# 1NC

## Off

### 1NC – T

#### Topical affirmatives must increase prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of core antitrust laws.

#### The affirmative is not topical. “United States federal government” means the three branches of the central government – the affirmative does not advocate action by the USFG.

Organisation OECD for Economic Co-operation and Development Council ’87 “United States,” *The Control and Management of Government Expenditure*, p. 179]

1. Political and organisational structure of government

The United States of America is a federal republic consisting of 50 states. States have their own constitutions and within each State there are at least two additional levels of government, generally designated as counties and cities, towns or villages. The relationships between different levels of government are complex and varied (see Section B for more information).

The Federal Government is composed of **three branches**: the legislative branch, the executive branch, and the judicial branch. Budgetary decisionmaking is shared primarily by the legislative and executive branches. The general structure of these two branches relative to budget formulation and execution is as follows.

#### The Sherman, Clayton, and FTC act are the core antitrust laws.

Gibbs ‘ND [Gibbs Law Group; “The Sherman Antitrust Act”; https://www.classlawgroup.com/antitrust/federal-laws/sherman-act/; AS]

The Sherman Antitrust Act is one of three core federal antitrust laws, along with the Clayton Antitrust Act and the Federal Trade Commission Act.

#### Prohibitions are laws.

Dictionary.com ‘ND [Dictionary.com; “Prohibition” https://www.dictionary.com/browse/prohibition; AS]

a law or decree that forbids.

#### Their interpretation explodes predictable limits — non-topical advocacies encourage the affirmative to dodge negative strategies, which are all based on a predictable reading of the resolution — the negative requires pre-round research in order to stand a chance against the affirmative’s infinite preparation and use of traditional standards of debate such as permutations — including their affirmative makes negative research an impossibility, even if we have “ground” to debate them — it greenlights any methodology or orientation that is tangentially related to the topic — negative preparation requires in depth case negatives

#### Two impacts:

#### Procedural fairness — debate is a game and we are all here to win — debate is a competitive activity and requires game values to function — this is the largest impact — we have all chosen to spend our weekend here in order to compete

#### Clash — you should privilege debate over different political paradigms over endorsing any one political paradigm — unflinching commitments ignore the complexity and partiality of any political theory — promoting clash is key to interrogate complex issues, problematize solutions, and actualize any benefits of debate

### 1NC – Land Focus K

#### Discourses that “people belong to land” turns all defined outside the land into colonizers – this separation justifies genocide.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

National Autochthonies

National autochthonous discourses are a legacy of imperialism. Having constructed a Manichean binary of European/Native, fearful imperial states, beginning with the British Empire’s containment of the Indian Rebellion of 1857, regained control by separating colonized Natives into two, supposedly distinct, groups: “Indigenous-Natives” and “Migrant-Natives,” with the former regarded as more native than the latter (Mamdani 2012). The basis of this imperial distinction was the idea that a primordial relationship existed between a certain group of people and a designated place. Indigenous-Natives, not unlike certain flora and fauna, were portrayed as being “of the place,” further naturing them in the process. Migrant-Natives, on the other hand, were portrayed as being subsequent settlers from outside the colony and therefore not of it.

Both categories were codified in imperial law so that the two categories of colonized Natives were governed by dif­ferent laws. These laws, which included differential allocations of land, political rights, and power for people in the two groups, materialized the differences between Indigenous-Natives and Migrant-Natives. Indigenous-Natives were granted formal access to territories and political rights on it through “Native authorities.” Migrant-Natives were not. Such imperial distinctions profoundly reshaped politics in the colonies and informed how national liberation movements imagined which people were the People of the nation. Nationalists took the imperial idea of indigeneity as a stable and static group and retooled it to fit the nations they were in the process of creating. With “independence,” the imperialist meanings attached to both Natives and Migrants were relocated to nationalized territory. When the colonies and, later, imperial metropoles nationalized their sovereignties from the late nineteenth century, claims to national status were underpinned by claims to autochthonous belonging. Being Native, once the denigrated Other to the colonizer, has, in the Postcolonial New World Order, become the quintessential criterion for being a member of the nation. Migrants, unable to cross the racialized boundary of Nativeness (at least in the places they actually live) and unable to organize themselves into a nation, remain “out of place.”

Placing people into separated categories of National-Natives and Migrants is no trifling matter. People’s relationship to nation-states, to national political bodies, and to one another are organized by the rights associated with the category people find themselves in. Across the world system of nation-states, a further contraction of the already limited criteria of national belonging has taken place around the figure of the National-Native. At the same time, an expansion of the term “colonizer” has occurred, one that encompasses all those seen to be Migrants. Borrowing the imperial meaning of Natives as colonized people, National-Natives see themselves as “colonized” by Migrants. In turn, Migrants’ own experience of colonization is seen as unimportant—and unpolitical. Instead Migrants are demonized as destroyers of nations.

Today, national autochthony is increasingly important to nationalist projects, both from above and from below. Most troubling, the legal and/or social separation of National-Natives and Migrants animates deadly conflicts around the world. A particularly stark example of this is taking place in Myanmar (formerly Burma), where the separation of National-Natives and Migrants is the basis for what has been termed the world’s most recent genocide, this time against Rohingya people (International State Crime Initiative, Queen Mary University of London, 2015). Nation-state officials and popular Buddhist monks categorize (mostly) Muslim Rohingya people as “illegal Bengali migrants” and argue that expelling them from both the nation and its sovereign territory is necessary for the defense of national society (see Foucault 1978, 137; Foucault 2003). Over the past four decades, Rohingya people have had their homes and property destroyed; they have been tortured, killed, and placed in camps; their citizenship has been removed; and a growing number have been forced to flee. Having already been socially constituted as Migrants, many have been made Migrants both in national law and in everyday life.

Treating Rohingya people as deportable people without rights, Myanmar has constructed approximately sixty-seven camps and moved about 140,000 Rohingya people into them since 2012. Many observers regard these camps as nothing less than concentration camps (Motlagh 2014; Fortify Rights 2015; Kristof 2016). Since 2015, violence against Rohingya people has intensified further. From late August 2017 to January 2018, two-thirds of all Rohingya people in Myanmar—an estimated 688,000 people—fled to Bangladesh to escape attacks from Myanmar’s military (see Ibrahim 2018; unhcr 2018). Bangladesh, meanwhile, is trying to force them “home.” Rohingya people are thus simultaneously victims of both the hardening criteria for national citizenship in Myanmar and the intensification of national immigration controls in Bangladesh and other nation-states, which try to deny them a new life elsewhere. Made stateless, Rohingya people have thus been made subject to the coercive power of all nation-states.

Another stark example of the political work done by separating NationalNatives from Migrants is the popular “Save Darfur” movement, which has successfully reframed the economic, political, and ecological legacies of European imperialism in the Darfur region of Sudan as a racialized conflict between “Black African” National-Natives and “light-skinned Arab” Migrants. Playing directly into the hands of oil companies, this division has further fueled the Islamophobic U.S.-led war on terror in the region. Probably the best-studied example of the violence ensuing from the separation of National-Natives and Migrants is the 1994 Rwandan Genocide, when those acting in the name of Hutus killed approximately 800,000 Tutsis and those Hutus who opposed this mass murder. Such state-organized killings were evident at least as far back as the first murderous attacks against Tutsis by Hutus in the lead-up to Rwanda’s 1961 declaration of national independence. From that time on, the self-identification of Hutus as the National-Natives of Rwanda and the categorization of Tutsis as colonizing Migrants was consistently used to violently expunge Tutsis from the national political body.

A not dissimilar process took place in the 1991–2002 Yugoslav Wars. Ideas of National-Native belonging fueled the claims to Serbian, Croatian, Slovenian, and Bosnian homelands. In each national territory, people targeted for “ethnic cleansing” were said to be Migrants and thus foreign elements in the national homelands of others. A total of 140,000 people were killed, with another two million people displaced. In Myanmar, Sudan, Rwanda, the former Yugoslavia, and elsewhere, women’s bodies were abstracted as national symbols. Consequently, rape was a major weapon of war used to define national populations (Chinkin 1994; Agamben 1998; Kesic 2002). No one was spared. Combatants on all sides targeted women for either being Native to the enemy or being the Migrant enemy.

These are only some of the better reported—and most murderous— events where the politics of separating National-Natives from Migrants has been central. Organized through a politics of autochthony, each has employed the politics of home rule to exclude, expel, and even to systematically exterminate those constituted as Migrants. However, autochthonous politics have also been the prime basis for the indigenization of numerous African states, such as Idi Amin’s forced expulsion of “Asians” from Uganda in 1972; they are also fundamental to military coup d’états unseating democratically elected “Asian” parliamentary leaders in Fiji; and they are at the core of moral panics over “Migrant invasions” across Europe.

#### Demands for “Honorable Harvest” rely on the logic of blood and soil – the migrant is cast as the quintessential Other.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

God has long since been replaced by the new religion of nationalism. The authority once granted to God (and his earthly representatives) has devolved to the representatives of the “nation,” even as religion continues to play a significant part in some ideas of “nationhood.” In this book, I examine the emergence of what I call a Postcolonial New World Order in which people are defined as part of separated “nations” and ruled through the apparatus of nation-state sovereignty, international bodies, and global capital. Established after the end of World War II (wwII), postcolonialism marks the end of the political legitimacy of imperial-state sovereignty and the beginning of the hegemony of national forms of state sovereignty. After wwII, with astonishing speed, the nearglobal space of imperialism was mostly nationalized. Between 1945 and 1960 alone, three dozen new nation-states in Asia and Africa were granted either a restricted autonomy or outright independence from empires. In the 1960s, the two most powerful imperial states entering wwII—the British and the French— lost much of their empires and nationalized the sovereignty of their metropoles. For those colonized people who did not get their national sovereignty, the demand for it defines their struggles. For many people identifying as Armenians and Kurds, Mohawks and Hawaiians, Palestinians and Kashmiris, their struggles are seen as one of national liberation. In the Postcolonial New World Order, being a member of a nation in possession of territorial sovereignty is the thing to be(come). It is an aspiration, moreover, that cannot be named as such, for, to be convincing, it must not be seen as an invention but an inheritance.

By definition, nations are not an inheritance shared by all. As Benedict Anderson pointed out, societies organized as nations always imagine themselves as limited communities (Anderson 1991). Because no nation encompasses all the world’s people, nor wants to, immigration and citizenship controls become crucial technologies for nation-making (and nation-maintaining) strategies. By limiting entry to national territory and limiting rights within it, these controls “produce the effect of unity by virtue of which the people will appear, in everyone’s eyes, ‘as a people,’ that is, as the basis and origin of political power” (Balibar 1991b, 93–94). The Postcolonial New World Order of nationally sovereign states thus ushers in a new governmentality, one which produces people as Nationals and produces land as territories in control (in the past and sometime in the future if not always the present) of sovereign nation-states (see Foucault 1991).2 Territorialization is a key technology of postcolonial governmentality.

Territoriality, as Robert Sack (1983, 55) usefully defines it, is a “strategy for influence or controls.” Territories are never simply the physical lands the state controls; territories are those lands that states successfully abstract as state space. National forms of territorialization transform land, water, and air into the territory of a nationally sovereign state and, in the process, forge a naturalized link between a limited group of people and a certain place. As each nation imagines that it has its own place on earth, Nationals come to see themselves as the “people of a place.” Postcolonial racism is the ground upon which national homelands are built. The historical articulation between ideas of race and nation wherein ideas of national soil are racialized and racist ideas of blood are territorialized results in the formation of “neo-racist” practices wherein each nation, seen as comprised of dif­ferent “types” of people, exists within a supposedly horizontal system of separate and sovereign nation-states (Balibar 1991a, 20). Those excluded from the heaven of national belonging in the actual places they live come to be represented as foreign bodies contaminating the national body politic. They are made into the “people out of place.”

Hostility to those who move—or who are imagined to have moved—is thus bred in the bone of the Postcolonial New World Order. In a world of nationstates, national sovereigns have the “right” to determine who their members are. By law, only Nationals have the right to enter the territory of a nation-state. Rights within national territory are formally guaranteed only for Citizens. This works to make the Migrant the quintessential Other in postcolonial practices of ruling. Migrants are made to be outside of the nation even as they live on national territory. Migrants are those people whose mobility into nationstates is regulated and restricted. Migrants are those people who are legally denied the rights of national citizenship where they live.

Through the seemingly banal operation of citizenship and immigration controls, the Postcolonial New World Order not only produces but also normalizes a racism in which political separations and segregations are seen as the natural spatial order of nationally sovereign states. In the dogma of nationalism, the believers’ new sacred duty is to enforce the national borders separating them from Migrants. Much like God’s efforts to reinforce his border between heaven and earth, the jealous guarding of the National People of their National Places is seen as a virtue, one codified in international law.3 Nation-states thus mark territorial and affective borders. In so doing, they demand that we choose sides. Thus does nationalism become the governmentality of the Postcolonial New World Order, the separation of “national subjects” from Migrants its biopolitics, and “national self-determination” its leitmotif.

#### “Reorientation of the self towards Land” fuel the violence of the world capitalist system – calls for Native sovereignty fragments the global labor market and divides workers into citizen and migrant.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

Postcolonial Biopolitics of Citizenship and Immigration Controls

The enactment of immigration controls historically distinguishes nation-states from other forms of state power. Imperial states were largely intent on bringing as many people into imperial territory as possible. This is captured in the Roman Empire’s maxim of imperium sine fine, an empire without end or limit. Limitlessness through the expansion of imperial territory and numbers of imperial subjects was a key part of imperial projects. “Barbarians,” people at the edges of imperial-state power, were declared “uncivilized”—and threatening. Empires thus strived to bring these people (and the places they lived) in. The more people whose lives imperial states controlled—to labor, pay taxes, soldier—the more power imperial rulers had. For this reason, James Scott (2017) refers to the earliest states in the Near East, formed about five thousand years ago, as “population machines.”

Like all states, imperial states also controlled people’s mobility. It is not for nothing that an origin of “state” is “stasis,” or immobility (Bridget Anderson, Sharma, and Wright 2009). However, imperial states were primarily concerned with preventing people’s escape from imperial territory. Simultaneously, imperial states also moved people into imperial-state spaces across numerous continents and archipelagos, largely to labor or fight for its glory. Indeed, empires developed entire systems of movement, including Atlantic slavery, convict transportation, and the “coolie” system of indentured labor.4 Imperial-state practices concerning the entry of people into its territories thus operated under what Radhika Mongia (2018) calls a “logic of facilitation.”

Nation-states reversed this imperial order by operating under what Mongia (2018) calls a “logic of constraint.” Borne from the exigencies of the British imperial state seeking to secure a disciplined labor force in the wake of the successes—and ongoing pressure—of slavery abolitionist movements in the early nineteenth century, by that century’s end, immigration controls defined the sovereignty of emergent nation-states, first in the Americas. Indeed, the nationalization of state sovereignty was announced—and institutionalized— by controls limiting both the entry and rights of those who came to be classified as Migrants. Thus, far from a general characteristic of state sovereignty, supposedly in place since the 1648 Treaty of Westphalia, immigration controls became a hallmark of state sovereignty only with the advent of the nation form of state power.

The nationalization of state sovereignty profoundly reshaped the imperial imagination of the political community, the space and makeup of society, and, importantly, the relationship between the state and those subjected to its rule. Nationalist discourses, promising a horizontal (and cross-class) sameness among Nationals, institutionalized stark differences between Nationals and Migrants. This communitarian basis of nationalized sovereignties produced a shift from imperial to postcolonial racist strategies (R. Miles 1993, 117).

The nationalist process of sorting which people were—and were not— the “people of a place” dramatically bifurcated people’s freedom of mobility. Nation-states largely eliminated imperial exit controls but increasingly regulated and restricted the entry of people. Nationals not only had the exclusive right to enter the nation-state, but they were the only ones with the right to stay. Migrants, in contrast, came to be defined by their deportability (De Genova 2002). Consequently, Migrants were defined as outsiders to national society and its culture—that is, they were made “people out of place.” Importantly, not all people moving across national borders were regarded as Migrants. Nationals of imperial metropoles, and later Rich World states,5 were not only the most likely to be granted permission to enter other nationstates, but they were often not even seen to be Migrants. They were, instead, “ex-pats,” “backpackers,” “adventurers,” and so on, thus adding to the classed character of the figure of the Migrant.

National borders were not only limits or barriers but also conduits for the realization of postcolonial power. Immigration controls created an “environment of life,” one that normalized the fragmentation of a global capitalist labor market into national markets (Bigo 2008, 97). Within each nation-state Citizen workers were seen as having a right to jobs, at least the “good” ones. But within every nation-state were also Migrant Workers who came to constitute a distinct labor-market category by virtue of being defined as “people out of place” (Ng 1988; Sharma 2006). One’s wages, type of jobs, membership in labor unions, formal workplace protections and rights, as well as access to state benefits and services depended on the citizenship and immigration status one held. Thus, citizenship and immigration controls not only produced National-Natives and Migrants, but they also produced highly competitive labor markets. In so doing, they fundamentally strengthened employers’ and states’ ability to exploit and control workers.

A world capitalist system in which nation-states ruled gave capital greater leverage. By the late 1960s, the universalization of the nation-state system occurred alongside the start of neoliberalism. With the addition of new nationstates, the number of competing sites for capital investment grew. Each new nation-state came with the enactment of national immigration controls. Citizenship and immigration controls intensified competition between workers within and across nation-states. The result has been greater disparities of all sorts, perhaps the greatest of which is the infinitely greater mobility rights granted by nation-states to capital investments than to Migrants. Far from being a contradiction, this is, instead, an integral feature of the governmentality of the Postcolonial New World Order.6

Indeed, national citizenship and immigration controls are, together, the key technologies for the material and cultural realization of postcolonial biopower. Disputes over their scope and application are central to the continuous (re)making of the national body politic. As new nations and new nationstates form and older ones dissolve; the unity needed to keep a nation intact is continually challenged. New national liberation movements arise to remake the borders of nationalized territory and set different limits to national belonging. Centripetal as well as centrifugal forces of nationalist thought take place at various state levels: municipal, regional, state, or federal. People may demand that they be reunited with their fellow Nationals (but not fellow citizens) resident in another nation-state’s territory. People may demand more rights for locals over nonlocals in gaining access to property, services, or votes, even when the nonlocals are citizens of the same nation-state. Or they may demand that the nation-state tighten up its immigration controls to better “serve and protect” the nation. Redefining which people are a part of which nation—and which nation should control which territory—secures the body politic as national.

Arguably, with every reimagining of the community as national, a hardening of nationalism takes place, one that further restricts membership in the national political community. Increasingly, the discourse of autochthony is deployed to do this work. Autochthonous discourses restrict national belonging to those who can show they are Native to the nation. In a way, such discourses define national forms of state membership with its ideas of sovereignty over national territory. Thus, even though the state category of Native—which marked the status of colonial subjects—was thought to have disappeared along with empires as colonized Natives become “independent” Nationals, I argue throughout this book that embedded in each idea of national sovereignty—or home rule—is the notion that “true” Nationals are those who are Natives of its territory. By restricting the making of claims to sovereignty, territory, and rights to those who are National-Natives, discourses of autochthony produce borders even more fortified and difficult to cross than those between National and Migrant. I examine one particularly powerful assertion made by those employing a national discourse of autochthony: the assertion that Migrants colonize National-Natives.

#### Our alterative is a politics of solidarity for decolonization – we should abandon organization based on land and deconstruct the essentialist binary between the Native and Migrant.

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Key Questions

In embarking on a critical discourse of how people have come to be Natives or Migrants, I heed Rogers Brubaker’s (1996, 15) warning to remain vigilant against utilizing “categories of practice” as “categories of analysis.” Native and Migrant are not natural, timeless categories, even if states and people act as if they are. They are political categories. I thus begin with the understanding that Natives and Migrants have come into being—and continue to exist— within a shared and globally operative field of power. They are therefore best examined by situating them in the same field of analysis. To avoid further reification of Natives and Migrants, I thus de-essentialize these political, state categories by historicizing and repoliticizing their construction.

