# 1NC

## 1

### Observation One: The Role of DEBATE

### Observation Two: The impacts

#### There are two net benefits to this interpretation of debate:

#### First, MORAL disagreement: Effective moral deliberation requires that all parties be willing to submit to a RECIPROCAL process of agonistic disagreement. Without an effective PROCESS of switch-side debate, there can be no method of dealing with the practical constraints that surround any persuasive context. EVEN IF the affirmative wins there is merit to considering their case, their abandonment of the forum of switch-side debate leaves us less able to speak to problems of power, violence and inequality because they give up on a process that is inherently valuable.

Gutmann & Thompson 96

[Amy & Dennis, President of Penn State and Professor of Political Philosophy at Harvard, Democracy and Disagreement, p. 1//wyo-tjc]

OF THE CHALLENGES that American democracy faces today, none is more formidable than the problem of moral disagreement. Neither the theory nor the practice of democratic politics has so far found an adequate way to cope with conflicts about fundamental values. We address the challenge of moral disagreement here by developing a conception of democracy that secures a central place for moral discussion in political life. Along with a growing number of other political theorists, we call this conception deliberative democracy. The core idea is simple: when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions. But the meaning and implications of the idea are complex. Although the idea has a long history, it is still in search of a theory. We do not claim that this book provides a comprehensive theory of deliberative democracy, but we do hope that it contributes toward its future development by showing the kind of delib-eration that is possible and desirable in the face of moral disagreement in democracies. Some scholars have criticized liberal political theory for neglecting moral deliberation. Others have analyzed the philosophical foundations of deliberative democracy, and still others have begun to explore institutional reforms that would promote deliberation. Yet nearly all of them stop at the point where deliberation itself begins. None has systematically examined the substance of deliberation—the theoretical principles that should guide moral argument and their implications for actual moral disagreements about public policy. That is our subject, and it takes us into the everyday forums of democratic politics, where moral argument regularly appears but where theoretical analysis too rarely goes. Deliberative democracy involves reasoning about politics, and nothing has been more controversial in political philosophy than the nature of reason in politics. We do not believe that these controversies have to be settled before deliberative principles can guide the practice of democracy. Since on occasion citizens and their representatives already engage in the kind of reasoning that those principles recommend, deliberative democracy simply asks that they do so more consistently and comprehensively. The best way to prove the value of this kind of reasoning is to show its role in arguments about specific principles and policies, and its contribu¬tion to actual political debates. That is also ultimately the best justification for our conception of deliberative democracy itself. But to forestall pos¬sible misunderstandings of our conception of deliberative democracy, we offer some preliminary remarks about the scope and method of this book. The aim of the moral reasoning that our deliberative democracy pre-scribes falls between impartiality, which requires something like altruism, and prudence, which demands no more than enlightened self-interest. Its first principle is reciprocity, the subject of Chapter 2, but no less essential are the other principles developed in later chapters. When citizens reason reciprocally, they seek fair terms of social cooperation for their own sake; they try to find mutually acceptable ways of resolving moral disagreements. The precise content of reciprocity is difficult to determine in theory, but its general countenance is familiar enough in practice. It can be seen in the difference between acting in one's self-interest (say, taking advantage of a legal loophole or a lucky break) and acting fairly (following rules in the spirit that one expects others to adopt). In many of the controversies dis-cussed later in the book, the possibility of any morally acceptable resolution depends on citizens' reasoning beyond their narrow self-interest and considering what can be justified to people who reasonably disagree with them. Even though the quality of deliberation and the conditions under which it is conducted are far from ideal in the controversies we consider, the fact that in each case some citizens and some officials make arguments consistent