### T

#### Interp- Restriction means ban

City of Northglenn 11 CHAPTER 11 CITY OF NORTHGLENN ZONING ORDINANCE ARTICLE 5 RULES OF CONSTRUCTION – DEFINITIONS <http://www.northglenn.org/municode/ch11/content_11-5.html>, mmm/uco

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the term "restriction" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be authorized by any permit or license.

#### Violation- Aff doesn’t ban indefinite detention

1. Voter-

Limits- millions of tinkering affs are possible, only total ban provides a clear limit on the topic

Specification – not specifying which treaty is ratified makes the aff a conditional moving target. Independent voter for fairness.

#### T should be evaluated under competing interpretations.

### Benetar

#### The aff must provide justification for human existence

WISEMAN 1999 [Taking a bite out of 'humanity', On Cannibalism in the Pax Americana, Jetlagged News, ACC 2-23-09, <http://www.jetlaggednews.com/number/02-10.31.1999/03.html>,]

Idealists may view this attitude with contempt and see it as an abrogation of some higher responsibility and possibility. But responsibility to whom and possibility of what? This is the problem. While undoubtedly we are 'human' enough to maintain, need, use, and desire of collective identity, there nonetheless is no humanity to speak of (or from), even if many insist that there is. Nor should certain localised concerns/ feelings/moods be mistaken for any universal valuation of human life as such. If God is dead, then so too is the human soul, as are all indicators of what it might mean to be 'human' per se. Human consciousness, in this respect, is only a puzzle and not itself, as some would have it, an indicator of some essentialist human identity.¶ In short, there is no thing, no category by which 'humankind' is humankind above all other qualification. There is only particular and needful association (call it utilitarian if you like, although the term is not quite broad enough to account for the complex array of reasons for human association). There is only in and out; here and there. There is nothing to give unqualified human life universal value. Nothing at all, although this is certainly NOT to preclude locally articulated and very real meanings. To be sure, there remain all kind of conventional meanings in the 'world', as there remain intensely held passions, values, even compassions of all kinds. But none of these are universally transferable.

#### VOTE NEGATIVE. IF THERE IS NO INHERENT REASON TO SAFEGUARD HUMAN LIFE THEN THERE IS NO REASON TO DO THE AFF. AND YOU VOTE NEGATIVE ON PRESUMPTION

### K

#### The legal structure the AFF affirms is based in a Eurocentric outlook that whitewashes culture.

**NUNN 97’**(Kenneth B., Professor of **Law,** University of Florida College of **Law, Law** as a **Eurocentric Enterprise, “Law** and Inequality”, Spring,1997,<http://www.lexisnexis.com.vortex3.uco.edu:2050/us/lnacademic/results/docview/docview.do?docLinkInd=true&risb=21_T8755971178&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T8755971182&cisb=22_T8755971181&treeMax=true&treeWidth=0&csi=146215&docNo=1>, Lexis, Vance)

**Law's disfavoring of** arational, **subjective**, intuitive **thought is problematic** from an African-centered perspective **because these are the thought patterns which predominate in African, Oceanic and Native American cultures.**  n242 Not only must members of these cultures leave their cultural world behind to shape, advocate and contest legal arguments, but they must also endure the denigration of their cultures and **their world-views that is part of Eurocentric law's non-recognition of other cultural forms. Moreover, there are some issues and concerns that the law cannot address.** For example, most people of color intuitively un- **[\*364]** derstand that their experience in United States society is typified by constant and pervasive levels of racism and cultural oppression. n243 Yet, **United States law cannot even begin to address this fundamental problem. It can only process bits and pieces of it - those isolated parts of the problem that can be conceptualized in abstract form. n244 So United States law addresses itself to questions of "hate-speech," "job discrimination," "equal protection," "school desegregation," etc., without ever reaching a satisfactory solution because the real problem - cultural hegemony and racial domination - is never confronted.**

#### The silence is strategic – the AFF’s discussion of international treaties rests on a crucial omission – the history of the United States is one of continued violations of its treaties with Native American tribes. They fail to consider Native America because doing so would force a confrontation with a colonial history that undermines their ostensibly progressive agenda. America’s very existence is contingent upon a continuing legacy of colonization and genocide.

Churchill 96 [Ward, professor of ethnic studies at the University of Colorado at Boulder from 1990 to 2007, *From a Native Son: Selected Essays in Indigenism, 1985-1995*, p 520-525] // myost

I’ll debunk some of this nonsense in a moment, but first I want to take up the posture of self-proclaimed leftist radicals in the same connection. And I’ll do so on the basis of principle, because justice is supposed to matter more to progressives than to rightwing hacks. Let me say that the pervasive and near-total silence of the Left in this connection has been quite illuminating. Non-Indian activists, with only a handful of exceptions, persistently plead that they can’t really take a coherent position on the matter of Indian land rights because “unfortunately,” they’re “not really conversant with the issues” (as if these were tremendously complex). Meanwhile, they do virtually nothing, generation after generation, to inform themselves on the topic of who actually owns the ground they’re standing on. The record can be played only so many times before it wears out and becomes just another variation of “hear no evil, see no evil.” At this point, it doesn’t take Albert Einstein to figure out that the Left doesn’t know much about such things because it’s never wanted to know, or that this is so because it’s always had its own plans for utilizing land it has no more right to than does the status quo it claims to oppose. The usual technique for explaining this away has always been a sort of pro forma acknowledgement that Indian land rights are of course “really important stuff” (yawn), but that one really doesn’t have a lot of time to get into it (I’ll buy your book, though, and keep it on my shelf, even if I never read it). Reason? Well, one is just “overwhelmingly preoccupied” with working on “other important issues” (meaning, what they consider to be more important issues). Typically enumerated are sexism, racism, homophobia, class inequities, militarism, the environment, or some combination of these. It’s a pretty good evasion, all in all. Certainly, there’s no denying any of these issues their due; they are all important, obviously so. But more important than the question of land rights? There are some serious problems of primacy and priority imbedded in the orthodox script. To frame things clearly in this regard, let’s hypothesize for a moment that all of the various non-Indian movements concentrating on each of these issues were suddenly successful in accomplishing their objectives. Let’s imagine that the United States as a whole were somehow transformed into an entity defined by the parity of its race, class, and gender relations, its embrace of unrestricted sexual preference, its rejection of militarism in all forms, and its abiding concern with environmental protection (I know, I know, this is a sheer impossibility, but that’s my point). When all is said and done, the society resulting from this scenario is still, first and foremost, a colonialist society, an imperialist society in the most fundamental sense possible with all that this implies. This is true because the scenario does nothing at all to address the fact that whatever is happening happens on someone else’s land, not only without their consent, but through an adamant disregard for their rights to the land. Hence, all it means is that the immigrant or invading population has rearranged its affairs in such a way as to make itself more comfortable at the continuing expense of indigenous people. The colonial equation remains intact and may even be reinforced by a greater degree of participation, and vested interest in maintenance of the colonial order among the settler population at large. The dynamic here is not very different from that evident in the American Revolution of the late 18th century, is it? And we all know very well where that led, don’t we? Should we therefore begin to refer to socialist imperialism, feminist imperialism, gay and lesbian imperialism, environmental imperialism, African American, and la Raza imperialism? I would hope not. I would hope this is all just a matter of confusion, of muddled priorities among people who really do mean well and who’d like to do better. If so, then all that is necessary to correct the situation is a basic rethinking of what must be done, and in what order. Here, I’d advance the straightforward premise that the land rights of “First Americans” should serve as a first priority for everyone seriously committed to accomplishing positive change in North America. But before I suggest everyone jump off and adopt this priority, I suppose it’s only fair that I interrogate the converse of the proposition: if making things like class inequity and sexism the preeminent focus of progressive action in North America inevitably perpetuates the internal colonial structure of the United States, does the reverse hold true? I’ll state unequivocally that it does not. There is no indication whatsoever that a restoration of indigenous sovereignty in Indian Country would foster class stratification anywhere, least of all in Indian Country. In fact, all indications are that when left to their own devices, indigenous peoples have consistently organized their societies in the most class-free manners. Look to the example of the Haudenosaunee (Six Nations Iroquois Confederacy). Look to the Muscogee (Creek) Confederacy. Look to the confederations of the Yaqui and the Lakota, and those pursued and nearly perfected by Pontiac and Tecumseh. They represent the very essence of enlightened egalitarianism and democracy. Every imagined example to the contrary brought forth by even the most arcane anthropologist can be readily offset by a couple of dozen other illustrations along the lines of those I just mentioned. Would sexism be perpetuated? Ask one of the Haudenosaunee clan mothers, who continue to assert political leadership in their societies through the present day. Ask Wilma Mankiller, current head of the Cherokee nation, a people that traditionally led by what were called “Beloved Women.” Ask a Lakota woman—or man, for that matter—about who it was that owned all real property in traditional society, and what that meant in terms of parity in gender relations. Ask a traditional Navajo grandmother about her social and political role among her people. Women in most traditional native societies not only enjoyed political, social, and economic parity with men, they often held a preponderance of power in one or more of these spheres. Homophobia? Homosexuals of both genders were (and in many settings still are) deeply revered as special or extraordinary, and therefore spiritually significant, within most indigenous North American cultures. The extent to which these realities do not now pertain in native societies is exactly the extent to which Indians have been subordinated to the mores of the invading, dominating culture. Insofar as restoration of Indian land rights is tied directly to the reconstitution of traditional indigenous social, political, and economic modes, you can see where this leads: the relations of sex and sexuality accord rather well with the aspirations of feminist and gay rights activism. How about a restoration of native land rights precipitating some sort of “environmental holocaust”? Let’s get at least a little bit real here. If you’re not addicted to the fabrications of Smithsonian anthropologists about how Indians lived, or George Weurthner’s Eurosupremacist Earth First! Fantasies about how we beat all the wooly mammoths and mastodons and saber-toothed cats to death with sticks, then this question isn’t even on the board. I know it’s become fashionable among Washington Post editorialists to make snide references to native people “strewing refuse in their wake” as they wandered nomadically about the “prehistoric” North American landscape. What is that supposed to imply? That we, who were mostly “sedentary agriculturalists” in any event. We’re dropping plastic and aluminum cans as we went? Like I said, let’s get real. Read the accounts of early European arrival, despite the fact that it had been occupied by 15 or 20 million people enjoying a remarkably high standard of living for nobody knows how long: 40,000 years? 50,000 years? Longer? Now contrast that reality to what’s been done to this continent over the past couple of hundred years by the culture Weurthner, the Smithsonian, and the Post represent, and you tell me about environmental devastation. That leaves militarism and racism. Taking the last first, there really is no indication of racism in traditional Indian societies. To the contrary, the record reveals that Indians habitually intermarried between groups, and frequently adopted both children and adults from other groups. This occurred in precontact times between Indians, and the practice was broadened to include those of both African and European origin—and ultimately Asian origin as well—once contact occurred. Those who were naturalized by marriage or adoption were considered members of the group, pure and simple. This was always the Indian view. The Europeans and subsequent Euroamerican settlers viewed things rather differently, however, and foisted off the notion that Indian identity should be determined primarily by “blood quantum,” an outright eugenics code similar to those developed in places like Nazi Germany and apartheid South Africa. Now that’s a racist construction if there ever was one. Unfortunately, a lot of Indians have been conned into buying into this antiIndian absurdity, and that’s something to be overcome. But there’s also solid indication that quite a number of native people continue to strongly resist such things as the quantum system. As to militarism, no one will deny that Indians fought wars among themselves both before and after the European invasion began. Probably half of all indigenous peoples in North America maintained permanent warrior societies. This could perhaps be reasonably construed as “militarism,” but not, I think, with the sense the term conveys within the European/Euro-American tradition. There were never, so far as anyone can demonstrate, wars of annihilation fought in this hemisphere prior to the Columbian arrival, none. In fact, it seems that it was a more or less firm principle of indigenous warfare not to kill, the object being to demonstrate personal bravery, something that could be done only against a live opponent. There’s no honor to be had in killing another person, because a dead person can’t hurt you. There’s no risk. This is not to say that nobody ever died or was seriously injured in the fighting. They were, just as they are in full contact contemporary sports like football and boxing. Actually, these kinds of Euro-American games are what I would take to be the closest modern parallels to traditional inter-Indian warfare. For Indians, it was a way of burning excess testosterone out of young males, and not much more. So, militarism in the way the term is used today is as alien to native tradition as smallpox and atomic bombs. Not only is it perfectly reasonable to assert that a restoration of Indian control over unceded lands within the United States would do nothing to perpetuate such problems as sexism and classism, but the reconstitution of indigenous societies this would entail stands to free the affected portions of North America from such maladies altogether. Moreover, it can be said that the process should have a tangible impact in terms of diminishing such oppressions elsewhere. The principle is this: sexism, racism, and all the rest arose here as a concomitant to the emergence and consolidation of the Eurocentric nation-state form of sociopolitical and economic organization. Everything the state does, everything it can do, is entirely contingent on its maintaining its internal cohesion, a cohesion signified above all by its pretended territorial integrity, its ongoing domination of Indian Country. Given this, it seems obvious that the literal dismemberment of the nation-state inherent to Indian land recovery correspondingly reduces the ability of the state to sustain the imposition of objectionable relations within itself. It follows that realization of indigenous land rights serves to undermine or destroy the ability of the status quo to continue imposing a racist, sexist, classist, homophobic, militaristic order on non-Indians.