With this as my basis, a number of questions motivate the following chapters. Why is the separation between Natives (or autochthons) and Migrants (or allochthons) important, and to whom? Historically, how were people separately constituted as Natives or Migrants? How much is the contemporary nationalist discourse of autochthony a legacy of imperialism? Is the privileging of autochthony merely a defensive position wherein arguments for essential and incommensurable differences are used (strategically or otherwise) to organize against power (see Spivak 1994)? Or are autochthonous discourses formative of power and, if so, what political work do they accomplish? And, perhaps most importantly, what would decolonization look like if we rejected the separation—and the political categories—of Natives and Migrants?

In trying to answer these questions, I examine the construction and separation of Natives and Migrants through a critical analysis of both imperial and national forms of state sovereignty, their specific projects of territorialization, and how each differently constrain people’s freedom to move. In particular, I historicize the separation of our world into sovereign nation-states and the immigration controls that establish them as nationally self-determinative structures of power. As all nationalisms attempt to turn classes into masses by promoting ideas of cross-class national solidarity, I also examine how global capitalism has been reorganized—and significantly expanded—by the nation form of state power.

In so doing, I join the many others who have taken “lines of flight” away from essentialist, ahistorical, and reified views of social relations and recognized that difference making is always political (Deleuze and Guattari 1988). Along with the mythical builders of the tower of Babel creating their own heaven on earth, I follow the many, many people who have forged solidarity across—and against—gods, empires, and nations and who have worked for a worldly place that is a home for all. While we have not yet been able to turn right-side up again a world where ideas of race, sex/gender, and nation fundamentally deform our ideas of society and self and allow capitalists to “prowl the globe” (Enloe 1990), this book insists that we can. By “we” I mean all of us who are committed to struggles for decolonization. Claiming this “we-ness” is also a political decision, of course, one that, unlike nationalist autochthonies, is borne out of a shared political project, not a shared genealogy or a shared territory. This book urges us to join the many people over time and place struggling to liberate our land and our labor from expropriators and exploiters. Now, as then, a heaven on earth will only be of our making.

## Case

### 1NC – AT: Case

#### Vote negative on presumption – endorsing Honorable Harvest in one debate does not spillover to resolving ecological destruction, capitalist violence, and the other impacts they’ve isolated.

#### Territorial acknowledgements aren’t revolutionary – they devolve into box-ticking forms of inclusion that do nothing for indigenous sovereignty

Vowel, Native Studies MA, 16 (Chelsea Vowel, is Metis, has a Bed and LLB from the University of Alberta, MA in Native Studies, 9-23-16, Beyond Territorial Acknowledgments, <http://apihtawikosisan.com/2016/09/beyond-territorial-acknowledgments/>, JKS)

In the first two quotes, it is clear that the intended purpose of territorial acknowledgments is recognition as a form of reconciliation. Kairos goes a bit deeper in the intention to also acknowledge the violent relationships between churches who ran residential schools, and Indigenous peoples, so what is being “recognized” is not merely Indigenous presence. Nonetheless it seems to me that when territorial acknowledgments first began, they were fairly powerful statements of presence, somewhat shocking, perhaps even unwelcome in settler spaces. They provoked discomfort and centered Indigenous priority on these lands. The third quote by Bob Joseph suggests that territorial acknowledgments can also be a way of honouring traditional Indigenous protocol. **I disagree that these acknowledgements can accomplish such a thing, as such statements of thanks to hosts barely even scratch the surface of such traditional protocols**. In fact, I think **it is dangerous to even suggest that territorial acknowledgments alone satisfy protocol in any way unless concrete actions accompany the words spoken**. I will return to this when I discuss moving beyond acknowledgments. Another purpose of territorial acknowledgements, related to emphasizing continuous Indigenous presence, is the way in which many spaces feel unsafe for Indigenous peoples. For example, at the University of McGill, asking for territorial acknowledgment was part of a wider attempt by student groups to “[create] a more welcoming environment for Indigenous students. The proposal called for McGill to publicly acknowledge on its website and in email signatures that McGill is built on traditionally Kanien’kehá:ka land.”[5] I personally experienced McGill as an incredibly alienating and invisibilizing environment, and that institution certainly has a lot of work to do in terms of acknowledging Indigenous presence (and Indigenous students) compared to other some universities. As a newer practice in such environments, territorial acknowledgments continue to have the power to disrupt and discomfit settler colonialism. It should also be emphasized that these territorial acknowledgments flow from the work of Indigenous peoples themselves, who are resisting invisibilization. When they are crafted, they are usually done so in consultation with local Indigenous peoples. However, it is also interesting to geographically track the criticisms of territorial acknowledgements, as a way of tracing their lineage. The strongest Indigenous critiques of these acknowledgments tend to come from the west coast, suggesting they have been happening there the longest, whereas in places like Montreal, territorial acknowledgments are still being introduced and are legitimately “cutting edge” in that political milieu. That’s not to say that strong Indigenous critique cannot exist absent of a tradition of territorial acknowledgments! We are almost certainly importing the practice into the United States, and it will not necessarily be welcomed there by Indigenous peoples for reasons unrelated to the rendering of such statements meaningless through repetition. I believe territorial acknowledgments can have numerous purposes, and in fact can be repurposed, so merely examining the stated intentions of these invocations is insufficient. What may start out as radical push-back against the denial of Indigenous priority and continued presence, may end up repurposed as “box-ticking” inclusion without commitment to any sort of real change. In fact, I believe this is the inevitable progression, a situation of familiarity breeding contempt (or at least apathy).

#### Honorable Harvest’s refusal to engage settler states sabotages successful indigenous movements. Binary between authentic resurgence and coopted recognition facilitates divide and conquer response.

Sheryl **LIGHTFOOT** Canada Research Chair of Global Indigenous Rights and Politics @ British Columbia – Anishinaabe from the Lake Superior Band of Ojibwe ’**20** in *Pessimism in International Relations* eds. Stevens and Michelsen p. 156-170

One particular branch of Indigenous political theory often referred to as ‘Indigenous resurgence’, draws heavily from Franz Fanon, who argues that colonial rule is based in coercion and ‘pure violence’ and ‘does not alleviate oppression or mask domination’.1 Further, Fanon also points out that in settings where colonial rule is not held and reproduced through force alone, the hegemony of the colonial state engages in the production of ‘colonized subjects’, meaning specific forms of colonised thought and behaviours that implicitly and explicitly create and maintain subject positions which produce and reproduce conditions of domination/ subordination.2

Following Fanon, the Indigenous resurgence school thus holds, simultaneously, two inter-related goals: (1) to illuminate the multitude of ways that settler states have retained and continuously reproduce colonial political, legal and material structures in their relationships with Indigenous peoples which create an ongoing system of structural domination and subordination; and (2) to assume an active anti-assimilationist and decolonising set of politics.

Meanwhile, most settler colonial states are currently engaged in some type of reconciliation discourse, designed to deal with a widely acknowledged problematic past relationship by setting a new tone for future relations between states and Indigenous peoples. With the exception of the United States, each of these settler colonial states has an active reconciliation agenda intended to rewrite its relationship with Indigenous peoples. In Canada, this has taken the form of a Truth and Reconciliation Commission (TRC) that was mandated to explore the truth about the century-long Indian residential school policy that forcibly removed Indigenous children from their homes and communities with the intention of assimilating them into white society. In June 2015, at the end of its six-year mandate, the TRC issued its final summary report including 94 Calls to Action for the Canadian state and civil society.3 Central to these 94 Calls to Action is Call 43, which states, ‘We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) as the framework for reconciliation’. As I have argued elsewhere, full implementation of the UN Declaration, if achieved, would necessarily bring about deep transformations in the structure and form of Indigenous-state relations, with implications for a wider global politics since the implementation of Indigenous rights necessarily involves the re-thinking of various fundamentals of the international system like Westphalian sovereignty, liberalism, decolonisation, and the state form itself.4

In Australia, reconciliation discourse has defined official Indigenous- settler relations discourse for about a generation. In New Zealand, agreements to settle violations of the 1840 Treaty of Waitangi have been ongoing for decades. The treaty settlements process has, since the 1980s, completed treaty settlement agreements with many iwi (tribal groups), and the government has stated its intention to complete settlement agreements with all iwi in the coming years.

Despite all of these activities designed to re-write the relationship between states and Indigenous peoples, some high-profile critical Indigenous political theorists reject all state overtures towards reconciliation and take extremely pessimistic approaches towards future Indigenous-state relations. They advocate that Indigenous resurgence through a return to Indigenous land-based forms of governance is the only path to decolonisation. I argue that while resurgence school theorists are strong advocates for Indigenous nations, and bring focus and clarity to a set of issues about power structures and dynamics, they are all caught in the same set of three ‘pessimism traps’ that unnecessarily limit their capacity to contribute to improved Indigenous-state relationships. These pessimism traps emanate from a reliance on Fanonian revolutionary thought and a problematic application of Fanonian theory from French-colonised North Africa to an entirely different context in the English-speaking settler states. Finally, I argue, these pessimism traps are diametrically opposed to the work and vision of Indigenous organisations who have been working on the ground for decades to assert Indigenous nationhood both domestically and internationally, in ways that often assertively and creatively challenge and shift the existing system of sovereign states. In sum, because the resurgence school remains trapped in a pessimism box of its own making, it remains significantly out of step with Indigenous movements and actually risks harming their efforts to advance Indigenous self-determination in creative and innovative ways.

Pessimism Trap 1: A Clear Demarcation of Indigenous Individuals into Only Two Categories, 'Authentic5 and 'Co-Opted5

For Indigenous resurgence theorists, these two categories are the only possibilities, and there is no grey area in-between. In their view, Indigenous peoples are co-opted if they hold elected office, make land claims or economic development agreements with governments or industry, or even sign treaties. Furthermore, co-opted Indigenous peoples are so co-opted, that they do not even recognise how they are being used and colonised by the state and its private-sector partners. On the other hand, authentic Indigenous peoples live on their traditional lands, speak their Native languages, practice their culture and govern themselves in traditional fashion. They are the only ones that have successfully resisted the overwhelming forces of colonisation and its powers of co- optation, and the only ones with the power to do so into the future.

In his 2005 book, Wasdse: Indigenous Pathways of Action and Preedom, Taiaiake Alfred calls on the original people, what he calls Onkwehonwe in the Mohawk language, to unify in resisting the colonial structures that continue to oppress them.5 Relying on warrior imagery in the Mohawk tradition, Alfred confronts Indigenous people to recognise Western domination in our communities and resist it. He argues forcefully that Indigenous peoples have become overly complacent on, and even dependent upon, Western social, economic and political structures. He calls for a resurgence in Indigenous spirituality and political structures in Indigenous communities. As he sees it, a strong Indigenous warrior is not one that necessarily engages in war and violent resistance but, rather, is one that shows real courage by living a daily life grounded in the spiritual teachings and practices of our ancestors. The decolonis- ing revolution he calls for is rooted within the peaceful resurgence of traditional spirituality and governance. As he writes, ‘There are people in all communities who understand that a true decolonization movement can emerge only when we shift our politics from articulating grievances to pursuing an organized and political battle for the cause of our freedom. These new warriors understand the need to refuse any further disconnection from their heritage and the need to reconnect with the spiritual bases of their existences’.6 While at first glance, this book represents a powerful and compelling call to action by Indigenous communities and leaders, a closer examination reveals all three pessimism traps in play throughout the text.

Alfred draws a sharp line between authentic Indigenous approaches and co-opted ones. As he puts it, ‘Not all of us have been conquered. There are still strong Onkwehonwe who persevere in their struggle for an authentic existence and who are capable of redefining, regenerating, and reimagining our collective existences’.7 Yet, he warns, The colonizers stand on guard for their ill-gotten privileges using highly advanced techniques, mainly co-optation, division and when required, physical repression’ and ‘with its massive resources, the state can co-opt leadership and movement successes’.8

Furthermore, Alfred notes, the authentic Indigenous peoples and leaders are no longer the majority, as the co-opted ones seem to occupy most of the leadership roles in organisations and communities. Lamenting the constant temptations for co-optation on offer, from land claims agreements, to casino capitalism, to chief and council salaries, Alfred writes, Working for a cause that has indigenous integrity means sacrifice. ...This is the reality of an authentic indigenous existence in political terms. And, evidently, in our communities today, there are only a few people who are convinced that taking on the psychological and financial burden of being really indigenous is worth the fight’.9

Similar patterns appear in Alfred’s follow-up 2009 book, Peace, Power, Righteousness: An Indigenous Manifesto.10 In this work, Alfred walks the reader through Indigenous values, weaving a thesis that a new kind of Indigenous leadership, characterised by the resurgence of Indigenous forms of self-determination, is the only way to resist colonialism and preserve what still exists of Indigenous culture and lifeways today. In a Fanonian spirit, he challenges Indigenous peoples, and particularly leaders, professionals and academics, to be aware of how colonialism has impacted them and their communities on every level, including and especially, psychologically. He challenges Indigenous leadership and communities to recognise these multiple layers of colonialism in current contemporary practice, and to resist them.

As in his earlier work, Alfred divides Indigenous peoples, communities and leadership into two stark categories: authentic and co-opted. Indigenous leaders, he says, either actively resist, or they co-operate with the state. When they co-operate with the state, they ‘rationalize and participate actively in their own subordination and the maintenance of the Other’s superiority’ and therefore become co-opted.11

Further, he sees that as states have moved away from overt violent control of Indigenous communities, co-option has become the preferred method of control and subordination:

The fact is that neither the state-sponsored modifications to the colonial-municipal model ...nor the corporate or public-government systems recendy negotiated in the North constitute indigenous governments at all. Potentially representing the final solution to the white society’s ‘Indian Problem,’ they use the co-operation of Native leaders in the design and implementation of such systems to legitimize the state’s longstanding assimilationist goals for indigenous nations and lands.12

One of the deepest problems, according to Alfred, is that co-opted communities, leaders and professionals do not often even realise that they are, in fact, co-opted. Co-option, he says, ‘is a subtle, insidious, undeniable fact, and it has resulted in a collective loss of ability to confront the daily injustices, both petty and profound, of Native life’.13 As a case in point, Alfred engages in a substantial discussion of how the concept of sovereignty itself is Western in focus and therefore, when Indigenous leaders advocate for it, on behalf of their nations and communities, they are unwittingly engaging in a politics of co-optation. ‘Shallow-minded politicians’, Alfred writes, ‘are unable to grasp that asserting a right to sovereignty has significant implications’. When they assert a claim to sovereignty but not to resist the state itself, ‘they are making a choice to accept the state as their model and to allow indigenous political goals to be framed and evaluated according to a “statist” pattern’.14

Another prominent member of the Indigenous resurgence school, Glen Coulthard (Yellowknives Dene), was mentored by Taiaiake Alfred and their common philosophy is immediately apparent. As Alfred writes in his foreword to Coulthard’s 2014 book, Red'Skin, White Masks: Rejecting the Colonial Polities of Recognition, ‘Coulthard is talking about rising up, ...about resurgence and the politics of self-affirmation. This is a call to combat contemporary colonialism’s objectification and alienation and manipulation of our true selves’.15

Coulthard critiques the current Canadian policy atmosphere of reconciliation as contemporary colonialism, ultimately the same as the old colonialism, but with a new mask. He argues the structure of the settler colonial invasion continues to dispossess and oppress Indigenous peoples, as it always has, but it now has a new face: the disingenuous liberal politics of recognition—which includes such current policy initiatives as the delegation of self-determination, economic development and the settlement of land claims. He begins by noting that over the past forty years or so, there has been an ‘unprecedented degree of recognition for Aboriginal “cultural” rights within the legal and political framework of the Canadian state’.16 Coulthard acknowledges that the increase in recognition demands coming from Indigenous intellectual and community leaders are largely responsible for these changes to the structure of the Indigenous-state relationship in Canada. Yet, Coulthard’s goal in this work is to challenge the notion that ‘the colonial relationship between Indigenous peoples and the Canadian state can be adequately transformed via such a politics of recognition’.17 Rather than ushering in a new relationship, he argues, the ‘politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend’.18

In other words, all of the work and struggle by Indigenous leaders and advocates in the past four decades to advance self-government, recognition of Aboriginal rights and title and economic development for their communities has not only been futile, but damaging to what would or should have been an ‘authentic’ struggle for Indigenous self-determination. Further, all of these advocates and leaders do not even realise how co-opted they have become in the ongoing structures of colonialism. Citing Alfred, and echoing Fanon, Coulthard notes that the dominance of the recognition approach over an extended period of time has produced a class of ‘Aboriginal “citizens’” who have come to define themselves in terms of the colonial state and its institutions rather than the culture and political traditions of their own Indigenous nations. He identifies a similar process with capitalist economic development initiatives that have created an ‘emergent Aboriginal bourgeoisie whose thirst for profit has come to outweigh their ancestral obligations to the land and to others’.19 Unfortunately, Coulthard pessimistically views Indigenous rights advancement as ‘bleak’, since ‘so much of what Indigenous peoples have sought over the last forty years to secure their freedom has in practice cunningly assured its opposite’.20

In a 2007 article, Cherokee political scientist Jeff Corntassel takes the co-option argument to the international level.21 Corntassel acknowledges that UN fora do provide opportunities for strategising and diplomacy among Indigenous actors from diverse parts of the world, especially important in storytelling, information sharing and building solidarity. Corntassel also acknowledges that there ^Vere a handful of instances in the First UN Indigenous Decade (1995-2004) where Indigenous peoples were able to successfully challenge UN protocols and procedures and insert themselves into the UN ‘on their own terms’. However, despite these acknowledgements, Corntassel concludes that the UN system, being made up of states, aims to co-opt Indigenous peoples into the norms and mores of the state, thereby distracting them from their proper focus on advancing their own nationhood. Like Alfred and Coulthard, Corntassel falls into the first pessimism trap which demarcates Indigenous political leadership into ‘authentic’ and ‘co-opted’ categories.

Pessimism Trap 2: The State is Unified, Deliberate and Unchanging in Its Desire to Dispossess Indigenous Peoples and Gain Unfettered Access to Indigenous Lands and Resources

In other words, colonialism by settler states is a constant, not a variable, in both outcome and intent. Further, the state is not only intentionally colonial, but it is also unified in its desire to co-opt Indigenous peoples as a method and means of control.

