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#### FIRST OFF IS TOPICALITY—

#### Our interpretation is that debate is a game which should revolve around the topic. Our interpretation is that the affirmative should defend some type of statutory or judicial restrictions on the war powers authority of the President of the U.S. in one or more of the following areas: targeted killing, indefinite detention, offensive cyber operations, or introduction of armed forces into hostilities.

#### “USFG should” means the debate is about a topical action established by governmental means

Jon M. ERICSON, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., 3 [*The Debater’s Guide*, Third Edition, p. 4]

The Proposition of Policy: Urging Future Action

In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### They don’t meet—they don’t do one of the 5.

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt a specific rule;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Judicial means the court

WEST’S LAW 08 [West's Encyclopedia of American Law, edition 2. http://legal-dictionary.thefreedictionary.com/judicial]

Relating to the courts or belonging to the office of a judge; a term pertaining to the administration of justice, the courts, or a judge, as in judicial power.

A judicial act involves an exercise of discretion or an unbiased decision by a court or judge, as opposed to a ministerial, clerical, or routine procedure. A judicial act affects the rights of the parties or property brought before the court. It is the interpretation and application of the law to a particular set of facts contested by litigants in a court of law, resulting from discretion and based upon an evaluation of the evidence presented at a hearing.

Judicial connotes the power to punish, sentence, and resolve conflicts.

#### Our interpretation is best—

#### 1. Predictability—ignoring the resolution opens up an infinite number of topics—this undermines our ability to have in-depth research on their arguments destroying the value of debate.

#### Modest predictability of the resolution is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Toni M. MASSARO, Professor of Law, University of Florida, 89 [August, 1989, “Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?” *Michigan Law Review*, 87 Mich. L. Rev. 2099, Lexis]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations.

My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**.

Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55

As a practical matter, therefore, our rules often are ambiguous and fluid standards that offersubstantial room for varying interpretations. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal.

Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings.

A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. We value some procedural regularity - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create expectations, and their consistent application fulfills the expectations. The modest predictability that this sort of "formalism" provides actually **may encourage human relationships**.60

#### 2. Ground—the resolution exists to create fair division of aff and neg ground—any alternative framework allows the aff to pick a moral high ground that destroys neg offense.

#### We should endorse procedures that ensure exposure of our positions to the best range of evidence and reasoning.

Cheryl **MISAK** Philosophy @ Toronto **‘8** “A Culture of Justification: The Pragmatist's Epistemic Argument for Democracy” *Episteme* 5 (1) p. 95-97

I have argued in Truth, Politics, Morality (2000) that when C. S. Peirce, the founder of pragmatism, unpacks the idea of the scientific method, the epistemic notions of truth and justification are strenuously linked to the political ideal of democracy and the values associated with it – the values of freedom of association, freedom of speech, listening to the views of others, expanding public spaces in which open debate can flourish, etc. The epistemic argument for democracy which is implicit in Peirce’s thought is, in a nutshell, as follows. One of Peirce’s many lasting contributions to philosophy was the pragmatist account of truth, on which a true belief is one that would **stand up to inquiry**. A true belief is one that is indefeasible – it would not be improved upon; it would forever meet the challenges of reasons, arguments, and evidence. Peirce argues that the best method for achieving our aspirations to truth is what he calls the method of science. He has a minimalist conception of this method – it is just the method that pays attention to experience. Then here is the connection between truth and the method of science. A true belief is one that best fits with experience and argument, so one is committed, as an inquirer or truth-seeker, to taking experience seriously. Hence, one is committed to the method of science and to trying to ensure that the experiences of all are taken into consideration. If a domain of inquiry is to aspire to truth, it must be open – it must encourage the free exchange of results, experiences, arguments, and ideas. Scientific inquiry can thus be seen as a democratic kind of inquiry. The contemporary pragmatist Hilary Putnam puts it this way: “Democracy is a requirement for experimental inquiry. . . . To reject democracy is to reject the idea of being experimental” (Putnam 1994, 64; see also his 1992, 180). Here is another way of putting the argument. We should put our beliefs through the tests of inquiry in order to make them the best they can be. We should expose our beliefs to **reasons**, **arguments**, and **evidence**. If we want to arrive at beliefs that will withstand criticism and accommodate all the evidence, then it is best to throw criticism and evidence at our beliefs so we know whether they might withstand it. Information, arguments, and evidence must be freely exchanged, so that we can ensure that our beliefs are responsive to them. Freedom of association, freedom of speech, etc. are necessary aspects of a deliberation that is suited to getting us the right answers to our questions. On the Peircean view of truth, truth is a product of human inquiry. This holds for all domains of inquiry, but it is especially clear in political inquiry. Inquirers take human interests and contexts seriously in the messy business of political deliberation (how could they not?). They are fallible and they need to seek out potentially conflicting experience if their beliefs are going to be properly aimed at truth. They never know that they have the truth in hand, but only that they are following a method that is conducive to finding the truth. 3 . DEWEY, INQUIRY, AND DEMOCRACY Dewey was the most explicit of the classical pragmatists about linking democracy and inquiry. But just as Peirce’s view needs elucidation, so does Dewey’s. Putnam is one contemporary pragmatist who offers him a hand. His Dewey argues that there are two kinds of justification of something. You can aim your justification at the skeptic or you can aim it at those who are already a part of a community in that they presuppose certain things together. This is a thought at the very heart of pragmatism: Peirce, for instance, argued that the doubts of the skeptic are “tin” or “paper” doubts, not effective against living belief. Throughout the process of inquiry or deliberation, we are aiming at revising our beliefs when prompted by real doubt. Presaging Neurath’s metaphor about building our boat of knowledge while still at sea, Peirce says that inquiry is not standing upon the bedrock of fact. It is walking upon a bog, and can only say, this ground seems to hold for the present. Here I will stay till it begins to give way. (CP 5.589, 18982) Peirce, James, and Dewey speak with one voice when they suggest that we are always immersed in a context of inquiry, where the decision to be made is a decision about what to believe from here, not what to believe were we able to start from scratch – from certain infallible foundations. Putnam (1992, 188) argues that Dewey starts with this basic pragmatist idea that we have to begin with our capacities and current practices and turns his interest to our capacities to intelligently initiate action, to talk, and to experiment. Democracy, he suggests, is a precondition of these practices. The method that we use to solve problems, from physics to politics, is to experiment, reflect, and discuss. The scientific method requires the unimpeded flow of information and the freedom to offer and to criticize hypotheses. Elizabeth Anderson (2006) describes Dewey’s account of inquiry this way. We propose solutions to the problems which press upon us, try to predict the consequences of the solutions’ implementations, and ask whether our reactions to those consequences would be positive or negative. We then test the solution that has withstood the challenge of testing in thought experiment or experiment in the imagination. That is, we see what the results actually are. Dewey thought, with Peirce, that if a belief were to always withstand challenges, if it were to always stand up to experience and argument, there is nothing higher or better we could ask of it. He too, that is, sees the pragmatist account of truth as a central feature of the pragmatist’s epistemic argument for democracy. In order to flesh out that argument, we need to address some concerns about mixing truth and politics.

#### Our argument is a *deliberative* strategy to reach consensus about the best way to debate. Our argument is not that “the aff has violated a rule and are not allowed to debate this way”—instead we say “we think the model of debate you are proposing is not productive and a model that privileges predictable advocacies would create superior debate.” We then engage in a process of debate in order to decide whether the affirmative’s or negative’s version of debate would be better.

#### Any critique of T is a false-choice that doesn’t recognize the complexity of indigenous politics. Negotiating the use of the USFG is a key element in indigenous activism. Their colonialism impacts don’t link to our interpretation.

Kevin **BRUYNEEL** Politics @ Babson **‘7** *The Third Space of Sovereignty* p. 217-223