#### This relationship towards Native America is not harmless; colonization endangers any context for an ethical relationship to the planet and places us on the path of collective suicide – expanding the limits of knowledge is necessary for any ethical relationship to the planet.

Friedberg 0 [Lilian, bilingual published author and political activist with a master's degree in the humanities from the University of Chicago and a doctoral candidate in Germanic Studies at the University of Illinois at Chicago, “Dare to Compare: Americanizing the Holocaust,” *American Indian Quarterly* 24.3 (Summer 2000): 353-380, project muse]

Giorgio Agamben has argued against the use of the term Holocaust as a descriptor for the Nazi extermination of the Jews because "Jews were exterminated not in a mad and giant holocaust but exactly as Hitler had announced, 'as lice,' which is to say as bare life."[43] The notorious California Indian-killer H. L. Hall justified the murder of Native infants based on the argument that "a nit would make a louse." John Chivington, commanding colonel in the infamous Sand Creek Massacre, reformulated the sentiment to justify similar actions with the statement "Nits make lice."[44] Perplexing in this context is that Hitler's perception of the Jews as "life unworthy of living," that is, as "lice" or "bare life," is received with moral outrage in the scholarly community and in public consciousness in the U.S. and elsewhere. But when Indians are placed on the same level of the "evolutionary scale" and assigned the same status in the biopolitical order, it becomes a justifiable sacrifice made in the name of "progress." Hitler's willing executioners and the ordinary men and women of Germany had to be convinced that the Jewish population was not human; they had, after all, for centuries prior, lived and worked side by side with these people who were systematically exterminated as "like lice." Before the Final Solution could be implemented, the Jewish population of Europe had to be reduced to the level of "bare life." But for the American settlers, the notion that the life form to be clear-cut from the vast, "unpopulated" wilderness in order to make way for their American way of life was somehow not human ranked among those truths held to be self-evident; the "execrable race" of red men and women was viewed from the very onset as existing at the level of "bare life." And yet, from a perspective that acknowledges the essential humanity of indigenous populations and the sophistication of the established forms of social organization, governance, and religious ritual prevailing among the indigenous populations at the time of contact, it becomes clear that, while the Nazi Holocaust was indeed unique in scope and in kind to the twentieth century, the American Holocaust was, as Stannard has stated, "far and away, the most massive act of genocide in the history of the world."[45] Fortunately, Hitler was stopped before he could consummate the Final Solution. But some contend that Uncle Sam's willing executioners are still today engaged in the effort to eradicate what remains of the indigenous population in North America. For others, the loss of Native lives and lifeways cannot be acknowledged as homicidal, genocidal, or suicidal because the "savage" is not--however ostentatiously liberal-minded individuals and institutions in this country may contend otherwise--considered fully human: "we" are not related. While a revisionist narrative of the West would attempt to suffuse its world-view with a politically correct moral underpinning by making superficial linguistic concessions, no longer applying such terms as "savage" and "primitive" to indigenous peoples, contemporary scholarship still draws its insights and impulses from the same body of research and the same doctrine of universal superiority it now seeks to disavow and revile. The appearance of euphemisms such as "ethnocide" and "depopulation" applied to the genocide committed against Native populations is just one index of the continued resistance to the notion that this devastation involves a human tragedy. Nominally, indigenous peoples have been grudgingly adopted into the "family of man" in the prevailing paradigms of Western thought. Phenomenologically, they are still today perceived not as human others, but in fact as a separate (and inferior) "species." Depending on one's interpretation of the Latin siluaticus (of the wood; belonging to a wood), from which the term "savage" is derived, one might suspect that, in the Western biopolitical order, the "savage life" acquires the status of one less than bare life or Homo sacer. If that is the case, then what occurred in this country must be viewed as a gigantic bonfire in which neither mice, lice, nor men, women or children were sacrificed and burned for the sake of clear-cutting a space for the master race--what was sacrificed here were merely logs. Driftwood. Dead weight. Useless waste. In the world of the uniqueness proponents, the "depopulation" of the New World is on a par with "deforestation." What is perhaps "unique" about the Nazi Holocaust is that it represents the first incidence in history of genocidal assault directed at an assimilated, "civilized" (and therefore human) population in central Europe.[46] Katz refers to the phenomenon as one of "Judeocide." It might, however, more accurately be termed fratricide--brothers killing brothers--squabbling sons of the same God in a serial rerun of Cain and Abel. This is not to imply that fratricide is any less grievous a crime against humanity than genocide, merely to clarify the relationship of spiritual kinship existing between perpetrators and victims in the Nazi Holocaust and the way this works to influence our perception of the event's primacy. It could in fact be argued that fratricide is indeed the more heinous crime since it involves the extermination of life that is dearly defined as "human" in the Judeo-Christian paradigm. Brothers killing brothers is classified as a mortal sin by the religious doctrines governing moral standards in both religions, but brothers killing savages is apparently sanctioned by the moral dictates of both these dominant world religions. If the ideology of Manifest Destiny is, on the other hand, subsumed under the mandate to "be fruitful and multiply," then the extermination of indigenous populations is indeed ordained by the supreme deity common to the Christian and the Judaic faiths. From this perspective, mass murder is the implied mandate of Manifest Destiny. Churchill speaks in terms of the need for a "denazification ... a fundamental alteration in the consciousness of this country."[47] I would suggest that "demanifestation" is a more apt designation for the paradigmatic shift requisite for decentering the hegemonistic reign of the "master narratives" of Manifest Destiny and the master race that govern our understanding of history as it relates to national identity in the United States. Thinking in terms of "de-manifestation" has the advantage of disaggregating the specific modalities of similar, but not identical, historical phenomena and of dislocating--geographically and intellectually--the source of the "problem" from the site of European history to that of American history. What follows is an attendant shift in temporal focus that allows us to properly place the postulates of Manifest Destiny and the master race in historically correct chronological order with relation to the subsequent emergence of theories of Lebensraumpolitik and the assumed superiority of the Aryan race on the European continent. Whereas "denazification" clearly connotes a "thing of the past," "de-manifestation" implies a present, "manifest" reality. From this vantage point, the German Sonderweg is rerouted and an already trammeled trail of rampant plundering, pillage, and mass murder is revealed to have been blazed in the forward wake of the historical caesura that the Nazi Holocaust represents. [HOLOCAUST IN CONTEMPORARY CONTEXT: COLLECTIVE SUICIDE](http://ehis.ebscohost.com.ezproxy.lib.ou.edu/eds/detail?vid=2&hid=115&sid=41bfcb58-c42e-478c-b039-f30bcd57366d%40sessionmgr114&bdata=JnNpdGU9ZWRzLWxpdmU%3d#toc) Most importantly, perhaps, what distinguishes the American Holocaust from the Nazi Holocaust is what is at stake today. The Nazi Holocaust represents a historical event that threatened the entire Jewish population of Europe. Relegating this event to the archive of oblivion would involve a fatal miscalculation resulting in wholesale moral bankruptcy for the entire Western world. But the worldwide Jewish population can hardly be said to be at risk of extermination today--certainly not in the United States. American Jews stepped up their efforts to direct attention to the Nazi Holocaust at a time when they were by far the wealthiest, best-educated, most influential, in-every-way-most-successful group in American society--a group that, compared to most other identifiable minority groups, suffered no measurable discrimination and no disadvantages on account of that minority status.[48] Norman Finkelstein cites the Jewish income in the United States at double that of non-Jews and points out that sixteen of the forty wealthiest Americans are Jews, as are 40 percent of Nobel prizewinners in science and economics, 20 percent of professors at major universities and 40 percent of partners in law firms in New York and Washington.[49] Native Americans, by contrast, have long been subject to the most extreme poverty of any sector in the present North American population, and still have the highest rate of suicide of any other ethnic group on the continent.[50] Highschool dropout rates are as high as 70 percent in some communities. As Anishinabeg activist and Harvard-educated scholar Winona LaDuke notes with regard to the Lakota population in South Dakota: "Alcoholism, unemployment, suicide, accidental death and homicide rates are still well above the national average."[51] Alcoholism, intergenerational posttraumatic stress, and a spate of social and economic ills continue to plague these communities in the aftermath of the American Holocaust. As Peter Novik has made abundantly clear in his study of the way the Holocaust functions as a sort of"civil religion" and signifier of identity for American Jews, much of the commemoration rhetoric and practice propagated in this country centers on maintaining a consensual symbol of unity for American Jews who thus experience the Holocaust "vicariously." As Novik states, while most American Jews (and Gentiles) may be saddened, dismayed, or shocked by the Nazi Holocaust, there is little evidence to suggest that they have actually been traumatized by it.[52] The Americanization of the Holocaust, according to Novik's analysis, serves a symbolic function for American Jews, ascribing victim status to a community that demonstrates little sign of actual victimization in a culture where the victim is victor. Norman Finkelstein, the vociferous Goldhagen critic who lost most of his family in the death camps and ghettoes of Nazi-occupied Europe, has expressed similar views. His forthcoming publication asserts that the "Holocaust industry" was born with the Six-Day War in June of 1967. Before that, there was little mention of the Holocaust in American life.He argues that the development of the "Holocaust industry" in the United States is part of a strategic campaign to justify American political interests in Israel.[53] This is not to deny or diminish the clear and present danger in the ominous resurgence of anti-Semitic sentiments reflected in isolated incidences of racial violence against Jews and Jewish institutions both here and abroad. However, the material realities confronting the Native American population remain, in many instances, comparable to those prevailing in Third World countries. The Native American experience of persecution is not a vicarious one. For substantial portions of this population, it is a lived reality. What is more, an unrelenting sentiment of Indian-hating persists in this country: There is a peculiar kind of hatred in the northwoods, a hatred born of the guilt of privilege, a hatred born of living with three generations of complicity in the theft of lives and lands. What is worse is that each day, those who hold this position of privilege must come face to face with those whom they have dispossessed. To others who rightfully should share in the complicity and the guilt, Indians are far away and long ago. But in reservation border towns, Indians are ever present. ... The poverty of dispossession is almost overwhelming. So is the poverty of complicity and guilt. In America, poverty is relative, but it still causes shame. That shame, combined with guilt and a feeling of powerlessness, creates an atmosphere in which hatred buds, blossoms, and flourishes. The hatred passes from father to son and from mother to daughter. Each generation feels the hatred and it penetrates deeper to justify a myth.[54] Attempts on the part of American Indians to transcend chronic, intergenerational maladies introduced by the settler population (for example, in the highly contested Casino industry, in the ongoing battles over tribal sovereignty, and so on) are challenged tooth and nail by the U.S. government and its "ordinary" people. Flexibility in transcending these conditions has been greatly curtailed by federal policies that have "legally" supplanted our traditional forms of governance, outlawed our languages and spirituality, manipulated our numbers and identity, usurped our cultural integrity, viciously repressed the leaders of our efforts to regain self-determination, and systematically miseducated the bulk of our youth to believe that this is, if not just, at least inevitable."[55] Today's state of affairs in America, both with regard to public memory and national identity, represents a flawless mirror image of the situation in Germany vis-hvis Jews and other non-Aryan victims of the Nazi regime.[56] Collective indifference to these conditions on the part of both white and black America is a poor reflection on the nation's character. This collective refusal to acknowledge the genocide further exacerbates the aftermath in Native communities and hinders the recovery process. This, too, sets the American situation apart from the German-Jewish situation: Holocaust denial is seen by most of the world as an affront to the victims of the Nazi regime. In America, the situation is the reverse:victims seeking recovery are seen as assaulting American ideals. But what is at stake today, at the dawn of a new millennium, is not the culture, tradition, and survival of one population on one continent on either side of the Atlantic. What is at stake is the very future of the human species. LaDuke, in her most recent work, contextualizes the issues from a contemporary perspective: Our experience of survival and resistance is shared with many others. But it is not only about Native people. ... In the final analysis, the survival of Native America is fundamentally about the collective survival of all human beings. The question of who gets to determine the destiny of the land, and of the people who live on it--those with the money or those who pray on the land--is a question that is alive throughout society.[57] "There is," as LaDuke reminds us, "a direct relationship between the loss of cultural diversity and the loss of biodiversity. Wherever Indigenous peoples still remain, there is also a corresponding enclave of biodiversity."[58] But, she continues, The last 150 years have seen a great holocaust. There have been more species lost in the past 150 years than since the Ice Age. (During the same time, Indigenous peoples have been disappearing from the face of the earth. Over 2,000 nations of Indigenous peoples have gone extinct in the western hemisphere and one nation disappears from the Amazon rainforest every year.)[59] It is not about "us" as indigenous peoples--it is about "us" as a human species. We are all related. At issue is no longer the "Jewish question" or the "Indian problem." We must speak today in terms of the "human problem." And it is this "problem" for which not a "final," but a sustainable, viable solution must be found--because it is no longer a matter of "serial genocide," it has become one of collective suicide. As Terrence Des Pres put it, in The Survivor: "At the heart of our problems is that nihilism which was all along the destiny of Western culture: a nihilism either unacknowledged even as the bombs fell or else, as with Hitler or Stalin, demonically proclaimed as the new salvation."