In 2005’s Wasase, Alfred presents the state as unitary, intentional and unchanging in its desire to colonise and oppress Indigenous peoples noting, ‘I think that the only thing that has changed since our ancestors first declared war on the invaders is that some of us have lost heart’.22 Referring to current state policies as a ‘self-termination movement’, Alfred states, ‘It is senseless to advocate for an accord with imperialism while there is a steady and intense ongoing attack by the Settler society on everything meaningful to us: our cultures, our communities, and our deep attachments to land’.23

Alfred’s Peace, Power; Righteousness (2009) also argues that the state is deliberate and unchanging, stating quite plainly that ‘it is still the objective of the Canadian and US governments to remove Indians, or, failing that, to prevent them from benefitting, from their ancestral territories’.24 Contemporary states do this, he argues, not through outright violent control but ‘by insidiously promoting a form of neo-colonial self-government in our communities and forcing our integration into the legal mainstream’.25 According to Alfred, the state ‘relegates indigenous peoples’ rights to the past, and constrains the development of their societies by allowing only those activities that support its own necessary illusion: that indigenous peoples today do not present a serious challenge to its legitimacy’.26

Linking back to the aim of co-option, Alfred argues that while the state’s desire to control Indigenous peoples and lands has never changed, the techniques for doing so have become subtler over time. ‘Recognizing the power of the indigenous challenge and unable to deny it a voice’, due to successful Indigenous resistance over the years, ‘the state has (now) attempted to pull indigenous people closer to it’.27 According to Alfred, the state has outwitted Indigenous leaders and ‘encouraged them to reframe and moderate their nationhood demands to accept the fait accompli of colonization, (and) to collaborate in the development of a “solution” that does not challenge the fundamental imperial lie’.28

In a similar vein, Coulthard’s central argument is centred on his understanding of the dual structure of colonialism. Drawing directly from Fanon, Coulthard finds that colonialism relies on both objective and subjective elements. The objective components involve domination through the political, economic and legal structures of the colonial state. The subjective elements of colonialism involve the creation of ‘colonized subjects’, including a process of internalisation by which colonised subjects come to not only accept the limited forms of ‘misrecog- nition’ granted through the state but can even come to identify with it 29 Through this dual structure, colonial power now works through the inclusion of Indigenous peoples, actively shaping their perspectives in line with state discourses, rather than merely excluding them, as in years past. Therefore, any attempt to seek ‘the reconciliation of Indigenous nationhood with state sovereignty is still colonial insofar as it remains structurally committed to the dispossession of Indigenous peoples of our lands and self-determining authority’.30

Concerning the state in relation to Indigenous peoples on the international level, Corntassel argues that states and global organisations, for years, have been consistently framing Indigenous peoples’ self-determination claims in ways that ‘jeopardize the futures of indigenous communities’.31 He claims that states first compartmentalise Indigenous self-determination by separating lands and resources from political and legal recognition of a limited autonomy. Second, he notes, states sometimes deny the existence of Indigenous peoples living within their borders. Thirdly, a political and legal entitlement framing by states deem- phasises other responsibilities. Finally, he claims that states, through the rights discourse, limit the frameworks through which Indigenous peoples can seek self-determination. Like Alfred and Coulthard, Corntassel has concluded that states are deliberate and never changing in their behaviour. With this move, Corntassel limits and actually demeans Indigenous agency, overlooking the reality that Indigenous organisations themselves chose the human rights framework and rights discourse as a target sphere of action precisely because, as was evident in earlier struggles like slavery, civil rights or women’s rights, these were tools available to them that had a proven track record of opening up new possibilities and shifting previous state positions and behaviour. Indigenous advocates also cleverly realised, by the 1970s, that the anti-discrimination and decolonisation frames could be used together against states. States did, in no way, nefariously impose a rights framework on Indigenous peoples. Rather, Indigenous organisations and savvy Indigenous political actors deliberately chose to frame their self-determination struggles within the human rights framework in order to bring states into a double bind where they could not credibly claim to adhere to human rights and claim that they uphold equality while simultaneously denying Indigenous peoples’ human rights and leaving them with a diminished and unequal right of self-determination. But, because he is caught in the pessimism trap of seeing the state only as unified, deliberate and unchanging, Corntassel overlooks and diminishes the clear story of Indigenous agency and the potential for positive change in advancing self-determination in a multitude of ways.

Pessimism Trap 3: Engagement with the Settler State is Futile, if Not Counter-Productive

Since the state always intends to maintain, if not expand, colonial control, and is seeking to co-opt as many Indigenous peoples as possible in order to maintain or expand its dispossession and control, it is therefore futile, at best, and actually dangerous to Indigenous existence to engage with the state. Furthermore, all patterns of engagement will lead to co-optation as the state is cunning and unrelenting in its desire to co-opt Indigenous leaders, academics and professionals in order to gain or maintain control of Indigenous peoples.

Alfred argues, in both his 2005 and 2009 books, that any Indigenous engagement with the state, including agreements and negotiations, is not only futile but fundamentally dangerous, as such pathways do not directly challenge the existing colonial structure and ‘to argue on behalf of indigenous nationhood within the dominant Western paradigm is self-defeating’.32 Alfred states that a ‘notion of nationhood or self-government rooted in state institutions and framed within the context of state sovereignty can never satisfy the imperatives of Native American political traditions’33 because the possibility for a true expression of Indigenous self-determination is ‘precluded by the state’s insistence on dominion and its exclusionary notion of sovereignty’.34 Worst of all, according to Alfred, when Indigenous communities frame their struggles in terms of asserting Aboriginal rights and title, but do so within a state framework, rather than resisting the state itself, it ‘represents the culmination of white society’s efforts to assimilate indigenous peoples’.35

Because it is impossible to advance Indigenous self-determination through any sort of engagement with the state, Coulthard also advocates for an Indigenous resurgence paradigm that follows both his mentor Taiaiake Alfred but also Anishinaabe feminist theorist Leanne Simpson.36 As Coulthard writes, ‘both Alfred and Simpson start from a position that calls on Indigenous peoples and communities to “turn away” from the assimilative reformism of the liberal recognition approach and to instead build our national liberation efforts on the revitalization of “traditional” political values and practices’.37 Drawing upon the prescriptive approach of these theorists, Coulthard proposes, in his concluding chapter, five theses from his analysis that are intended to build and solidify Indigenous resurgence into the future:

1. On the necessity of direct action, meaning that physical forms of Indigenous resistance, like protest and blockades, are very important not only as a reaction to the state but also as a means of protecting the lands that are central to Indigenous peoples’ existence;

2. Capitalism, No More!, meaning the rejection of capitalist forms of economic development in Indigenous communities in favour of land-based Indigenous political-economic alternative approaches;

3. Dispossession and Indigenous Sovereignty in the City, meaning the need for Indigenous resurgence movements ‘to address the interrelated systems of dispossession that shape Indigenous peoples’ experiences in both urban and land-based settings’38;

4. Gender Justice and Decolonisation, meaning that decolonisation must also include a shift away from patriarchy and an embrace of gender relations that are non-violent and reflective of the centrality of women in traditional forms of Indigenous governance and society; and

5. Beyond the Nation-State. While Coulthard denies that he advocates complete rejection of engagement with the state’s political and legal system, he does assert that ‘our efforts to engage these discursive and institutional spaces to secure recognition of our rights have not only failed, but have instead served to subtly reproduce the forms of racist, sexist, economic, and political configurations of power that we initially sought...to challenge’.39 He therefore advocates expressly for ‘critical self-reflection, skepticism, and caution’ in a ‘resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically non- exploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions’.40

Corntassel also demonstrates the third pessimism trap, that all engagement with the state is ultimately futile. For the most part, however, Corntassel’s observation is that the UN system operates like a reverse Keck and Sikkink ‘boomerang model’ and ‘channels the energies of transnational Indigenous networks into the institutional fiefdoms of member countries’, by which an ‘illusion of inclusion’ is created.41 He argues that, in order to be included or their views listened to, Indigenous delegates at the UN must mimic the strategies, language, norms and modes of behaviour of member states and international institutions. Corntassel finds that ‘what results is a cadre of professionalized Indigenous delegates who demonstrate more allegiance to the UN system than to their own communities’.42 In his final analysis, he charges that the co-optation of international Indigenous political actors is highly ‘effective in challenging the unity of the global Indigenous rights movement and hindering genuine dialogue regarding Indigenous self-determination and justice’ 43

Finding that states deliberately co-opt and provide ‘illusions of inclusion’ to Indigenous political actors in UN settings, Corntassel comes to the same conclusion as Alfred concerning the futility of engagement, arguing that because transnational Indigenous networks are ‘channeled’ and ‘blunted’ by colonial state actors, ‘it is a critical time for Indigenous peoples to rethink their approaches to bringing Indigenous rights concerns to global forums’ 44

Imagining a Post-Colonial Future: Pessimistic 'Resurgence’ Versus the Optimism and Tenacity of Indigenous Movements on the Ground

All of these writers advocate Indigenous resurgence, through a combination of rejecting the current reconciliation politics of settler colonial states, coupled with a return to land-based Indigenous expressions of governance as the only viable, ‘authentic’ and legitimate path to a better future for Indigenous peoples, which they refer to as decolonisation. While inherently critical in their orientation, these three approaches do make some positive and productive contributions to Indigenous movements. They help shed light on the various and subtle ways that Indigenous leaders and communities can become co-opted into a colonial system. They help us to hold leadership accountable. They also help us keep a strong focus on our traditional, cultural and spiritual values as well as our traditional forms of governance which then also helps us imagine future possibilities.

As I have pointed out here, however, all three theorists are also caught in the same three pessimism traps: authenticity versus co-option; a vision of the state as unified, deliberate and never changing in its desire to colonise and control; and a view of engagement with the state as futile, if not dangerous, to Indigenous sovereignty and existence. When combined, these three pessimism traps aim to inhibit Indigenous peoples’ engagement with the state in any process that could potentially re-im- agine and re-formulate their current relationship into one that could be transformative and post-colonial, as envisioned by the UN Declaration on the Rights of Indigenous Peoples. The pessimism traps together work to foreclose any possibility that there could be credible openings of opportunity to negotiate a fairer and just relationship of co-existence with even the most progressive state government.

This pessimistic approach is not innocuous. By overemphasising structure and granting the state an enormous degree of agency as a unitary actor, this pessimistic approach does a remarkable disservice to Indigenous resistance movements by proscribing, from academia, an extremely narrow view of what Indigenous self-determination can and should mean in practice. By overlooking and/or discounting Indigenous agency and not even considering the possibility that Indigenous peoples could themselves be calculating, strategic political actors in their own right, and vis-a-vis states, the pessimistic lens of the resurgence school unnecessarily, unproductively and unjustly limits the field of possibility for Indigenous peoples’ decision-making, thus actually countering and inhibiting expressions of Indigenous self-determination. By condemning—writ large—all Indigenous peoples and organisations that wish to seek peaceful co-existence with the state, negotiate mutually beneficial agreements with the state, and/or who have advocated on the international level for a set of standards that can provide a positive guiding framework for Indigenous-state relations, the pessimistic lens of resurgence forecloses much potential for new and improved relations, in any form, and is very likely to lead to deeper conflicts between states and Indigenous peoples, and potentially, even violent action, which Fanon indicated was the necessary outcome. The pessimism traps of the resurgence school are therefore, likely self-defeating for all but the most remote and isolated Indigenous communities. Further, this approach is quite out of step with the actions and vision of many Indigenous resistance movements on the ground who have been working for decades to advance Indigenous self-determination, both domestically and globally, in ways that transform the colonial state into something more just and may eventually present creative alternatives to the Westphalian state form in ways that could respect and accommodate Indigenous nations. Rather, it aims to shame and blame those who wish to explore creative and innovative post-colonial resolutions to the colonial condition.

The UN Declaration on the Rights of Indigenous Peoples (the Declaration or UN Declaration) was adopted by the General Assembly in 2007 after 25 years of development. The Declaration is ground-breaking, given the key leadership roles Indigenous peoples played in negotiating and achieving this agreement.45 Additionally, for the first time in UN history, the rights holders, Indigenous peoples, worked with states to develop an instrument that would serve to promote, protect and affirm Indigenous rights, both globally and in individual domestic contexts.46

Many Indigenous organisations and movements, from dozens of countries around the world, were involved in drafting and negotiating the UN Declaration and are now advocating for its full implementation, both internationally and in domestic and regional contexts. In Canada, some of the key organisational players—the Grand Council of the Crees (Eeyou Istchee), the Assembly of First Nations, and the Union of British Columbia Indian Chiefs, or their predecessor organisations—were involved in the drafting and lengthy negotiations of the UN Declaration during the 1980s, 1990s and 2000s. In the United States, organisations like the American Indian Law Alliance and the Native American Rights Fund have been involved as well as the Navajo Nation and the Haudenosaunee Confederacy, who represent themselves as Indigenous peoples’ governing institutions. From Scandinavia, the Saami Council and the Sami Parliaments all play a key role in advancing Indigenous rights. In Latin America, organisations like the Confederación de Nationalidades Indígenas del Ecuador (CONAIE) and the Consejo Indio de Sud America (CISA) advocate for implementation of the UN Declaration. The three, major transnational Indigenous organisations— the World Council of Indigenous Peoples, the International Indian Treaty Council and the Inuit Circumpolar Council—were all key members of the drafting and negotiating team for the UN Declaration, and the latter two, which are still in existence, continue their strong advocacy for its full implementation.

Implementation of the UN Declaration on the Rights of Indigenous Peoples requires fundamental and significant change, on both the international and domestic levels. Because implementation of Indigenous rights essentially calls for a complete and fundamental restructuring of Indigenous-state relationships, it expects states to enact and implement a significant body of legal, constitutional, legislative and policy changes that can accommodate such things as Indigenous land rights, free, prior and informed consent, redress and a variety of self-government, autonomy and other such arrangements. States are not going to implement this multifaceted and complex set of changes on their own, however. They will require significant political and moral pressure to hold them accountable to the rhetorical commitments they have made to support this level of change. They will also require ongoing conversation and negotiation with Indigenous peoples along the way, lest the process becomes problematically one-sided. Such processes ultimately require sustained political will, commitment and engagement over the long term, to reach the end result of radical systemic change and Indigenous state relationships grounded in mutual respect, co-existence and reciprocity. This type of fundamental change requires creative thinking, careful diplomacy, tenacity, and above all, optimistic vision, on the part of Indigenous peoples. The pessimistic approaches of the resurgence school are ultimately of little use in these efforts, other than as a cautionary tale against state power, of which the organisational players are already keenly aware. Further, by dismissing and discouraging all efforts at engagement with states, and especially with the blanket accusations that all who engage in such efforts are ‘co-opted’ and not ‘authentically’ Indigenous, the resurgence school actually creates unnecessary negative feelings and divisions amongst Indigenous movements who should be pooling limited resources and working together towards better futures.

#### Their assertion of a monolithic form of “traditional ecological knowledge” essentializes history and places a disproportionate burden on indigenous peoples for conservationism.

Anker et al. 20 [Kirsten Anker, teaches property, legal theory and Aboriginal law/Indigenous legal traditions at McGill University, with research interests extending also to evidence, dispute resolution, resource management and legal education. Her book Declarations of Interdependence: A Legal Pluralist Approach to Indigenous Rights explores various aspects of claiming Native (Aboriginal) Title as a way to inspire a re-imagination of law, November 20 2020, "Ecological Jurisprudence and Indigenous Relational Ontologies: Beyond the ‘Ecological Indian’?,” From Environmental to Ecological Law (London: Routledge), https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3703825&download=yes, accessed 7-22-21] AB

Like the “noble savage” before it, the ecological Indian has been subjected to an extensive campaign of myth-busting, such as in Krech’s controversial monograph The Ecological Indian (1999). Although Krech asserts that first peoples are generally ecologists in the sense of understanding the connected systems of life (22), a heated academic debate has turned on the more narrow question of whether or not Indigenous peoples were actually conservationists (see Harkin and Lewis 2007), through the deliberate maintenance of ecosystem diversity (Hames 2007, 180). Krech documented cases where pre-Columbian peoples drove species to complete or local extinction through overhunting or uncontrolled use of fire or irrigation (1999, see also Diamond 2005). The role of humans in the mass extinction of megafauna in the Pleistocene is disputed (see Kelly and Prasciunas 2007), but more recent examples are less ambiguous, such as the moa and other birds in New Zealand and giant lemurs in Madagascar (Alvard 1994). The literature sometimes shows contains accounts of what appear to be wasteful practices: for example, Inuit kills of uncountable numbers of caribou in the 1910s, removing only the skin, tongue and spinal sinew (Jenness 1957, 71), or Cree and Chipewyan in the eighteenth century killing more buffalo than they could consume (Hearne cited in Brightman 1993). Other scholars contend that historic conservation is often epiphenomenal; that is, preservation of biodiversity is a function of population density, technological capacity and opportunities or desire for trade, rather than long-term planning (Alvard 1994, 133). If so, argues Raymond Hames, once firearms and increased demand from trade arrive, overharvesting could become a problem (2007, 181). Moreover, rather than see these incidents as anomalies within an Indigenous conservation ethic, some authors argue that it is the spiritual, ecosocial lifeworlds of peoples, even their deep respect for wildlife, that can produce counter-conservation outcomes, as defined by Western environmentalism. Where hunting is part of a reciprocal human-animal relationship, the success of the hunt results from the animals’ decision to gift themselves, and requires respect to be shown to the animals (or their spirit master) (Nadasdy 2007); where the proper ceremonies or practices are performed (for example, prayers, offerings, disposal of remains), the resource is infinitely renewable—for some because the animals would reincarnate (Johnson Gottesfeld 1994, 447; Krech 1999, 204). In the Yukon, a contemporary “catch and release” program where smaller fish are returned to the water was seen by elders to insult the fish because it effectively rejected their gift (Washbrook 19964, 21–22). A similar concern for offending the spirit master embroiled Innu and provincial resource managers in a recent dispute over caribou/atiku conservation: the Innu insisted that it was their abandonment of hunting, or hunting disrespectfully, that was causing the atiku to “leave”; the solution is then not to hunt less (the choice pursued through the hunting ban imposed by the government of Newfoundland and Labrador) but to renew the hunt with the proper protocol (Blaser 2016). Brightman concurs that for the Rock Cree in the 1700s, “[i]t was failure to kill all the animals offered that would jeopardize future hunting. . . . To kill all the animals possible . . . is an act of love and gratitude” (1993, 290). He argues, as does Krech, that an ethic of restraint—taking only what you need—or an understanding of finite resources, came from Cree encounters with Euro-American resource managers in the nineteenth and twentieth centuries, even if it was incorporated within the existing paradigm of respect owed to the animals (1993, 308–309; Krech 1999, 206).

#### The aff relies on violent essentialism that violates indigenous humanity.

Rodrigue-Allouche 15, MA Uppsala, Dept of Archaeology and Ancient History, (Sarah, “Conservation and Indigenous Peoples The adoption of the ecological noble savage discourse and its political consequences, Proquest Theses)//BB

As shown above through colonisation, indigenous peoples have been conceived as biologically inferior to White people, in an ethnical hierarchy and justified by so-called science. In the late 20th century, as scientific racism was discredited, another cultural stereotype started to emerge; the idea that culturally, Indigenous peoples are closer to Nature. But this idea might only be another display of essentialism.