In writing this book, a question often popped into my mind, the one famously posed by postcolonial theorist Gayatri Spivak: "Can the subaltern speak?" Spivak's question is not about the vocal cords of the colonized; it is about the colonizer's ear drums; "Can the subaltern speak?" really means, "Are the colonizers deaf?" not ''Are the colonized mute?" This study has demonstrated ways in which the American settler-state and nation have sought, often successfully, to impose temporal and spatial limitations on indigenous political life. In resistance, indigenous political actors speak against and across the boundaries of colonial rule by articulating and fighting for a third space: a space of sovereignty and/or citizenship that is inassimilable to the modern liberal democratic settler-state and nation. The settler polity is often deaf to the indigenous claim for a third space because this claim refuses to accommodate itself to the political choices framed by the imperial binary: assimilation or secession, inside or outside, modern or traditional, and so on. Looked at in this way, indigenous political resistance is refusal of a false choice. Among other things, this book has been an effort to expose to clearer light the presence and politics around the third space, defined by colonial impositions and postcolonial resistances. To conclude the book, I look at how the third space concept could positively reshape the language and therefore the terms of and possibilities for indigenous-settler-society relations in the future, and I also suggest its applicability to the wider political discourse and politics around sovereignty. REFUSING THE FALSE CHOICE: SEEING THE THIRD SPACE In their introduction to the important collection Political1heory and the Rights of Indigenous People, the volume's editors, Duncan Ivison, Paul Patton, and Will Sanders, note that for some of their contributors, such as James Tully as well as Will Kymlicka and J. G. A. Pocock, "there can be no equal standing for indigenous peoples until they are acknowledged as equal sovereigns within a postcolonial constitutional arrangement," while "for others, such as [Iris] Young and [Augie] Flores and [Roger] Maaka, it is the very nature of the sovereign state that must be rethought." 1 While these descriptions flatten the complex views of each of these scholars, there is something worth drawing from the two approaches implied here. The first approach seeks to rethink governance from below by seeking to secure and "arrange" multiple nodes of sovereignty in a multilayered political system wherein settler and indigenous polities can coexist, overlap, and interweave jurisdictions. The second approach, by contrast, rethinks governance from above by arguing that the hegemonic "sovereign state," and thus state sovereignty, is inherently incompatible, and in fact hostile, to the secured existence of indigenous political autonomy. What I find compelling and significant here is the general direction in which these thinkers are going on this issue, which is to see and argue that the viability of political autonomy for indigenous tribes will not come through accommodation of the settler-state's political system, boundaries, and culture. Rather, it will require some degree of meaningful change in the settler-society's institutional organization and ideational approach and the concomitant solidification of a location and form of indigenous sovereignty that is self-determined and thus not dependent on the settlersociety. Missing from these formulations, however, is a precise concept as well as a vocabulary that can pin down the alternatives represented in this "postcolonial arrangement" and/or "rethinking of the sovereign state." I propose that the "third space" may well provide the vocabulary that both captures and helps to constitute a viable, increasingly sought-after location of indigenous postcolonial political autonomy that refuses the choices set out by the settler-society. But cultivating this discourse and seeing its constitutive possibilities is easier said than done, so one of the first steps toward moving in this direction will involve refusing the false choice set out by the settler-state. In a 1998 Law Review article, Julie Cassidy set out and critiqued rhe terms of the false choice presented to those advocating sovereignty for indigenous nations and tribes: "The resolution relating to Aboriginal sovereignty is often mistakenly perceived as only involving two possibilities: (r) acknowledgement of Aboriginal sovereignty and the consequent desrruction of the "occupying" state's sovereignty; or (2) continuation of the past denial of Aboriginal sovereignty. However, it is possible for both entities to enjoy concurrent sovereignty."2 The false choice here is that either indigenous tribes and nations must become sovereign states, thereby destroying the settler-states within which they reside, or their citizens must accept unambiguous inclusion in the settler polity, thereby denying their collective claim to sovereignty. This false choice of either destruction or denial is built on colonialist and statist presumptions. The colonialist presumption is that the settler polity and its institutions represent the ideal of modern political development, while indigenous political society and institutions are, at best, underdeveloped or, at worst, primitive, and thus incapable of real independence in our time. The statist presumption is that legitimate, viable sovereignty can be secured and expressed only through statist institutions, the purview of which is singular and plenary over political space marked by unambiguous boundaries. When articulated in tandem, these colonial-statist presumptions form the foundation of the imposition of colonial rule over indigenous people within liberal democratic settler-states such as the United States. We saw this during and especially after the Civil War when, in their own way, each of the three branches of the American federal government sought to clearly define and secure the reunified boundaries of the American nation-state by domesticating indigenous tribes to them, which included ending the formal process of treaty-making and codifYing U.S. plenary power. During the Progressive era, these colonial-statist imperatives drove U.S. policies that sought to break up what Teddy Roosevelt called the "tribal mass" through various means, including allotment of indigenous territory, the unilateral conferral or imposition of U.S. citizenship on people who were already citizens of their tribes, and the closure of U.S. political boundaries to indigenous people not residing within what America deemed its political space. This imperative persisted in different ways throughout the twentieth century, such as in the midcentury termination policy, and has taken its most notable contemporary form in the antitribal sentiment evident in mainstream American electoral politics, citizen groups' discourse in the civil society, and U.S. Supreme Court decisions. Over the course of American political history, indigenous sovereignty has been deemed something that needed to be denied-for example, through the codification of U.S. plenary power-and/or something that threatened the destruction of U.S. state sovereignty, as expressed, for instance, by contemporary antitribalism. The enduring presence of colonial ambivalence has maintained the parameters of this false choice, putting indigenous sovereignty and political life in a seemingly impossible colonial bind that has positioned indigenous tribes as "domestic to the United States in a foreign sense." In fact, this ambivalence has served to forestall the complete imposition of any particular thrust in the vacillating history of U.S. Indian policy. The ambivalence inherent to the false choice is also, in part, a product of and opens room for what I have referred to as indigenous postcolonial resistance. This is a resistance that defies American colonial imperatives and seeks to, reframe the boundaries that purport to bind indigenous political life. Like the approaches offered by the scholars noted earlier, Julie Cassidy's alternative of "concurrent sovereignty" refuses the idea that the only options available result in either the destruction of state sovereignty or the denial of indigenous sovereignty. Her refusal echoes the efforts of indigenous political actors and movements discussed in this book. John Ross and his Cherokee colleagues refused the treaty terms that they thought would destroy their nation. In so doing, although they likely lost more than they won in the 1866 treaty negotiations, they nevertheless maintained the unity of the Cherokee nation and in important ways shaped its sovereign purview in the Indian Territory. During the Progressive era, Clinton Rickard and his compatriots, among others, fought to refuse the imposition of U.S. citizenship and the rigid American political boundaries that they saw as inimical to citizenship in their own nations. Their efforts amounted to a defense of the independent political life of those nations, and they resonate to this day in, among other things, the annual traditions enacted at the U.S.- Canadian border that symbolically and physically express an indigenous refusal to abide settler-state boundaries. In the 196os and 1970s, the politics of indigenous refusal gained its greatest notoriety when the Red Power movement refused the false choice of either the assimilatory aims of the civil rights movement or the nationalist separatism of third world anticolonialism. Instead, Red Power fought for a right to self-determination as a proactive challenge to and even "recolonization" of American colonial boundaries, symbolized by the occupation of Alcatraz Island and by Vine Deloria's notion of the modern "tribe as a nation ex- tending in time and occupying space." Deloria's vision was that of tribes whose identity and expression of sovereignty transcend the boundaries of colonial time-that feeling of being "unreal and ahistorical," as he called it-and by so doing are better able to secure and expand the location of indigenous people in postcolonial space, across the boundaries of colonial rule. The political history of indigenous people's refusals of the false choice set out for them indicate a persistent effort both to self-determine what sovereignty means to them and to expose the uncertainty and even impossibility of U.S. sovereignty as a totalizing claim to supreme, legitimate authority. In this regard, indigenous and U.S. or settler claims to sovereignty face the challenge of dealing with the instability of the term itself. Recall Roxanne Doty's point, noted in chapter 1: "The social construction of sovereignty is always in process, and is a never completed project." This process can be seen in the political interchange between American colonial impositions, colonial ambivalence, and indigenous postcolonial resistance, which continually struggle over the precise meaning and purview of the political authority claimed by the settler-state and the many indigenous tribes. While the American perspective cleaves to a statist notion of sovereignty as a source of domination, indigenous politics in its many forms refuses to be contained by the limits of the boundaries of the settler-state and the nation. These refusals demonstrate that indigenous political identity, agency, and autonomy reside in postcolonial time and space, always already across the temporal and spatial boundaries marked out by the settler-state and the colonialist political culture. By articulating this postcolonial fact, indigenous political actors and institutions reveal that settler-state boundaries are just one way-a colonialist way-to map out a people's relationship to time and space in North America, and they can offer the third space of sovereignty as a politically and discursively locatable alternative. In this regard, it is my hope that the idea of the third space also contributes to the general aims pursued by the scholars noted earlier as well as by scholars of indigenous politics such as Tom Biolsi, who builds his contemporary analysis on the premise that "the nation-state, it turns out, is only one among several (perhaps many) political geographies imagined, lived, and even institutionalized under modernity by American Indians."3 The "imagining" of alternative "political geographies" is a fundamental part of the effort to see viable alternatives to the statist or colonialist conception of sovereignty. To be sure, this antistatist or anticolonial effort does not exist in a vacuum, relevant only to indigenous political concerns, bur is connected to and possibly even constitutive of the effort to reimagine the role and meaning of sovereignty in the political world generally. In a genealogy of the concept of sovereignty, international relations scholar Jens Bartelson urges us to consider "the question of sovereignty [as a] question of the unthought foundations of our political knowledge and how they relate to the concept of sovereignty, when stripped of all predetermined content and opened to definitional change over time."4 Bartelson is encouraging us to imagine various possibilities for conceptualizing the relationship between people, power, and space over time, and, just as important, to take heed of what we lose by not opening ourselves up to at least a consideration of alternatives. For example, what are the implications of allowing hegemonic political space as defined by the state system to remain an "unthought epistemological foundation of sovereignty"? A major political implication, according to Alexander Murphy, is that by constituting and accepting "sovereignty as a territorial ideal ... the modern territorial state has co-opted our spatial imaginations."5 Refusing this co-optation-this false choice-requires a decolonization of our spatial imaginations to reveal forms of political space that cannot simply be mapped onto the boundary lines of the international state system. It is in this regard that indigenous politics can inform and be informed by the reconsiderations of sovereignty occurring more generally because they refuse to say simply Yes or No to state sovereignty, but instead imagine a postcolonial supplemental remapping of sovereign relationships that can include but will not be dictated to or contained by state boundaries. Therefore, I suggest that the third space may also prove of worth as a conceptualization of antistatist autonomy that can be an alternative to the polar imaginaries that either see state sovereignty as the unavoidably exclusive font of legitimate political space or postulate a political world in which we have somehow moved beyond state sovereignty altogether. In accord with this aim of decolonizing our spatial imaginations and thereby drawing out postcolonial supplemental alternatives to state sovereignty, I rurn to the ideas of two contemporary indigenous political voices, one of whortl is looking to reconsider governance from below and one from above. In reconsidering contemporary governance from the ground up, we should consider the decolonization plan proposed by Chief Justice Robert Porter of the Supreme Court of the Sac and Fox nation of Kansas and Missouri. Porter argues for a form of decolonization that I deem postcolonial in nature because it is based on an understanding that "a decolonized relationship does not mean that there is no relationship at all. The United States remains committed by treaty and legal obligations."6 To this end, he proposes specific forms of decolonization that directly reshape the boundaries of U.S.-indigenous legal jurisdiction, such as a change in "federal law to recognize the power of Indian nations over misdemeanors committed by non-Indians within tribal borders."7 1his proposal works across the boundaries in an effort to decolonize them so that instead of representing colonial impositions on indigenous sovereignty they come to represent sites for the fuller expression of tribal sovereignty. Porter's postcolonial decolonization strategy is similar, in a general sense, to what the Oneida nation of New York sought in repurchasing land for their historic reservation: to assert indigenous authority over some components of the overlapping, checkerboarded legal and political jurisdictions of historic indigenous territory. This unilateral assertion of authority would not be seamless or comprehensive, for just as the Oneida were seeking only to be exempt from state and local taxation, Porter's claim is only for tribal jurisdiction over less serious offenses committed in indigenous territory. The intention of both efforts was to express and cultivate a third space of sovereignty, and one cannot fully comprehend either effort without appreciating the role of boundary-crossing here. Nevertheless, as we saw in chapter 6, the Supreme Court's decision in the Oneida case clearly indicates that American colonial impositions continue to seek to defuse and delimit indigenous sovereign expression. Although this was a disappointing decision for the Oneida nation and for indigenous tribes generally, the actions of the Oneida nation that led to this case point to the direction that future expressions of and struggles for indigenous sovereignty may well take across the boundaries of colonial rule.