[60] All of us must now begin thinking and acting in the dimension and in the interest of the human species--an intellectual domain of vita activa that indigenous people have inhabited since time immemorial. It is this modality of thought as a process of reflection that the "civilized" nations must learn from the "savage" ones. Vine Deloria, in "Native American Spirituality," has attempted to clarify this distinction: American Indians look backwards in time to the creation of the world and view reality from the perspective of the one species that has the capability to reflect on the meaning of things. This attitude is generally misunderstood by non-Indians who act as if reflection and logical thought were synonymous. But reflection is a special art and requires maturity of personality, certainty of identity, and feelings of equality with the other life forms of the world. It consists, more precisely, of allowing wisdom to approach rather than seeking answers to self-generated questions. Such an attitude, then, stands in a polarized position to the manner in which society today conducts itself.[61] It is not a matter of moral bookkeeping or of winners and losers in the battle of the most martyred minority. It is not a matter of comparative victimology, but one of collective survival. The insistence on incomparability and "uniqueness" of the Nazi Holocaust is precisely what prohibits our collective comprehension of genocide as a phenomenon of Western "civilization," not as a reiterative series of historical events, each in its own way "unique." It is what inhibits our ability to name causes, anticipate outcomes, d, above all to engage in preemptive political and intellectual action in the face of contemporary exigencies. In Tabori's 1990 production Weisman and Rotgesicht, the "calculus of calamity" is taken to hilarious heights to reveal the grave truth of the matter. In his 1994 discussion of "The Contemporary German Fascination for Things Jewish," Jack Zipes states of Weisman und Rotgesicht: The resolution that Tabori offers, though hilarious, is meant to be taken seriously: a verbal duel so that both sides can expose themselves and realize how ridiculous it is to quarrel with one another. Hilarity becomes a nomadic means of questioning majority culture and of reversing identities so that understanding between different groups can be generated.[62] Ultimately, fostering a "solidarity of memory" that might fundamentally challenge majority culture must he the aim of any comparison of "minority" situations, but the conclusion Zipes draws from this particular conflation of identities in conflict is flawed by a misapprehension of the play's historically and culturally specific geographic setting in the Western wilderness and its relationship to indigenous peoples. As I have argued elsewhere, while Tabori does not specify the site of the duel in the desert, the play could be interpreted to be set in what is now the state of Colorado.[63] This is the site of the Sand Creek Massacre--a historical event with culturally specific meaning to the Native American people. It is at once a site of sanctity, of sacrifice, and of sacrilege. It represents the rampant desecration that has devastated an entire civilization and its way of life. But according to Jack Zipes's analysis: "There are many parallels that one can draw with the conflict in this play: Jews and blacks in the States, or blacks and Koreans; Jews and Turks in Germany; Jews and Arabs in the Middle East."[64] Clearly, other subaltern Others share similar relationships to other, more distant desert lands and wilderness landscapes, but Zipes's analogies are flawed on several counts. In the case of the conflicts between the first two groups cited, the element of violent conquest and the dispossession of lands at the heart of the American Indian-European immigrant "dispute" is absent: Jews and blacks, like Jews and Koreans, are engaged in a struggle for cultural, racial, economic, and social equity in territories to which they have been introduced as Others--either as slaves, immigrants, or refugees. In the German-Turkish situation, the "minority" group is the "alien element" or, as the German euphemism would have it, "guest workers." None of these struggles involves legal agreements between sovereign nations--that is to say treaties between sovereign political entities-the terms of which have not been upheld by an outlaw state whose legitimacy as a "world power" is nevertheless recognized by the international community. As Seth Wolitz has stated in this regard, "the text can also be read allegorically as a version of the Israeli-Palestinian encounter between two subalterns squabbling over land which the 'Gewittergoi', the imperialist powers, can always regain and control."[65] The problem with this allegory, though, is that the North American territories that function as the setting and backdrop for the territories at issue in the Indian-immigrant conflict have yet to be manumitted from colonialist bondage. The lands remain in control of the "imperialist power." Precisely this is central to understanding the double-edged ironies and conflicts addressed in Weisman und Rotgesicht. The setting involves a geographical site that is readily associated with the actual site of a massacre and, as such, the site itself is ambiguous: it signifies both a site of (ongoing) sanctity and one of (ongoing) desecration. If the parallel is to be drawn between the Jewish and American Indian subaltern situations, the course of history as well as the present state of affairs must be taken into account: the fact is that Hitler lost the war and the State of Israel was formed as partial reparation for the losses sustained by the Jewish population as a result. However, the United States government, even as it sought to help absorb the losses sustained by the Jewish population in Europe not only through its support of Israel, but by offering refuge to Jewish immigrants in territories seized from the indigenous populations, won its war against the Indians.[66] The crucial difference between a regime whose demise was rooted in genocide and one for whom genocide was its foundational principle and the prerequisite to its existence is elided by this analogy. Moreover, at the level of sheer abstraction, the solidarity between subaltern groups that the Jewish-American tradition of "spoofing" Jewish-Indian relations seeks to evoke is marred by its unilateral initiative -- emanating from the Jewish perspective in the context of a Judeo-Christian framework that demonstrates little regard for or knowledge of the cultural and religious world-views of Native Americans, either as a collective entity or as heterogeneous individual nations--each with its own relationship to specific geographic sites within the boundaries of occupied territories now defined as the United States. The land, "the Wilderness" or "the Desert" which has come to signify a "wasteland" in the symbolic and spiritual orders of other peoples, has never been associated with anything but abundance and eternal sustenance for indigenous peoples because revelation is rooted in the life of reflection on and with the land, not in catastrophic upheaval or divine intervention. Vine Deloria explains the "problem" of misconstrued understandings of this relationship in this way: Almost every tribal religion was based on land. ... Some of the old chiefs felt that, because generations of their ancestors had been buried on the lands and because the sacred events of their religion had taken place on the lands, they were obligated to maintain the tribal lands against new kinds of exploitation. ... Especially among the Pueblos, Hopi, and Navajo, the lands of the creation and emergence traditions are easily identified and are regarded as places of utmost significance. ...Government officials have ruthlessly disregarded the Indians' pleas for the restoration of their most sacred lands, and the constant dispute between Indians and whites centers around this subject.[67] If anything sets the American Indian apart from other victims of genocide or oppression in this country, it is this: Native Americans are not, in the strictest sense of the word, a "diasporic" people.[68] While the policies of Indian Removal certainly served to disperse, displace, disparage, and dislocate Native cultures and identities from coast to coast, imposing upon Native North American peoples conditions of existence that might be described as "diasporic" in a Judeo-Christian or postcolonialist context, I would caution against the appropriation of the diasporic metaphor with regard to the state of Native North America. The traditional Deuteronomic narrative of the Diaspora implies divine punishment in response to a breach of covenant. In order for a "diasporic" situation to prevail, the peoples of the diaspora must have entered into a contract with the divinely intervening deity. But indigenous peoples of this country stood in no such relationship to the Judeo-Christian God and his sovereign representatives on Earth. The notion of a "Native Diaspora" in the United States presupposes an adherence to the doctrine of Manifest Destiny as divine intervention on the part of the Judeo-Christian God in His effort to create "living space" or Lebensraum for His children--"chosen" and "unchosen" alike. Even if we were to accept the contemporary permutations of the concept in the postcolonialist attempt to subvert and decenter traditional narratives of nationalism and imperialism as these relate to identity formation and the location of culture, the diasporic metaphor is inapplicable because the peoples and lands at issue here have yet to be manumitted from neo-colonialist bondage. Uprootedness, homelessness, exile--these are maladies forced upon Native North American populations by the invading Europeans. What Simone Weil has written about this affliction in reference to Euro-African relations in Africa applies equally to the situation on Turtle Island. [T]he white man carries [uprootedness] about with him wherever he goes. The disease has even penetrated the heart of the African continent, which had for thousands of years, nevertheless, been made up of villages. These black people at any rate, when nobody came to massacre them, torture them, or reduce them to slavery, knew how to live happily on their land. Contact with us is making them lose the art. That ought to make us wonder whether even the black man, although the most primitive of all colonized peoples, hadn't after all more to teach us than to learn from us.[69] Native Americans have been "extirpated" as "savages" and as "barbarians" on their own soil. That soil has been contaminated by pestilence, poisons, toxins, oil spills, nuclear waste dumps and all the other deadly by-products Western "civilization" inevitably leaves as its legacy. Sacred sites have been effaced; graves have been robbed. Synagogues and churches can be rebuilt, but Mount Rushmore is not likely to be restored to its original glory by geological cosmetic surgery. Taken literally, James Young's figurative language in "America's Holocaust: Memory and the Politics of Identity," is laced with mordant irony: By themselves monuments are of little value, mere stones in the landscape. But as part of a nation's rites or the objects of a people's national pilgrimage, they are imbued with national soul and memory. For traditionally the state-sponsored memory of a national past aims to affirm the righteousness of a nation's birth, even its divine election. The matrix of a nation's monuments emplots the story of ennobling events, of triumphs over barbarism, and recalls the martyrdom of those who gave their lives in the struggle for national existence--who in the martyrological refrain, died so that a nation might live. In assuming the idealized forms and meanings assigned this era by the state, memorials tend to concretize particular historical interpretations. They suggest themselves in indigenous, even geological outcroppings in a national landscape; in time, such idealized memory grows as natural to the eye as the landscape in which it stands."[70] [emphasis mine] The irony of his statements is certainly not lost on Young, who concludes his discussion with a section titled "Against a Culture of Competing Catastrophes," and states:"In the end we must recognize that memory cannot be divorced from the actions taken in its behalf, and that memory without consequences may even contain the seeds of its own destruction."[71] The "national monument" at Mount Rushmore represents the geographic and symbolic site in which the principles of Manifest Destiny and the master race are literally set in stone.[71] Only when the sanctity in the hearts and minds of the indigenous population of this "vast, untamed wilderness" itself has been duly acknowledged-when the dominant culture finally comes to grips with the fact that the ground they walk upon is not like a temple to the American Indian--it is the temple-then, and only then, will the nature of the devastation and desecration be driven home to them. Once that has been established, the essentially suicidal nature of Western intellectual endeavor will also become apparent. The savage--an entity reduced in the Western scheme of things to the level of "bare (and hence disposable) life" on a par with the plant--reveals himself, in the Native American world-view, to be precisely that: nothing more and nothing less than the tree itself--equals in a covenant and an evolutionary chain that does not shackle or bind, but merely bonds. To the Native American sense and sensibility, the tree represents life itself, and there is no split between the life of the tree and the life of the human. They are holistically, historically, and happily related in the nexus of mutually sustainable symbiosis. If, following Agamben, "homo sacer is life that may be killed but not sacrificed ... life that may be killed by anyone without committing homicide," then no crime has been committed in the American Holocaust, nor is the dearth of "academic moves," "scholarly turns," and "paradigmatic shifts" toward a fundamental rethinking and reshaping of American national identity of any consequence in global, local, or national terms.[73] There has been no "human" sacrifice in the conquest of the West. Nothing but the forest has been lost to the victor culture. But, if Native theorists, religious leaders, and activists who have survived the holocausts are correct in asserting, as they do, that the fate of the forest will be that of man, then the master race is, in fact, engaged in the specter of committing collective suicide--exercising the authority of the sovereign over life and death on all our behalf. If we are to divert the disaster, Mount Rushmore must be placed on a par with burning synagogues, whose fires can never be extinguished, and with black churches in the South subjected to racially motivated acts of arson. If the "Jews are the Indians of Germany," then Mount Rushmore is Bitburg, writ large and indelible, engraved not only in our collective memory, but spat on the very floor of the temple--a civic memorial to a people and a way of life sacrificed to someone else's "God."[74] But it is also here that the master race, ex altera terra, has signed and sealed its own fate on this continent as that of homo sacer: A life that, excepting itself in double exclusion from the real context of both the profane and the religious forms of life, is defined solely by virtue of having entered into an intimate symbiosis with death without, nevertheless, belonging to the world of the deceased.[75] The stones speak volumes that continue to fall on the deaf ears of an American public more German than the Germans in its persistent refusal to come to terms with a "little matter of genocide," choosing instead to adopt as its own the foundling stone of a historical marker--that coveted historical caesura everyone wants to have, but no one wants to own in the "Americanization of the Holocaust."[76] But in the canyons of deep memory, the song of the stones still echoes and rings true for the three million survivors of the American Holocaust.