1. Indigenous peoples and their environment: intentional or epiphenomenal conservation?

The idea that indigenous peoples respect their environment probably stem from the fact that most environmental degradation was caused by state societies whereas hunter-gatherer tribes certainly had less impact (see Borgerhoff Mulder and Coppolillo 2005). Besides, comparative studies have shown a correlation between the presence of indigenous peoples and high biodiversity whereas the presence of non-indigenous is correlated to low biodiversity (Redford and Robinson 1987). However, it is unavoidable to ask whether this is intentional or simply a consequence of a certain lifestyle correlated to a low population density and a low access to technology. Indeed, anthropologist Eugene S. Hunn was the first scholar to emphasise the intentionality factor in conservation; in a 1982 article he distinguished epiphenomenal (or side-effect) conservation from intentional conservation. In 2000, anthropologist Eric Alden Smith and forester Mark Wishnie followed Hunn’s lead and defined the term ‘conservation’ as actions preventing or mitigating biodiversity loss and designed to do so. Smith and Wishnie (2000: 493) in a review of existing research concluded that intentional conservation amongst indigenous peoples or what they called ‘voluntary conservation’ is rare. Below, I will review the debate around epiphenomenal conservation according to Hunn’s definition. In 1987, Redford and Robinson, compared hunting yields of sixteen native groups in the Amazon to six Peruvian and Brazilian backwoodsmen. Their study demonstrated that colonists had hunted a more limited number of species and had a more negative impact on the game populations because of factors such as a greater population density, catering to extra local demand, and a more efficient technology. On the other hand, because Native Amazonians took a wider variety of game, they had a less significant impact on game populations than colonists. It is very hard to assess whether this case is one of intentional or epiphenomenal conservation. In effect, it is ethically problematic to decide for other peoples if their practices constitute conscious choices or are simply necessary. I wish to advocate to keep in mind when reading such data that Indigenous communities are constituted of many individuals who each have different preferences and understandings of the world; and not to deny individuality to those who belong to Indigenous tribes. The debate on epiphenomenal vs intentional conservation intensified among the scholarly community when American anthropologist Shepard Krech III published a book aiming at debunking the idea of ecological-friendliness among Indigenous peoples. He postulated that Native Americans did not follow conservation practices before contact with Whites and overused resources during the contact period. Krech concluded that although Native Americans understood complex environmental interactions, they made no systematic efforts to conserve game species. Researchers in anthropology, biology and archaeology have since been debating about indigenous peoples and conservationist practices. In 1994, Allyn MacLean Stearman declared that the idea of ecological nobility was due to a few ethnographic cases that had been indiscriminately generalized to all indigenous peoples (Stearman 1994: 2). I agree with Stearman that generalisations do not form the basis of sound conclusions. Indeed, anthropologist Michael S. Alvard researching the evolution of human behaviour demonstrated that conservation most likely occurs under restricted circumstances. Using foraging theory in order to determine the hunting preferences of the Piro hunters in the Amazonian Peru, Alvard stated that Piro hunters make decisions consistent with foraging theory predictions 25 and do not hesitate to kill game identified as vulnerable to over-hunting (1993). Alvard (idem.) stresses that although indigenous peoples have an intimate knowledge of their environment, there is not enough empirical evidence to state that they use this knowledge in order to maintain equilibrium within the ecosystems surrounding them or to sustain their resources. In 2002, the University of Wyoming hosted a conference entitled Re-figuring the ecological Indian which led to the publication of a volume edited by Harkin and Lewis (2007). Many supported Krech’s claim that Native American practices were not aimed at conservation of resources. American social anthropologist Ernest S. Burch who had been doing research on the historic social organization of the Eskimo peoples in the Artic, notably demonstrated that Native Alaskan hunters drove a number of species to local extinction (Burch 2007). Burch concluded that nearly all groups harvested sustainably until the arrival of Europeans, but sustainability was un-intended. The introduction of breech loading rifles and the high trade value placed on local hides and furs led to cases of over-harvesting. Hence, Burch (idem.) supports the hypothesis of epiphenomenal conservation. But is indigenous technological efficiency really limited? If epiphenomenal conservation is a consequence of limited technology, it is essential to assess the efficiency of indigenous weapons. In 1978, anthropological Eric Ross fostered a controversy when he advanced that traditional indigenous hunting technology can be more efficient than modern western technology and that shotguns have reduced the efficiency with which certain important animals can be killed (quoted in Yost and Kelley 1983). If Ross’s statement is correct it supports the view that Indigenous peoples are intentional conservationists because they do possess the technology to overkill. Many anthropologists have since published data to counteract Ross and assert that indigenous technology is less efficient and does not allow hunters to kill the same species of animals that a shotgun would11 . For instance, Hames responded with extensive data indicating again that the shotgun is a far more efficient weapon than the bow (quoted in Yost and Kelley 1983). However, despite the controversy it can be established that the efficiency of indigenous weapons’ efficiency is undoubtable. In 1979, Chagnon and Hames demonstrated that the bow and arrow are quite adequate to provide population with sufficient levels of protein (idem.). In the same vein, Yost and Kelley (1983) were the first anthropologists to advance data supporting the efficiency of the blowgun and spear as I will develop in the next part. The fact that many indigenous societies rely on common-property regimes could also strengthen the hypothesis of epiphenomenal conservation is also strengthened. Indeed, common-property regimes might encourage a wise utilisation of resources. For instance, anthropologist Flora Lu conducted fieldwork among the Huaorani of Ecuador who function on a common property regime in which people are free to choose any available location to clear a plot of land for a garden (Lu 2001: 433), and concluded that when people live in small sub-populations of closely related kin, they are much more accountable to each other (Lu Holt 2001: 439) – a situation which probably encourages the preservation of resources and thus indirectly fosters conservationist practices. Common-property regimes could thus result in epiphenomenal conservation; although in 1968, American economist Garrett Hardin asserted that in a situation of open-access resources, depletion would soon occur (Olstrom 1990, 2005; Berkes et al. 2000; Berkes 2004; Olsson et al 2004; Barthell et al 2013b; Ruiz-Mallén and Corbera 2013). Although indigenous conservationist practices may seem to be cases of epiphenomenal conservation, a few famous case-studies of indigenous resource management attest that indigenous communities can be deliberate conservationists. One of them was published by American anthropologist and ethnobiologist Eugene Hunn and colleagues (Hunn et al. 2007) and relates the traditional gull-eggs harvests in Glacier Bay National Park and Preserve in Alaska, indicating that the 11 Beckermann, Good, Nietschmann and Vickers all reacted promptly in Current Anthropology (Volume 19, 1978) to contradict his contention that traditional technology was more effective than the shotgun 26 Huna Tlingit peoples possess an extensive knowledge and understanding of the glaucous-winged gull nesting biology and behaviour. Traditional gull-eggs harvests seem to represent a case of intentional conservation. Another case-study of intentional conservation is Harvey A. Feit’s presentation of conservationist hunting practices of the Waswanipi Cree peoples. An essential component of Waswanipi’s cosmology is the north wind spirit, the chuetenshu, who provides men with enough to eat as long as they respect other species. Here, the link between Waswanipi’s cosmology and the sustainable use of resources is obvious, as Feit emphasises that the hunter must act responsibly towards the game and the north wind spirit (Feit 1973: 76). Waswanipi hunting seems well to be a case of deliberate conservation because hunters possess the skill and technology to kill many animals but it is part of their responsibilities to abstain from killing more than necessary, and not to kill for enjoyment or prestige (idem.). Overall it is important to bear in mind that conservation can only occur when people are aware of resource scarcity, which is far from being the rule. Indeed, anthropologist Natalie Smith conducted interviews among the Machiguenga people in the Peruvian Amazon to understand their management patterns. When asked why the amount of game had decreased around the village, Machiguenga men interviewed replied that animals had been scared or that they were hiding. Many people declared that the amount of animals had remained the same or increased, simply they were further away from the village (Smith 2001: 435). Moreover, although the fallow time had significantly decreased these past decades, when asked about the decreasing yields, informants asserted that poor seeds or spiritual contamination were responsible for poor yields and not soil problems. Smith also interviewed the men hunters to find out if they avoided killing pregnant and younger animals, but the informants replied they could not make any distinction (idem., p. 446). Smith makes it clear that the Machiguenga are not conservationists; it is no criticism but simply a fact that the Machiguenga lack the social structure and information necessary that would enable them to carry out informed conservation. This is common to many indigenous societies which lack awareness of resource scarcity and thus where conservation cannot exist. Indeed, Lu Holt (2001: 432), in connection to her fieldwork with the Huaorani of Ecuador, wrote that she was repeatedly told by the community that no resources were rare or scarce. On the basis of the review I gave above, I contend that it is impossible to generalise over the question of intentional or epiphenomenal conservation. It seems that each indigenous society constitutes a unique case. Though indigenous communities have institutions in place to manage resources sustainably, it is unclear to what degree this can be called intentional conservation or not; these practices also rely on very distinctive cosmologies and social negotiations. Thus, conservation does bring a foreign concept in indigenous cosmologies, as I will develop further later. But before going into this I want to stress that indigenous peoples are not conservationists but merely humans.

2. Indigenous peoples, merely humans

A broad scholarship has demonstrated cases of environmental destruction among indigenous peoples. In 1985, American anthropologist A. Terry Rambo claimed that the Semang, a nonindustrial small-scale society of Peninsular Malaysia, affected their environment in some ways as much as or even more than industrial societies. Other scholars have raised case-studies to demonstrate that environmental destruction is a common feature among human societies, whether indigenous or not., world-famous American cultural geographer Jared Diamond presented well-documented examples of environmental indifference or destruction by tribal peoples in his book Collapse (2005). In the contemporary controversy around indigenous peoples and ecological nobility, two sides emerged: some people use data demonstrating that indigenous peoples have wreaked havoc on their environments in order to dispossess them of their rights, whom Diamond qualifies of ‘rac- 27 ists’, while others reject such scholarship because it threatens Indigenous peoples’ status of ecological angels (Diamond 2005: 8-9). Diamond acknowledges that indigenous peoples do not like to be told that their ancestors caused damage to the ecosystems because it seems that this assertion prejudices their rights to land ownership (idem.). However, although it has become politically incorrect to assert that indigenous populations wrecked damage on their environment, this fact simply points out our common humanity. The interest of Diamond’s work lies in its clear emphasis that all human societies share the same human traits, that very different societies located in different times and spaces have had negative impacts on their environments, and oftentimes were powerless over their own impacts. Indigenous peoples do not fundamentally differ from modern First World peoples; indeed, managing environmental resources has always been a challenge since mankind developed inventiveness and hunting skills around 50 000 years ago and wherever humans settled, large animals which had evolved without fear of the human species underwent destruction (Diamond 2005: 9). It is paramount to understand what being human entails, no matter where one originates from. By emphasising our common humanity, researchers’ work can help tearing apart essentialism.

#### The myth of the ecological Indian causes authenticity testing, romanticization, and is demarcated by Euro-American standards which ignore the historical contingency of Indigenous practices.

Anker et al. 20 [Kirsten Anker, teaches property, legal theory and Aboriginal law/Indigenous legal traditions at McGill University, with research interests extending also to evidence, dispute resolution, resource management and legal education. Her book Declarations of Interdependence: A Legal Pluralist Approach to Indigenous Rights explores various aspects of claiming Native (Aboriginal) Title as a way to inspire a re-imagination of law, November 20 2020, "Ecological Jurisprudence and Indigenous Relational Ontologies: Beyond the ‘Ecological Indian’?,” From Environmental to Ecological Law (London: Routledge), https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3703825&download=yes, accessed 7-22-21] AB

One final concern about the “ecological Indian” is political; that is, the image is purposefully adopted by both Indigenous and non-Indigenous actors because of its rhetorical power, but it can also backfire because it becomes an impossible ideal against which peoples are judged as either corrupted or inauthentic (Conklin and Graham 1995, 704). Thus, in cases where Indigenous peoples have come into conflict with environmentalists—the Makah whale hunt in Washington state or the dispute between Indigenous Survival International and Greenpeace over sealing are high-profile examples—those opposing them decry a “loss of culture” or flip the stereotype to characterize Indigenous culture as “savage, selfish and harmful” (Smithers 2015, 90). This is all the more so when Indigenous polities make decisions to achieve some kind of economic justice by developing their lands in ways that are depleting or polluting (Smithers 2015). What persists in the story of Indigenous peoples having either “lost” their ecological purity, or “found” a conservation ethic through non-Indigenous environmentalism, is a myth of a timeless, pre-political state of nature. Whether noble or ignoble, these constructions of Indigenous difference come at the expense of attention to the creativity and historical contingency of Indigenous practices and conceptual models on the ground, and sideline ways in which elements of Indigenous culture and politics can be supported by allies to help further biocultural resurgence. Paul Nadasdy argues that the categorization of Indigenous practices as either conservationist or non-conservationist says more about Euro-American or Canadian standards of environmentalism than about the perspectives of Indigenous peoples themselves. In his account of equivocal Kluane support for wolf cull in the Yukon in the 1990s—largely because of their negative impact on caribou and moose populations—that support, together with assertions by the Kluane of the totemic and spiritual significance of wolves, confounded the conservationist spectrum in which either the wolves are sacred and/or persons to whom respect is owed, or they can be shot for utilitarian reasons (Nadasdy 2005, 317–321). Like the rest of humanity, Indigenous peoples make their way in the world as they encounter it, and make their world through the way they engage with it: that may include spirit masters and ecosocial relationalities, as well as complex state bureaucracies, operating within a neocolonial logic that affects their ability to access their lands, and patterns of discourse containing tropes like the ecological Indian. The challenge, as Gregory Smithers puts it, is to give up the satisfying legends and start seeing—and negotiating with—Indigenous peoples as “active political agents working to nurture families, communities, and ecosystems” (2015, 95).

#### Their framing of indigenous resistance relies on neoliberal resilience

Chandler and Reid, PhDs 18

( David Chandler & Julian Reid (2018) ‘Being in Being’: Contesting the Ontopolitics of Indigeneity , The European Legacy, 23:3, 251-268, DOI: 10.1080/10848770.2017.1420284)

The dominant current discourse of neoliberal governance centers on resilience, of “learning how to learn in living environments.” As Rival argues, this is a demand to “become indigenous.” She coins the term “indigenous intelligence” to denote the capacity to learn how to dwell in the world in such a way that one is intertwined and concerned with its care, such that one’s very care for the world functions as self-care. It is a form of intelligence that she documents not only in indigenous peoples, such as the Makushi in the borderlands of northern Brazil and southern Guyana, but also among the young environmental activists she met in Brazil who are learning how to dwell, to be in being, and are thus “becoming indigenous.” “Living well” for these activists “means thinking and acting in a world where built environments are not severed from wilderness, as all spaces need to be meshed within a web of relationships that unfolds into seamless socio-ecological spaces of dwelling.” For them “there is absolutely no difference between ‘caring for the earth,’ ‘caring for people,’ and ‘caring for the self.’ It’s all part of the same ethics, all part of the same challenge.” Indigenous intelligence, the attribute that underwrites indigenous subjectivity, thus exists from the savannahs of the Guiana shield to the coasts of California. Resilience, according to Rival, results from the capacity, the indigenous intelligence, of dwelling in the world: [It] comes from understanding human physical presence on earth in terms of relative intensity. At one end of the continuum, we find the houses and buildings where people live, work, and make intensive use of resources; at the other, the spaces where people refrain from going or intervening, and where nature is left alone to organize things. All aspects of human life are linked. First, food, water, and shelter, including the flows of energy and waste that make a home a home; then, transport, education, and models of decision making, or the web of relations that link homes together over time and space; finally, spirit or soul, or what links home dwellers to other sentient beings. This is how people and nature are linked up, in a total socio-ecological fact.51 The ascription of resilience to indigenous peoples has often been emphasized in recent years. The indigenous are seen and celebrated as paragons of a way of living in relation with nature—and as a model to peoples worldwide. Thus, according to Marjo Lindroth and Heidi Sinevaara-Niskanen, “The victims of the colonial past” are now perceived as “the agents of today’s world.”52 Lindroth and Sinevaara-Niskanen offer a rare critique of this representation as a manifestation of how biopower preserves colonial power rather than “decolonize[ing] statist thought”—which anthropologists, such as Rival, claim should have happened. Yet the ascription of resilience to the indigenous is not argued only by radical anthropologists: it is a mantra so often repeated by states and other powerful actors worldwide that it has become a governing cliché. It is, however, a powerful and dangerous cliché, for it presents the indigenous as an exemplary neoliberal subject who is defined, as we have argued elsewhere, by the capacity to adapt to the dangers of the world in living a life reduced to the celebration of mere survival.53 This cliché is powerful and dangerous insofar as it functions to discipline the indigenous themselves into performing their own resilience. But what happens to indigenous peoples, individually and collectively, when for whatever reason, they don’t show resilience? Are they somehow to be deemed less indigenous? Or are they examples of failed indigeneity? Are they less intelligent than other indigenous peoples? In April 2016, while writing this article, the Guardian reported that the Attawapiskat people, an indigenous community numbering around 2,000 members, living in the Canadian province of Ontario, had declared a state of emergency after 11 of its members attempted suicide. Reports indicated that 28 people had attempted suicide during the previous month, and that more than 100 had done so since the previous September (“State of Emergency Declared over Suicide Epidemic in Canadian First Nation Community,” Guardian, April 10, 2016). The regional First Nations government responded by sending a crisis response unit including mental health nurses and social workers. On April 12, the Canadian parliament held an emergency debate on the crisis. Charlie Angus, the MP responsible for representing the Attawapiskat, was reported to have compared the crisis to that sparked by the photograph of Alan Kurdi, the three-year-old Syrian refugee, whose corpse was washed ashore on his way to Europe (Jorge Barrera, “During Suicide Debate Justice Minister Says It’s Time for First Nations to Shed Indian Act ‘Shackles,’” APTN National News, April 13, 2016). Angus described how the spate of suicides of the Attawapiskat had similarly “shocked the world” causing people worldwide to question how Canada could have neglected so many of its own population (“Canadian Parliament to Hold Emergency Debate on First Nation Suicide Crisis,” Guardian, April 12, 2016.) Jody Wilson-Raybould, the Justice Minister in Justin Trudeau’s government, and herself of indigenous origin, as reported by Barrera, declared that Canada’s indigenous peoples were now at a crucial juncture, “as they seek to deconstruct their colonial legacy and rebuild their communities,” arguing that “only the colonized can decolonize themselves and change is not easy.” In March the larger Pimicikamak community of Manitoba, of around 6,000 members, was also declared to be in a state of emergency following a series of 6 suicides over three months, and 140 attempts in two weeks: “It’s sad that we had to do that,” said the chief of the Pimicikamak, but “we needed to tell the world that as Aboriginal people we don’t have a lot of those things that are available to others.” (Ashifa Kassam, “First Nations Suicide Emergency: A Symptom of Canada’s Systemic Neglect,” Guardian, April 13, 2016). That cry for help had not been met with the same response. There was no global news reportage of the declaration, no articles in the Guardian, and no world news television reports. The Canadian parliament held no emergency debate on Pimicikamak. The reasons for this disparity in response are as always impossible to be sure about. On the face of things it would seem an odd disparity. Six members of Pimicikamak had died as the result of their suicide attempts, while only one member of Attawapiskat had died. Why, then, did the Attawapiskat crisis draw such attention while that in Pimicikamak was ignored? Perhaps it was the density of attempts at suicide in Attawapiskat: 99 of those 100 enumerated attempts at suicide did not “succeed.” And yet those “failures” achieved a performative value that succeeded in eliciting a significant response from the world media, as well as from the Canadian government. In other words, we need to recognize suicide as another example of what Butler and Athanasiou describe as performative power: the possession of the dispossessed, that power that belongs to the precarious—unauthorized by existing legal regimes, abandoned by the law itself—to demand the end to their precarity.54 “I will never apologise for declaring a state of emergency for our people,” said the chief of the Pimicikamak; “We want the mental health services, the therapists, the child psychologists, the psychiatrists, we don’t have these in the community” (Kassam, “First Nations Suicide Emergency”). There is a certain irony in indigenous peoples’ demanding an end to their colonization by the state and at the same time demanding mental health services, therapists, child psychologists, and psychiatrists. Desirous of independence and freedom from the state, they continue to express their dependence on the very same institutions that account for the conditions of their servitude. The dependence is real; it is not a fiction or simply a discourse. Indigenous men in Canada are far more likely to die by suicide than non-indigenous men; and indigenous women even far more likely than non-indigenous women. Young indigenous people, in particular, die by suicide five to six times more often than non-indigenous youth. And there is the widespread social suicide caused by diabetes, smoking, drinking, and obesity—problems the inability to solve of which the indigenous themselves deplore. This is a people that is the polar opposite of the image of the resilient subject with which neoliberal regimes like to portray indigenous peoples: dependent, incapable of surviving without state intervention, and lost in the contradictions of its own discourses of self. In her 2014 article, “In Attawapiskat,” published in the Walrus (October 15, 2014), Louise Bernice Halfe, the celebrated indigenous poet, described life in the very place where the suicide crisis is unfolding today. She describes the poverty and the desperation of the place and its people. She describes the ways in which the Canadian government, in alliance with the extractive industries, and the churches, “terrorized the people into submission, into accepting poverty.” How they “robbed a people, by diminishing the lives that had previously sustained them” and how that people now “sit precariously, alternating between self-preservation and self-destruction, clinging to what can still be lost—still be taken”; these people “don’t complain loudly” but “live in the country of the heart,” the heart being “the only place to which they can escape.” On Attawapiskat “we struggle, but we manage, and even maintain a culture of ceremony and celebration. Life goes on. Black humour prevails as we poke fun at ourselves, and at the powers that be. Still… the spark of resilience endures and our people survive.” (261-3)

#### “Decolonization” is too vague to be meaningful-structural claims of set col make it impossible.

Bashir and Busbridge, PhDs, 19

(Bashir, Sociology@OpenUniv., Rachel, ACUs National School of Arts , The Politics of Decolonisation and Bi-Nationalism in Israel/Palestine Vol 67, Issue 2, 2019)