#### The argument that being topical is structurally unfair for them is a self-serving assertion used to sidestep clash—critiquing any part of the resolution, like the FG, to legitimize avoiding topical action gets co-opted by the right for the opposite purpose.

TALISSE 5— Robert, philosophy professor at Vanderbilt [“Deliberativist responses to activist challenges,” *Philosophy & Social Criticism*, 31.4]

\*\*\*gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

My call for a more detailed articulation of the second activist challenge may be met with the radical claim that I have begged the question. It may be said that my analysis of the activist’s challenge and my request for a more rigorous argument presume what the activist denies, namely, that arguments and reasons operate independently of ideology. Here the activist might begin to think that he made a mistake in agreeing to engage in a discussion with a deliberativist—his position throughout the debate being that one should decline to engage in argument with one’s opponents! He may say that of course activism seems lacking to a deliberativist, for the deliberativist measures the strength of a view according to her own standards. But the activist rejects those standards, claiming that they are appropriate only for seminar rooms and faculty meetings, not for real-world politics. Consequently the activist may say that by agreeing to enter into a discussion with the deliberativist, he had unwittingly abandoned a crucial element of his position. He may conclude that the consistent activist avoids arguing altogether, and communicates only with his comrades. Here the discussion ends.

However, the deliberativist has a further consideration to raise as his discursive partner departs for the next rally or street demonstration. The foregoing debate had presumed that there is but one kind of activist and but one set of policy objectives that activists may endorse. Yet Young’s activist is opposed not only by deliberative democrats, but also by persons who also call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by this one activist. Once these opponents are introduced into the mix, the stance of Young’s activist becomes more evidently problematic, even by his own standards.

To explain: although Young’s discussion associates the activist always with politically progressive causes, such as the abolition of the World Trade Organization (109), the expansion of healthcare and welfare programs (113), and certain forms of environmentalism (117), not all activists are progressive in this sense. Activists on the extreme and racist Right claim also to be fighting for justice, fairness, and liberation. They contend that existing processes and institutions are ideologically hegemonic and distorting. Accordingly, they reject the deliberative ideal on the same grounds as Young’s activist. They advocate a program of political action that operates outside of prevailing structures, disrupting their operations and challenging their legitimacy. They claim that such action aims to enlighten, inform, provoke, and excite persons they see as complacent, naïve, excluded, and ignorant. Of course, these activists vehemently oppose the policies endorsed by Young’s activist; they argue that justice requires activism that promotes objectives such as national purity, the disenfranchisement of Jews, racial segregation, and white supremacy. More importantly, they see Young’s activist’s vocabulary of ‘inclusion’, ‘structural inequality’, ‘institutionalized power’, as fully in line with what they claim is a hegemonic ideology that currently dominates and systematically distorts our political discourses.21

The point here is not to imply that Young’s activist is no better than the racist activist. The point rather is that Young’s activist’s arguments are, in fact, adopted by activists of different stripes and put in the service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.22 In light of this, there is a question the activist must confront. How should he deal with those who share his views about the proper means for bringing about a more just society, but promote a set of ends that he opposes?

It seems that Young’s activist has no way to deal with opposing activist programs except to fight them or, if fighting is strategically unsound or otherwise problematic, to accept a Hobbesian truce. This might not seem an unacceptable response in the case of racists; however, the question can be raised in the case of any less extreme but nonetheless opposed activist program, including different styles of politically progressive activism. Hence the deliberativist raises her earlier suspicions that, in practice, activism entails a politics based upon interestbased power struggles amongst adversarial factions.

### 1NC – Epistemology K

#### Opposition between Western and indigenous epistemologies is rooted in essentialism. Criticism of so-called Western epistemological forms undermines struggles against colonialism.