#### The alternative is to embrace a decolonial pedagogy as a first priority. In order for liberation to occur, we must start with the decolonizing of our own minds. Our call to return the land jumpstarts resistance—any form of social change is impossible in a world in which we allow for the colonization of Natives to continue.

Churchill 96 [Ward, professor of ethnic studies at the University of Colorado at Boulder from 1990 to 2007, *From a Native Son: Selected Essays in Indigenism, 1985-1995*, p 84-89] // myost

The question which inevitably arises with regard to indigenous land claims, especially in the United States, is whether they are “realistic.” The answer, of course is, “No, they aren’t.” Further, no form of decolonization has ever been realistic when viewed within the construct of a colonialist paradigm. It wasn’t realistic at the time to expect George Washington’s rag-tag militia to defeat the British military during the American Revolution. Just ask the British. It wasn’t realistic, as the French could tell you, that the Vietnamese should be able to defeat U.S.-backed France in 1954, or that the Algerians would shortly be able to follow in their footsteps. Surely, it wasn’t reasonable to predict that Fidel Castro’s pitiful handful of guerillas would overcome Batista’s regime in Cuba, another U.S. client, after only a few years in the mountains. And the Sandinistas, to be sure, had no prayer of attaining victory over Somoza 20 years later. Henry Kissinger, among others, knew that for a fact. The point is that in each case, in order to begin their struggles at all, anti-colonial fighters around the world have had to abandon orthodox realism in favor of what they knew to be right. To paraphrase Bendit, they accepted as their agenda, a redefinition of reality in terms deemed quite impossible within the conventional wisdom of their oppressors. And in each case, they succeeded in their immediate quest for liberation. The fact that all but one (Cuba) of the examples used subsequently turned out to hold colonizing pretensions of its own does not alter the truth of this—or alter the appropriateness of their efforts to decolonize themselves—in the least. It simply means that decolonization has yet to run its course, that much remains to be done. The battles waged by native nations in North America to free themselves, and the lands upon which they depend for ongoing existence as discernible peoples, from the grip of U.S. (and Canadian) internal colonialism are plainly part of this process of liberation. Given that their very survival depends upon their perseverance in the face of all apparent odds, American Indians have no real alternative but to carry on. They must struggle, and where there is struggle here is always hope. Moreover, the unrealistic or “romantic” dimensions of our aspiration to quite literally dismantle the territorial corpus of the U.S. state begin to erode when one considers that federal domination of Native North America is utterly contingent upon maintenance of a perceived confluence of interests between prevailing governmental/corporate elites and common non-Indian citizens. Herein lies the prospect of long-term success. It is entirely possible that the consensus of opinion concerning non-Indian “rights” to exploit the land and resources of indigenous nations can be eroded, and that large numbers of non-Indians will join in the struggle to decolonize Native North America. Few non-Indians wish to identify with or defend the naziesque characteristics of US history. To the contrary most seek to deny it in rather vociferous fashion. All things being equal, they are uncomfortable with many of the resulting attributes of federal postures and actively oppose one or more of these, so long as such politics do not intrude into a certain range of closely guarded self-interests. This is where the crunch comes in the realm of Indian rights issues. Most non-Indians (of all races and ethnicities, and both genders) have been indoctrinated to believe the officially contrived notion that, in the event “the Indians get their land back,” or even if the extent of present federal domination is relaxed, native people will do unto their occupiers exactly as has been done to them; mass dispossession and eviction of non-Indians, especially Euro-Americans is expected to ensue. Hence even progressives who are most eloquently inclined to condemn US imperialism abroad and/or the functions of racism and sexism at home tend to deliver a blank stare or profess open “disinterest” when indigenous land rights are mentioned. Instead of attempting to come to grips with this most fundamental of all issues the more sophisticated among them seek to divert discussions into “higher priority” or “more important” topics like “issues of class and gender equality” in which “justice” becomes synonymous with a redistribution of power and loot deriving from the occupation of Native North America even while occupation continues. Sometimes, Indians are even slated to receive “their fair share” in the division of spoils accruing from expropriation of their resources. Always, such things are couched in terms of some “greater good” than decolonizing the .6 percent of the U.S. population which is indigenous. Some Marxist and environmentalist groups have taken the argument so far as to deny that Indians possess any rights distinguishable from those of their conquerors. AIM leader Russell Means snapped the picture into sharp focus when he observed in 1987 that: so-called progressives in the United States claiming that Indians are obligated to give up their rights because a much larger group of non-Indians “need” their resources is exactly the same as Ronald Reagan and Elliot Abrams asserting that the rights of 250 million North Americans outweigh the rights of a couple million Nicaraguans. Leaving aside the pronounced and pervasive hypocrisy permeating these positions, which add up to a phenomenon elsewhere described as “settler state colonialism,” the fact is that the specter driving even most radical non-Indians into lockstep with the federal government on questions of native land rights is largely illusory. The alternative reality posed by native liberation struggles is actually much different: While government propagandists are wont to trumpet—as they did during the Maine and Black Hills land disputes of the 1970s—that an Indian win would mean individual non-Indian property owners losing everything, the native position has always been the exact opposite. Overwhelmingly, the lands sought for actual recovery have been governmentally and corporately held. Eviction of small land owners has been pursued only in instances where they have banded together—as they have during certain of the Iroquois claims cases—to prevent Indians from recovering any land at all, and to otherwise deny native rights. Official sources contend this is inconsistent with the fact that all non-Indian title to any portion of North America could be called into question. Once “the dike is breached,” they argue, it’s just a matter of time before “everybody has to start swimming back to Europe, or Africa or wherever.” Although there is considerable technical accuracy to admissions that all non-Indian title to North America is illegitimate, Indians have by and large indicated they would be content to honor the cession agreements entered into by their ancestors, even though the United States has long since defaulted. This would leave somewhere close to two-thirds of the continental United States in non-Indian hands, with the real rather than pretended consent of native people. The remaining one-third, the areas delineated in Map II to which the United States never acquired title at all would be recovered by its rightful owners. The government holds that even at that there is no longer sufficient land available for unceded lands, or their equivalent, to be returned. In fact, the government itself still directly controls more than one-third of the total U.S. land area, about 770 million acres. Each of the states also “owns” large tracts, totaling about 78 million acres. It is thus quite possible—and always has been—for all native claims to be met in full without the loss to non-Indians of a single acre of privately held land. When it is considered that 250 million-odd acres of the “privately” held total are now in the hands of major corporate entities, the real dimension of the “threat” to small land holders (or more accurately, lack of it) stands revealed. Government spokespersons have pointed out that the disposition of public lands does not always conform to treaty areas. While this is true, it in no way precludes some process of negotiated land exchange wherein the boundaries of indigenous nations are redrawn by mutual consent to an exact, or at least a much closer conformity. All that is needed is an honest, open, and binding forum—such as a new bilateral treaty process—with which to proceed. In fact, numerous native peoples have, for a long time, repeatedly and in a variety of ways, expressed a desire to participate in just such a process. Nonetheless, it is argued, there will still be at least some non-Indians “trapped” within such restored areas. Actually, they would not be trapped at all. The federally imposed genetic criteria of “Indian-ness” discussed elsewhere in this book notwithstanding, indigenous nations have the same rights as any other to define citizenry by allegiance (naturalization) rather than by race. Non-Indians could apply for citizenship, or for some form of landed alien status which would allow them to retain their property until they die. In the event they could not reconcile themselves to living under any jurisdiction other than that of the United States, they would obviously have the right to leave, and they should have the right to compensation from their own government (which got them into the mess in the first place). Finally, and one suspects this is the real crux of things from the government/corporate perspective, any such restoration of land and attendant sovereign prerogatives to native nations would result in a truly massive loss of “domestic” resources to the United States, thereby impairing the country’s economic and military capacities (see “Radioactive Colonialism” essay for details). For everyone who queued up to wave flags and tie on yellow ribbons during the United States’ recent imperial adventure in the Persian Gulf, this prospect may induce a certain psychic trauma. But, for progressives at least, it should be precisely the point. When you think about these issues in this way, the great mass of non-Indians in North America really have much to gain and almost nothing to lose, from the success of native people in struggles to reclaim the land which is rightfully ours. The tangible diminishment of US material power which is integral to our victories in this sphere stands to pave the way for realization of most other agendas from anti-imperialism to environmentalism, from African American liberation to feminism, from gay rights to the ending of class privilege – pursued by progressive on this continent. Conversely, succeeding with any or even all of these other agendas would still represent an inherently oppressive situation in their realization is contingent upon an ongoing occupation of Native North America without the consent of Indian people. Any North American revolution which failed to free indigenous territory from non-Indian domination would be simply a continuation of colonialism in another form. Regardless of the angle from which you view the matter, the liberation of Native North America, liberation of the land first and foremost, is the key to fundamental and positive social changes of many other sorts. One thing they say, leads to another. The question has always been, of course, which “thing” is to the first in the sequence. A preliminary formulation for those serious about achieving radical change in the United States might be “First Priority to First Americans” Put another way this would mean, “US out of Indian Country.” Inevitably, the logic leads to what we’ve all been so desperately seeking: The United States – at least what we’ve come to know it – out of North America altogether. From there it can be permanently banished from the planet. In its stead, surely we can join hands to create something new and infinitely better. That’s our vision of “impossible realism.” Isn’t it time we all worked on attaining it?