For all its attached redemptive prospects and radical possibilities, it is important to emphasise that the meanings of decolonisation as both a concept and political project are not just broad, but also multifaceted and highly contested. What it means to ‘undo’ colonialism is deeply contextual (Jansen and Osterhammel, 2017). While colonialism can be defined broadly as a relationship of domination in which a people or territory is politically and economically subjugated to a foreign power, actual colonial situations vary quite widely from each other, depending on, among others, the particular political systems instituted to maintain control, types of exploitation and expropriation (resources, labour, plantations), relationship between the metropole and colony and patterns of migration they compel (slavery, settlement). Projects of decolonisation accordingly take different forms even if they are united by the common concern of ending or overturning structures of domination instituted by colonialism, which has historically taken place mostly through the withdrawal of colonial powers and achievement of independence for the colonised (Buchanan, 2010). Decolonisation speaks to the aspiration of self-rule and its concomitant critique of colonialism as the ‘systematic denial of freedom’ (Kohn and McBride, 2011: 6) and is therefore entangled with a variety of concerns, namely, self-determination, justice, equality, freedom and solidarity against colonialism and imperialism. As Todd Shepherd (2006: 3–4) writes, decolonisation is ‘a much wider concept than the mere “winning of Independence” or “transfer of power”… It entails the exploration of dreams, the analysis of struggles, compromises, pledges and achievements, and the rethinking of fundamentals’. Traditional literature on decolonisation approached it in terms of the historical process that began in the immediate aftermath of World War Two in which countries previously under (typically European) foreign rule transitioned to constitutional independence (Buchanan, 2010). Decolonisation was one of the most significant developments of the twentieth century, radically changing the face of the globe from one in which a small number of empires had dominion over some 80% of the earth’s surface to an international order based on the principle of self-determination and made up of ostensibly independent states (Hopkins, 2008). Scholars in this tradition have done much to illuminate the widereaching structural transformations that accompanied decolonisation, including the emergence of anti-colonial and national liberation struggles at the turn of the century, shifts in world economy that made the maintenance of traditional forms of Empire increasingly difficult, the development of a ‘Third World’ political project and the institutionalisation of human and civic rights principles that rendered systems based on ideas of racial and ethnic superiority less viable (Hopkins, 2008: 216). Yet, the focus on transition has been critiqued for its narrowness insofar as it seems to take for granted the meanings of selfdetermination and temporally restricts decolonisation to the moment of national liberation. Postcolonial scholars, among others, have been at the forefront of this charge, arguing that decolonisation did not produce a postcolonial world per se, but rather one that continues to be shaped in significant ways by the legacies of European colonialism (e.g. Spivak, 1999). As Ella Shohat (1992) has argued, there is no way of turning back from the world colonialism set in play nor did colonial modes of domination end with the formal period of decolonisation. From this broadened perspective, decolonisation is the difficult task of tracing the economic, political, social, cultural, relational and linguistic consequences of colonialism and is therefore also an ongoing imaginative project seeking ‘a new form of consciousness and way of life’ (Pieterse and Parekh, 1995: 3) beyond the coloniality of modern modes of culture, identity and knowledge more generally. While the transitional focus of conventional scholarship is quite illuminating in the contexts of Africa and Asia, for example, it furthermore excludes a great many decolonisation efforts that have taken place and continue to take place in other regions. This includes countries that remained dependent or only achieved semi-independence as dominions, decolonising projects carried out in territories never formally under colonial rule (the Iranian Revolution, for instance) and – as is particularly important to our discussion here – settler colonies that only partially decolonised, whether by way of loosening ties with the Motherland or achieving independence, but which continue to dominate substantial indigenous populations (Hopkins, 2008). There is a significant lacuna in the decolonisation literature when it comes to settler colonialism, which has increasingly been recognised as a distinct form of colonial practice – and one that is particularly resistant to decolonisation (Veracini, 2007). As the transfer of an exogenous population to a territory they intend to claim as their permanent home, settler colonialism establishes quite a different structural relationship to ‘traditional’ forms of colonialism, especially when settler colonial projects succeed in creating a state (Bateman and Pilkington, 2011). Rather than governing native peoples in order to extract resources for economic gain, settler colonisers instead aim to ‘seize their land and push them beyond an ever-expanding frontier of settlement’ (Elkin and Pedersen, 2005: 2). For Patrick Wolfe (2006), what distinguishes settler colonialism is thus that it is guided by a logic of elimination as opposed to a logic of exploitation, wherein the eradication of indigenous presence is essential to the success of settler colonial projects. The primacy of national liberation in the literature makes it especially difficult to imagine, let alone theorise, decolonisation in many settler colonial contexts. Whereas some settler colonial projects like Algeria and Kenya saw decolonisation by way of a mass settler exodus, paving the way for the establishment of independent states, the more successful ones established permanent settler communities (e.g. Northern Ireland) or their own states (e.g. Australia, Canada, the United States) which preclude a simple transition from foreign rule to sovereign status (Veracini, 2007). This is of course not to say that self-determination of the type aspired to by anti-colonial national movements was an easy or even necessarily achievable task. As Kohn and McBride (2011) suggest, in pursuing the dream of self-rule, anti-colonial thinkers had to reckon with the difficulties of articulating alternative political foundations that would make for a genuinely self-determining polity, an enormous task which demands decolonising of minds as much institutions and territory (see Fanon, 2001[1963]). Decolonisation must pursue a convincing ‘break’ between a colonial past and a postcolonial future ‘through decisive action in the present’; it must also ‘seek to reinterpret the past in such a way that it may help in the present and future struggle for self-rule’ (Kohn and McBride, 2011: 19). While these pursuits are invariably contingent, partial and commonly symbolic, national liberation struggles very often provide the fodder for a reinterpreted past that is robustly positive and the establishment of an independent state serves as that aspired for ‘break’. Settler colonial contexts, especially those where indigenous peoples live as minorities in settler states, make these types of symbolic transitions challenging, as they do the imagining of postcolonial alternatives. If the narrative structure of colonialism is circular (leave, stay, return), making that symbolic break possible, settler colonial narratives are linear insofar as the settler comes to stay and the line continues on unbroken (Veracini, 2007). As Ann Curthoys (1999: 288) writes, settler colonial spaces are simultaneously colonial and postcolonial, colonising and decolonising, which makes decolonisation temporally ambivalent at best. Lorenzo Veracini (2007) suggests that there are only two alternatives to settler evacuation for decolonising settler colonial forms and it is dubious whether one of these counts as decolonisation at all: the decolonisation of relationships through ‘the promotion of various processes of Indigenous reconciliation’ or the maintenance of the status quo ‘with the explicit rejection of the possibility of reforming the settler body politic’. Again, what the former might mean is often vague, and historically it is the decolonisation of relationships that is hardest to come by considering the psychological consequences of colonialism for coloniser and colonised alike (Memmi, 1965). Like traditional forms of colonialism, settler colonialism was legitimated by a belief in the colonised’s racial and cultural inferiority. However, the specific settler colonial pursuit of land seizure compels additional stereotypes of native peoples or unique applications of existing colonial ones, wherein their supposed inferiority makes them ill-equipped to develop that land (premodern, nomadic, barbaric) or, alternatively, voids any claims to ownership (terra nullius). In other words, settler colonialism is as much premised on the denial of indigenous peoples as a political constituency with rights to land as it is their purported inferiority, which is typically enshrined in their status as second-class citizens with all the economic, cultural and social disadvantage this entails (Bateman and Pilkington, 2011: 3). Given that settler societies are marked by ‘pervasive inequalities, usually codified in law, between native and settler populations’ which preserve political and economic privileges for the latter (Elkin and Pedersen, 2005: 4), decolonising relationships demands structural changes that often encounter significant resistance from settler constituencies. Likewise, it requires a reckoning with historical injustice – specifically violence and conflict at the colonial frontier – that is challenging for settler states and populations because it opens questions of settler identity, privileges, legitimacy and reparations and expressly seeks to scrutinise disavowed and long suppressed histories. Settler colonial decolonisation is thus complicated by a multitude of hurdles, which bring the postcolonial caution of the impossibility of a ‘break’ into stark relief. Kohn and McBride (2011) suggest that decisive action in the present is essential to decolonisation, but in settler colonial contexts this is hindered by power discrepancies between settler and native constituencies, a general lack of settler political will to enter into difficult processes of historical introspection as well as the constraining of Indigenous claims within the settler state. Indeed, even a commitment to a postcolonial polity as expressed through processes of historical reconciliation often encounters strong resistance when it comes to judicial, constitutional or legislative change genuinely decolonised relationships would demand. Nevertheless, even if it remains difficult to comprehensively imagine the decolonisation of ‘settler societies vis-à-vis Indigenous constituencies’ (Veracini, 2007), the central question must be how to construct political foundations which simultaneously acknowledge ‘the practices of racism, violence and subordination’ (Kohn and McBride, 2011: 18) that preceded them while also paving the way for a postcolonial future in which natives and settlers are equal parties and share the right to narrate the polity. Equality, freedom and justice may come from legally enshrining Indigenous rights to self-determination or, alternatively, doing away with the categories of ‘settler’ and ‘native’ altogether (Mamdani, 2001). What shape such efforts are likely to take depends, among others, on the ‘size and tenacity’ of Indigenous populations as well as the power of the settler constituency (Elkin and Pedersen, 2005: 3, 6). But we would suggest that the measure to which they may

#### Challenging monopolization good – extending the economic and political benefits of membership beyond existing classes best for struggle against settlerism.

Aziz **RANA** Law @ Cornell **AND** Nikhil Pal **SINGH** **’14** https://www.jacobinmag.com/2014/08/the-legacies-of-settler-empire/

Thus, to universalize settler liberty — as I argue for in the book — would require a fundamental restructuring of American life. This is something radical critics themselves perceived at various moments in American history. It would mean thinking about how a democratic principle could actually govern all institutional sites and provide all communities with meaningful economic and political power.

Such an effort would transform, root and branch, settler legacies and living practices: from recognizing Indian sovereignty to fundamentally altering the structure of the economy to challenging the border as a closed barrier. The key thing to note is that such freedom, although emerging from a settler past, would no longer perpetuate settlerism.

This speaks to what I see as the dialectical character of freedom, where the conflict between an initial account of liberty and its opposition produces something new. And similarly, I would add that I do not believe that if we ever “universalized” settler freedom this would mean the end of subordination once and for all. Rather, in keeping with the dialectical vision, even successful projects of emancipation generate new legal and political orders that knit together secured liberties with emerging hierarchies.

In other words, the struggle for freedom is ongoing; it requires an aspiration to utopia but is never completely redeemed in history. This is to say that I don’t believe we can overcome the impasse of settler violence simply by rising above it or thinking differently — we are stuck with our particular histories and the modes of freedom and subordination that constitute our discursive frameworks and institutional practices. These histories open up the possibility of transformation — they give us tools to imagine utopias — but they can never be completely overcome.

This also underscores why my argument is not nostalgic, despite its discussion of the emancipatory dimensions of settler freedom. Those emancipatory elements were grounded in extreme violence. Indeed, one reason why I choose to refer to these arguments as “settler” — with all its fraught implications — rather than simply republican, populist, or socialist is to avoid extricating American economic radicalism from its colonial underpinnings.

This history of extreme violence means that there is no past we need to find a way back to; the settler experience offers no golden age before modern American imperialism. This acknowledgment perhaps distinguishes my views from those of critics like Christopher Lasch or even William Appleman Williams. If anything, for me, the two logics of empire — settler colonization and global police power — cannot be thought of as distinct historical periods. They are deeply interlinked and fold into one another rather than marking clear breaks or ruptures in time.

Why does this discussion of settler freedom as integral to US conceptions of sovereignty and governance matter for something called the Left today?

I think it’s essential for at least two reasons.

First, a remarkable feature of US domestic conversations about capitalism and economic inequality is the extent to which they are often separated from conversations about the application of US power abroad. As just one example, take the issue of immigration and immigrant rights, a focal point of new labor organizing on the one hand and conservative reaction on the other.

The overwhelming tendency is to present immigration as an issue that begins at the national border, with virtually no attention paid to the particular histories, international economic pressures, and specific US foreign policy practices that generate migration patterns in the first place. The movement of men and women from their homes does not occur in a vacuum and is deeply tied to patterns of colonization and empire that stitch together the Global North and the Global South, as well as to the recent security politics of the US and Europe across the post-colonial world.

On the Left, it’s obviously taken as a truism that capitalism is a global system requiring global political action. But without articulating the mutually constitutive relationship between capitalism and the ongoing politics of empire, it’s very hard to perceive the truly global dimension of economic inequality. Moreover, the separation between what’s viewed as “domestic” and what’s viewed as “foreign” means that it’s equally difficult to recognize and develop solidarities between communities in the North and in the South or to appreciate how seemingly US-centered struggles may be only one piece of a broader global reality.

A key effect is the decline of a self-conscious and committed internationalist sensibility among economic reformers in the US. Thinking of inequality in isolation from colonialism or from exercises of American hegemony essentially leaves uncontested the security ends of the US state, ends that feed back in direct and indirect ways precisely into sustaining corporate power and class hierarchies at home.

It should be noted that during the heyday of the labor movement or of black radicalism, activists very clearly articulated an independent foreign policy grounded above all in the interests of oppressed communities — one that emphasized solidarities abroad (between workers or colonized peoples) and that directly challenged the security state itself. Nothing like this exists at present, and I can’t help but think that one reason is the discursive disconnect between questions of economy on the one hand and those of race, empire, and hegemony on the other.

The second reason for bringing the legacies of settler empire back into our discussions of capitalism has to do with specifically American roadblocks to social democracy. Thomas Piketty notes that the United States in the nineteenth century was marked by far greater white economic equality than European counterparts. But he spends less time on the essentially colonial explanation for this fact.

Throughout American history, the tension between capitalism and both democratic self-government and economic independence has largely been resolved through native expropriation and/or racialized economic subordination. And many of the great American struggles to replace capitalism with a more humane political economy have foundered precisely on questions of membership.

For example, radicals during Reconstruction, the Populist movement, the New Deal, and the long black freedom struggle all emphasized the need to pursue policies that made economic justice both universal and effective. Yet all faced powerful counterforces that defined membership narrowly and reverted to colonial dichotomies of insiders and outsiders, in the process breaking class solidarities and preserving racial and economic privileges. To return to immigration, today we can see this dynamic playing out once more in the context of debates around the legal rights and status of undocumented workers.

To make matters worse, a common American narrative has been to blame oppressed communities for the collapse of “universal” economic agendas. The conventional story of the 1960s instructs us that it is black radicals at the close of the decade that were not universalistic enough — despite the fact that they maintained a persistent and thoroughgoing critique of capitalism — and thus scared away potential white allies, fatally compromising left-liberal change. This blame narrative suggests just how pernicious race in particular and colonial legacies more generally have been for fulfilling social democratic goals.

The politics of exclusion has been a persistent means of cleaving class solidarities and undermining direct confrontation with the prevailing economic order. The collapse of these solidarities has then been blamed on the very radicals — particularly within excluded communities — that were at the forefront of pressing for universal and revolutionary reform in the first place.

The only way that these cycles of retrenchment and blame can be broken in the United States is by fully integrating our conversations about class and race, capitalism and colonialism.

#### Structural theories collapse from internal contradictions, attempts to remedy produce a *degenerative research program.*

Svirsky and Arie, PhDs, 18

(Marcelo, Politics@WollongAustralia, and Ronnen Ben, postdoctoral fellow at the Minerva Center for the Rule of Law under Extreme Conditions., From Shared Life To Co-Resistance in Historic Palestine)

According to Veracini, if ‘there is a plot in the “historiography of elimination” and more generally in settler-colonial studies it is that while the structure attempts to eliminate Indigenous peoples it fails to do so’, or in other words, ‘the structure cannot be reduced to its intention’.33 That is to say, Wolfe’s logic of elimination should not be equated with elimination itself. As Veracini explains: Far from equating settler colonialism with elimination, Wolfe’s ‘structure’ refers to a continuing relationship of inequality between Indigenous and settler collectives. Beside ‘structure’ and ‘event’, it seems important to note that Wolfe refers to a logic of elimination, not to elimination itself. After all, were Indigenous elimination to become an accomplished and irretrievable fact, settler colonialism would lose its logic.34 While the key for Wolfe is to shed light on the mechanisms of elimination, Veracini opens the door to research into what the structure actualising the logic fails to accomplish. Intent after all, speaks of a dynamic of success and failure. Logically as well as empirically, if structures fail to accomplish their objectives, thus the notion of the structure needs to be thought as a formation traversed by disagreeing forces impairing its missions, alongside an assessment of the degree of consistency this formation has achieved. It is wrong then to assume that the forces responsible for the formation of the settler structure are to be sought in a uniform, unidirectional and one-sided series of power strategies conceived as always already signifying domination. In other words, settler inscription and determinations do not operate in free-floating spaces; thus it makes little sense to analyse them in isolation from the oppositional forces that in their action ignore, slow down, impede or distract settler progress. Therefore, we suggest defining the structure of invasion in terms of the variances between changing compositions of forces, those seeking to eliminate Indigenous life and the forces causing some of these attempts to fail, hence compelling the settler colonial regime to address what escapes it and rework itself.35 Historically, these dialectics lead to incompleteness, but incompleteness is how dialectical contents are transcended. The reproductive aspiration of any structure is dependent on its capabilities to properly manage escapes. While structuralism would favour the comprehension of what binds the structure, a post-structuralist analysis cannot do without adopting the same introspection but from the viewpoint of what escapes it. Therefore, the significant questions for us concern how an emergent formation internalises adverse rationalities to make them its own limits, where and how a structure is forced to bifurcate, where old determinacies lose their consistency and endurance such that they have to be replaced or changed, and most importantly for our case study, how this knowledge assists the decomposition of the structure. It is a mistake then to invoke the term structure to imply a perfectly structured thing or ‘the earth’s last word’.36 Veracini captured this dynamism of the settler colonial situation by describing it in terms of a ‘permanent movement’.37 It is time to call a spade a spade: resistance is the general name for the forces challenging the settler forces of elimination. Elimination and resistance shape each other; each responds to the other. Both become defined in an ever-changing dialectical relation, where dialectics are motioned, pushed towards new directions, by overflows. At any point in time, the vicissitudes of elimination are the vicissitudes of the struggle over the formation of the settler society or, as Veracini recently put it: the ‘settler colonial present is also an indigenous one’. Therefore, unless we ascribe to the academic obsession with the agents of oppression as omnipresent so popular these days, the incompleteness of elimination cannot be explained just in terms of the oppressor’s self-error or strategic deferment. It is the empirical interaction between opposite forces that create incompleteness. Tracing the paths and operations of the myriad of social forces that in the first instance bring settlers to plan, invent, react and rethink their practices of appropriation appears as methodologically necess