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In two recent articles,3 American Indian studies professor Duane Champagne challenges ‘Western’ academic disciplines’ epistemological ability to analyse contemporary Indigeneity.4 Specifically, their failure to consider Indigenous collectivities’ active role in colonial contexts in terms not readily discernable in Western forms of knowledge means these disciplines miss large elements of Indigeneity and, as such, fail to offer a plausible basis for its analysis. Champagne contends that despite its current failure to do so, American Indian studies—extrapolated here to include all Indigenous studies—should instead assume this mantle by presuming the distinctive agency of Indigenous peoples, including a focus on exploring our relations according to our distinctive epistemologies and according to the goals and mandates set by Indigenous communities. Not only will this distinguish Native studies from the rest of the academia, it will better position it to assist Indigenous peoples in righting their relationships with dominant, ‘whitestream’ society.5 I agree with Champagne’s assertion that Indigenous studies—whether within or outside specific departments and faculties—should exist in contemporary academia and that Indigenous communities ought to constitute a central focus to this endeavour. Despite his obvious love for the discipline (a fidelity I share), however, his peculiar positioning of Indigenous studies as different needlessly marginalises our density and, in doing so, unnecessarily gives ground to disciplinary turf long claimed by older disciplines. Thus, although he usefully positions Indigenous communities as producers of complex knowledge about indigeneity, his separation of Indigenous from white society unnecessarily marginalises two elements of our density critical to this relationship: 1) the extent of Indigenous communities’ knowledges about whiteness (a social fact which requires an expertise in ‘Western’ concepts); and 2) the extent to which the production of academic knowledge through Indigenous studies is shaped by the ‘whitestream’ academic relations of power, marking it in tension with other forms of knowledge (such as community knowledge). Both are unfortunate omissions. Regarding the first, the epistemological aprioris of whiteness are a dominant representational source through which Western societies produce and consume Indigeneity. As such, Champagne recklessly jettisons so-called Western disciplinary concepts and methodologies as immutable precisely where and when they are most necessary. Regarding the second, he dismisses the contextual importance of accounting for the academic institutional conditions under which native studies units (are allowed to) exist. My sympathetic critique of Champagne’s argument is divided into three major parts and a conclusion. Part one extrapolates his analysis of current native studies and his prescriptions for how to fix it. In this context I examine his charge that ‘Western’ disciplines (anthropology, history, sociology and so on) are too epistemologically constricted to properly explain Indigenous agency or communities and I emphasise his failure to account for the conditions of possibility under which Native American studies entered into academic history (to borrow Foucauldian phraseology).6 This latter element challenges the relationships he posits between both Indigenous studies and other academic disciplines and Indigenous knowledge within and outside the academy. Part two unpacks his tropes to reveal an epistemological and ontological essentialism which positions Indigeneity as separate from (his notion of) colonialism, such that an endogamous focus on the former obviates the need for accounting for the influence of the latter (or at least, that native studies can analyse the former in a manner which separates it from the Western academic herd). I argue that Champagne reproduces a variant strain of ‘Aboriginalism’ 7 that oversimplifies contemporary Indigeneity and overstates the immutability of concepts emanating from existing ‘Western’ disciplines. In doing so, he unnecessarily limits the contributions Indigenous studies is ideally positioned to make in deconstructing Aboriginalist discourses and in doing so produces an oddly parochial formulation of the discipline. Finally, in part three I offer my own prescriptions for an Indigenous studies anchored in Indigenous density (rather than difference). The temporal and epistemological complexity of our relationships with whitestream society means that Indigenous studies must counter hegemonic representations of Indigeneity which marginalise or altogether ignore our density. Following in the footsteps of Geonpul scholar Moreton-Robinson’s path-breaking work, I argue that Indigenous studies’ study of both Indigeneity and whiteness must use all available epistemologies, not just those which apparently distance Western disciplines from Indigenous studies analysis.8 While Champagne’s formulation can possibly be stretched to examine whiteness, the epistemological strategies he proposes for analysing Indigeneity capture only specific, isolated elements of our complexity. The essay ends with a discussion of the implications of this argument. I Locating (Champagne in) the discipline of native studies Native studies ‘state of the discipline’ pieces often begin by differentiating our scholarship from that of longer-standing disciplines.9 Though these are as often prescriptive as reflective of actual practice, such immanent analysis signals a healthy and growing discipline. American Indian scholar Clara Sue Kidwell suggests that, at least in native studies, these debates often play themselves out in a tension between two poles of analysis: essentialism/difference and adaptation/assimilation.10 She suggests that the essentialism cluster is rooted in an extreme form of post-colonialism which ‘implies that American Indian ways of thinking existed before colonialism and remain unknowable by anyone outside those cultures. Native American studies/American Indian studies can recover the long-suppressed values, epistemologies, and voices from colonial oppression’.11 Conversely, adaptation clusters typically emphasise the agency of Indigenous collectivities in the face of whitestream colonialism. Like the essentialism cluster, however, Kidwell argues that in its extreme variant: the idea of adaptation, or acculturation, or agency represents the ultimate disappearance of Indian identity into American society. If Indians dress like everyone else, speak like everyone else, attend public schools, are citizens of the state in which they live and citizens of the United States, how can they justify claims to a distinctive identity?12 Like others taking the essentialist position in the debate,13 Champagne contends that Indigeneity and Indigenous communities are fundamentally different in ways which elide the epistemological premises of Western disciplines (more on this in part two). These disciplines employ data collection concepts and practices saturated with a concern for ‘examining the issues, problems, and conceptualizations that confront American or Western civilization’.14 Indigenous issues are merely positioned as a specific instance of more general patterns of minority oppression.15 Such thinking has, he suggests, detracted intellectual energy from the more laudable Indigenous studies disciplinary goal of ‘conceptuali[s]ing, researching, and explaining patterns of American Indian individual and collective community choices and strategies when confronted with relations with the American state and society’.16 Champagne suggests that most native studies departments are multidisciplinary in character with faculty scattered in numerous disciplines teaching theories and concepts from numerous academic fields, to students as often as not from non-Aboriginal backgrounds, with a vague mandate for increasing or generating broader awareness about Indigenous history and contemporary realities.17 He admits that this multidisciplinarity is often advantageous in that ‘programs could be constructed from long-standing disciplines, and often seasoned scholars could be called upon to provide guidance and support’.18 However, to the extent that concepts central to Western disciplines remain ‘oriented toward examining the issues, problems, and conceptualizations that confront American or Western civilization’,19 these approaches effectively stifle the ability of American Indian studies to produce disciplinarily endogamous theory and methodology. The existing Indigenous studies academic landscape is thus, Champagne explains, littered with disjointed and epistemologically scattered forays into (and about) Indigenous communities. The current inability to produce distinctive theory and method has exacerbated institutional marginality (his context is American but this is readily extrapolated more broadly): fiscal conservativism limits the likelihood that even well-meaning administrators will build-in the solid, permanent funding required for stable Native studies departments (since money made available for ‘Aboriginal issues’ is just as likely to go to more wellregarded disciplines such as anthropology, history or education); broader multicultural or diversity concerns overshadow the distinctiveness of Indigenous experiences by linking them to broader forms of ‘minority’ oppression (thus the seemingly natural fit of native studies departments within ‘ethnic studies’ faculties); and mainstream theorising and methodological thinking has shown a reluctance to ‘think outside the box’ of Western modes of analysis.20 Champagne argues in a nutshell that: the university bureaucratic environment, weak resource support, the emphasis on race and ethnic paradigms over an indigenous paradigm, and the relegation of Indian Studies to serve general diversity interests for the university will continue to constrain, and often will prevent, full development of indigenous studies departments and programs at many universities.21 Champagne’s understanding of native studies’ relationship to the academy is reminiscent of the humanism Foucault critiques in his examination of nineteenth- and twentieth-century sexuality regulation.22 Foucault takes such explanations to task for their tendency to position power repressively as an entity which prevents actions and curtails freedoms. Foucauldian notions of power instead stress its repressive and constitutive character. They emphasise how discursive power shapes the formation of subjectivities which, in turn, shape the conditions under which subjects ‘enter into history’. Wedded to a repressive understanding of power, Champagne makes a homologous correlation between the current academic institutional marginality of Native studies and the forms of marginality Indigenous communities experience outside the academy. Thus correlated, he argues that a robust and holistic Indigenous paradigm can assist in rectifying this repression. For Champagne, then, academic and nonacademic Indigenous knowledge are comrades-in-arms, with Indigenous studies—anchored in an Indigenous paradigm—providing the missing link. In this guise, his Indigenous paradigm places Indigenous communities and nations at its centre, instead of colonial critique. Native studies, Champagne explains, ‘cannot center on a critique of the colonial experience but rather must focus on the individual and community choices American Indians make to realize their culture, values, and political and economic interests within the constraints and opportunities presented by changing colonial contexts’.23 While colonial critique can be useful for examining external forces relating to political, legal and market conditions, it ‘exclude[s] choice and social action on the part of Native historical and cultural experience, and in effect American Indians are not analyzed as players in their own historical contexts but rather viewed as billiard balls knocked around by powerful colonial powers and forces’.24 Champagne thus draws a clear distinction between, on the one hand, what he thinks Western disciplines, with their focus on colonialism, can explain about indigeneity and on the other, what makes Indigenous peoples truly Indigenous and, presumably, what these disciplines remain unable to explicate. Perhaps equally importantly, he assumes that such boundaries are discrete and readily discernable, such that he effectively erases the object–subject relationship within which all other academic disciplines produce knowledge.25 Champagne’s ostensible focus on Indigenous communities reflects a central disciplinary trope of native studies. For example, Cook-Lynn states bluntly that ‘Indian Studies as an academic discipline was meant to have as it constituencies the native tribal nations of America and its major purpose the defense of lands and resources and the sovereign right to nationtonation status’.26 This emphasis on tribally specific knowledge is also emphasised by Muskogee scholar Craig Womack, who argues the need for ‘more attention devoted to tribally specific concerns’ in a literary context,27 part of a larger ‘literary nationalism’ movement with broadly allied concerns.28 Holm et al. argue even more specifically that native studies should emphasise the exploration and support of and for what they term ‘peoplehood’, positioned to include language, sacred history, territory and ceremony,29 while Kidwell suggests that native studies should endeavour to emphasise Indigenous relationships with land, the inclusion of Indigenous intellectual traditions, our inherent sovereignty and the importance of our Indigenous languages.30 Thus, while Champagne’s focal concerns are not abnormal, his attempt to isolate Indigenous communities epistemologically from the broader social fabric of dominant, whitestream society effectively removes a large part of our arsenal for combatting the damaging representations of Indigeneity woven into larger society. Parts of his argument turn on the idea that colonialism exists external to Indigenous communities and nations, as something we are subject to. Thus, it isn’t that we don’t suffer (from) colonialism; rather, its power resides outside our communities. From this perspective, theories of colonialism are explanatory tools but are not enough in-and-of-themselves because their externality precludes their ability to fully comprehend and analyse our communities’ distinctiveness. In line with the repressive formulation of power which anchors his understanding of Indigenous studies, for Champagne colonialism = sameness/assimilation and indigeneity = difference/freedom. I will have more to say on this below, but suffice it to say for now that his prescriptions become particularly problematic when he attempts to circumscribe the theories and methods native studies should use in analysis of/with Indigenous communities. One can perhaps forgive Champagne’s diagnosis in this context, since it represents only part of his argument and, as I said, is a common trope of Indigenous studies. However, consider a fuller example of his positioning of colonialism: Colonial theories emphasize external forces such as political, legal, market, and cultural constraints and hegemonies to which American Indian communities are subject. Colonial arguments are powerful tools and explain much change in American Indian communities, but the kind of change that is explained is externally enforced and often coercive. Such change is often subtly resisted and not internalized. [footnote omitted] An old Spanish saying is ‘I bend my knee but not my heart’.31 While his statements might legitimately swell our hearts with pride at the ways our ancestors resisted colonialism/oppression while retaining their dignity, traditions and collective self consciousness, they nonetheless avoid questions about how the cultural power of nationstates do not merely oppress, but seduce as well.32 Champagne’s essentialism in effect marginalises the complex ways in which our Indigenous habitus (to borrow from Pierre Bourdieu) is inevitably and irrevocably constituted in and by the fields of struggle we occupy.33 His colonialism thus staggers between a vulgar Marxism which stresses an autonomous subject who can/must reject (or accept) colonialism and an equally vulgar structural-functionalism that measures Indigenous agency and collective choices against a Cartesian indigeneity which exists outside the life and reach of contemporary nation-states’ cultural power.

