you see now why we still can’t solve the problem of consciousness? In spite of the most dedicated efforts of natural scientists, brain scientists, and philosophers? For what becomes clear here is that our human orders of consciousness / modes of mind cannot exist outside the terms of a specific cosmogony. Therefore, human orders of consciousness / modes of mind cannot preexist the terms of the always already mythically chartered, genre- specific code of symbolic life / death, its “second set of instructions” and thus its governing sociogenic principle— or, as Keith Ward puts it, its nonphysical principle of causality.64 To give an example: here we are, we are talking and thinking. We are, in fact, reflexly talking and thinking in terms of Darwin’s biocosmogonically chartered definitive version—in The Descent of Man (1871)—of the British bourgeoisie’s ruling class’s earlier reinvention of Man1’s civic humanist homo politicus as that of liberal monohumanist Man2 as homo oeconomicus, together with its now fully desupernaturalized sociogenically encoded order of consciousness. These are the very terms, therefore, in which we ourselves, in now historically postcolonial / postapartheid contexts, are. If in our case, only mimetically so! This at the same time as we are also struggling to think outside the limits of the purely biocentric order of consciousness that is genre- specific to the Western bourgeoisie’s homo oeconomicus. But it’s extremely difficult to do, right? You know why? Because Darwinism’s powerful, seductive force as a cosmogony, or origin narrative, is due to the fact that it is the first in our human history to be not only part myth but also part natural science. In fact, this mutation—the part myth / part natural science workings of Darwinism—draws attention to Darwin’s powerful neoMalthusian conceptual leap.65 A leap by means of which—over and against Cardinal Bellarmine—Darwin was to definitively replace the biblical Cre- ation account of the origin of all forms of biological life, including the major bios aspect of our being hybridly human, with a new evolutionary account. Why, then, say that this Darwinian account is only part science? Biologist Glyn Isaac, in his essay “Aspects of Human Evolution” (1983), provides the answer. Isaac makes us aware of the ecumenically human trap into which Darwin had also partly fallen: Understanding the literature on human evolution calls for the recognition of special problems that confront scientists who report on this topic. Regardless of how the scientists present them, accounts of human origins are read as replacement materials for genesis. They fulfill needs that are reflected in the fact that all societies have in their culture some form of origin beliefs, that is, some narrative or configurational notion of how the world and humanity began. Usually, these beliefs do more than cope with curiosity, they have allegorical content, and they convey values, ethics and attitudes. The Adam and Eve creation story of the Bible is simply one of a wide variety of such poetic formulations. . . . The scientific movement which culminated in Darwin’s compelling formulation of evolution as a mode of origin seemed to sweep away earlier beliefs and relegate them to the realm of myth and legend. Following on from this, it is often supposed that the myths have been replaced by something quite different, which we call “science.” However, this is only partly true; scientific theories and information about human origins have been slotted into the same old places in our minds and our cultures that used to be occupied by the myths. . . . Our new origin beliefs are in fact surrogate myths, that are themselves part science, part myths. 66 So the trap, you see, is that of the paradox that lies at the core of our metaDarwinian hybridity. For what I’m saying is that as humans, we cannot / do not preexist our cosmogonies, our representations of our origins—even though it is we ourselves who invent those cosmogonies and then retroactively project them onto a past. We invent them in formulaic storytelling terms, as “donor figures” or “entities,” who have extrahumanly (supernaturally, but now also naturally and / or bioevolutionarily, therefore secularly) mandated what the structuring societal order of our genre- specific, eusocial or cultural present would have to be.67 As the French cultural anthropologist Maurice Godelier also makes clear, with respect to the above: we, too, hitherto have also systematically kept the reality of our own agency—from our origins until today—opaque to ourselves. 68 Thus all our humanly invented chartering cosmogonies, including our contemporary macro (monohumanistic / monotheistic) cosmogonies, are law- likely configured as being extrahumanly mandated.69 All such sacred theological discourses ( Judaism, Islamism, Christianity, for example) continue to function in the already theo- cosmogonically mandated cognitively closed terms that are indispensable to the enacting of their respective behavior- inducing and behavior- regulatory fictively eusocializing imperative. This is especially apparent, too, in the secular substitute monohumanist religion of Darwin’s neo- Malthusian biocosmogony: here, in the biocosmogony of symbolic life / death—as that of selection / dysselection and eugenic / dysgenic codes—the incarnation of symbolic life, will law- likely be that of the ruling- class bourgeoisie as the naturally selected (eugenic) master of Malthusian natural scarcity. With this emerges, cumulatively, the virtuous breadwinner, together with his pre- 1960s virtuous housewife, and, corelatedly, the savvy investor, the capital accumulator, or at least the steady job holder.70 In effect, wealth, no longer in its traditional, inherited freehold landowning form, but in its now unceasingly capital- accumulating, global form, is itself the sole macro- signifier of ultimate symbolic life. Symbolic death, therefore, is that of having been naturally dysselected and mastered by Malthusian natural scarcity: as are the globally homogenized dysgenic non- breadwinning jobless poor / the pauper / homeless / the welfare queens. Poverty itself, therefore, is the “significant ill” signifier of ultimate symbolic death and, consequently, capital accumulation, and therefore symbolic life signifies and narrates a plan of salvation that will cure the dysselected significant ill! **The systemic reproduction of** the real- life **categories** of both signifiers **are** indispensable **to the** continued enactment of **the ruling - class** bourgeoisie’s governing code of symbolic life / death and the defining of liberal (now neoliberal) monohumanist Man2. This now purely secular coding of life / death is itself discursively—indeed rigorously—elaborated bioepistemologically, on the model of a natural organism, by the disciplines of our social sciences and humanities, together with their respective genre- specific and ethno- class truths of solidarity.71 Consequently, **within the laws of** hybrid auto- institution and / or pseudospeciation the (**humanities and social science**) **disciplinary truths of solidarity enact** their biocosmogonically chartered **sociogenic code** of symbolic life / death, also **imperatively calling to be discursively elaborated in cognitively** (cum psychoaffectively / aesthetically) **closed terms.**