ary. Or to phrase the same thing from the other end, it makes no sense to evaluate the forces of life without accounting for those seeking to destroy it. In sum, it is imperative to account for the struggle that have made settler destruction an incomplete project. As Macoun and Strakosch note, ‘Exposing the settler colonial project as fundamentally incomplete – and unable to be completed in the face of Indigenous resistance – has the potential to be a profoundly liberating and destabilizing move’.39 Incompleteness is the symptom of resistance. Put otherwise, to eradicate incompleteness and resistance from the analysis of the systematicity of the emerging settler structure is in more ways than one to force an account that erases the native one more time, this time permanently. In such retrospective accounts, Althusser claimed, ‘Everything is accomplished in advance; the structure precedes its elements and reproduces them in order to reproduce the structure’.40 Where native resistance is excluded from the analysis of native elimination, as Rana Barakat has recently explained, The hegemonic presence of the settler on the land is mirrored as a hegemony embedded within the primary placement of the settler in scholarly literature. Like the attempted erasure of the indigenous presence on the land, this settler dominated framework in the scholarship is the attempted devaluation and eventual erasure of the Native history of and presence on the land.41 Much has been written on Patrick Wolfe’s rejection of resistance as a category of analysis in settler colonial theory. In the very last page of Settler Colonialism and the Transformation of Anthropology, Wolfe writes: ‘What needs to be written in is not the agency of the colonised but the total context of inscription’;42 that is, the Wolfean paradigm opted to funnel research to study ‘the settler-colonial will, a historical force that ultimately derives from the primal drive to expansion’.43 In such a view, two separate lines of inquiry are presented: the study of settler colonial domination and the study of Indigenous discourse and resistance – the second being ‘peripheral’ as Wolfe states – to the analysis of the first.44 As Wolfe adds, It is important to keep the two perspectives separate. As stated, my purpose is to categorize colonizing strategies employed in Australia. It is not to categorize Indigenous strategies of resistance, survival or anything else. The failure to distinguish between the two perspectives recapitulates assimilationism. 45 To properly understand Wolfe’s methodological strategy, we should take seriously his use of the first-person singular as his subjective coordinates in the settler project. Wolfe is proposing a research agenda that counters the historical complicity of white settler academics in the making and maintenance of (Indigenous) elimination. In this reading, by engaging in acts of representation of Indigenous discourses and experiences (resistance included), white academics reproduce settler invasion: Nothing can escape being turned into a text for the analyst to appropriate, interrogate and reconstruct. [. . .] The outcome is an ethnographic ventriloquism whereby invaded subjects are made to speak unawares, in contexts in which they could reasonably believe they were doing something else.46 Wolfe’s methodological preference rightly rests on undeniable historical grounds: in settler societies there can be no innocent academic discourses about Indigenous knowledge and experiences.47 For all its historical complicity, the white settler academy is always already suspicious, since, as, for instance, in the Australian case, ‘the significance of anthropology is that it has provided – though not exclusively – narratives that have been selected in furtherance of the logic of elimination’.48 As Wolfe explains: Claims to authority over indigenous discourse made from within the settlercolonial academy necessarily participate in the continuing usurpation of indigenous space (invasion is a structure not an event). This theoretical conclusion is abundantly borne out by the Australian academy’s deep involvement in successive modalities of settler-colonial discourse. Whether by accident or design, whether by measuring, quantifying, pathologizing, expunging or essentializing, a comprehensive range of authorities – anthropologists in particular, but also historians, biologists, archaeologists, psychologists, criminologists, the whole Foucauldian line-up – have produced an incessant flow of knowledge about Aborigines that has become available for selective appropriation to warrant, to rationalize and to authenticate official definitions, policies and programmes for dealing with ‘the Aboriginal problem’.49 Similarly, reflecting on the role of Israeli historians in the production of knowledge justifying the Zionist settler colonial project, Ilan Pappé similarly commented: Rather than setting out to validate grand claims such as a persistent, age-old Jewish urge to settle in Palestine or the emptiness of Palestine prior to the arrival of the Zionists, they sliced up these claims by time frame or topic and provided limited empirical evidence for their validity. Thus they would look at Jewish urges for Palestine during a particular decade or discuss conditions in Palestine during a particular year or season. But whether they reconstructed the historical process as a whole, or focused on a single anecdotal chapter within it, they remained loyal both to Zionism and to scientific truth, as they saw it.50 Undoubtedly, the question of positionality justly troubles choices and roles in the study of settler colonialism. But it is not only, as Merlan pointed out, that Wolfe escalated the ban on ‘speaking for’ into one of ‘speaking about’ Indigenous people and resistance; it is just that it makes no sense to write in the settler context of inscription, to use Wolfe’s words, and pretend that Indigenous knowledge, perceptions and experiences are not affected.51 However, as a trace of history, as Wolfe conceived it in his last book, race unavoidably infiltrates and shapes contemporary critical engagements with colonialism, and as a corollary, Wolfe proposed a form of research collaboration or division, where Indigenous scholarship emerges as the sole legitimate source of knowledge of Indigenous strategies of resistance and survival, while white academics are left with one and only one untainted avenue of research to follow; that is, engaging in critical white auto-ethnographies.52 Just recently, Barakat suggested a disciplinary division of this sort, but in distinction to Wolfe who denounced settler’s representations/appropriations of the native in academic work, Barakat criticises the settler colonial paradigm for ignoring the native in so doing giving the whole focus to settlers’ adventures. So Barakat asks, ‘How can a settler colonial studies analysis contribute to an Indigenous analysis while not becoming the central focus of the narrative?’53 Though it preserves the racial division of labour, Barakat’s answer is interesting and worth considering: ‘Scholars can use settler colonialism as a useful method of analysis within the larger project of Indigenous studies’.54 One way or another, the division of academic labour runs the risk of echoing – rather than combatting – the segregative effects of the empirical divisions that exist. It also takes us directly into the dimensions of the anticolonial struggle, and forces us to ask who is entitled to participate in the struggle, under what conditions and in which actions. Wolfe’s division of academic labour is not the answer we embrace. As Macoun and Strakosch observed, settler colonial studies ‘explains more of who we are than previous approaches, but it is not coincident with all that we are, and is not able to explain the entire encounter between Indigenous and settler peoples’.55 In addition, as Behar states for Mizrahi literature, ‘while ethnic, gender, or racial origins of authors are undeniably indispensable for making full sense of literary development generally . . . they should be considered of secondary ontological status vis-à-vis the content of texts’.56 That is, in transcending the given, subjectivity is not trumped by positionality. Wolfe’s early position on the issue of resistance, we suspect, encompassed more preoccupations than how to respond to the white appropriation of Indigenous discourses and experiences. According to Wolfe, ‘Indigenous resistance has been a constant feature of the entire settler-colonial era’, and therefore, ‘in generating its own resistance, settler-colonial power also contains it’.57 For Wolfe, in responding to the constraints of power, resistance is always quickly reappropriated. But in adopting this conception, we risk conceiving no outside to settler colonial power. Thus, oppression and domination in all their forms and shapes are given explanatory monopoly thus replicating their omnipresence in the shaping and managing of life. (13-18)

#### Law can be an important site for challenging settler colonialism – treaty obligations prove.

David Meyer **TERMIN** Poli Sci @ Michigan **AND** Adam **DAHL** Poli Sci @ UMass Amherst **’17** “Narrating Historical Injustice: Political Responsibility and the Politics of Memory” *Political Research Quarterly* 70 (4) p. 911-914

By exposing the political limitations of certain narrative strategies in enabling adequate redress for the past, Deloria further uses satire to open up space for considering new political obligations derived from indigenous treaty rights. In place of narrative frames that rely on affective states of exculpation and resignation, Deloria’s ironic counter-narrative produces a politics of postcolonial responsibility underpinned by satire’s systematic questioning of contemporary forms of solidarity and redress. As romance and tragedy each enacts a politics of closure in settler-colonial societies, we clarify the politics of postcolonial responsibility in counterpoint to the more openly action-oriented politics of possibility represented by comedy. Our understanding of the politics of postcolonial responsibility builds off Kevin Bruyneel’s reading of Deloria as asserting a politics of “postcolonial nationhood” that navigates a path between the civil rights movement and Third World decolonization movements. The objective of “postcolonial nationhood” is to “maintain a balance between making claims for specific rights and resources from the American government and asserting a strong collective claim for self-determination away from the American purview” (Bruyneel 2007, 148). The politics of postcolonial responsibility similarly strikes a balance between making claims on the collective responsibility of settler nationhood and promoting native self-determination and indigenous agency in pursuit of decolonization. Rejecting the comedic reliance on punctuated progress, given its affinities to the politics of inclusion, postcolonial responsibility affirms a more agonistic negotiation of three interrelated elements: the narrative telling of past colonial injuries, the ongoing status of colonial relations, and the politics of redress and solidarity.14

To assert claims to land restitution and the honoring of treaty rights, Deloria deliberately uses irony and satire to re-narrate the history of relations between Indian nations and the federal government. Deloria explicitly reads the treaties as ironic documents. As he contends, “In looking back at the centuries of broken treaties, it is clear that the United States never intended to keep any of its promises” (Deloria 1969, 48). Read in this light, treaties are ironic texts insofar as their symbolic language of land rights, peaceful coexistence, and cooperation is explicitly negated by the reality of a federal Indian policy committed to “cultural and economic imperialism” (Deloria 1969, 53). Importantly, he does not narrate this history as a tragic reversal of fortunes where the promise of equality and cooperation embodied in the treaties is violated by the inevitable thirst of settlers for land nor as a comic recovery in which indigenous peoples can be compensated through their eventual incorporation into the nationstate as equal citizens.

Directly refuting these tropes, Deloria writes, “There has not been a time since the founding of the republic when the motives of this country were innocent.” Urging his readers to reckon with “American history in its imperialistic light,” Deloria (1969, 51) argues that failures of progress are not signs of the limitations of moral character. Rather, they are markers of a constitutively colonial state in which democratic progress has been entangled with—even premised upon—colonial dispossession.15 Deloria deliberately narrates the violation of treaty rights not as a tragic reversal that violates the core commitments of the American nation to justice but as an ironic subversion of intent that ultimately exposes the structural logic of the settler state. Although they might acknowledge the past “sins” inflicted on native peoples by the settler state, romantic and tragic (as well as comedic) narrative frames do not connect this past to what Lorenzo Veracini (2015) calls “the settler colonial present.” Postcolonial responsibility entails a confrontation with the present–past of settler colonialism as a precedent for contemporary structures of settler-colonial rule. Present expressions of political responsibility, therefore, need to be oriented toward the ongoing structures of colonialism

. In response to the violation of indigenous treaty rights, Deloria’s own political agenda seeks to enact an agonistic politics of postcolonial responsibility. Building from his narrative retelling of the United States as a constitutively colonial society, Deloria contrasts a politics of postcolonial responsibility as focused on transformative renewal to a politics of continued progress. For Deloria, reframing American history as a history of empire and colonialism is essential to the creation of a new ethic of political responsibility that might initiate the decolonization of American settler society. Deloria (1969, 53) writes, “Cultural and economic imperialism must be relinquished. A new sense of moral values must be inculcated into the American bloodstream.” Demanding from liberal settler societies a “cultural leave-us-alone agreement, in spirit and in fact,” Deloria nonetheless holds this selfdetermined agency in tension with indigenous peoples’ ongoing claims on the state. This “general policy of restitution for the past” would affirm “definite commitments to fulfill extant treaty obligations,” as well as land restitution and the recognition of nonrecognized tribes. In shedding light on the failure of American officials to live up to their incurred obligations to Native peoples, Deloria (1969, 13) writes, “The government has responsibility for the Indian estate because of treaty commitments and voluntary assumption of such responsibility.” Postcolonial responsibility thus importantly derives from treaty commitments that ironically bind the United States to the very nations it had sought to destroy.

Renewal on these terms calls for an agonistic negotiation of postcolonial responsibility that holds in tension the avowal of indigenous self-determination and the solidarity settlers need to build up to respond to and redress the predicaments of power inherited from the past. For Deloria, irony provides a vehicle to critique the contemporary politics of solidarity and redress that are woven into competing accounts of the past. Sharing affinities to what Andrew Schaap (2008, 251) calls a “politics of dissensus,” postcolonial responsibility affirms a “contingent possibility of politics that comes about through contesting the nature of the injustice that brought the parties to the conflict together in the first place.” Acknowledging how the struggle over narrating historic injustice determines present modes of redress, the politics of postcolonial responsibility rejects an either/or conception of redress that would pose reparative justice against indigenous emphases on treaty rights, self-determination, and sovereignty. Rather, it navigates between the pitfalls of symbolic repair and radical separation by ironically dramatizing the limits of current ways of narrating past injustice. As a critical orientation, the politics of postcolonial responsibility provides an indispensable foil to dominant ways of staging the hold of historic injustice on present responsiveness.

#### Legal archive is a key site of political struggle – contesting legal interpretation undermines claims of absolute authority.

Renisa **MAWANI** Sociology @ Univ. of British Columbia **’12** “Law’s Archive” *Annual Review of Law and Social Science* 8 p. Online

Where openings toward law's archive can be glimpsed, albeit fleetingly, is in recent debates on colonialism and indigeneity. Perceptive to the challenges of poststructuralism, subaltern, and postcolonial studies—and in some instances echoing the archival concerns of historians, historical anthropologists, and literary theorists—some have questioned how to effectively document indigenous struggles against colonial and settler states, especially from an asymmetrical and incomplete record of the past (Chakrabarty 2007, Johnson 2008, Povinelli 2002). How does one recover the presence of indigenous peoples in an archive from which their voices have been written out? How might researchers and analysts trace configurations of colonial power through a legal record that privileges the written over the oral and thus the European over the subaltern and indigenous? Below, I consider these questions as I review discussions on indigeneity as a productive site of legal and archival origin, erasure, and return (Birrell 2010, Mawani 2012b). Instead of approaching law to be like the archive or solely tracing its origins in the archive, I begin formulating law as archive, as a dynamic formation in which the distinctions between law and history morph, mutate, and bleed into one another without ever fully collapsing. In conceptualizing law as archive, I ask how such a formulation—one that does not reduce law to history and that expands understandings of law beyond its formality and technicality—may invite a fuller reflection on the ongoing and unfinished struggles through which law constitutes, instantiates, and expands its reach as an (il)legitimate force of command.

Given the numerous critiques of law in legal theory, philosophy, legal history, and law and society, including efforts to undermine the grounds of law (Fitzpatrick 2001a) and its prevailing conceptualizations (Tomlins & Comaroff 2011), the lack of investigation into law's archive is somewhat puzzling. This absence is even more curious when we consider that both Foucault (1972, 2003) and Derrida (1998), each with their own respective influences on law and legal studies, have long reflected on law and the archive. Whereas Foucault's (1972, p. 129) conceptualizations of the archive as “the law of what can be said” have deeply contoured the archival turn, as I discuss in the previous section, Derrida's (1998) emphasis on the archive as a site of juridical command has, by contrast, generated only uneven interest in the law-archive nexus. Yet, for many commentators, Archive Fever is a long essay and a short book on law. In Vismann's (2008b, p. 42) reading, “the essay draws a line from archive to law suggesting that the beginnings of law lie in the archive.” For others, the book develops “a general theory of how the law becomes institutionalized as law” (Shetty & Bellamy 2000, p. 27, emphasis in original). Derrida (1998, p. 1) himself is clear that his meditations on the archive are in fact reflections on the ontology of law as both commencement and commandment. “Entrusted to such archons, these documents in effect speak the law,” he writes. They “recall the law and call on or impose the law” (p. 2). The archive, like law, is always public (Derrida 2002, p. 48). Although the archive's location is what legitimates its authority (Derrida 2002, Mbembe 2002), the constituent relations between law, history, archive, and command, one might argue, are eroded through conceptions of law as authority, distinct from files and documents, and in perceptions of the archive as a place of public use and scholarly inquiry (Joseph 2004, p. 5). At a most basic level, law continually produces, protects, proliferates, and destroys documents and records that ground its authority and that are contained and preserved in state and nonstate archives. In so doing, it perpetually creates itself as a legitimate form of command while always harboring the possibility that its authority and legality may be called into question by exactly those documents it produces and seeks to protect. Viewed as such, law can no longer be conceived as a groundless ground or a “vacuity of origin,” as some have claimed (Birrell 2010, p. 97; Fitzpatrick 2001a). Nor can law's archive be seen as a fortuitous combination of records that resonate similarities with law. Rather, law is the archive: generating, compiling, referencing, absorbing, and disregarding statutes, precedent, and other forms of knowledge. In the “ideal of the archive, the law is the sum of all files on record. They are the capital of the law” (Vismann 2008a, p. 58).

Not necessarily approaching law as archive, several commentators have usefully built on and expanded Derrida's (1998) conception of the archive as juridical force. For Paul Kong (2009) the connections between law, command, and the archive are relatively straightforward:

The archon's commanding power relies on the official manuscripts filed in his house and in his position of a guardian of these manuscripts. Because of this, the guardian of the archive has the power to interpret the archive and the manuscripts and thus the power to speak the law: to recall and impose the law, to originate and enforce the law, to commence and command by law. (p. 9)

The archive may very well be the site of commencement and commandment.15 However, its meanings and its ability to speak the law are far more ambiguous than Kong (2009) suggests. Although law's archive maintains a juridico-political status that is both material and imaginary (Mbembe 2002, pp. 20–21), its origin of commencement and commandment is never static or certain. For Derrida (2002), the unreliability and indeterminacy of the archive are attributable to its lack of closure. The archon's power may rely on and derive its authority from official documents, as Kong (2009) claims, but these documents also carry the potential to undermine the state's juridical power and to expose the historical sediments of legal force, violence, repression, and exclusion (Mbembe 2002, p. 23). This is precisely one reason historians and others have conceptualized the archive as a politically charged site of contestation.

In a recent essay that productively traces the relations between indigeneity, law, and the Australian colonial archive, Kathleen Birrell (2010) elaborates Derrida's (1998) formulations in interesting ways. Unlike Kong (2009), who conceives of the archive narrowly and as the juridical authority of the archon, Birrell (2010) emphasizes the archive's ambivalence as a site of remembering and forgetting that holds a reciprocal relation to law. The assertion of British sovereignty in what is now Australia, she argues, entailed the inauguration of a new legal archive that was, in turn, instantiated through British sovereignty (p. 94). Here, Birrell's concern centers on the indigenous subject as a present absence of both law and the archive. In native title jurisprudence, she claims, the indigenous subject is equally the subject of European conquest created through the British common law as well as a transgressive alterity to which the law is compelled to respond but which it must also forget (p. 89). Through the fiction of terra nullius, she argues, the archive inaugurated the mythical foundations of the British common law and in so doing instituted the (non)existence of aboriginal peoples.

Crucially, the indigenous presence is not only effaced but also recovered in law and the archive. In settler colonies including Australia, all native title claims must respond and conform to the written colonial record (Chakrabarty 2007, Johnson 2008, Povinelli 2002). Thus, for Birrell (2010), indigeneity forms the origin of colonial law and the origin of the colonial archive, an origin that law and the archive both seek to forget but can never fully accomplish. Law and its archive may be forces that repress indigeneity, but their power can also be undermined by what they seek to repress and obscure. In Birrell's formulation, law and the archive are “a place of haunting” where indigeneity remains as palimpsest and as “originary ghosts perceptible beneath the apparently inviolate constructions of contemporary jurisprudence” (p. 96). Law as archive, as I sketch out below and more fully in the final section, is not only a site of remembering and forgetting but also a potent site of command. Law's authority, albeit shaky and uncertain, is founded on the proliferation of documents and documentation that renders law not merely proximate or similar to the archive but as the archive.

For Derrida (2002, p. 48), the archive is not a compilation of facts but a locus of interpretation**.** As such, the archive always opens a significant problem of translation (Derrida 1998, p. 90). Walter Benjamin (1978) has argued that translation is never a straightforward task. Rather, it demands an elaborate and even impossible process of elucidation. “Unlike the words of the original, it is not translatable, because the relationship between content and language is quite different in the original and the translation,” he writes. “While content and language form a certain unity in the original, like a fruit and its skin, the language of the translation envelopes its content like a royal robe with ample folds” (p. 75). Historical documents preserved in the archive cannot easily be recovered, decoded, and explicated, even though historians, legal historians, and other scholars claim to be doing just that. Archival readings, as the archival turn has urged, demand critical modes of reading and interpretation. “Reading against the grain” does not reveal what really happened but provides one version of events through a reading of the archive that changes and expands its meanings.

#### Turning official archives against themselves is a tactic of decolonization – genealogy traces official silences to restrict authority.