#### Defining indigenous identity in opposition to white and western epistemologies reduces Native peoples to a caricature of everything that non-Natives are not.

#### Valuing indigenous perspectives because of their difference is condescending and creates a static identity trap.

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Champagne’s abstraction, imprecision and internal contradictions make it difficult to produce definitive conclusions about his work. However, Indigeneity-as-different constitutes a major staple of his argument and even a sympathetic reading requires some agility to avoid the essentialism which grounds it. My point is this: Champagne’s argument that the ‘continued emphasis on how race and ethnic identity in mainstream institutions tends to overshadow the less well understood perspectives of an Indigenous paradigm grounded in the cultures, sovereignty, identities, land, and nation building of indigenous peoples’42 loses its relevance if it fails to include a precise explanation of what the latter terms mean and how they differ from ‘race’ and ‘ethnic identity’. His repeated failure to delineate them leaves little analytical purchase to deal with the complexities of being Indigenous in modern, Western societies, either with respect to how we identify ourselves, how we critique dominant, whitestream representations or how we employ Western discursive authorities in our daily struggles. For example, Champagne proposes that ‘[i]mproving existing theories or categorizations [of Western disciplines] will involve significant revision, and it is doubtful that existing theories can conceptualize or explain the cultural, land, self-government, and colonial histories of Indigenous nations’;43 and further, that ‘most current theories do not provide powerful enough tools for explaining the Indigenous experience’.44 One of many questions which arise from such statements, of course, is the extent to which Indigenous studies—which must necessarily place itself within the same academic relations of power that shape ‘Western’ disciplines—can under any circumstances cash the kind of cheque Champagne is writing on its behalf (more on this in part three). Of more immediate concern: given that Native studies must operate within the forms of power and associated conditions of possibility that characterise other academic disciplines, what allows it to step outside in ways the other disciplines cannot? For Champagne, it is our valorisation of Indigenous epistemologies. Given the centrality of his criticism of Western concepts, his positioning of their central terms deserves to be quoted in their full length, precisely because they explicate the conceptual bases from which he launches his critique of Western disciplines: race: ‘Race and critical race theories focus on marginalization of socially conceived racial groups and provide critiques of dominant group methods of oppression and control … the focus of race and critical race theories tends to assume achievement of equality and inclusion into US society as a primary goal. Such goals of social equality are taken up by some American Indians, but race and critical race theories do not conceptualize or center collective American Indian goals such as preservation of land, self-government, and reclaiming culture’;45 class: ‘while helpful, class theory provides little conceptual or explanatory power for understanding American Indian emphases on reclaiming culture and collective tribal forms of economic organization’;46 ethnicity: ‘Theories of ethnicity focus on group organization and culture but do not include issues such as collective land retention and institutions of self-government’;47 nation: ‘ “Nation” is a term often used in Indian country today partly because the expression makes sense in English and in American culture for a political grouping, but its meaning may have powerful cultural meanings for many American Indian communities that are not implied in the English expression’;48 post-modernism/post-colonialism: ‘are imbued with the deep social epistemologies of Western society. There is much emphasis on marginalization, generally in materialistic forms, and on emancipation and liberation from oppression. Such arguments make sense given the economic and colonial conditions under which indigenous peoples often live, but the goals of the theories should not be imputed to be the goals and values of many indigenous peoples and communities’.49 Given the apparent inadequacy of these concepts in Champagne’s argument and his stated focus on Indigenous communities and nations, what is he left with in his pursuit of an academic basis for Indigenous studies? His looming but largely unacknowledged essentialism leaves him—as essentialism usually does—with an emphasis on Indigenous difference. Champagne repeatedly stresses elements which supposedly render Indigenous communities and cultures different from settler society and its communities: for example, our collective forms of governance, collective land retention and institutions of self government, the centrality of non-human powers and the importance of balance between human and nonhuman powers, all sit outside the ability of Western disciplines to analyse.50 Thus, the epistemological (and, one assumes, ontological) commitment of concepts of race, class, ethnicity, nation and culture to Western society—to assimilation or renationalisation—precludes the ‘deep cultural or institutional perspective of American Indians or center American Indian history or individual, group, or cultural experiences’.51 They fail, for example, to ‘emphasize ways of life that seek spiritual or moral balance with the human and nonhuman forces of the world’.52 Perhaps equally importantly, (Champagne’s) American Indian communities are, he tells us, likely to find such concepts troubling insofar as they rely on ‘epistemological assumptions usually alien to those made in American Indian communities and traditions’.53 Few Native studies practitioners would quarrel with Champagne’s argument that Indigenous communities differ in fundamental ways from dominant, whitestream society. This acknowledgement, however, is accompanied by two rubs. First, in the specific context of the academy, in his failure to explain specifically why Indigenous studies as a discipline should hold a privileged place in the academy to render pronouncements regarding the authenticity of this difference. Second and relatedly, Champagne unproblematically conflates community Indigeneity with its academic manifestation and in doing so reproduces the very same epistemological power of whiteness (at the heart of all academic disciplines) he critiques in his original formulation. What epistemological distances exist between academic and community knowledge? Where can we place Native studies in this continuum? Champagne doesn’t answer these questions because for him, the latter question is, in an ideal world, a solution to the former: Native studies is Indigenous knowledge in the academy. Champagne’s failure to account for the constitutive character of power which shapes ‘academic Indigeneity’ pushes his argument unnecessarily and uncomfortably close to an ‘Aboriginalist’ logic which locates Indigeneity by precisely what, apparently, it is not: white/ capitalist/secular/modern. Certainly, his intentions differ from those of colonial administrators who sought to destroy our distinctiveness, disregard our complexity and produce representations which apparently reaffirm(ed) their superiority over us. Nonetheless, his essentialism effectively marginalises ‘dynamic, kinetic, and unfolding [Indigenous] voice[s]’54 at a time when many (including Champagne himself) have laboured so intensively to interrogate and denaturalise such static representations. Perhaps equally importantly, his analytical lens remains focused solely in the direction of Indigenous communities and in so doing handcuffs our ability to undertake an immanent deconstruction of Indigenous representations produced in and by white society.

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

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

#### Their appeal to indigenous experience and culture shields oppressive politics.

Rey **CHOW** Modern Culture & Media @ Brown **’98** *Ethics After Idealism* p.8-9

On the other hand, precisely because of the obstinacy of the methods of area studies, this is also a moment of danger because the turn toward "other" cultures that is espoused in the name of cultural studies could easily be used to refuse and replace rather than strengthen the theoretical modes of inquiry that remain a valuable part of comparative literature. For instance, it is disturbing to hear a kind of claim that is now often made about the study of nonWestern cultures in the age of multiculturalism: "Now we can go back to the study of indigenous cultures and forget all about `Western theory'!" Even though this is a caricatural paraphrase, I believe it accurately sums up the sentiments that are involved in the antitheoretical clamor for cultural studies. Let me be more specific about why such sentiments are problematic. In the age of the general criticism of Western imperialism, the study of nonWestern cultures easily assumes a kind of **moral superiority**, since such cultures are often also those that have been colonized and ideologically dominated by the West. For the same reason, "theory," for all its fundamental questioning of Western logocentrism, has easily but effectively been lumped together with everything "Western" and facilely rejected as a nonnecessity. This is evident in the manner in which the following type of question, for all its illogicality, continues to be in vogue among some practitioners of Asian studies: "Why should we use Western theory to study Asian cultures?" In the climate of multiculturalism, such practitioners find in cultural studies' obligatory turns toward pluralism a kind of rhetorical justification that works to their own advantage—for what better "reason" is there for the rejection of "Western theory" than the widely advocated study of "other" cultures? In the name of studying the West's ''others," then, the critique of cultural politics that is an inherent part of both poststructural theory and cultural studies is pushed aside, and "culture" returns to a coherent, idealist essence that is outside language and outside mediation. 21 Pursued in a morally complacent, antitheoretical mode, "culture" now functions as a shield that hides the positivism, essentialism, and nativism—and with them the continual acts of hierarchization, subordination, and marginalization—that have persistently accompanied the pedagogical practices of area studies; "cultural studies" now becomes a means of legitimizing continual conceptual and methodological irresponsibility in the name of cultural otherness. One prominent instance of such legitimation is the argument for returning to "indigenous" origins. As Spivak points out, the notion of a return to pure "**indigenous theory**" is not a viable one because of the history of imperialism: I cannot understand what indigenous theory there might be that can ignore the reality of nineteenthcentury history. As for syntheses: syntheses have more problems than answers to offer. To construct indigenous theories one must ignore the last few centuries of historical involvement. I would rather use what history has written for me.22 To add to Spivak's point, it should be emphasized that the advocacy for a return to indigenous theory and culture usually masks, with the violence of "the West," the violence of the cultural politics that is within an indigenous culture.