with reciprocity suggests that a deliberative perspective is not Utopian. To clarify what reciprocity might demand under non-ideal conditions, we develop a distinction between deliberative and nondeliberative disa-greement. Citizens who reason reciprocally can recognize that a position is worthy of moral respect even when they think it morally wrong. They can believe that a moderate pro-life position on abortion, for example, is morally respectable even though they think it morally mistaken. (The abortion example—to which we often return in the book—is meant to be illustrative. For readers who deny that there is any room for deliberative disagreement on abortion, other political controversies can make the same point.) The presence of deliberative disagreement has important implications for how citizens treat one another and for what policies they should adopt. When a disagreement is not deliberative (for example, about a policy to legalize discrimination against blacks and women), citizens do not have any obligations of mutual respect toward their opponents. In deliberative disagreement (for example, about legalizing abortion), citizens should try to accommodate the moral convictions of their opponents to the greatest extent possible, without compromising their own moral convictions. We call this kind of accommodation an economy of moral disagreement, and believe that, though neglected in theory and practice, it is essential to a morally robust democratic life. Although both of us have devoted some of our professional life to urging these ideas on public officials and our fellow citizens in forums of practical politics, this book is primarily the product of scholarly rather than political deliberation. Insofar as it reaches beyond the academic community, it is addressed to citizens and officials in their more reflective frame of mind. Given its academic origins, some readers may be inclined to complain that only professors could be so unrealistic as to believe that moral reasoning can help solve political problems. But such a complaint would misrepresent our aims. To begin with, we do not think that academic discussion (whether in scholarly journals or college classrooms) is a model for moral deliberation in politics. Academic discussion need not aim at justifying a practical decision, as deliberation must. Partly for this reason, academic discussion is likely to be insensitive to the contexts of ordinary politics: the pressures of power, the problems of inequality, the demands of diversity, the exigencies of persuasion. Some critics of deliberative democracy show a similar insensitivity when they judge actual political deliberations by the standards of ideal philosophical reflection. Actual deliberation is inevitably defective, but so is philosophical reflection practiced in politics. The appropriate comparison is between the ideals of democratic deliberation and philosophical reflection, or between the application of each in the non-ideal circumstances of politics. We do not assume that politics should be a realm where the logical syllogism rules. Nor do we expect even the more appropriate standard of mutual respect always to prevail in politics. A deliberative perspective sometimes justifies bargaining, negotiation, force, and even violence. It is partly because moral argument has so much unrealized potential in dem-ocratic politics that we believe it deserves more attention. Because its place in politics is so precarious, the need to find it a more secure home and to nourish its development is all the more pressing. Yet because it is also already part of our common experience, we have reason to hope that it can survive and even prosper if philosophers along with citizens and public officials better appreciate its value in politics. Some readers may still wonder why deliberation should have such a prominent place in democracy. Surely, they may say, citizens should care more about the justice of public policies than the process by which they are adopted, at least so long as the process is basically fair and at least minimally democratic. One of our main aims in this book is to cast doubt on the dichotomy between policies and process that this concern assumes. Having good reason as individuals to believe that a policy is just does not mean that collectively as citizens we have sufficient justification to legislate on the basis of those reasons. The moral authority of collective judgments about policy depends in part on the moral quality of the process by which citizens collectively reach those judgments. Deliberation is the most appropriate way for citizens collectively to resolve their moral disagreements not only about policies but also about the process by which policies should be adopted. Deliberation is not only a means to an end, but also a means for deciding what means are morally required to pursue our common ends.