#### Role of the ballot: this space is an opportunity to deploy Red Pedagogy, a praxis which foregrounds Native intellectualism. Red Pedagogy allows us to create a decolonized space. Vote for the team which best activates indigenous political agency.

Grande 8 [Sandy, Associate Professor of Education at Connecticut College, “Red Pedagogy: The Un-Methodology,” *Handbook of Critical and Indigenous Methodologies*, eds. Norman K. Denzin, Yvonna S. Lincoln, and Linda Tuhiwai Smith, p 249-250]

From the standpoint of Red pedagogy, the primary lesson in all of this is pedagogical. In other words, as we are poised to raise yet another generation in a nation at war and at risk, we must consider how emerging conceptions of citizenship, sovereignty, and democracy will affect the (re)formation of our national identity, particularly among young people in schools. As Mitchell (2001) notes, "The production of democracy, the practice of education, and the constitution of the nation-state" have always been interminably bound together. The imperative before us as citizens is to engage a process of unthinking our colonial roots and rethinking democracy. For teachers and students, this means that we must be willing to act as agents of transgression, posing critical questions and engaging dangerous discourse. Such is the basis of Red pedagogy. In particular, Red pedagogy offers the following seven precepts as a way of thinking our way around and through the challenges facing American education in the 21st century and our mutual need to define decolonizing pedagogies: 1. Red pedagogy is primarily a pedagogical project. In this context, pedagogy is understood as being inherently political, cultural, spiritual, and intellectual. 2. Red pedagogy is fundamentally rooted in indigenous knowledge and praxis. It is particularly interested in knowledge that furthers understanding and analysis of the forces of colonization. 3. Red pedagogy is informed by critical theories of education. A Red pedagogy searches for ways it can both deepen and be deepened by engagement with critical and revolutionary theories and praxis. 4. Red pedagogy promotes an education for decolonization. Within Red pedagogy, the root metaphors of decolonization are articulated as equity, emancipation, sovereignty, and balance. In this sense, an education for decolonization makes no claim to political neutrality but rather engages a method of analysis and social inquiry that troubles the capitalist-imperialist aims of unfettered competition, accumulation, and exploitation. 5. Red pedagogy is a project that interrogates both democracy and indigenous sovereignty. In this context, sovereignty is broadly defined as "a people's right to rebuild its demand to exist and present its gifts to the world ... an adamant refusal to dissociate culture, identity, and power from the land" (Lyons, 2000). 6. Red pedagogy actively cultivates praxis of collective agency. That is, Red pedagogy aims to build transcultural and transnational solidarities among indigenous peoples and others committed to reimagining a sovereign space free of imperialist, colonialist, and capitalist exploitation. 7. Red pedagogy is grounded in hope. This is, however, not the future-centered hope of the Western imagination but rather a hope that lives in contingency with the past—one that trusts the beliefs and understandings of our ancestors, the power of traditional knowledge, and the possibilities of new understandings. In the end, a Red pedagogy is about engaging the development of "community-based power" in the interest of "a responsible political, economic, and spiritual society." That is, the power to live out "active presences and survivances rather than an illusionary democracy." Vizenor's (1993) notion of survivance signifies a state of being beyond "survival, endurance, or a mere response to colonization" and of moving toward "an active presence ... and active repudiation of dominance, tragedy and victimry?" In these post-Katrina times, I find the notion of survivance—particularly as it relates to colonized peoples—to be poignant and powerful. It speaks to our collective need to decolonize, to push back against empire, and to reclaim what it means to be a people of sovereign mind and body. The peoples of the Ninth Ward in New Orleans serve as a reminder to all of us that just as the specter of colonialism continues to haunt the collective soul of America, so too does the more hopeful spirit of indigeneity.

### Warming

#### The aff’s myopic focus technical solutions to climate change trades off with other environmental concerns—only alt can solve the root cause

Crist 7 [Eileen, Associate Professor of Science and Technology Studies in the Center for Interdisciplinary Studies at Virginia Tech, “Beyond the Climate Crisis: A Critique of Climate Change Discourse” Telos 141 Winter 2007] // myost

While the dangers of climate change are real, I argue that there are even greater dangers in representing it as the most urgent problem we face. Framing climate change in such a manner deserves to be challenged for two reasons: it encourages the restriction of proposed solutions to the technical realm, by powerfully insinuating that the needed approaches are those that directly address the problem; and it detracts attention from the planet’s ecological predicament as a whole, by virtue of claiming the limelight for the one issue that trumps all others. Identifying climate change as the biggest threat to civilization, and ushering it into center stage as the highest priority problem, has bolstered the proliferation of technical proposals that address the specific challenge. The race is on for figuring out what technologies, or portfolio thereof, will solve “the problem.” Whether the call is for reviving nuclear power, boosting the installation of wind turbines, using a variety of renewable energy sources, increasing the efficiency of fossil-fuel use, developing carbon-sequestering technologies, or placing mirrors in space to deflect the sun’s rays, the narrow character of such proposals is evident: confront the problem of greenhouse gas emissions by technologically phasing them out, superseding them, capturing them, or mitigating their heating effects. In his The Revenge of Gaia, for example, Lovelock briefly mentions the need to face climate change by “changing our whole style of living.”16 But the thrust of this work, what readers and policy-makers come away with, is his repeated and strident call for investing in nuclear energy as, in his words, “the one lifeline we can use immediately.”17 In the policy realm, the first step toward the technological fix for global warming is often identified with implementing the Kyoto protocol. Biologist Tim Flannery agitates for the treaty, comparing the need for its successful endorsement to that of the Montreal protocol that phased out the ozone-depleting CFCs. “The Montreal protocol,” he submits, “marks a signal moment in human societal development, representing the first ever victory by humanity over a global pollution problem.”18 He hopes for a similar victory for the global climate-change problem. Yet the deepening realization of the threat of climate change, virtually in the wake of stratospheric ozone depletion, also suggests that dealing with global problems treaty-by-treaty is no solution to the planet’s predicament. Just as the risks of unanticipated ozone depletion have been followed by the dangers of a long underappreciated climate crisis, so it would be naïve not to anticipate another (perhaps even entirely unforeseeable) catastrophe arising after the (hoped-for) resolution of the above two. Furthermore, if greenhouse gases were restricted successfully by means of technological shifts and innovations, the root cause of the ecological crisis as a whole would remain unaddressed. The destructive patterns of production, trade, extraction, land-use, waste proliferation, and consumption, coupled with population growth, would go unchallenged, continuing to run down the integrity, beauty, and biological richness of the Earth. Industrial-consumer civilization has entrenched a form of life that admits virtually no limits to its expansiveness within, and perceived entitlement to, the entire planet.19 But questioning this civilization is by and large sidestepped in climate-change discourse, with its single-minded quest for a global-warming techno-fix.20 Instead of confronting the forms of social organization that are causing the climate crisis—among numerous other catastrophes—climate-change literature often focuses on how global warming is endangering the culprit, and agonizes over what technological means can save it from impending tipping points.21 The dominant frame of climate change funnels cognitive and pragmatic work toward specifically addressing global warming, while muting a host of equally monumental issues. Climate change looms so huge on the environmental and political agenda today that it has contributed to downplaying other facets of the ecological crisis: mass extinction of species, the devastation of the oceans by industrial fishing, continued old-growth deforestation, topsoil losses and desertification, endocrine disruption, incessant development, and so on, are made to appear secondary and more forgiving by comparison with “dangerous anthropogenic interference” with the climate system. In what follows, I will focus specifically on how climate-change discourse encourages the continued marginalization of the biodiversity crisis—a crisis that has been soberly described as a holocaust,22 and which despite decades of scientific and environmentalist pleas remains a virtual non-topic in society, the mass media, and humanistic and other academic literatures. Several works on climate change (though by no means all) extensively examine the consequences of global warming for biodiversity, 23 but rarely is it mentioned that biodepletion predates dangerous greenhouse-gas buildup by decades, centuries, or longer, and will not be stopped by a technological resolution of global warming. Climate change is poised to exacerbate species and ecosystem losses—indeed, is doing so already. But while technologically preempting the worst of climate change may temporarily avert some of those losses, such a resolution of the climate quandary will not put an end to—will barely address—the ongoing destruction of life on Earth.

#### The AFF’s cognitive tradeoff makes biodiversity loss inevitable—bigger internal link to environmental collapse

Crist 7 [Eileen, Associate Professor of Science and Technology Studies in the Center for Interdisciplinary Studies at Virginia Tech, “Beyond the Climate Crisis: A Critique of Climate Change Discourse” Telos 141 Winter 2007] // myost