#### Our alternative: Recognize the epistemological diversity and density of native communities. Epistemological investigation should emphasize *density* not absolute *difference* because Western epistemes assist everyday struggles against resource exploitation.

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By way of conclusion, let me offer some thoughts on where my removal of difference—a central pillar of Champagne’s Native studies—leaves us with respect to fashioning a discipline which can honour our past complexity while accounting for its contemporary and future manifestations.68 Champagne spends much of his analytical time arguing that Western concepts and disciplines are of only limited use to Indigenous studies because they fail to account for the distinctive needs, aspirations and epistemologies of Indigenous communities. A proper Indigenous studies discipline must thus produce: points of view and conceptualizations drawing on the everyday strategies and conceptions of American Indian communities that require mainstream academics and policy makers to rethink and extend the views of indigenous groups, as a means to include their views and socio-cultural actions outside the use of class, ethnicity, race, and even nationality. Native American Studies, and more generally indigenous studies, calls for conceptualizations and strategies that encompass issues, rights, and strategies of political, cultural, and territorial survival.69 He thus positions Native studies (a position familiar to Native studies practitioners) as a dog on the leash for Indigenous communities and nations. Such a position offers little in the way of analysis about the complexity of academic/community relations but it certainly feels good to say. He doesn’t appear to realise the extent to which analysing such a relationship necessarily requires sliding into disciplinary territory long claimed by other disciplines. If his point is that as Indigenous studies practitioners we need to claim this territory as our own, I am in full agreement. My point is merely that staking such a claim requires none of the epistemological baggage he wants to pack for the journey, and indeed raises troubling issues that require us to carefully unpack what he proposes to bring. Two of these are worth unpacking here. First, the community/academic relationship which appears to anchor Champagne’s formulation is problematic in that it ignores the ways that whiteness in the academy shapes the boundaries of its knowledge production in ways which do not necessarily subscribe to the regimes under which community knowledges are produced: Moreton-Robinson contends quite rightly that such representations ‘may not reflect the same knowledges about authenticity that are created and deployed within and by Indigenous communities and as such they may not be acceptable’.70 In ignoring this complexity, how on earth is Champagne to deal with the conflicts that inevitably arise? It does little good to acquiesce to one discourse or the other (though more often than not academic representations are given the nod), nor can we pretend that such differences are always reconcilable. These conflicts arise in situations pertaining to fundamentally irreconcilable positions on precisely the relationships between humans and nature (as Champagne points to) but they can also arise in more mundane situations, such as how to provide honorariums for elders involved in research projects in ways which don’t claw back from their monthly social assistance cheques. Second, even (or especially) if Indigenous studies is a dog on the leash for Indigenous communities and nations, why does this necessarily require an entirely new set of theoretical or methodological precepts that differ from those of mainstream disciplines? I agree with the broad strokes of Champagne’s argument about constructing a specific niche for ourselves in the academic, as do many other Native studies practitioners. But many of us have been involved in situations in which an Indigenous community has approached our department to ask for research assistance for mundane issues about collecting data on telephone or internet use in their community; proper application of census documents to produce the robust statistical profiles through which they interface with government funders; water purity samples to make determinations of water safety; or even archival documents to assist them in legal battles over hunting, fishing and other resource extraction questions. Although the disciplines of sociology, biological sciences, history or anthropology could and have undertaken this assistance, so can many existing Indigenous studies departments. It seems inherently strange to call for a theoretical and methodological orientation—and thus, according to Champagne, a discipline—which possessed none of this capability. His model presupposes the difference of Indigenous communities and in doing so slams the shutters closed on forms of expertise which might nonetheless prove of central concern to the communities. Champagne contends that ‘the issues confronting indigenous peoples are not reducible to race, class, ethnicity or other common analytical dimensions in use within mainstream disciplines’.71 The problem, from an epistemological standpoint, is that no issues of any peoples can be reduced to these factors. Concepts—all concepts—are by definition schematic and as such are laughably simplistic in the face of the enormous complexity of human life. This complexity requires us to acknowledge that Indigenous communities are—and have been for centuries—more than the ‘holistic, institutionally nondifferentiated’ entities in which ‘knowledge is inherently integrated with community, culture, and political and economic relations’72 painted by Champagne. Thus, although not fully captured by terms like race, ethnicity or class, such terms nonetheless assist greatly in reflecting upon the relationships between our communities and the various nation-states, and not only because they possess symbolic power in dominant society. The real irony of Champagne’s model of Indigenous studies is that his choices of analytical focus require none of the theoretical or methodological prescriptions he begs of them. For example, his most prominent critique of Indigenous studies—that a ‘cacophony’ of theoretical and methodological tools will ‘doom’ it to institutional marginality73—is usually emphasised as a disciplinary strength. Thus, Indigenous studies scholar Jace Weaver writes that: in dealing with the totalizing systems that we know as Native cultures, each view from traditional disciplines is limited and partial, NAS must draw together the various disciplines and their methods in order to achieve something approaching a complete picture of Natives, their cultures and experiences.74 This isn’t an issue for Champagne, apparently, since his positioning of Indigenous communities strips them of any of the epistemological complexity that would require us to intrude on others’ disciplinary turf. He sees this as his model’s strength but in fact it becomes its Achilles heel. By beginning with the assumption that Indigenous communities are epistemologically dense (rather than just different), however, Weaver’s appeal for interdisciplinarity becomes vital. Indeed, failure to account, interdisciplinarily, for this density elevates the danger of producing a naive, substantialist and ultimately parochial Indigenous studies.

### Case

#### Their “purpose of debate” arguments are self-serving. They don’t help indigenous communities. The result of the debate is to validate UNT, not indigenous cosmologies.

Jace **WEAVER** Director of the Inst. of Native American Studies Franklin Professor of Native American Studies and Religion @ Georgia **‘7** “More Light Than Heat The Current State of Native American Studies” *American Indian Quarterly* 31 (2) p.238

We speak of a commitment to Native community. Yet I believe that much of what passes for commitment is shallow, meant more to validate the individual involved than to aid any community. For example, we all know persons who in their writing and in their public appearances do little or nothing more than catalogue the various crimes committed against our peoples and the dysfunctions that they have wrought. We too often, I believe, permit ourselves to become trapped (and it is a trap) in such an encyclopedic enterprise. While these crimes are real and ongoing, for many of these “academic warriors,” such a stance is little more than posture, a mere Cartesian pose: I am angry; therefore, I am Indian. In few disciplines other than nas would simple polemic be permitted to stand in for scholarship. Similarly, we sometimes seem pushed into taking what is perceived to be the most “Native-affirmative” position on any issue, and to state such positions as absolute fact, any evidence to the contrary notwithstanding. From the Bering Strait and Native creation myths to Iroquois influence on the U.S. Constitution, we take tantalizing skeins and insist that they are bolts of whole cloth, when more nuanced readings would be more in conformity with the data while being no less affirmative of Natives and their agency.

## \*\*\* 2NC

#### No cards

## \*\*\* 1NR

### AT: Can’t Advo Rez

#### Their impact turns don’t apply -- Militant opposition and compromise with the settler state are both important for indigenous resistance. Defending the topic doesn’t require oppressing indigenous communities.