#### Second, SWITCH-SIDE DEBATE: The net-benefits are both epistemic and ontological: epistemic because prepared, competitive discourse and required listening to both sides of an argument is a prerequisite for critical reasoning and interested inquiry, and ontological because it affirms a method of living that is the only antidote to the violence of the affirmative’s universalist dogma, which is root of violence and genocide

Roberts-Miller 3

[Patricia, Associate Professor of Rhetoric at UT Austin, “Fighting Without Hatred: Hannah Arendt ' s Agonistic Rhetoric”, p. asp//wyo-tjc]

Totalitarianism and the Competitive Space of Agonism Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism and Eichmann in Jerusalem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into solipsistic and unreflective behavior. In an especially lovely passage, she says that in mass society people are all imprisoned in the subjectivity of their own singular experience, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58) What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that it is political precisely because it aspires to be apolitical. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social." Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who abdicate their human capacities and responsibilities to a projected 'they' or 'it,' with disastrous consequences, both for other people and eventually for themselves" (Pitkin 79). One can behave, but not act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their constant and apparently sincere insistence that they were not responsible. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibility for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a totalitarian system, however, everyone is simply doing his or her job; there never seems to be anyone who can explain, defend, and change the policies. Thus, it is, as Arendt says, rule by nobody. It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitarian systems, Arendt's solution is the playful and competitive space of agonism; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the assumption of competition, and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are not displays of one's self, but of ideas and arguments, of one's thought. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives. Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to articulate the best argument, propose the best policy, design the best laws, make the best response. This is a risk in that one might lose; advancing an argument means that one must be open to the criticisms others will make of it. The situation is agonistic not because the participants manufacture or seek conflict, but because conflict is a necessary consequence of difference This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity. Eichmann perfectly exemplified what Arendt famously called the "banality of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to engage in mass murder because he was able not to think about it, especially not from the perspective of the victims, and he was able to exempt himself from personal responsibility by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87). Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes, Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause. Understanding totalitarianism's essential nature requires solving the central mystery of the holocaust—the objectively useless and indeed dysfunctional, fanatical pursuit of a purely ideological policy, a pointless process to which the people enacting it have fallen captive. (87) Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social. Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4). Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: denying our own agency is what enables the social to thrive. To put it another way, theories of powerlessness are self-fulfilling prophecies. Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38). By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others: Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am pondering a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241) There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "critical thinking, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, necessarily public discourse: critical thinking is possible "only where the standpoints of all others are open to inspection" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; participants are interlocutors and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters. It is not asymmetric manipulation of others, nor merely an economic exchange; it must be a world into which one enters and by which one might be changed. Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259). Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. In Eichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in both rhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238). The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). The paradoxical nature of agonism (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking.

### Observation Three: Voting Issue

#### Vote negative to reject the affirmative’s dogmatic refusal to subject themselves to the constraints of switch-side debate.

#### Second is your argument filter: It is OK to divorce debate from the ‘real-world’- a laboratory separate from conviction is necessary to teach methods of argumentative reasoning AND advocacy skills—You should privilege these skills even if you have to sacrifice purity of inquiry because these are the skills MOST UNIQUE to the debate forum—they can’t be garnered anywhere else

Muir 93

[Star A., Professor of Communication Studies at George Mason, Philosophy and Rhetoric, “A Defense of the Ethics of Contemporary Debate”, p. asp//wyo-tjc]

The emphasis on method---focusing on the technique of debate as an educational end---is characteristic of the defense of debating both sides of a resolution. Interscholastic debate, many scholars reason, is different from “real world” disputation; it lacks the purposes or functions of a senate speech, a public demonstration, or a legal plea. Debate is designed to train students to construct arguments, to locate weaknesses in reasoning, to organize ideas, and to present and defend ideas effectively, not to convert the judge to a particular belief. As such, it is intended to teach debaters to see both sides of an issue and to become proficient in the exposition of argument independent of moral or ethical convictions. The debaters are to present the best case possible given the issues they have to work with. The definition of debate thus shapes a conception of its role in the development of the individual. Windes reaffirms the value of such a procedural training in his view of the activity: Academic debating is a generic term for oral contests in argumentation, held according to established rules, the purpose being to present both sides of a controversy so effectively that a decision may be reached---not on which side was right or wrong but on which side did the better job of arguing. Academic debating is gamesmanship applied to argumentation, not the trivial and amusing gamesmanship often thought of, but sober, realistic, important gamesmanship.

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#### The silence of the aff on the question of how colonialism produced and conditioned politics condemns their project to reifying colonialism- the call to come before decolonization bases the aff’s moral system on the continued benefit of genocidal occupation AND it’s a sequencing question- identity must FIRST be informed by the historical, material, and fixed realities of the Native subject

Morgensen 2010

[Morgensen, Scott, 2k10, GLQ: A Journal of Lesbian and Gay Studies, Volume 16, Number 1-2, “Settler Homonationalism: Theorizing Settler Colonialism within Queer Modernities, 2010.]