## Case

### Underview

No need to win highest layer – that’s how debate works – k2 strategy – leads to better clash

Neg interps not coutner interps – means aff would take an implicit stance on everything which makes neg ground impossible bc we don’t know what that stance is

K is condo -

1ar theory – dta & reasonability – puts u ahead – no briteline late breakin

2nr respnoses good –dk implication

### Framework

**1] Kant’s knowing subject is modeled as the norm of the ideal settler and serve hierarchal structures of settler colonialism**

**Stoneman 18**, Betty. [Dept. of Philosophy, 561 S. Kilgo Circle, Emory University] The Epistemological and Ethical Functions of Kant’s Binary and Foucault’s Critique of Critique of the Binary. [June 7, 2018](https://bettystoneman.wordpress.com/2018/06/07/the-epistemological-and-ethical-functions-of-kants-binary-and-foucaults-critique-of-critique-of-the-binary/). <https://bettystoneman.wordpress.com/2018/06/07/the-epistemological-and-ethical-functions-of-kants-binary-and-foucaults-critique-of-critique-of-the-binary//recut> anop

Conclusion Kant’s hierarchical ordering of human groups along a gradation of sub-A status based on the binary of A and non-A serves both epistemological and ethical functions for him. A is taken as the epistemological and ethical starting point, the center of the epistemological and ethical universe. It is from the position of A, that all sub-As are conceptualized as objects of knowledge and all sub-As’ actions are ethically prescribed. Sub-As are known and sub-As’ actions are ethical only in relation to A; only insofar as sub-As fit into A’s self-referential schema. Foucault’s critique of critique of the binary offers us a way to conceptualize Kant’s critique of the knowing subject. **Kant’s critique of the knowing subject, I suggest, sets up and maintains a coherent structure to Kant’s ordered hierarchy**. Foucault, despite his critique of critique, actively reproduces the very structure that he is critiquing. In a longer paper, I would further pursue the epistemological and ethical functions of Kant’s binary, as well as Foucault’s critique of critique of the binary, through Sylvia Wynter’s perspective. Due to space limitations, I will conclude by offering the suggestion that my reading of Kant is compatible with Wynter’s perspective. Wynter, while utilizing Foucault’s work, offers us a further critique of critique. She argues **that intellectuals of the modern episteme “continue to articulate, in however radically oppositional a manner, the rules of the social order and its sanctioned theories.**”[20] **It is no less true today than it was in the classical episteme that “subjects […] normatively [know] Self, Other, as well as their social, physical, and organic worlds, in the adaptively true terms needed for the production and reproduction not only of their then supernaturally legitimated genre of being human, but as well for that of the hierarchical social structures in whose intersubjective field that genre of the human could have alone realized itself.”**[21] Wynter states, “**we continue to know our present order of social reality, and rigorously so, in the adaptive ‘truth-for’ terms needed to conserve our present descriptive statement.**”[22] My suggestion, aligned with Wynter’s perspective, is that **Kant’s use of teleological principles, the knowing subject, and the binary are all conservation truths. They are taken as truth because they conserve, produce, and reproduce the coherent structure.** Moreover, Foucault, may be radically challenging this structure by challenging the knowing subject. However, as a critique of critique, Foucault is still operating within the same structure, and thus, is adaptively reproducing the structure. Foucault’s critique of the knowing subject is a critique founded in and of the knowing subject as a European, white, man.