Jace **WEAVER** Director of the Inst. of Native American Studies Franklin Professor of Native American Studies and Religion @ Georgia **‘7** “More Light Than Heat The Current State of Native American Studies” *American Indian Quarterly* 31 (2) p.248-251

\*\*\*NAS = Native American Studies

In our histories, we know numerous warriors who took up arms to defend their people. Yet we also have ample and equal examples of diplomacy. For every Red Cloud there is a Red Jacket. For every Geronimo there is a Deskaheh. The two are not mutually exclusive; sometimes an individual is warrior at one moment and diplomat at another. As Daniel Justice reminds us, the Chickamauga consciousness is counterbalanced by the Beloved Path. Dragging Canoe and Nancy Ward are two sides of the same coin.35 nas must involve a commitment to Native community. This does not necessarily mean, however, that every scholar must be a “bomb-thrower.” In nas, for every Vine Deloria Jr. there is a Robert Warrior. For every Harold Cardinal there is a Phil Deloria. For every Taiaiake Alfred, there is a Sid Larson. As Larson writes in his provocatively titled monograph Captured in the Middle, I have American Indian academic colleagues and nonacademic friends who are cultural nationalists, which means they are oftentimes militant and confrontational. Certainly there is much cause for such activism in the American Indian world, and I am grateful there are those willing to do the necessary work of demanding redress of the theft and cultural genocide committed against American Indians. In fact, their good work allows me to emphasize the things different cultural peoples can have in common36 Both warrior and diplomat are necessary for the survival of the People. Both exist, bound together in a choreography that is not a minuet in which partners separate and come back together but a stomp dance in which everyone is always an integral part of the circle. During the last academic year at the University of Georgia, we organized a speakers’ series on the topic “A Traditional Future.” The four speakers were Principal Chief of the Cherokee Nation of Oklahoma Chad Smith, distinguished Cheyenne artist Edgar Heap of Birds, Choctaw historian Homer Noley, and Andy Smith, each of whom addressed the theme from their varying fields of achievement. What exactly is a traditional future? While we were the first to organize a program on this important topic, we did not coin the phrase. It derives from “Globalisation and Indigenous Peoples: Threat or Empowerment?” by Smith, Burke, and Ward, the introduction to Smith and Ward’s Indigenous Cultures in an Interconnected World. In turn, their introduction draws, in particular, upon the essay “History, Representation, Globalisation and Indigenous Cultures: A Tasmanian Perspective” by native Tasmanian artist Julie Gough in the same volume. In her piece, Gough writes, “We were written out of the future in an act of manageable closure by the writers, artists and poets of the nineteenth century.” While most of our peoples were not deemed extinct, as were Gough’s, most Indigenes of the Western hemisphere can nonetheless relate to her words.37 Native peoples do not want to “conjure up a past and crawl into it.” They live in the present and want to move into the future while maintaining what is best in their traditions. What does it mean to live out tradition in the modern world? Smith, Burke, and Ward note, Globalisation constitutes an unprecedented threat to the autonomy of Indigenous cultures as well as an unprecedented opportunity for Indigenous empowerment. [We] highlight not only the new possibilities for Indigenous peoples that are emerging from the development of global communication networks but also the strategies they are using to deal with the pressures of globalisation.38 In discussing the Navajo Nation’s effort to bring wireless Internet to the Navajo reservation, President Joe Shirley invokes the Diné creation story of the sacred twins who, in ancient times, slew the monsters threatening the People. He then declares, Today there are still monstrosities among us. Hunger, thirst, poverty, greed, ignorance, apathy, and all manner of diseases that are blind to race, color, and age. Today’s indigenous peoples must use the arrows of zeros and ones and satellites. Information is a way to overcome today’s monsters.39 Our problems today are wider and greater than globalization, as Shirley’s remarks illustrate. And though technology will be an essential tool, it is not a self-sufficient solution to the problems that Shirley outlines or to others like language loss or the cultural Alzheimer’s that strikes in our communities not the aged but the young. The Native American Studies Program at the University of Georgia, as do other programs across the United States and Canada, sees itself as a place where cutting-edge ideas in nas are discussed first. Of course, only in the academy would the concept of a “traditional future” be considered cutting-edge. In Indian Country—on the ground—it is simply a reality. Native peoples have been living out an ever-changing traditional present and future in this hemisphere for countless generations. Smith, Burke, and Ward conclude their ruminations: As Indigenous peoples reposition themselves in their struggle for recognition and self-determination, so too must others in an interconnected world. The players in the struggles are Indigenous peoples on the one hand and the embedded social and political constructs of colonialism on the other. Researchers (both Indigenous and non-Indigenous) are often the scribes and intermediaries, but the audience is global. The Indigenous Ainu people of Japan have a word, ureshipamoshiri, to describe the world as an interrelated community of all living things. Changes in any part of this community cause ripples and adjustments throughout. Moreover, as [Bruce] Trigger has commented, change is not a violation of culture but a realization of a potential.40 If we in nas are committed to Native community, if we want to be relevant to Native peoples on the ground, if we want to understand and explain the world as it really is, we must deal with these realities. Only then will we stand a chance of consistently generating more light than heat.

#### Fairness outweighs—debate is played for its own sake—fairness outweigh all other concerns.

Villa 96—Dana Villa Political Theory @ UC Santa Barbara [*Arendt and Heidegger: the Fate of the Political* p. 37]

If political action is to be valued for its own sake, then the content of political action must be politics “in the sense that political action is talk about politics.” The circularity of this formulation, given by George Kateb, is unavoidable. It helps if we use an analogy that Kateb proposes, the analogy between such a purely political politics and a game. “A game,” writes Kateb, “is not ‘about’ anything outside itself, it is its own sufficient world…the content of any game is itself.” What matters in a game is the play itself, and the **quality of this play** is **utterly** **dependent** upon the **willingness** and ability of the **players** to **enter the “world” of the game**. The Arendtian conception of politics is one in which the spirit animating the “play” (the sharing of words and deeds) comes **before all else**—before personal concerns, groups, interests, and even moral claims. If allowed to dominate the “game,” these elements detracts from the play and from the performance of action. A good game happens only when the players submit themselves to its spirit and **do not allow subjective or external motives to dictate the play**. A good game, like genuine politics, is played for its own sake.

### 2NC – Impact

#### Turns the case – violence of conceptual abstraction shows up in nativism not just colonialism.

Zaheer **BABER** Sociology @ Saskatchewan **‘2** *The European Legacy* 7 (6) p. 748-749

Despite the highly mediated nature of the diverse networks of intellectual influences, there is no doubt that residues of the European legacy of colonial conquest and rule continue to influence certain dominant strands of social scientific discourses. One of the intellectual responses to the situation has been the project of “indigenization,” an attempt to exorcise the remnants of the Eurocentric elements of the European legacy from academic discourse. The task at hand for scholars associated with this project is to provide a corrective to what is perceived to be the valorization of the experience of “Western” societies as the yardstick for measuring “Other” societies and cultures. At the extreme end of the spectrum is the Indian scholar Claude Alvares, who yearns for a radically anti-modern era that would be in tune with “our own distinctive eastern traditions.” In a recent book, Science, Development and Violence: the Revolt Against Modernity, Alvares makes the dramatic announcement that he has cut off connections with all institutions.6 Presumably, with the exception of Oxford University Press (his publisher), all institutions are compromised products of Eurocentric modernity. The degree of commitment of other intellectuals to the project of indigenization is variable, depending on the issues at hand. Vandana Shiva, for example, whose contribution to the critical literature on biotechnology, patents and development has been insightful and important, unnecessarily conjures up visions of a kinder and gentler science based on a highly romanticized “feminine principle.” Determined not to make any concessions to heterogeneity, ambivalence, contradictory formations or even a nod to the Spivakian “strategic use of positive essentialism,” Shiva categorically rejects “Western” categories, science and knowledge with the objective of constructing a friendlier, decidedly non-strategic essentialist model derived from “non-Western” worldviews, because, as she puts it, “most non-Western cultures have been based on the democracy of all life.”7 The attractions of replacing presumably Eurocentric discourses and institutions are all also all too evident in anthropologist T. N. Madan’s confident dismissal of the state policy of secularism in India. He has no doubts about the fact that in the Indian context, the policy of secularism exhibits “moral arrogance” since it constitutes an “alien cultural ideology … a gift of Christianity … an impossible credo of life … the dream of a minority (secularists) which wants to shape the majority in its own image.”8 Not to be outdone, Ashis Nandy who in some of his earlier writings has steered away from Manichean dichotomies, ratchets up the temperature of the polemical game by quite a few degrees. As he puts it, secularism is quite obviously a “Western concept … introduced into Indian public life to subvert and discredit” Indian society. The policy of secularism for him constitutes the archetypical Eurocentric project if ever there was one, peddled by individuals who are obviously “intellectually crippled and morally  awed … senile … seduced and brainwashed … anaemic” and who have “taken over the white man’s burden in this part of the world.”9 However, not all intellectual encounters with the legacy of Europe in postcolonial societies and theories inevitably traverse the path that leads to a categorical rejection of “alien” epistemologies and knowledge. Nor do all proponents of what has come to be known as the “indigenization” project seek concepts that are sui generis, untainted, and unalloyed by non-indigenous influences. A nuanced variation on the indigenization theme is the promotion of a universalism based on intellectual titration that would replace parochialism masquerading as universalism.10 As formulated by Alatas, the driving force behind this movement is the “idea that social scientific theories, concepts, and methodologies can be derived from the histories and cultures of the various non-Western civilizations” with the ultimate objective of explaining and interpreting “the whole world from various non-Western vantage points.”11 Arguing that the “culture-specific situation of a society determines, at least in part, the concepts, theories and methodologies that arise from tackling specifically indigenous problems,” the ultimate objective of the movement is the construction of “systematized bodies of knowledge … that are based on the indigenous cultures in the same way that Western social science is based on Western historical experiences and cultural practices.”12 While Alatas has been careful to emphasize that as he conceives of it, the move to indigenize the social sciences should not and must not end up being a form of “nativism” or “occidentalism and orientalism in reverse,” not all scholars have been as cautious as him. In seeking to contest the dominance of Eurocentric ideas in the social sciences, some scholars have ironically and perhaps unwittingly reinforced the very paternalistic Orientalism that they claim to be contesting. In more ways than one, some proponents of this project variously known as “indigenization,” “ethno-sociology” and “alternative discourses” have succeeded in unintentionally inflicting heavy doses of conceptual violence on the very idea of social science and knowledge. Little wonder that Edward Said, who is frequently saddled with the responsibility of contributing to the construction of such unreflexive nativism, has been highly critical of this gesture.13 The claims of two scholars gone native with a vengeance are discussed below in some detail, but these two do not by any means exhaust the laundry list.