Denaturalizing settler colonialism will mark it as not a fait accompli but a process open to change. While settlement suggests the appropriation of land, that history was never fixed: even the violence of allotment failed to erase collective Native land claims, just as land expropriation is being countered by tribal governments reacquiring sovereign land. In turn, as Thomas King and Paul Carter suggest, settlement narrates the land, and, as storytelling, it remains open to debate, End Page 122 such as in Native activisms that sustain Indigenous narratives of land or tell new stories to denaturalize settler landscapes. The processes of settler colonialism produce contradictions, as settlers try to contain or erase Native difference in order that they may inhabit Native land as if it were their own. Doing so produces the contortions described by Deloria, as settler subjects argue that Native people or their land claims never existed, no longer exist, or if they do are trumped by the priority of settler claims. Yet at the same time settler subjects study Native history so that they may absorb it as their own and legitimate their place on stolen land. These contradictions are informed by the knowledge, constantly displaced, of the genocidal histories of occupation. Working to stabilize settler subjectivity produces the bizarre result of people admitting to histories of terrorizing violence while basing their moral systems on continuing to benefit from them. The difference between conservative and liberal positions on settlement often breaks between whether non-Natives feel morally justified or conscionably implicated in a society based on violence. But while the first position embraces the status quo, the second does nothing necessarily to change it. As Smith pointedly argues, "It is a consistent practice among progressives to bemoan the genocide of Native peoples, but in the interest of political expediency, implicitly sanction it by refusing to question the illegitimacy of the settler nation responsible for this genocide." In writing with Kehaulani Kauanui, Smith argues that this complicity continues, as progressives have critiqued the seeming erosion of civil liberties and democracy under the Bush regime. How is this critique affected if we understand the Bush regime not as the erosion of U.S. democracy but as its fulfillment? If we understand American democracy as predicated on the genocide of indigenous people? . . . Even scholars critical of the nation-state often tend to presume that the United States will always exist, and thus they overlook indigenous feminist articulations of alternative forms of governance beyond the United States in particular and the nation-state in general. Smith and Kauanui remind us here that Indigenous feminists crucially theorize life beyond settler colonialism, including by fostering terms for national community that exceed the heteropatriarchal nation-state form. Non-Natives who seek accountable alliance with Native people may align themselves with these stakes if they wish to commit to denaturalizing settler colonialism. But as noted, their more frequent effort to stabilize their identities follows less from a belief that settlement is natural than from a compulsion to foreclose the Pandora's box of contradictions End Page 123 they know will open by calling it into question. In U.S. queer politics, this includes the implications of my essay: queers will invoke and repeat the terrorizing histories of settler colonialism if these remain obscured behind normatively white and national desires for Native roots and settler citizenship. A first step for non-Native queers thus can be to examine critically and challenge how settler colonialism conditions their lives, as a step toward imagining new and decolonial sexual subjectivities, cultures, and politics. This work can be inspired by historical coalition politics formed by queers of color in accountable relationship to Native queer activists. Yet this work invites even more forms, particularly when Native queers choose to organize apart. White queers challenging racism and colonialism can join queers of color to create new queer politics marked explicitly as non-Native, in that they will form by answering Native queer critiques. As part of that work, non-Native queers can study the colonial histories they differently yet mutually inherit, and can trouble the colonial institutions in which they have sought their freedom, as steps toward shifting non-Native queer politics in decolonizing directions.

#### Rejecting Identity is based on western conceptions of individual freedom that ignore the way that Indigenous peoples form their identity ties with the land, causes same forms of colonial domination

Sandy Grande. “American Indian Geographies of Power: At the Crossroads of Indigena and Mestizaje.” Harvard Educational Review, 70:4. Winter 2000.