The diminishment of life’s richness began with the exodus of hunters and gatherers from Africa thousands of years ago, and deepened with the invention of agriculture and cities, the development of warfare, and the advent of the European voyages.24 But biodepletion accelerated enormously after the emergence of industrial civilization, and particularly since the mid-twentieth century, with billions of people not only doubling every few decades, but inclining—by force, choice, or delusion—toward a consumer culture founded on overproduction and global trade. Overproduction and global trade, in turn, require the ceaseless conversion of living beings and natural systems into dead objects, “resources,” and humanized landscapes and seascapes.25 The significance of human-driven extinction can never be overstated, because it means not only the death of species but the end of their evolutionary destinies as well—of the life-forms they would or might have eventually originated. Present-day extinction is not about species blinking out sporadically; it is a global and escalating spasm of en masse losses that, the geological record reveals, is an infrequent event in Earth’s natural history. Notwithstanding circulating shallow sophistry that proclaims extinction to be “natural” or “normal,” anthropogenic extinction is neither natural (for countless species are disappearing from targeted onslaught or pressures far exceeding their capacity to adapt) nor normal (for this level of losses occurs rarely as a consequence of a catastrophic event). Yet, as tragic as extinction is, species are also being devastated without being annihilated: losses of distinct populations and plunges in population numbers are a blow to the vigor, ecological contributions and connectedness, and evolutionary potential of species. Today, drops of 70, 80, 90 percent, or more, of wild plants and animals, on land and in oceans, are common. Such declines mean that species hang on as relics, with shortened lifespans or committed to extinction, no longer able to play significant ecological and evolutionary roles. The nosedive of wild-animal and plant abundance foregrounds yet another facet of biodepletion: the simplification of ecosystems. From a landscape perspective, the decline of numbers and geographic races of wild organisms signifies constrictions of their former ranges. As populations blink out from diverse places, their place-bound contributions are lost; the losses cascade through the communities of organisms to which the extinguished populations belonged, leaving behind degraded ecosystems. While the simplification of ecosystems is often dramatically visible, it can also unfold as an incremental, barely noticeable process. And it is not that ecosystems, here and there, are occasionally suffering simplification by losing constituent locals. The biosphere is experiencing gross decline or elimination of areas that are, in certain cases, centers of diversification— most notably, tropical forests, wetlands, mangrove forests, and coral reefs everywhere. The whittling down of ecological complexity has been a global trend proceeding from the conversion of ecosystems for intensive human uses, the aforementioned population depletions, and the invasion of nonnative species. Nonnative species are the generalists hitching rides in the bustle of globalization—from the climate-change-favored fungus that is killing frogs, to millions of domestic cats preying on birds, to innumerable more.26 Human-facilitated invasions, coupled with the disappearance of natives, lead to places losing the constellation of life-forms that once uniquely constituted them. The inevitable outcome of extinction, plummeting populations, lost and simplified ecosystems, and a bio-homogenized world is not only the global demolition of wild nature, but also the halting of speciation of much complex life. The conditions for the birth of new species within a wide band of life, especially of large-bodied species that reproduce slowly, are being suspended.27 All these interconnected dimensions constitute what conservation biologists call the biodiversity crisis—a term that to the postmodernist rings of rhetoric, while to the broad public (insofar as it has heard anything about it) involves a largely illiterate and vague understanding of “extinction.” 28 Academic frivolity and public ignorance aside, the biodiversity crisis heralds a biospheric impoverishment that will be the condition and experience of all future human generations: it requires 5 to 10 million years for biodiversity to recover after a mass extinction of the current scope. In light of this fact, I submit that unless global warming unleashes appalling penalties—in which case, the climate crisis and biodepletion will merge into one devastating event for virtually all life29—the implications of humanity’s impact on biodiversity are so far-reaching that they may, in reality, dwarf the repercussions of climate change. And yet, the current framing of climate change as the urgent issue encourages regarding the unwinding of biodiversity as a less critical matter than the forthcoming repercussions of global warming. Attention to the long-standing ruination of biodiversity underway is subverted in two ways in climate-change discourse: either it gets elided through a focus on anthropocentric anxieties about how climate change will specifically affect people and nations; or biodepletion is presented as a corollary of climate change in writings that closely consider how global warming will cause biodiversity losses. Climate change is undoubtedly speeding up the unraveling of life’s interconnectedness and variety. But if global warming has such potential to afflict the natural world, it is because the latter’s “immunity” has been severely compromised. It is on an already profoundly wounded natural world that global warming is delivering its blow. Focusing on the added blow of climate change is important, but this focus should not come at the expense of erasing from view the prior, ongoing, and climate-change-independent wounding of life on Earth.

Can’t solve – not binding treaties – no one has to obligated.

#### Framing warming in terms of extinction fails – cedes power to climate deniers and creates a disincentive to change

Gross & Gilles 12 [Mathew Barrett, Director of Internet Communications for Howard Dean's 2004 presidential campaign and MS from University of Montana, and Mel, Director of Sol Kula Healing, both authors of *The Last Myth: What the Rise of Apocalyptic Thinking Tells Us About America*, “How Apocalyptic Thinking Prevents Us from Taking Political Action,” 23 Apr 2012, <http://www.theatlantic.com/politics/archive/2012/04/how-apocalyptic-thinking-prevents-us-from-taking-political-action/255758/>] // myost

For example, annual climate-related disasters such as droughts, storms, and floods rose dramatically during the last decade, increasing an average 75 percent compared to the 1990s -- just as many climate models predicted they would if global warming were left unchecked. Yet this rise in natural disasters hasn't produced a moment of universal recognition of the dangers of climate change; instead, belief in climate change is actually on the decline as we adjust to the "new normal" of ever-weirder weather or convince ourselves that our perception of this increased frequency is a magnifying trick of more readily available cable and Internet coverage. To understand why fewer people believe in climate change even as evidence mounts, we must look beyond the industry-funded movement to deny the reality and effects of climate change. Perhaps equally important -- if not quite equally culpable -- has been the extent to which both the proponents and opponents of human-made climate change have led us down a cul-de-sac of conversation by exploiting the apocalyptic metaphor to make their case. Whether by design or by accident, the initial warnings of environmentalists -- of oceans rising to engulf our most beloved metropolises, of amber waves of grain scorched into a desert landscape -- activated the apocalyptic impulse. The focus on disastrous repercussions for our behavior at some point in the future echoed the warnings of the Israelite priests to wayward Jews in Babylon or, later, to those who submitted too willingly to Alexander's process of Hellenization. It was a familiar story: change, and change radically, or face hell on earth. Perhaps there was no other way to sound the alarm about the devastating threat presented by global climate change, but that echo of apocalyptic warning was quickly seized upon by the naysayers to dismiss the evidence out of hand. We've heard this story before, the deniers insisted, and throughout history those who have declared the end of the world was near have always been proven wrong. As early as 1989, the industry front man Patrick Michaels, a climatologist and global warming skeptic, was warning in the op-ed pages of the Washington Post of this new brand of "apocalyptic environmentalism," which represented "the most popular new religion to come along since Marxism." That the solutions to global warming (a less carbon-intensive economy, a more localized trade system, a greater respect for nature's power) parallel so perfectly the dream of environmentalists, and that the causes of global warming (an unrestrained industrial capitalism reliant on the continued and accelerating consumption of fossil fuels) parallel the economic dream of conservatives, has simply exacerbated the fact that global warming has now become just another front in the culture wars. By seizing upon and mocking the apocalyptic imagery and rhetoric of those sounding the alarm, the industry front groups succeeded in framing the debate about global warming into a question about what one believes. Thus, entangled with the myth of apocalypse -- and its attendant hold on our own sense of belief and self-identity -- the debate about anthropogenic climate change has reached an impasse. You believe in the Rapture; I believe in global warming -- and so the conversation stops. But global climate change is not an apocalyptic event that will take place in the future; it is a human-caused trend that is occurring now. And as we expend more time either fearfully imagining or vehemently denying whether that trend will bring about a future apocalypse, scientists tell us that the trend is accelerating.

**Alt cause – developing countries**

**Warming is not anthropogenic – C02 levels have been higher than the squo 4 times.**

**Bell July 2012** (Larry, Contributor Forbes, “That Scientific Global Warming Consensus...Not!”, <http://www.forbes.com/sites/larrybell/2012/07/17/that-scientific-global-warming-consensus-not/>, Vance)

**A** more **recent 2012 survey published by the AMS found that only one in four respondents agreed with UN Intergovernmental Panel on Climate Change claims that humans are primarily responsible for** recent **warming**. And while 89% believe that global warming is occurring, **only 30% said they were very worried**.¶ **A March 2008 canvas of 51,000 Canadian scientists with the** Association of Professional Engineers, Geologists and Geophysics of Alberta (**APEGGA) found** that although 99% of 1,077 replies believe climate is changing, 68% disagreed with the statement that “…the debate on the scientific causes of recent climate change is settled.” Only **26% of them attributed global warming to “human activity like burning fossil fuels.” Regarding these results, APEGGA’s executive director, Neil Windsor, commented, “We’re not surprised at all. There is no clear consensus of scientists that we know of**.”¶ **A 2009 report issued by the Polish Academy of Sciences PAN Committee of Geological Sciences, a major scientific institution in the European Union,** agrees that the purported climate consensus argument is becoming increasingly untenable. It **says,** in part, that: “**Over the past 400 thousand years** – even **without human intervention – the level of CO2 in the air, based on the Antarctic ice cores, has already been similar four times, and even higher than the current value**. At the end of the last ice age, within a time [interval] of a few hundred years, the average annual temperature changed over the globe several times. **In total, it has gone up by almost 10 °C in the northern hemisphere, [and] therefore the changes mentioned above were incomparably more dramatic than the changes reported today.”**

**Alt cause – Oil producers**

**McKibben August 2012** (Bill, Schumann Distinguished Scholar at Middlebury College, “Global Warming's Terrifying New Math”,¶ <http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719#ixzz22nLp9Aub>, Vance)

**The** Third **Number: 2,795 Gigatons**¶ This number **is the scariest of al**l – one that, for the first time, meshes the political and scientific dimensions of our dilemma. It was highlighted last summer by the Carbon Tracker Initiative, a team of London financial analysts and environmentalists who published a report in an effort to educate investors about the possible risks that climate change poses to their stock portfolios. **The number describes the amount of carbon already contained in the proven coal and oil and gas reserves of the fossil-fuel companies, and the countries** (think Venezuela or Kuwait) that act like fossil-fuel companies. In short, **it's the fossil fuel we're currently planning to burn**. And **the key point is that this new number – 2,795 – is higher than 565. Five times higher**.¶ The Carbon Tracker Initiative – led by James Leaton, an environmentalist who served as an adviser at the accounting giant PricewaterhouseCoopers – combed through proprietary databases to figure out how much oil, gas and coal the world's major energy companies hold in reserve. The numbers aren't perfect – they don't fully reflect the recent surge in unconventional energy sources like shale gas, and they don't accurately reflect coal reserves, which are subject to less stringent reporting requirements than oil and gas. But for the biggest companies, the figures are quite exact: If you burned everything in the inventories of Russia's Lukoil and America's ExxonMobil, for instance, which lead the list of oil and gas companies, each would release more than 40 gigatons of carbon dioxide into the atmosphere.¶ Which is exactly why this new number, 2,795 gigatons, is such a big deal**. Think of two degrees Celsius as the legal drinking limit –** equivalent to the 0.08 blood-alcohol level **below which you might get away with driving home. The 565 gigatons is how many drinks you could have and still stay below that limit – the six beers, say, you might consume in an evening. And the 2,795 gigatons? That's the three 12-packs the fossil-fuel industry has on the table, already opened and ready to pour**.¶ **We have five times as much oil and coal and gas on the books as climate scientists think is safe to burn.** We'd have to keep 80 percent of those reserves locked away underground to avoid that fate. Before we knew those numbers, our fate had been likely. Now, barring some massive intervention, it seems certain.

### I-Law

#### Domestic law stops solvency

Seligson 2013 (Susan, Reporter BU Today, “Guantanamo: the Legal Mess Behind the Ethical Mess”, <http://www.bu.edu/today/2013/gitmo-the-legal-mess-behind-the-ethical-mess/>, Vance)

Second, in 2010 the Obama administration announced that four dozen of the Guantanamo detainees could not be prosecuted or released, but would remain in indefinite detention without charge or trial. And third, the administration has claimed that it cannot close the facility because of Congress’ passage of the [National Defense Authorization Act](http://www.govtrack.us/congress/bills/112/hr4310/text) (NDAA), which Obama himself signed. The act prohibits transfer of any Guantanamo detainee to a country where returnees have reengaged in terrorist activity and requires certification from the receiving country that it has taken steps to prevent such activity. The administration has the authority to waive such restrictions; however, no prisoner has been released under the NDAA restrictions.

#### International law doesn’t solve, the fact that genocides are still happening in Africa and Russia’s invasion of Georgia, and US invasion of Iraq.

#### International law is too weak to prevent conflict

AEI 5 (American enterprise inst, april, book review, inst for public policy research, “The Limits of International Law” Jack L. Goldsmith and Eric A. Posner, <http://www.angelfire.com/jazz/sugimoto/law.pdf>) "As the twentieth century ended, optimism about international law...degradation and human rights abuses"

As the twentieth century ended, optimism about international law was as high as it had ever been—as high as it was at the end of World War I and World War II, for example. We can conveniently use 9/11 as the date on which this optimism ended, but there were undercurrents of pessimism even earlier. The UN played a relatively minor role in bringing the conflicts in the Balkans to the end. Members of the Security Council could not agree on the use of force in Kosovo, and the NATO intervention was thus a violation of international law. The various international criminal tribunals turned out to be cumbersome and expensive institutions, they brought relatively few people to justice, and they stirred up the ethnic tensions they were meant to quell. Aggressive international trade integration produced a violent backlash in many countries. Treaty mechanisms seemed too weak to solve the most serious global problems, including environmental degradation and human rights abuses.