#### Even if they are right about the starting point that criticizes indefinite detentian – they create Anti-Western conformity.

N. Martin **NAKATA ET AL** Nura Gili Centre for Indigenous Programs, University of New South Wales **’12** “Decolonial goals and pedagogies for Indigenous studies” 1 (1) p. 121

A number of points are threaded through our argument. We agree that anti-colonial critique is a fundamental beginning point for unsettling entry-level students’ presuppositions about Indigenous-Western relations. However we argue that the end-point of instating regenerated Indigenous ‘ways’ or ‘traditions’ as the counter-solution to overcoming colonial legacies occurs too hurriedly in some scholarly analysis and in lecture settings. In this process, explorations in lecture rooms skip the more complex theoretical dilemmas students need to engage with to understand the conceptual limits of their own thinking, as well as the discipline’s, and to critically engage propositions from within Indigenous Studies scholarship. Our stance also leads us away from approaches that focus on decolonising students. Approaches that focus on changing students’ thinking through constant engagement with or reflection on their complicity with colonialism, its knowledge, and its privileges personalises a deep political and knowledge contest in ways that can be counter-productive for both students and their educational goals. Our argument is that the complex grounds of this ‘Indigenous-Western’ contest make it a difficult task to resolve what is colonial and what is Indigenous, or what ultimately serves Indigenous interests in contemporary knowledge practice. Furthermore, the quest to resolve this contest in lecture rooms relies on engaging students in an oversimplification of the way colonial, Western, and Indigenous meanings are produced and operate in contemporary lifeworlds. We propose that students might be more disposed to understanding the limits of their own thinking by engaging in open, exploratory, and creative inquiry in these difficult intersections, while building language and tools for describing and analysing what they engage with. This approach engages the politics of knowledge production and builds critical skills — students’ less certain positions require the development of less certain, more complex analytical arguments and more intricate language to express these arguments. Pedagogically, we propose this as a way to also prevent slippage into forms of thinking and critical analysis that are confined within dichotomies between primitivism and modernity; and as a way to avoid the closed-mindedness of intellectual conformity, whether this be expressed in Indigenous, decolonial, or Western theorising.

### Link

#### Red People. The red body is a product of colonial legal orders, not an alternative to them. Their advocacy presumes that the Red body predates, and bursts open the Law. However, red-identity formation and consolidation is a contingent process *resulting* from differentiation from white and black bodies inscribed in the law of slavery. There is no “Red body” *outside* colonialism.

**Taylor 11** Melanie Benson Taylor, Dartmouth, Ph.D., Boston University, 2005; M.A., Boston University, 1999; B.A., Smith College, 1998 “Reconstructing the Native South: American Indian Literature and the Lost Cause”

Neither homogenizing nor harmonious, race in the Southeast frequently meant elision and erasure for Indians. Southern racial codes labored to subsume the Indian into either white or black populations, imperiling Natives' cultural integrity as a group apart from either white settlers or African chat- tel. Gradually, the Native South became inextricably bound in not just a racial society but a biracial one that increasingly demanded alliance with either a white power structure or a black, laboring underclass. A stark binary order dominated the South long before Jim Crow institutionalized and disciplined it. According to historian Nancy Shoemaker's research, Indians began emphasizing their identity as "red" peoples in the early eighteenth century, drawing on imagery in precontact stories, precisely to **distinguish themselves from both "white" and "black"** monoliths; Removal and its fictions of extinction did much to ensure that "red" became a memory and a fantasy in a region long consumed by black-white issues." As James Merrell reports, even as early as the nineteenth century, Catawba Indians in South Carolina had assumed white racist attitudes toward blacks ///

as a means of safeguarding their own tenuous position, and further to distance themselves from being mistakenly interpreted as black themselves. Indeed, the practice of slavery among the tribe proliferated largely as a means of enforcing racial hierarchy between these otherwise analogous peoples, and the accompanying racism toward African Americans lingered long after slavery was abolished." A similar phenomenon deteriorated interracial relationships among the Cherokee, whose ambivalent slaveholding attitudes became markedly more severe upon removal to Indian Territory and its acute new challenges to their economic and cultural survival; as Theda Perdue documents, Cherokee planters tight- ened control over their slave labor force, and in turn, the incidence of escape and revolt grew dramatically?" Under Jim Crow and the "one-drop rule," to have even a miniscule degree of African blood was to be classified as black; yet such logic not only enforced racial apartheid but also denied Indians with African heritage the opportunity to identify as anything other than black."

For Indians who were not black at all but might easily be misidentined as such, the need to maintain racial clarity was imperative. In Geary Hobson's zooo novella The Last of the Ofos (to be discussed in greater detail in chapter 3), his protagonist is the last surviving member of the "Ofo"- or Mosopelea -tribe of Louisiana. Already an occluded member of a physically vanished tribe, Thomas Darko battles further to be seen as anything besides "dark," as his name implies and predestines him, a description that could only mean "black" in the Jim Crow South. Hobson invents several situations that dramatize Darko's perilous indeterminacy in this context. He makes and runs whiskey with a gang of men - two white, and one black - all poor folks working together without regard for race, in the common effort to survive financially during the Great Depression. Within this biracial group, Darko is automatically assumed to be African American like his colleague, Benny. In one of the book's many picaresque moments, Darko and his gang have a disturbing run-in with Bonnie and Clyde. Bonnie repeatedly calls Darko a "nigger" and, after being informed that he is in fact Native, she sneers: "Oh, git out of here, nigger boy. 'They ain't no more Indians around anymore. Everyone knows that" (51). The presumption of extinction that "everyone knows" in the South functions here as an extreme iteration of the "vanishing race" mythos that operates on a national level. To emphasize the pervasive- ness of this phenomenon, Hobson sends Darko and his crew briefly north to sell their wares in Chicago. As they enter a bar to make the transaction, the black Benny immediately moves off to the kitchen "where he seen a couple of coloreds standing around," and then their host, a man named Saltis, "look at me real close and extra-long, too, but he never said nothing" (46). One of his associates cannot hold his tongue, though:

### AT: Perm

#### Their caveats and 2AC anti-essentialism aren’t sufficient to overcome the problem of defining indigeneity as inherently non-Western.

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

Faculty of Native Studies @ Alberta **‘9** “critical indigenous studies From Difference to Density” *Cultural Studies Review* 15 (2) p.90-91

Champagne’s argument is clearly dedicated to clearing intellectual space for an Indigenous studies willing to do the heavy lifting involved in exploring and analysing what ‘the Western gaze rarely acknowledges’ (see below) by using distinctive theoretical and methodological tools apparently unavailable to Western disciplines. We might, then, merely (if generously) read Champagne’s argument as advocating that a proper study of contemporary Indigeneity requires both Indigenous and Western epistemologies. This strand of his argument, though abruptly anti-essentialist and almost wholly at odds with his earlier discussion, appears reasonably to suggest that Indigenous communities are not so different after all///

, and certainly allows him to avoid his articles’ more essentialist moments. However, this move paints Champagne into another, equally tricky corner. If Indigenous communities are not essentially different, on what epistemological basis can Indigenous studies stake a theoretical or methodological claim separate from those of other disciplines? With all due respect to Champagne, we can no longer base such a claim around an ability to ask questions about Indigeneity in ways Western disciplines cannot, since that ship sailed when he cracked open his positioning of Indigeneity to all epistemological comers. Likewise, he has a larger problem which, perhaps ironically, stems from this same stated centring of Indigenous communities. Though in placing our communities front and centre he rightfully positions us as knowledgeable, agentic subjects, his argument narrows this knowledge to what we know about ourselves and presents no sustained analysis of our equally important knowledge about whiteness. This latter task requires expertise in the very ‘Western’ disciplinary concepts he dismisses. In doing so, Champagne places us outside of the regimes of power which accord these concepts their currency. In a phrase, Champagne has valorised our difference at the expense of our density. The third and final part of the paper will address these issues.