Victoria **HASKINS** History @ Newcastle ‘**17** 'Decolonizing the archives: a transnational perspective' in *Sources and methods in histories of colonialism: Approaching the imperial archive* eds. Reid & Paisley p. 53-55

Jacques Derrida’s account of the Freudian ‘death drive’ inherent to the archive has particular pertinence for the state archives of settler-colonial nations, where genocidal fantasies fuse with the inherently repressive thrust of colonial rule. The genocidal effects of settler colonialism don’t result only from mass death but also from governmental methods that recast Indigenous peoples as subject to, or amalgamated within, the body of a settler nation.45 Derrida suggested the shutting down and immobilising the past by containing it in an archive, where documents lie under the ‘in-finite’ threat of their destruction.46 The vulnerability of Indigenous records to extinction has been highlighted by Lauren Marsh and Stephen Kinnane in their discussion of the 'ghost files’ in the Western Australian Aboriginal affairs records. By this they meant registers and index records that refer to files that had been destroyed.47 The archives then are ‘haunted’ by the traces of now absent material that might have provided answers or clues to the search for evidence of the Indigenous experience, or indeed the very presence of Indigenous people.48 Comparing what has happened to records of Aboriginal administration to the more recent destructions of secret police files in East Berlin, Marsh and Kinnane argue that the records of Indigenous peoples should be regarded as ‘archives of a repressive regime’ and managed accordingly.49 In this case, ‘unsettling’ the archive by animating the ghosts within it becomes critically important for efforts to **decolonize the archive**.

Such a project must necessarily be carried out in direct resistance to the logic of the archives themselves. As Bill Russell pointed out for the records of the Department of Indian Affairs (DIA) in Canada, those officials who collated, compiled and gathered the information documenting the activities of Indigenous administration were aware of the historical significance of the records. Their impulse was to preserve, in the words of one such custodian, ‘the remembrance of what these men [DIA officers and missionaries] have done for its wards ... as an example to future generations.’50 To challenge the complacency of such archives requires the kind of ethnographic approach that Stoler advocated, reading ‘along the grain’ of the archive to highlight ‘its consistencies of misinformation, omission, and mistake,’51 rather than reinforcing its self-representation as the locus of power and authority, by seeking to extract information from it. Such an approach might constitute an effort to ‘decolonise’ the official archive of settler-colonial nation-states, in tandem with projects to authorise the alternative and marginalised archives created by Indigenous people in an ongoing response to state oppression.52 Alternatively, **the archive of the state might be turned against itself**. In recent times in settler colonial nations, the nation-state has been called to account for past policies against Indigenous people, in order to enable redemptive actions, including official apologies and forms of compensation, by the state, on behalf of the broader non-lndigcnous community. Exactly what relationship exists between the nation-state and the non-lndigcnous public community is not particularly clear, although the assumption is that in a democratic society, there is a direct connection between the policies of elected governments and the people who elected them. The process entails a historiography that interrogates the actions of government as documented in the official archive. It tends to result in a public debate between defenders of past government policies and those who would indict them, both sides often arguing their position on the basis of the archival record. Legal issues around Indigenous rights and entitlements also tend to entail research in archival records, and arc also fiercely contested.55 The assumption that such archives can offer a reflection of actual events in any comprehensiveness, however, has been problematic because of the very nature of the archive, including the deliberate destruction of unedifying records by the state. Verne Harris, who worked with the archives of the apartheid state in South Africa’s Truth and Reconciliation Commission, has coined the term ‘the archival sliver’ to suggest the limitations and chimerical nature of the archive.54 And Michel-Rolph Trouil-lot, a historian of the French Caribbean reminds us, the presences and absences in the archive arc ‘neither neutral or natural,’ but are created; that ‘silencing’ is an archival practice.55

#### Reconstructing treaty archives assists indigenous governments assert rights versus the settler state.

Miranda **JOHNSON** History @ Sydney ‘**16** in *Law, Memory, and Violence* eds. Motha & Rijswijk p. 211-212

Conclusion: Archives and the site of law

The story of the treaty archive that I have described here was constructed in a context of significant and pressing political and economic change. As I have argued, the archive that was co-created by people such as Rene Fumoleau and June Helm, as well as organisations including the Indian Brotherhood for the Northwest Te rritories, was produced in the first instance in the service of new assertions of rights - in a broad sense to demonstrate how Indians were 'citizens plus'. The fact that the treaty archive was produced in this context, and for particular ends, does not make it less authentic or more opportunistic than any other archival project. However, I have suggested that the use and expansion of this archive in the site of law as Dene leaders sought recognition of their legal rights was particularly important.

In the court, two important things happened to the 'treaty archive'. First, the components of the archive that I have identified in this essay were given legdimacy. The set of official documents referring to treaties or other promises made to indigenous peoples in the past, which researchers had collected, were examined by the judge and lawyers and could be challenged or supported by other expert evidence. Even more significantly, the Indian elders who provided oral testimonies under oath were examined and cross-examined, and any potential inconsistencies laid bare - as was the case for Elise Murphy. Thus, both kinds of record, official documentation and historical memory, were juridically authorised. The archive that Fumoleau and the Brotherhood created outside of the law did not have the same kind of authority since it was not subjected to legal evidentiary process. This mattered in terms of how the state would recognise the claims of indigenous peoples and even how those claims could achieve recognition by settler publics too.

The examination and elaboration of the treaty archive in the site of law was particularly important for a second reason. The histories provided were given added authority as stories of peoplehood. This happened in two, somewhat divergent ways. The first was the legitimation of a growing sense of collective Dene peoplehood. In the face-to-face setting of the court, Dene people asserted who they were and who they were not. Most hearings were attended by other members of the settlements as well as Dene people from across the region. They listened to and supported or challenged each others' tales. The articulation of their present-day struggles, as well as their claims to ancient pasts, and even their struggles to remember accurately what had happened, offered the possibility of establishing a diverse but also coherent 'Dene-ness', as recorded in the legal testimonies and the treaty archive more broadly. Morrow recognised Dene peoplehood in his decision, when he referred to the claimants as descendants of the original inhabitants of the area.

The second way that archives in the site of law operated to establish, or newly ground, a sense of peoplehood was by incorporating Dene people into a story about Canadian nationhood. Again, the face-to-face interactions in the court encouraged Indian and non-Indian people to think about what they had in common and how they were different. For Justice Morrow, and reporters like Steve Hume, the common themes in the case strongly evoked a sense of frontier nostalgia. These 're-enactments' of history, as Hume put it, added to the case something of national value, that is, of value to the Canadian nation. Stories of frontier hardship and struggle might also be told from the archive constructed by Fumoleau and the Indian Brotherhood. However, that archive would not have come to have the wider public significance that it did, had the legal case not drawn attention to the demands of Indian activists. The process of constructing a legal archive through the hearing Indian elders' testimonies, had an added effect: publicising the stories of these northerners to a national audience and incorporating their memories of a (vanishing) histor y into national tropes of the frontier. Constructed in the face of loss, the 'treaty archive' that Dene leaders and others developed in the course of a legal claim offered new, diverse, even unexpected possibilities of imagination for Dene people theμiselves and for those who encountered them, and it may well have laid the ground for new disputes.

# 2NC

#### They efface Indigenous struggle – and no cooption.

Sheryl **LIGHTFOOT** Canada Research Chair of Global Indigenous Rights and Politics @ British Columbia – Anishinaabe from the Lake Superior Band of Ojibwe ’**20** in *Pessimism in International Relations* eds. Stevens and Michelsen p. 156-170.

Pessimism Trap 2: The State is Unified, Deliberate and Unchanging in Its Desire to Dispossess Indigenous Peoples and Gain Unfettered Access to Indigenous Lands and Resources

In other words, colonialism by settler states is a constant, not a variable, in both outcome and intent. Further, the state is not only intentionally colonial, but it is also unified in its desire to co-opt Indigenous peoples as a method and means of control.

In 2005’s Wasase, Alfred presents the state as unitary, intentional and unchanging in its desire to colonise and oppress Indigenous peoples noting, ‘I think that the only thing that has changed since our ancestors first declared war on the invaders is that some of us have lost heart’.22 Referring to current state policies as a ‘self-termination movement’, Alfred states, ‘It is senseless to advocate for an accord with imperialism while there is a steady and intense ongoing attack by the Settler society on everything meaningful to us: our cultures, our communities, and our deep attachments to land’.23

Alfred’s Peace, Power; Righteousness (2009) also argues that the state is deliberate and unchanging, stating quite plainly that ‘it is still the objective of the Canadian and US governments to remove Indians, or, failing that, to prevent them from benefitting, from their ancestral territories’.24 Contemporary states do this, he argues, not through outright violent control but ‘by insidiously promoting a form of neo-colonial self-government in our communities and forcing our integration into the legal mainstream’.25 According to Alfred, the state ‘relegates indigenous peoples’ rights to the past, and constrains the development of their societies by allowing only those activities that support its own necessary illusion: that indigenous peoples today do not present a serious challenge to its legitimacy’.26

Linking back to the aim of co-option, Alfred argues that while the state’s desire to control Indigenous peoples and lands has never changed, the techniques for doing so have become subtler over time. ‘Recognizing the power of the indigenous challenge and unable to deny it a voice’, due to successful Indigenous resistance over the years, ‘the state has (now) attempted to pull indigenous people closer to it’.27 According to Alfred, the state has outwitted Indigenous leaders and ‘encouraged them to reframe and moderate their nationhood demands to accept the fait accompli of colonization, (and) to collaborate in the development of a “solution” that does not challenge the fundamental imperial lie’.28

In a similar vein, Coulthard’s central argument is centred on his understanding of the dual structure of colonialism. Drawing directly from Fanon, Coulthard finds that colonialism relies on both objective and subjective elements. The objective components involve domination through the political, economic and legal structures of the colonial state. The subjective elements of colonialism involve the creation of ‘colonized subjects’, including a process of internalisation by which colonised subjects come to not only accept the limited forms of ‘misrecog- nition’ granted through the state but can even come to identify with it 29 Through this dual structure, colonial power now works through the inclusion of Indigenous peoples, actively shaping their perspectives in line with state discourses, rather than merely excluding them, as in years past. Therefore, any attempt to seek ‘the reconciliation of Indigenous nationhood with state sovereignty is still colonial insofar as it remains structurally committed to the dispossession of Indigenous peoples of our lands and self-determining authority’.30

Concerning the state in relation to Indigenous peoples on the international level, Corntassel argues that states and global organisations, for years, have been consistently framing Indigenous peoples’ self-determination claims in ways that ‘jeopardize the futures of indigenous communities’.31 He claims that states first compartmentalise Indigenous self-determination by separating lands and resources from political and legal recognition of a limited autonomy. Second, he notes, states sometimes deny the existence of Indigenous peoples living within their borders. Thirdly, a political and legal entitlement framing by states deem- phasises other responsibilities. Finally, he claims that states, through the rights discourse, limit the frameworks through which Indigenous peoples can seek self-determination. Like Alfred and Coulthard, Corntassel has concluded that states are deliberate and never changing in their behaviour. With this move, Corntassel limits and actually demeans Indigenous agency, overlooking the reality that Indigenous organisations themselves chose the human rights framework and rights discourse as a target sphere of action precisely because, as was evident in earlier struggles like slavery, civil rights or women’s rights, these were tools available to them that had a proven track record of opening up new possibilities and shifting previous state positions and behaviour. Indigenous advocates also cleverly realised, by the 1970s, that the anti-discrimination and decolonisation frames could be used together against states. States did, in no way, nefariously impose a rights framework on Indigenous peoples. Rather, Indigenous organisations and savvy Indigenous political actors deliberately chose to frame their self-determination struggles within the human rights framework in order to bring states into a double bind where they could not credibly claim to adhere to human rights and claim that they uphold equality while simultaneously denying Indigenous peoples’ human rights and leaving them with a diminished and unequal right of self-determination. But, because he is caught in the pessimism trap of seeing the state only as unified, deliberate and unchanging, Corntassel overlooks and diminishes the clear story of Indigenous agency and the potential for positive change in advancing self-determination in a multitude of ways.

#### The idea of an epistemic break between the Western and the indigenous reinforces the qualities of abstraction and essentialism they criticize as “Western”

Chris **ANDERSEN** Michif (Métis) from western Canada. He is an associate professor in the

Faculty of Native Studies @ Alberta **‘9** “critical indigenous studies From Difference to Density” *Cultural Studies Review* 15 (2) p.94

Moreton-Robinson thus hits the nail on the head when, in challenging a review of one of her books, she questions the reviewer’s criticism of her use of conventional academic rhetoric as appearing to argue that ‘Aborigines only speak with a colloquial flavour and, by implication, when we use conventional and or **academic language we become less Aboriginal’**.66 Torres Strait Islander scholar Martin Nakata argues similarly that the ‘issue for Indigenous scholars is one of how to speak back to the knowledges that have formed around what is perceived to be the Indigenous positions in the Western “order of things” ’.67 It makes no sense to argue, as Champagne does, that terms like ethnicity, race, nation or post-modernism are doomed by their institutional genealogies. Not only should Indigenous studies practitioners and students understand such terms and their impact on the study of Indigenous communities, these terms and the social relations encapsulated in them comprise an important part of the density of contemporary Indigeneity. **They are part of what makes us Indigenous**. Writing off these concepts as less useful than other (unnamed) concepts, as Champagne does, is the **analytical equivalent** of **burying our heads in the sand**. Aprioris don’t simply evaporate when we fail to problematise them; rather, they niggle their way further into the foundations of discursive representations, insulating themselves from critique. This is the power of whiteness. Although Champagne appears to presume that we can step outside its power, it doesn’t necessarily make it so.

#### Legal archive is a key site of political struggle – contesting legal interpretation undermines claims of absolute authority.

Renisa **MAWANI** Sociology @ Univ. of British Columbia **’12** “Law’s Archive” *Annual Review of Law and Social Science* 8 p. Online

Where openings toward law's archive can be glimpsed, albeit fleetingly, is in recent debates on colonialism and indigeneity. Perceptive to the challenges of poststructuralism, subaltern, and postcolonial studies—and in some instances echoing the archival concerns of historians, historical anthropologists, and literary theorists—some have questioned how to effectively document indigenous struggles against colonial and settler states, especially from an asymmetrical and incomplete record of the past (Chakrabarty 2007, Johnson 2008, Povinelli 2002). How does one recover the presence of indigenous peoples in an archive from which their voices have been written out? How might researchers and analysts trace configurations of colonial power through a legal record that privileges the written over the oral and thus the European over the subaltern and indigenous? Below, I consider these questions as I review discussions on indigeneity as a productive site of legal and archival origin, erasure, and return (Birrell 2010, Mawani 2012b). Instead of approaching law to be like the archive or solely tracing its origins in the archive, I begin formulating law as archive, as a dynamic formation in which the distinctions between law and history morph, mutate, and bleed into one another without ever fully collapsing. In conceptualizing law as archive, I ask how such a formulation—one that does not reduce law to history and that expands understandings of law beyond its formality and technicality—may invite a fuller reflection on the ongoing and unfinished struggles through which law constitutes, instantiates, and expands its reach as an (il)legitimate force of command.

Given the numerous critiques of law in legal theory, philosophy, legal history, and law and society, including efforts to undermine the grounds of law (Fitzpatrick 2001a) and its prevailing conceptualizations (Tomlins & Comaroff 2011), the lack of investigation into law's archive is somewhat puzzling. This absence is even more curious when we consider that both Foucault (1972, 2003) and Derrida (1998), each with their own respective influences on law and legal studies, have long reflected on law and the archive. Whereas Foucault's (1972, p. 129) conceptualizations of the archive as “the law of what can be said” have deeply contoured the archival turn, as I discuss in the previous section, Derrida's (1998) emphasis on the archive as a site of juridical command has, by contrast, generated only uneven interest in the law-archive nexus. Yet, for many commentators, Archive Fever is a long essay and a short book on law. In Vismann's (2008b, p. 42) reading, “the essay draws a line from archive to law suggesting that the beginnings of law lie in the archive.” For others, the book develops “a general theory of how the law becomes institutionalized as law” (Shetty & Bellamy 2000, p. 27, emphasis in original). Derrida (1998, p. 1) himself is clear that his meditations on the archive are in fact reflections on the ontology of law as both commencement and commandment. “Entrusted to such archons, these documents in effect speak the law,” he writes. They “recall the law and call on or impose the law” (p. 2). The archive, like law, is always public (Derrida 2002, p. 48). Although the archive's location is what legitimates its authority (Derrida 2002, Mbembe 2002), the constituent relations between law, history, archive, and command, one might argue, are eroded through conceptions of law as authority, distinct from files and documents, and in perceptions of the archive as a place of public use and scholarly inquiry (Joseph 2004, p. 5). At a most basic level, law continually produces, protects, proliferates, and destroys documents and records that ground its authority and that are contained and preserved in state and nonstate archives. In so doing, it perpetually creates itself as a legitimate form of command while always harboring the possibility that its authority and legality may be called into question by exactly those documents it produces and seeks to protect. Viewed as such, law can no longer be conceived as a groundless ground or a “vacuity of origin,” as some have claimed (Birrell 2010, p. 97; Fitzpatrick 2001a). Nor can law's archive be seen as a fortuitous combination of records that resonate similarities with law. Rather, law is the archive: generating, compiling, referencing, absorbing, and disregarding statutes, precedent, and other forms of knowledge. In the “ideal of the archive, the law is the sum of all files on record. They are the capital of the law” (Vismann 2008a, p. 58).

Not necessarily approaching law as archive, several commentators have usefully built on and expanded Derrida's (1998) conception of the archive as juridical force. For Paul Kong (2009) the connections between law, command, and the archive are relatively straightforward:

The archon's commanding power relies on the official manuscripts filed in his house and in his position of a guardian of these manuscripts. Because of this, the guardian of the archive has the power to interpret the archive and the manuscripts and thus the power to speak the law: to recall and impose the law, to originate and enforce the law, to commence and command by law. (p. 9)

The archive may very well be the site of commencement and commandment.15 However, its meanings and its ability to speak the law are far more ambiguous than Kong (2009) suggests. Although law's archive maintains a juridico-political status that is both material and imaginary (Mbembe 2002, pp. 20–21), its origin of commencement and commandment is never static or certain. For Derrida (2002), the unreliability and indeterminacy of the archive are attributable to its lack of closure. The archon's power may rely on and derive its authority from official documents, as Kong (2009) claims, but these documents also carry the potential to undermine the state's juridical power and to expose the historical sediments of legal force, violence, repression, and exclusion (Mbembe 2002, p. 23). This is precisely one reason historians and others have conceptualized the archive as a politically charged site of contestation.

In a recent essay that productively traces the relations between indigeneity, law, and the Australian colonial archive, Kathleen Birrell (2010) elaborates Derrida's (1998) formulations in interesting ways. Unlike Kong (2009), who conceives of the archive narrowly and as the juridical authority of the archon, Birrell (2010) emphasizes the archive's ambivalence as a site of remembering and forgetting that holds a reciprocal relation to law. The assertion of British sovereignty in what is now Australia, she argues, entailed the inauguration of a new legal archive that was, in turn, instantiated through British sovereignty (p. 94). Here, Birrell's concern centers on the indigenous subject as a present absence of both law and the archive. In native title jurisprudence, she claims, the indigenous subject is equally the subject of European conquest created through the British common law as well as a transgressive alterity to which the law is compelled to respond but which it must also forget (p. 89). Through the fiction of terra nullius, she argues, the archive inaugurated the mythical foundations of the British common law and in so doing instituted the (non)existence of aboriginal peoples.

Crucially, the indigenous presence is not only effaced but also recovered in law and the archive. In settler colonies including Australia, all native title claims must respond and conform to the written colonial record (Chakrabarty 2007, Johnson 2008, Povinelli 2002). Thus, for Birrell (2010), indigeneity forms the origin of colonial law and the origin of the colonial archive, an origin that law and the archive both seek to forget but can never fully accomplish. Law and its archive may be forces that repress indigeneity, but their power can also be undermined by what they seek to repress and obscure. In Birrell's formulation, law and the archive are “a place of haunting” where indigeneity remains as palimpsest and as “originary ghosts perceptible beneath the apparently inviolate constructions of contemporary jurisprudence” (p. 96). Law as archive, as I sketch out below and more fully in the final section, is not only a site of remembering and forgetting but also a potent site of command. Law's authority, albeit shaky and uncertain, is founded on the proliferation of documents and documentation that renders law not merely proximate or similar to the archive but as the archive.