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

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

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

#### LBL ---

1] at the theory arg– u read offense under multiple frameworks in the 1ac means us being able to contest is the only thing we can do means it’s k2 reciprocity - testing – allows us to test the aff from multiple perspectives which leads to better clash

2] reject 1ac theory – incentivizes loading the 1ac with a ton of shells which makes negating impossible and causes substance crowdout

3] reason doesn’t come first – 1) criticizes your conception of reason 2)

4] consequences fail doesn’t answer the K bc it’s a question of their representations within this debate and not the consequences of the aff – that means the adv isn’t offense

#### 5] Colonialism is an unambiguous violation of freedom – the accumulation of stolen territory is an illegitimate form of aggressive war that forecloses Indigenous people’s right to self-governance

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Yet his attitude contrasts starkly with the way in which, in his last works, Kant describes colonial rule as an unambiguous violation of right and accuses states in the Western European world of the horrifying "injustice they show in visiting foreign lands and peoples (which with them is tantamount to conquering them)."[3] With these practices, the "European savages" (AA 8:354), as Kant calls them, do not advance the progress of civilization, as they pretend to do, but rather display a barbarism that goes beyond the alleged "savagery" of the "foreign peoples". Kleingeld and Ypi both argue that Kant's changed position is connected to a changed understanding of the relevance of racial differences. As Kleingeld points out, Kant omits any characterization of the races from his 1798 Anthropology from a Pragmatic Point of View as he comes to realize that race cannot have any pragmatic relevance. Racial differences are the object of physiological knowledge of the human being, which is concerned with "what nature makes of the human being;" such knowledge has no direct bearing on our pragmatic knowledge of the human being, which is concerned with what man "as a free-acting being makes of himself, or can and should make of himself" (AA 7:119). Ypi suggests that Kant's shifting views in this regard might be connected to his changed understanding of biological predispositions: Kant's shift from a preformationst to an epigenetic account of living organization transforms his understanding of the role of natural predispositions in the actualization of a living being's potential. Against this background, he drops the reference to preformed germs that separate human races and that lay at the basis of the respective racial hierarchy in his earlier writings. (2) The second main theme concerns the way in which the critical perspective on colonial practices that Kant arrived at in his last writings is rooted in his philosophy of right. As Arthur Ripstein points out, Kant distinguishes three distinct wrongs of colonialism: (i) the wrongfulness of colonial conquest, (ii) the wrongfulness of the status of a colony and (iii) the wrongfulness of the ways in which colonial rule is typically carried out. The first wrong (i) is based on the fact that colonial conquest amounts to a "way of acquiring territory through the use of force" (148) and is hence continuous with forms of aggressive war, which Kant considers illegitimate. Colonial wars are especially problematic, as they are inconsistent with the continued existence of both belligerents, a requirement to be respected by any rightful type of warfare. (ii) Even in cases where colonial rule might come about as a consequence of a defensive and hence legitimate war, colonial rule is still objectionable as a post bellum mode of governance. Colonial rule entails that one nation continually rules over another and is thus at odds with the right of the inhabitants of the colony to govern themselves through their own institutions. In this regard, even annexation would seem to be a better solution as this at least allows the inhabitants of the colony to enjoy full membership in the newly extended state, a status whereby they are able to rule themselves. The inhabitants of the colony by contrast remain merely passive citizens. (iii) Finally, the third wrong in colonialism concerns the specific way in which colonial rule is exerted. Granted that colonial rule as such is wrong, it still allows for an internal normative standard: if we hold colonial rule to what it itself claims to be doing, we should require that proper colonial rule should operate on behalf of the inhabitants of the colony and should not work to realize the private purposes of the colonizers. According to Kant's characterization, European colonial practices are guilty of all three wrongs of colonialism.