#### I-Law set by the US is ignored

Pederson 8 (Ole, Professor @ Newcastle, <http://internationallawobserver.eu/2008/09/18/fading-influence-of-the-us-supreme-court/>, AD: 7/10/10) jl

It appears that it is not only the [EU](http://internationallawobserver.eu/2008/09/18/a-year-for-europe-maybe-not/) whose authority is fading. Today’s [NY Times](http://www.nytimes.com/2008/09/18/us/18legal.html?_r=1&hp=&adxnnl=1&pagewanted=1&adxnnlx=1221753717-8pdanTsDalyAfCQgzjrVvQ) has a very interesting story on the influence of the US Supreme Court, which is well worth a read. The article states that the number of citations of US Supreme Court cases in other jurisdictions is in decline compared to just ten years ago. There are many reasons for this, according to, inter alia, Thomas Ginsburg of University of Chicago and Aharon Barak, former president of the Israeli Supreme Court. One reason is the rise in the numbers of constitutional courts elsewhere, which has, through time, created a rich jurisprudence on constitutional law rendering the need to cite US cases less essential. Additionally, US foreign policy may play a part in the diminishing influence of the oldest constitutional court in world. Finally, the reluctance of the US Supreme Court itself to cite foreign law when adjudicating may play a role. This final point is perhaps the most interesting. Whereas European (including the ECJ and the ECtHR), Australian and Canadian courts do not shy away from referring to foreign law, it has always been a sensitive topic in the US where many scholars favour leaving aside foreign law. This approach has its clear democratic justification but as Justice Ruth Bader Ginsberg said in [2006 in an address](http://supremecourtus.gov/publicinfo/speeches/sp_02-07b-06.html) to the South African Constitutional Court:

“[F]oreign opinions are not authoritative; they set no binding precedent for the U.S. judge. But they can add to the store of knowledge relevant to the solution of trying questions. Yes, we should approach foreign legal materials with sensitivity to our differences, deficiencies, and imperfect understanding, but imperfection, I believe, should not lead us to abandon the effort to learn what we can from the experience and good thinking foreign sources may convey.”

#### The call for international law turns the case—invites colonial intervention and violence in the name of combating rights-denying savages

Mutua 1 [Makau, Dean of the University at Buffalo Law School, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42.1 (Winter 2001): 201-245] // myost

The impulses to conquer, colonize, save, exploit, and civilize non-European peoples met at the intersection of commerce, politics, law, and Christianity and evolved into the Age of Empire. As put by John Norton Pomeroy, lands occupied by "persons who are not recognized as belonging to the great family of states to whom international law applies" or by "savage, barbarous tribes" belonged as of right upon discovery to the "civilized and Christian nation."140 The savior-colonizer psyche reflects an intriguing interplay of both European superiority and manifest destiny over the subject. The "othering" project degrades although it also seeks to save. One example is the manipulative manner in which the British took over large chunks of Africa. Lord Lugard, the British colonialist, described in denigrating language a "treaty-making" ceremony in which an African ruler "agreed" to "British protection." He described this ceremony with both parties "[s]eated cross-legged on a mat opposite to each other on the ground, you should picture a savage chief in his best turn-out, which consists probably of his weapons of war, different chalk colourings on his face, a piece of the skin of a leopard, wild cat, sheep or ox."141 As put by a European missionary, the "Mission to Africa" was "the least that we [Europeans] can do . . . to strive to raise him [the African] in the scale of mankind."142 Anghie notes that the deployment of denigrating, demeaning language is essential to the psyche of the savior. He writes: The violence of positivist language in relation to non-European peoples is hard to overlook. Positivists developed an elaborate vocabulary for denigrating these peoples, presenting them as suitable objects for conquest, and legitimizing the most extreme violence against them, all in the furtherance of the civilizing mission - the discharge of the white man's burden. 143 Human rights law continues this tradition of universalizing Eurocentric norms by intervening in Third World cultures and societies to save them from the traditions and beliefs that it frames as permitting or promoting despotism and disrespect for human rights itself. While it is incorrect to equate colonialism with the human rights movement, at least in terms of the methods of the two phenomena, it is not unreasonable to draw parallels between them with respect to some of their motivations and purposes. Colonialism was driven by ignoble motives while the human rights movement was inspired by the noblest of human ideals. However, both streams of historical moment are part of a Western push to transform non-European peoples. Louis Henkin celebrates the embrace of human rights by diverse states across the globe as the triumph of the post-1945 era: Ours is the age of rights. Human Rights is the idea of our time, the only political-moral idea that has received universal acceptance. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, has been approved by virtually all governments representing all societies. Human rights are enshrined in the constitutions of virtually every one of today's 170 states--old states and new; religious, secular, and atheist; Western and Eastern; democratic, authoritarian, and totalitarian; market economy, socialist, and mixed; rich and poor, developed, developing, and less developed. Human rights is the subject of numerous international agreements, the daily grist of the mills of international politics, and a bone of continuing contention among superpowers.144

#### The NEG’s appeal to neutrality and universal animality is a fig leaf to cover more sophisticated modes of exclusion – the attempt to “close the gap” between hu~~man~~ and non-human externalizes violence, turning the aff

Rasch 3 [William, Professor of Ger~~man~~ic Studies at Indiana University, “Hu~~man~~ Rights as Geopolitics: Carl Schmitt and the Legal Form of American Supremacy,” *Cultural Critique* 54 (Spring 2003): 120-147] // myost

Yes, this passage attests to the antiliberal prejudices of an unregenerate Eurocentric conservative with a pronounced affect for the counterrevolutionary and Catholic South of Europe. It seems to resonate with the apologetic mid-twentieth-century Spanish reception of Vitoria that wishes to justify the Spanish civilizing mission in the Americas.8 But the contrast between Christianity and hu~~man~~ism is not just prejudice; it is also instructive, because with it, Schmitt tries to grasp something both disturbing and elusive about the modern world—namely, the apparent fact that the liberal and hu~~man~~itarian attempt to construct a world of universal friendship produces, as if by internal necessity, ever new enemies. For Schmitt, the Christianity of Vitoria, of Sala~~man~~ca, Spain, 1539, represents a concrete, spatially imaginable order, centered (still) in Rome and, ultimately, Jerusalem. This, with its divine revelations, its Greek philosophy, and its Ro~~man~~ language and institutions, is the polis. This is civilization, and outside its walls lie the barbarians. The humanism that Schmitt opposes is, in his words, a philosophy of absolute humanity. By virtue of its universality and abstract normativity, it has no localizable polis, no clear distinction between what is inside and what is outside. Does hu~~man~~ity embrace all hu~~man~~s? Are there no gates to the city and thus no barbarians outside? If not, against whom or what does it wage its wars? We can understand Schmitt’s concerns in the following way: Christianity distinguishes between believers and nonbelievers. Since nonbelievers can become believers, they must be of the same category of being. To be hu~~man~~, then, is the horizon within which the distinction between believers and nonbelievers is made. That is, hu~~man~~ity per se is not part of the distinction, but is that which makes the distinction possible. However, once the term used to describe the horizon of a distinction also becomes that distinction’s positive pole, it needs its negative opposite. If humanity is both the horizon and the positive pole of the distinction that that horizon enables, then the negative pole can only be something that lies beyond that horizon, can only be something completely antithetical to horizon and positive pole alike—can only, in other words, be inhu~~man~~. As Schmitt says: Only with the concept of the hu~~man~~ in the sense of absolute hu~~man~~ity does there appear as the other side of this concept a specifically new enemy, the inhu~~man~~. In the history of the nineteenth century, setting off the inhu~~man~~ from the hu~~man~~ is followed by an even deeper split, the one between the superhu~~man~~ and the subhu~~man~~. In the same way that the hu~~man~~ creates the inhu~~man~~, so in the history of hu~~man~~ity the superhu~~man~~ brings about with a dialectical necessity the subhu~~man~~ as its enemy twin.9 This “two-sided aspect of the ideal of hu~~man~~ity” (Schmitt 1988, Der Nomos der Erde, 72) is a theme Schmitt had already developed in his The Concept of the Political (1976) and his critiques of liberal pluralism (e.g., 1988, Positionen und Begriffe, 151–65). His complaint there is that liberal pluralism is in fact not in the least pluralist but reveals itself to be an overriding monism, the monism of hu~~man~~ity. Thus, despite the claims that pluralism allows for the individual’s freedom from illegitimate constraint, Schmitt presses the point home that political opposition to liberalism is itself deemed illegitimate. Indeed, liberal pluralism, in Schmitt’s eyes, reduces the political to the social and economic and thereby nullifies all truly political opposition by simply excommunicating its opponents from the High Church of Hu~~man~~ity. After all, only an unregenerate barbarian could fail to recognize the irrefutable benefits of the liberal order.

#### The reproduction of an external, ideological enemy permits absolute annihilation—their politics strips the non-human animal of its otherness and guarantees total war—this violence outweighs their turns because drawing lines limits violence to contained agonism

Odysseos 4 [Louiza, Department of Politics and International Studies and Faculty of Law and Social Sciences at the University of London, “Carl Schmitt and Martin Heidegger on the Line(s) of Cosmopolitanism and the War on Terror,” *Conference on the International Political thought of Carl Schmitt*, p. 18-21] // myost