For Derrida (2002, p. 48), the archive is not a compilation of facts but a locus of interpretation**.** As such, the archive always opens a significant problem of translation (Derrida 1998, p. 90). Walter Benjamin (1978) has argued that translation is never a straightforward task. Rather, it demands an elaborate and even impossible process of elucidation. “Unlike the words of the original, it is not translatable, because the relationship between content and language is quite different in the original and the translation,” he writes. “While content and language form a certain unity in the original, like a fruit and its skin, the language of the translation envelopes its content like a royal robe with ample folds” (p. 75). Historical documents preserved in the archive cannot easily be recovered, decoded, and explicated, even though historians, legal historians, and other scholars claim to be doing just that. Archival readings, as the archival turn has urged, demand critical modes of reading and interpretation. “Reading against the grain” does not reveal what really happened but provides one version of events through a reading of the archive that changes and expands its meanings.

# 1NR

## Land Focus K

### 1NR – AT: Aff Indicts Nationalism

#### They do not indict nationalism – they subscribe to it. Calling for indigenous people to attain their relationship to land is incompatible with a politics of solidarity necessary to challenge nationhood – they extinguish the goals of decolonization.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

I conclude this book with chapter 9, “Postseparation: Struggles for a Decolonized Commons,” in which I argue that the failure to achieve decolonization is a failure of the national form in which liberation has been imagined. National self-determination, the leitmotif of the Postcolonial New World Order, is a form of power that contains and ultimately extinguishes the goals of—and the desire for—a decolonization worthy of its name. I argue that the very real problems we face in realizing decolonization are greater than the existence of asymmetry within the global system of sovereign nation-states. The inability of nation-states to counteract the limits to equality set by global capitalism lies not in the mechanism of uneven development, as the neocolonialism thesis argues, but in the banal, everyday work done by nation-states to ensure that the lands they territorialize and the people made into NationalNatives are readily available to capital. A key delivery vehicle is nation-state restrictions against free mobility. Citizenship and immigration controls serve up Migrants to capital looking for ever cheaper and more vulnerable workers, and to National-Natives debilitated by postcolonial melancholia. Looking to national sovereignty as the means to decolonization—and to the NationalNative as the only subject needing or capable of realizing decolonization— only guarantees that people will be consigned to postcolonial power.

We need to take into account what was lost by the victory of national self-determination, so that we can do better in our next round of struggles. I believe that a collective and a cooperative project for decolonization is possible, one that can unite Natives and Migrants through a shared refusal to identify with these state-categories. I say this not in some flight of utopian fancy or because of some deep-seated denial of the very real harm done to people categorized as Natives or as Migrants, but with the knowledge that only by coming together can we defeat those who lord their power over us.

Such knowledge has long been put into action by many people. People who had been colonized, enslaved, and/or indentured together built maroon societies; people fighting against slavery asked, “Am I not a man and a brother?”; pirates freeing themselves from the sovereign power of ships’ captains sang, “All for one and one for all”; Diggers addressed each other as “fellow creatures”; women accused of speaking out of turn declared that “God was no respecter of faces”; and many direct producers organized against capitalism under the banner of “Workers of the world, unite!” Each of these struggles to break the chains of servitude to states and capital was built on the mobile politics of solidarity. People’s shared experience of the terror of expropriation, exploitation, and oppression led to people’s shared resistance—and to shared subjectivities.

Tragically, their struggles were lost. The victors cemented their power by institutionalizing private property, expanding the capitalist mode of production, enhancing states’ power, and weaving an interlocking web of ranked hierarchies normalized by ideas of race, gender/sex, and nationhood. Their greatest victory was the fact that many people experiencing expropriation, exploitation, and oppression saw themselves through these ruling identifications instead of with other direct producers. The acceptance and intensification of the contemporary separation between National-Natives and Migrants is the latest manifestation of such relations of “define and rule” (Mamdani 2012).

In rejecting the Postcolonial New World Order with its separated political categories of Natives and Migrants, I embrace a collective struggle for our common, borderless world. The contemporary struggle for our commons, one that I believe must be both worldly and global, is the latest effort to decolonize our world and our imaginations, another effort to make our heaven on earth, despite the jealousies and violence of those who want to be sovereign lords.

### 1NR – AT: Not All Immigrants are Settler

#### Discourse of indigeneity, regardless of intent, depend on the subordination of migrants. Saying “we care about x migrants” still falls prey to the same logic of right-wing nationalists.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

At the same time, of course, each instance of autochthonous politics is specific to its own historical and social context and is voiced by people very differently affected by imperialism, racism, and nationalism. White NationalNatives within the nation-states in Europe or the former White Settler colonies; Indigenous National-Natives (e.g., “Indians” or “Aborigines”) within these latter nation-states; and National-Natives in national liberation states in Asia, Africa, and the Americas each mobilize a discourse of autochthony to make claims to national sovereignty. Yet however much they share in common— and they share much—they are not equivalent.

White people demanding the expulsion of Migrants in the name of being the “indigenous people of Europe,” for example, are not the equivalent of various Indian or Aboriginal claims to national sovereignty in the United States, Canada, or Australia. Nor is it my argument that all contemporary discourses of autochthony advocate or mobilize genocidal violence against Migrants. Indeed, discourses of autochthony deployed by some Indigenous NationalNatives, for instance, argue that their national sovereignty is essential to taking good care of the planet, each other, and the generations of life to come.

At the same time, however, there are important similarities in the dif­ferent uses of autochthonous discourses—and these are not merely semantic. All autochthonous discourses portray Nativeness as an essential, unpolitical characteristic of some people. Authochthony is further understood as a concept helping us better understand social relations. However, Nativeness is neither an essence nor an analytic tool. It is, instead, a racialized idea and political category allowing some to make claims against others. All autochthonous discourses are also relational. They produce Migrants as the negative others of National-Natives. By articulating Nativeness with “nationness” and claiming that only National-Natives have rightful political claims to power, autochthonous discourses count on the subordination of Migrants. This is the case in far-right autochthonous politics, and it is the case of metaphysical indigeneity in sovereign futures of “decolonial love” (L. Simpson 2013). Each type of autochthonous discourse establishes National-Nativeness as the necessary basis for political action, sets racialized limits to belonging and rights, and valorizes nationally sovereign territory. In doing so, each mobilizes particular philosophical, material, and relational ways of knowing and being that normalize the Postcolonial New World Order with its national forms of political, social, economic, and affective power. By so doing, the enormous disparities and violence of postcolonialism is further entrenched.

Hence, I argue that the deployment of autochthonous discourses reveals a crucial feature of postcolonial power: all nationalisms are fundamentally autochthonous and productive of a hierarchical separation between National-Natives (autochthons) and Migrants (allochthons). Across the political spectrum from far right to hard left, the right of National-Natives is the right to home rule. In the process, Migrants are left without a home in this world. The separation of Natives and Migrants is, I argue, both a legacy of imperialism and constitutive of the hegemony of nation-state power in the Postcolonial New World Order.

#### The very category of the Native conflates migration with colonization.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

In chapter 8, “National Autochthonies and the Making of Postcolonial National-Natives,” after having analyzed one of the two main technologies of postcolonial power—the globalization of national citizenship and immigration controls—I examine the second: the national discourse of autochthony. I show how postcolonial discourses of national autochthony differ in tenor, are mobilized “from above” and “from below,” and, as the examples I chose show, are exercised by people across the left-right political spectrum. By looking at events in the national liberation states of India, Sudan, South Sudan, and Myanmar; the growing power of “White Natives” in both Europe and in the former White Settler colonies; the Cherokee and Mohawk IndigenousNational Natives in the United States and Canada, respectively; and Bolivia under Evo Morales, its first self-identified Indigenous president, I show that autochthonous claims clearly differ, both in scale and effect, and take on different forms within, between, across, and at times against today’s existing nation-states. The people who deploy such discourses also have wildly varying abilities to institutionalize their nationalist politics of autochthony.

What each of these examples shows, however, is that the category of National-Native carries enormous legal and moral authority precisely because it is a legacy of the autochthonization of political membership first practiced by imperial states. At the same time, postcolonialism has turned the category of Native on its head. Being Native once marked someone as a subjugated subject of empires. Now, being Native is to make oneself the subject of “national self-determination.” Today, the exemplary National subject is someone laying claim to being a Native of national territory. The imperial binary of European/Native has thus been flipped into the national binary of National-Native/Migrant. Surreally—and dangerously—migration is increasingly portrayed as colonialism. A growing number of NationalNatives imagine themselves as being colonized by Migrants. Such claims are perhaps most often made in the former White Settler colonies where there are two claimants for the category of autochthon: White National-Natives and Indigenous National-Natives. However different their relations to the extant nation-state is, both conflate migration with colonization. Arguing in zero-sum terms, Migrant emplacement is seen to cause National-Native dispossession.

This, once again, demonstrates that in the Postcolonial New World Order, the struggle for national liberation is a never-ending one. Many of today’s conflicts, and some of the most violent ones, are represented as National-Natives struggling to oust Migrant “colonizers.” Such discursive practices have only hardened under neoliberalism as the material substance of national citizenship has been “hollowed out” (Jessop 1993). Thus, claims of being Native to the nation trump formal National citizenship.

In the rest of this chapter, I try to understand how it is that autochthonous discourses are plausible—and how they work—in a remarkably wide set of circumstances, ranging from far-right political parties to the movements of some of the most exploited and oppressed people on the planet. Studying how national autochthonous discourses are deployed across the world and the political spectrum allows us to see that their similarities are neither superficial nor semantic—that is, evident only in their shared use of the terms “Native” or “Indigenous.” Instead, both are technologies of postcolonial governmentality. Discourses of national autochthony allow those laying claim to Nativeness to make exclusive political claims to national identity, belonging, sovereignty, and territory. As each mobilization of national autochthony is reliant on—and productive of—the figure of the Migrant, the violence of national exclusions and even national inclusions is laid bare.

### 1NR – AT: Perm Do Both

#### Perm fails. Indigeneity prohibits the integration of the colonial archive – that prevents investigation into the global system of violence against colonizers.

Nandita **SHARMA** Social Sciences @ York ‘**15** “Strategic Anti- Essentialism: Decolonizing Decolonization” in *Sylvia Wynter: Being Human as Praxis* p. 174-177

This view imagines the space of colonialism as finite. It fails to see the broader field of power that processes of colonialism openedup. More specifically, it fails to see migration as a part of the colonial experience. The world as seen through an autochthonous lens is one of discrete, disconnected spaces, each belonging to its native people. This is the autochthonous view of the world prior to colonization and of the ideal decolonized space. It thus appears that as borders and relationships begin to realign to allow for new forms of subjective understanding and conspecificity, some scholars and activists are actively working to re- fix borders and territories through particularistic strategies of identification. The new mode of representation of indigeneity, which, ostensibly, appears to be an expansion in subjective understanding, creates a Manichaean dualism of native and nonnative. Such a logics of representation assumes that all past and present processes of exchange are inherently destructive. Colonialism, from such a view, was (and remains) about people moving about and that it was / is in this process of moving away from where they are native to places where they are not that has caused the enormous destruction of life. By casting all human mobility as colonial acts, autochthonous modes of representation, ironically, empty out from the meaning of colonialism the enormous violence that has been done by colonizers. It also minimalizes—or even denies—the violence done to people who moved and who move today.

#### Place-based critique of colonialism empowers neo-racism and colonial state classification.

Cynthia **WRIGHT** Women’s Studies @ York **AND** Nandita **SHARMA** Ethnic Studies & Sociology @ Hawai’i Manoa **‘9** “Decolonizing Resistance, Challenging Colonial States” *Social Justice* 35 (3) p. 123-126

A number of political and intellectual projects are evident in Lawrence and Dua's article. In this essay, however, we address what we perceive to be two of the most problematic aspects of the argument that nonwhites in Canada are settler colonists. The first is the conflation of migration and colonization; the second is the attempt to depoliticize nationalist politics by taking it out of the realm of contestation. In claiming that attempts to critique notions of "nationhood," or of the ways in which nationalisms organize social relations, are tantamount to colonizing practices, Lawrence and Dua neglect to consider how various nationalisms, including relatively recent ones centered on indigeneity, have relied upon and reproduced the colonial state and colonial social relationships? In this section, we try to unpack these two political projects by showing their link to neoliberal practices that have further globalized capitalist social relations and to the related neo-racist practices of "each to their own." Both of these, we argue, rely on nationalisms and the existing, or hoped-for, national states they legitimate. A discourse that posits that "all migrants are settler colonists," or that "all those who leave their 'Native' lands are colonizers," necessarily renders the entire process of human migration as a serious problem, while denying the migratory histories of "Natives."8 Within this perspective, the only way not to be a "colonizer" is to remain on the land with which one is associated, which is something many people have been unable or unwilling to do in the past and that a growing number of people find impossible or undesirable to do today.9 Ironically, migration is often one response of people who have been colonized and dispossessed of their prior livelihoods. In some cases, migration is also a response to being "decolonized," as postcolonial struggles rage over whose "nation" has just been "liberated." For those defined as outside the new nationalized polity or even as its "enemies"?migration is one of the few available "escape routes" for life.10 Those observing the expansion of the category of "settler" or "colonizer" to include all "non-Natives," regardless of their historical or social relation to colonialism, see it as emerging from the political maturation of neoliberalism as a global phenomenon in the late 1980s (Comaroff and Comaroff, 2000: 125; see also Mamdani, 1998; Geschiere and Nyamnjoh, 2000; Veracini, 2007). Significantly, the character of racist discourses also changed in that period, casting migrants as the ultimate enemies of "nations," however that entity is imagined. Problematizing the presence of those who do not "belong" and calling for people to stay fixed in "their" space gained legitimacy as capital, commodities, ideas, and people became increasingly mobile and as the material benefits of citizenship were reduced due to neoliberal policies of liberalization, privatization, and deregulation. In Latin America, for instance, the privatization of lands and the unraveling of the "national-popular" state project have led, in a number of cases, to urban-based and other movements for "cultural revitalization" among indigenous peoples (Mallon, 2005: 285).This Far from being a contradiction or a mere reaction, such moves toward au tochthony are deeply embedded within the processes of capitalist globalization. Historically, as capitalist social relations have expanded, notions of "community" have often contracted. The process continues today: over the last few decades, the politics of neoliberalism has increasingly engendered virulent hatreds of anyone deemed to be "foreigners." Such distinctions are not, in and of themselves, clear cut since many of those now considered to be "the same" were once unknown to each other, while those now considered "strangers" were once long-time neighbors, friends, and even family (Geschiere and Nyamnjoh, 2000: 423). Such distinctions are a response to, and a deep denial of, the intricate webs of interdependency that tie people to each other across the globe today (and, arguably, for a long time). This ideological terrain of neoliberalism is very much racialized. In this form of racism, "differences" between cultures and traditions are seen as insurmountable.11 Differing from previous hegemonies of racist ideologies, it does not rely on a biological concept of "race" or even a racialized hierarchy per se. Instead, this form of racialized thought posits that "different" people should be in "their own" places (which, not coincidentally, often coincide with the boundaries of the existing or aspired-for nation states). This "new racism" has been called a "differentialist racism" (Taguieff, 1990), or simply "neo-racism" (Balibar, 1991b). Robert Miles (1993) points out that these racisms may not be so novel, but it is certainly true that today's racist practices are "largely based on the argument that it is futile, even dangerous, to allow cultures to mix or insist that they do so" (Hardt and Negri, 2000: 192). The anti-miscegenist character of neo-racist thought stems from its base assumption that ethnic boundaries are "natural borders."12 As feminist commentators in particular have noted, when "culture" and "tradition" are naturalized in this way, ethnicized borders are used by actual or aspiring elites to enforce their particular and particularistic interpretations of "culture"

(Bannerji, 2000; LaRocque, 2007; Maracle, 1988; Menon, 2005; Moghadam, 1994). Such interpretations tend to construct forms of "community" that normalize patriarchal, elitist, and exploitative social relations. Ideologically detached from historical, social, or political processes, the fact that these standards are made through the unequal distribution of power is concealed. Moreover, the centering of "culture" within neo-racist discourses ensures a continuance of the devotion to genealogy held by the "old" racisms. That devotion has material moorings: origin stories within the neo-racist imagination lay the basis for making historical claims to contested lands by ethnicizing group rights that are said to be held solely by those "Native" to the place. Such notions work to make indigenous identity a "possessive identity" since this identity is often the only avenue within existing systems to make group claims to resources (Lipsitz, 1998; Mamdani, 1998; Hall, 2005). In this regard, it is a possessive identity of the poor and dispossessed in particular, since the rich have other, more market and law-based means by which to gain land. Processes of neoliberalism have exacerbated this process as access to needed resources has diminished further due to the ongoing entrenchment of market relations. Thus, the dualistic hierarchy established by neo-racist thought is one between "Natives" and "non-Natives." Within this dynamic, two arguments are discernable: first that "Natives" have a natural connection to particular lands and that migrants, either by moving or staying, upset this "natural" order. With such a "naturalization of xenophobia," as Jean and John Comaroff put it (2005: 140), it is entirely unsurprising that the demonization of contemporary and past migrations constitutes a central characteristic of the autochthonous character of neo-racist thought. Doing so helps to legitimate exclusive "Native" claims that are made on the grounds of "nationhood." "Migrants" come to stand in for the subordinated "race" within this neo-racist sensibility (Balibar, 1991c: 52). In one sense, then, autochthonous discourses can be said to be a form of flexible Othering. Creating an ever-expanding host of different Others narrows the group comprising the autochthones. Indeed, Geschiere and Nyamnjoh (2000:424) argue that notions of autochthony "can be seen as marking a new form of ethnicity," one that because of its ahistoricity is less specific and therefore subject to greater political manipulation. That such flexible Otherings are related to the neoliberal turn in state practices is evident in the ideological character of the criteria of be? longing?and not-belonging. That is, the neo-racist fetishization of autochthony should by no means be confused with either the disavowal of racialized hierarchies or the actual spatial separation of "different people." Though responsible for the increased precarity of many people's global movements, border-talk, and the state policies and ideas of "community" mobilized through it, is largely aimed at creating categorical juridical distinctions between "different" people within the same social space (Sharma, 2000; 2006). Thus, the distinction between "Native" and "non-Native" appears to be spatially organized (i.e., demands for fixed, ethnicized boundaries and for greater border control), while autochthonous discourses are primarily concerned with sorting out distinctions within shared spaces. This ensures the ethnicization of the polity, of politics writ large and of social movements. In an act of high irony, such ethnicizations are often formulated as a kind of antiracist response that "centralizes indigeneity" (as Lawrence and Dua call for) by demanding "a place" for "each people." In this way, the historical articulation of racism and nationalism is mobilized through autochthonous discourses (Balibar, 1991c: 50). Neo-racist arguments of this kind, therefore, ought to be seen as linked to either new or old nation-building projects, as well as to neoliberal practices since both rely on forms of "differential inclusion" ms of "differential inclusion" (Deleuze and Guattari, 1987; Balibar, 1991b). Importantly, neoliberal and neo-racist discourses rely on the state to legislate differences and on ideas of nationhood to legitimate such distinctions, demonstrat? ing the ongoing dependence of global capital on national states and nationalism. This is particularly so regarding the claims of states to the "right" to control the "character" of the "nation" through border controls and, not coincidentally, the shaping of competition within and between nationalized labor markets (Sharma, 2006). Thus, a key consequence of a focus on origins (by the Right and Left) is the depoliticization and insulation of the market and the nation-state through the organization of anti-migrant politics. Claiming that any anti-nationalist cri? tiques of such politics are acts of colonialism, those advancing an autochthonous project further legitimate their own nationalisms. In this sense, then, autochthony can be said to be a neoliberal mode of belonging, one whose attempts to contain contestation are based on allegations that any demand for rights and/or resources by "non-Natives," including a radical rethinking of how rights and resources are thought of and distributed, is tantamount to a disregard for, and even colonization of, the autochthones.