6] ideal theory doesn’t o;/w –

A] impact turned ideal theory good – takes out a point

B] inaction is wrong – presumes an ideal world which precludes action bc the world is perfect but recognizing that the world is not ideal spurs action like the laternative

C] ontology sovles the c point – universal frame

D] not question oof misuse – your starting point and way its been read in debate is flawed -criticism of this debate

3] ideal theory doesn’t explain injustice bc it presumes a world without it means only our framework explains why violence occurs

Ideal theory good stuff –

1] our links are indicts of your theory as a whole – separating the author from the theory is silly bc the theory is reliant on the author

2] no egoism warrant – settler subjects are intrinsically colonial they’ve constructed their rationality oin opposition to the indigenous person

3] cat imperative fails to explain our violence bc it is intrinsically irrational

### Contention

#### [1] Objectivity censors’ journalists’ personal views and biases- that’s non universalizable

Greven 21 Greven, Alec, "Speech and Sovereignty: A Kantian Defense of Freedom of Expression" (2021). Honors Theses. 1579.  
https://scholarship.richmond.edu/honors-theses/1579 Karan

I will now outline the value of communication. The capacity to effectively communicate with others is crucial for an agent to realize their distinct ends, projects, and values. All agents need to will a world in which the value of communication is preserved in order to realize their ends. Lying and censorship are two actions that subvert the value of communication. Thus, engaging in lying and censorship is usually a hypocritical action that commits an agent to a practical contradiction. It simultaneously commits an agent to a principle that the value of communication in the world should be preserved while performing actions that subvert the value of communication. If everyone lied and censored at will then the structure of communication that the agent is practically committed to would collapse. Therefore, the liar or censor makes themselves an exception to a rule which is hypocritical and fails to respect the unity of their agency and treat others with equal moral standing.

#### [2] Journalists are required to respect those they report on, thus, advocacy journalism is required to alleviate suffering

Leshilo 18 Thabo Leshilo [A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts, Applied Ethics for Professionals.] “Morality and Journalists: Objectivity versus Duty of Care” 13 July 2018, Johannesburg https://wiredspace.wits.ac.za/bitstream/handle/10539/26530/Morality%20and%20Journalists%20(markup)\_2.pdf?sequence=1

My view is that Detached Kevin Carter used the Sudanese child as a mere means to fame and (some mini-) fortune by simply photographing her and selling her photo; he did not treat her as a human being worthy of respect when he failed to come to her aid. In another formulation of the Categorical Imperative, Kant expresses the universal imperative of duty thus: “Act as though the maxim of your action were to become, through your will, a universal law of nature” ([1785] 2005, 24). The word ‘maxim’ refers to the basis on which one acts: what informs one’s action. What, indeed, would become of the world if all of us were to refuse to help people facing great hardship the way (some) journalists claim to be entitled to do? Kant also implores us to act beneficently, and might as well have had the Detached Kevin Carter in mind when he admonishes someone in a position to help, who does not: What concern of mine is it? Let each one be as happy as heaven wills, or as he can make himself; I won’t take anything from him or even envy him; but I have no desire to contribute to his welfare or help him in time of need. (25) According to Kant, although it is possible that a maxim such as the one quoted above should be a universal law of nature “it is impossible to will that it [be] so . . . [f]or a will that brought that about would conflict with itself, since instances can often arise in which the person in question would need the love and sympathy of others, and he would have no hope of getting the help he desires, being robbed of it by this law of nature springing from his own will” (ibid.). Expanding on this, Charles Fried (2007,206) says that we are all required to recognise that human beings have certain basic rights to which they are all entitled as human beings: These rights are subject to qualification only in order to ensure equal protection of the same rights in others. In this sense the view is Kantian; it requires recognition of persons as ends, and forbids the overriding of their most fundamental interests for the purpose of maximizing the happiness or welfare of others. (ibib.) Fried goes on to say that this recognition that all humans have moral entitlements, correlates with the concept of respect – the attitude which is manifested when a person observes the constraints of the principle of morality in his dealings with another person, and thus respects the basic rights of the other. Respect is also an attitude which may be taken in part as defining the concept of a person: persons are those who are obliged to observe the constraints of the principle of morality in their dealings with each other, and thus show respect towards each other. (207) On Kant’s account, a person commands respect by virtue of being a rational being. “I maintain that man – and in general every rational being – exists as an end in himself and not merely as a means to be used by this or that at its discretion” ([1785] 2005, 28). I argue that Kant’s ‘Formula of the End in Itself’ (or ‘Principle of Humanity’) compels journalists to go the extra mile to help alleviate the suffering of those that they report on, and even take action to save their lives. When they fail to do that and instead simply report on such plight with the clinical detachment displayed by Detached Kevin Carter towards the Sudanese child, they simply use their subjects as mere means to make money and build their careers. By acting this way, journalists act unjustly and wrongfully. That is because a victim of such tragedy would ordinarily expect another human being to help to alleviate his or her suffering.