The second criticism has to do with the imposition of particular kind of monism: despite the lip-service to plurality, ‘liberal pluralism is in fact not in the least pluralist but reveals itself to be an overriding monism, the monism of hu~~man~~ity.” Similarly, Timothy Brennan traces the same tendency in current cosmopolitan perspectives in that they show ‘an enthusiasm for customary differences, but as ethical or aesthetic material for a unified polychromatic culture – a new singularity born of a blending and merging of multiple local constituents.’ There are two ways in which **the discourse of a ‘universal hu~~man~~ity’ has a strong disciplining effect on peoples and politics**. The first, noted by a number of commentators, involves the political refutation of the tolerance witnessed in the cultural or private sphere; in other words, politically, **cosmopolitanism shows little tolerance for** what it designates as **‘intolerant’ politics, which is any politics** that moves **in opposition to its ideals, rendering political opposition to it illegitimate**. Cosmopolitan discourses **are** also **defined by a claim to their** own exception and **supe**riority. They naturalise the historical origins of **liberal societies** which are no longer regarded as ‘contingency established and historically conditioned forms of organization’; rather, they **become the universal standard against which other societies are judged**. Th**ose found wanting are banished, as outlaws, from the civilized world**. Ironically, one of the signs of their outlaw status is their insistence on autonomy, on sovereignty. The second disciplining effect on the discourse of hu~~man~~ity is seen in the tendency to normalize diverse peoples through ‘individualisation’. The paramount emphasis placed on legal instruments such as hu~~man~~ rights transforms diverse subjectivities into ‘rights-holder’. As Rasch argues ‘the other is stripped of his otherness and made to conform to the universal ideal of what it means to be hu~~man~~’. The international hu~~man~~ rights regime, which cosmopolitanism champions as a pure expression of the centrality of the individual and to which it is theoretically and ontologically committed, is the exportation of modern subjectivity around the globe. The discourse of hu~~man~~ity expressed through hu~~man~~ rights involves a transformation of the hu~~man~~ into the rights-holder: ‘[o]nce again, we see that the term **“hu~~man~~” is not descriptive, but evaluative**. To be truly hu~~man~~, one needs to be corrected.’ Thirdly, ‘hu~~man~~ity is not a political concept, and no political entity corresponds to it. The eighteenth century hu~~man~~itarian concept of hu~~man~~ity was a polemical denial of the then existing aristocratic federal system and the privileges accompanying it.’ Outside of this historical location, where does it find concrete expression? **The discourse of hu~~man~~ity finds expression in a**n abstract **politics of neutrality**, usually in the name of an international community **which acts**, we are assured, **in the interest of hu~~man~~ity**. James Brown Scott, a jurist and prominent political figure in the United States in the beginning of the 20th Century, wrote in the interwar years of the right of the international community to impose its neutral will: The “international community,” Scott writes, “is coextensive with hu~~man~~ity – no longer merely with Christianity,” it has become “the representative of the common hu~~man~~ity rather than of the common religion binding the States. Therefore, the international community “possesses the inherent right to impose its will…and to punish its violation, not because of a treaty, or a pact or a covenant, but because of an international need” (283). If in the sixteenth century it was the Christian Church that determined the content of this international need, in the twentieth century and beyond it must be secularized “church” of “common hu~~man~~ity” that performs this all-important service. Finally, and most importantly, there is the relation of the concept of hu~~man~~ity to the other, and to war and violence. In its historical location, the hu~~man~~ity concept had critical purchase against aristocratic prerogatives, but its utilization by liberal discourses in the individualist tradition, Schmitt feared, could bring about new and unimaginable modes of exclusion. Rasch explains: The hu~~man~~ism that Schmitt opposes is, in his words, a philosophy of absolute hu~~man~~ity. By virtue of its universality and abstract normativity, it has no localizable polis, no clear distinction between what is inside and what is outside. Does hu~~man~~ity embrace all hu~~man~~s? Are there no gates to the city and thus no barbarians outside? If not, against whom or what does it wage its wars? **‘Hu~~man~~ity as such’** Schmitt noted ‘**cannot wage war because it has no enemy,** at least not on this planet’. As Ellen Kennedy notes, hu~~man~~ity ‘is a polemical word that negates its opposite.’ In The Concept of the Political Schmitt argued that hu~~man~~ity ‘excludes the concept of the enemy, because the enemy does not cease to be a hu~~man~~ being’. In the Nomos, however, it becomes apparent that, historically examined, the concept of hu~~man~~ity could not allow the notion of justus hostis, of a ‘just enemy’, who is recognized as someone with whom one can make war but also negotiate peace. Schmitt noted how only when ‘~~man~~ appeared to be the embodiment of absolute hu~~man~~ity, did the other side of the concept appear in the form of a new enemy: the inhu~~man~~’ (NE 104). It is worth quoting Rasch’s account at length: We can understand Schmitt's concerns in the following way: Christianity distinguishes between believers and nonbelievers. Since nonbelievers can become believers, they must be of the same category of being. To be hu~~man~~, [End Page 135] then, is the horizon within which the distinction between believers and nonbelievers is made. That is, hu~~man~~ity per se is not part of the distinction, but is that which makes the distinction possible. However, once the term used to describe the horizon of a distinction also becomes that distinction's positive pole, it needs its negative opposite. If hu~~man~~ity is both the horizon and the positive pole of the distinction that that horizon enables, then the negative pole can only be something that lies beyond that horizon, can only be something completely antithetical to horizon and positive pole alike—can only, in other words, be inhu~~man~~. Without the concept of the just enemy associated with the notion of non-discriminatory war, the enemy had no value and could be exterminated. **The concept of hu~~man~~ity**, furthermore, **reintroduces** substantive causes of **war because it shutters the** formal **concept of justus hostis, now designated** substantively **as an enemy of hu~~man~~ity as such.** In Schmitt’s account of the League of Nations in Nomos, he highlights that compared to the kinds of wars that can be waged on behalf of hu~~man~~ity the Interstate European wars from 1815 to 1914 in reality were regulated, they were bracketed by the neutral Great Powers and were completely legal procedures in comparison with the modern and gratuitous police actions against violators of peace, which can be dreadful acts of annihilation (NE 186). **Enemies of hu~~man~~ity cannot be considered ‘just and equal’ enemies**. Moreover, **they cannot claim neutrality: one cannot remain neutral in the call to be for or against hu~~man~~ity or its freedom; one cannot**, similarly, **claim a right to** resist or **defend oneself in the sense we understand this right to have existence** in the jus publicum Europeaum. As will examine below in the context of the war on terror, this denial of self-defence and resistance ‘can presage a dreadful nihilistic destruction of all law’ (NE 187). When the enemy is not accorded a formal equality, the notion that peace can be made with him is unacceptable, as Schmitt detailed through his study of the League of Nations, which had declared the abolition of war, but in rescinding the concept of neutrality only succeeded in the ‘dissolution of “peace” (NE 246). It is **with the dissolution of peace** that **total wars of annihilation** and destruction **becomes possible, where the other cannot be** assimilated, or accommodated, let alone **tolerated: the friend/enemy distinction is no longer taking place** with a justus hostis **but rather between good and evil, hu~~man~~ and inhu~~man~~, where** ‘**the negative pole of the distinction is to be fully and finally consumed without remainder**. With this in mind, I turn to the next section to the war on terror and its relation to the discourse of hu~~man~~ity and cosmopolitanism.

#### No internal link – US ignores norms no reason enforcing would solve.

#### The liberal order saves lives selectively—millions die from AIDs and starvation while mass interventions are justified if American interests are threatened. The result is overwhelming violence without limit

Badiou 04 (Alain, FRAGMENTS OF A PUBLIC DIARY ON THE AMERICAN WAR AGAINST IRAQ Vol. 8, No. 3 Summer 2004, pp. 223-238, kdf)

In fact, **the United States is an imperialist power without an empire,** a hegemony without territoriality. I propose the term "zoning" [zonage] to convey its relation to the world: **every place in the world can be considered by the American government as a zone of vital interest, or as a zone of total disinterest, according to fluctuations in the consideration of its "democratic" comfort. You could die by the thousands without America raising an eyebrow (thus. for years. AIDS in Africa). or, on the other hand. have to endure the build-up of a colossal army in the middle of the desert (Iraq today).** *Zonage* means that American military intervention resembles a raid much more than a colonial-type intervention. It's about vast incursions, particularly brutal in nature, that are as brief as possible. **Kill people in large numbers, beat them into a stupor, smash them until their last gasp. then return home to eniov the comfort you've so skillfully defended in a provisionally "strategic" zone: this is how the USA thinks about its power, and about how to use it.** The time will certainly come for us to conceptualize this assertion: the metaphysics of American power is a metaphysics of limitlessness. The great imperial theories of the nineteenth century were always theories of dividing, dividing up the world, creating boundaries. For the USA, there are no limits. Nixon's advisers, as Noam Chomsky points out, **were already proclaiming this under the name of "the *politics ofthe madman.* "The *USA* must impose upon the rest of the world the belief that it – the United States – is *capable of anything.* and especially of what is neither rational nor foreseeable. The excessive quality of the interventions aims at getting the adversary to realize that the American retaliation can be totally unrelated to what was initially at stake. The adversary will deem it preferable to concede management of the disputed zone, for a time, to the " mad' power.** The invasion of Iraq, currently under preparation, is a figure of that madness. It shows that, for American governments, there are neither countries, nor States, nor peoples. **There are only zones, where one is justified in destrovinR everything i f there is, in those zones, the slightest question of the idea – an empty one, besides – of American comfort.**

#### Their use of the law whitewashes violence and makes the aff impacts inevitable

Pugliese 2013 (Joseph [Associate professor of cultural studies @ Macquarie University]; State Violence and the Execution of Law Biopolitical Caesurae of Torture, Black Sites, Drones; p. 6-8; kdf)

In examining the violence of useless suffering in the context of the genocides of the¶ twentieth century, Levinas notes that 'the very phenomenon of suffering in its¶ uselessness is, in principle, the pain of the Other. For an ethical sensibility¶ confirming in itself, in the inhumanity of our time, against this inhumanity- the¶ justification of the neighbour's pain is certainly the source of immorality.' 16 The¶ US state's inflicting of violence and useless suffering on the other -- whether¶ through torture practices or civilian mutilations and deaths due to drone strikes¶ -has been justified through the use of law. As a law-abiding state, in contradistinction¶ to what it terms the 'ungoverned places of the world,' the US state's invocation¶ of the rule of law in order to justify and legitimate its torturous and¶ exterminatory violences is crucial in enabling it to maintain what Max Weber¶ terms 'the monopoly of the legitimate use of physical violence within a certain territory.'¶ 'The state,' having arrogated this monopoly, 'is held to be the sole source of the¶ "right' to use violence.'17 As Austin Sarat and Thomas Keans note, law's claim¶ to legitimacy in its use of violence is 'the minimal answer to skeptical questions¶ about the ways law's violence differs from the turmoil and disorder law is allegedly¶ brought into being to conquer. In invoking law's power 'to conquer,' they¶ underscore the manner in which this minimal claim to legitimacy works to occlude¶ the imperial vocation of law to exercise violence in order to render the other's¶ violence as lawless, uncivilized and irrational. As I demonstrate in what follows,¶ the violent force of this binary is precisely what scripts, under the imprimatur of a¶ range of laws, the US state's conduct of its war on terror. The minimal status of¶ the US state's claim to legitimacy through law in the conduct of this same war is¶ precisely what emerges as dubious and untenable.¶ Law, as deployed by the state, acts to legitimate the state's violent practices even¶ as it can also be rendered irrelevant to the state's prerogative to exercise violence.¶ 'The ideological core of the modern state,' writes Alan Hunt, 'lies in the varieties b¶ of the idea of a state based on law (Rechtsstaat) epitomized by the constitutional¶ doctrine of the rule of law.' However, as Hunt immediately qualifies, 'This¶ powerful ideological motif coexists with legal renunciation, the self-conscious¶ recognition of arenas of state action with which the courts will not interfere. The¶ standard example is the exclusion of matters of "national security" from legal¶ scrutiny.' 19 As I discuss in some detail in Chapter 5, the ruse of 'national security'¶ is precisely what animates the deployment by the state of strategies of redaction¶ and material destruction of incriminating evidence; censorial strategies that place¶ the state and its agents beyond legal scrutiny and juridical accountability. For the¶ state's monopoly on violence to continue to appear as a non-negotiable actuality,¶ it must be exercised in fact. Etienne Balibar delineates what is at stake: 'if the¶ so-called "foundational violence" of state power is to exist (or appear as foundational),¶ it must not only be idealized or sacralized- that goes without saying- but¶ also actually exercised and implemented at some points and times, in some visible¶ "zones" of the system.' Once situated in these zones, Balibar 'writes, 'we realize¶ that in many cases we are at the extreme bodrers of cruelty. '20¶ The torture practices that were legally licensed by the Torture Memos offer a¶ graphic instantiation of this visible exercise of state violence at, and beyond, the¶ extreme borders of cruelty. They offer, moreover, tangible evidence of the manner¶ in which law enables the state to couch its right to exercise violence in a rationalist¶ mode; to speak its violent enactment with a tone of neutral and reasoned modulation¶ that legitimates the use of violence precisely by disavowing its devastating¶ lived effects as endured by its target subjects.21 As those subjects who have been¶ at the receiving end of state violence repeatedly testify, it is law's capacity for¶ rationalist instrumentalization that disassociates it from the violence it at once¶ sanctions and enables. Only in this way can the memos coolly argue, for example,¶ that the collective acts that constitute waterboarding fail to breach the US Torture¶ Statute:¶ Assuming adherence to the strict limitations discussed herein, including the¶ careful medical monitoring and available intervention by the team as necessary,¶ we conclude that although the question is substantial and difficult, the¶ authorized use of the waterboard by adequately trained interrogators and¶ other team members could not reasonably be considered specifically intended¶ to cause severe physical or mental pain or suffering and thus would not violate¶ sections 2310-2340A [of the US Torture Statute]."