In addition, the undercurrent of fluidity and sense of displacedness that permeates, if not defines, mestizaje runs contrary to American Indian sensibilities of connection to place, land, and the Earth itself. Consider, for example, the following statement on the nature of critical subjectivity by Peter McLaren: The struggle for critical subjectivity is the struggle to occupy a space of hope - a liminal space, an intimation of the anti-structure, of what lives in the in-between zone of undecidedability - in which one can work toward a praxis of redemption .... A sense of atopy has always been with me, a resplendent placelessness, a feeling of living in germinal formlessness .... I cannot find words to express what this border identity means to me. All I have are what Georgres Bastille (1988) calls mots glissants (slippery words). (1997, pp. 13-14) McLaren speaks passionately and directly about the crisis of modern society and the need for a "praxis of redemption." As he perceives it, the very possibility of redemption is situated in our willingness not only to accept but to flourish in the "liminal" spaces, border identities, and postcolonial hybridities that are inherent in postmodern life and subjectivity. In fact, McLaren perceives the fostering of a "resplendent placelessness" itself as the gateway to a more just, democratic society. While American Indian intellectuals also seek to embrace the notion of transcendent subjectivities, they seek a notion of transcendence that remains rooted in historical place and the sacred connection to land. Consider, for example, the following commentary by Deloria (1992) on the centrality of place and land in the construction of American Indian subjectivity: Recognizing the sacredness of lands on which previous generations have lived and died is the foundation of all other sentiment. Instead of denying this dimension of our emotional lives, we should be setting aside additional places that have transcendent meaning. Sacred sites that higher spiritual powers have chosen for manifestation enable us to focus our concerns on the specific form of our lives.... Sacred places are the foundation of all other beliefs and practices because they represent the presence of the sacred in our lives. They properly inform us that we are not larger than nature and that we have responsibilities to the rest of the natural world that transcend our own personal desires and wishes. This lesson must be learned by each generation. (pp. 278, 281) Gross misunderstanding of this connection between American Indian subjectivity and land, and, more importantly, between sovereignty and land has been the source of numerous injustices in Indian country. For instance, I believe there was little understanding on the part of government officials that passage of the Indian Religious Freedom Act (1978) would open a Pandora's box of discord over land, setting up an intractable conflict between property rights and religious freedom. American Indians, on the other hand, viewed the act as a invitation to return to their sacred sites, several of which were on government lands and were being damaged by commercial use. As a result, a flurry of lawsuits alleging mismanagement and destruction of sacred sites was filed by numerous tribes. Similarly, corporations, tourists, and even rock climbers filed suits accusing land managers of unlawfully restricting access to public places by implementing policies that violate the constitutional separation between church and state. All of this is to point out that the critical project of mestizaje continues to operate on the same assumption made by the U.S. government in this instance, that in a democratic society, human subjectivity - and liberation for that matter - is conceived of as inherently rightsbased as opposed to land-based.

#### Lack of decolonization results in ongoing genocide, assimilation and annihilation of indigenous peoples and culture- k2 solve environmental degradation, heterosexism, classism, racism, sexism and militarism

Churchill 96 (Ward, Prof. of Ethnic Studies @ U. of Colorado, Boulder BA and MA in Communications from Sangamon State, “From a Native Son”,mb)

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

#### Our first priority is to give back the land

#### Decolonization must be our ethical first priority, any form of liberation that perpetuates the occupation of Indigenous territory is only colonialism in another form. The demand to end the occupation of First American lands is a necessary prerequisite to solving other forms of oppression and any form of positive social change

Churchill 96 (Ward, Prof. of Ethnic Studies @ U. of Colorado, Boulder BA and MA in Communications from Sangamon State, “From a Native Son”,mb)

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

## Case

### 1NC Case F/L

#### No indefinite detention of immigrants—Supreme Court ruled 90 day maximum for aliens

ITAYA 11

 [CAT A. ITAYA, J.D., 2010, University of Chicago Law School, “SHADOW DETENTION: THE FEDERAL GOVERNMENT'S PARALLEL SYSTEM FOR DETAINING MENTALLY ILL ALIENS,” Fall, 2011, Georgetown Immigration Law Journal, Lexis Nexis, wyo-sc]

The federal government has traditionally kept out of the states' business in civil commitment of the mentally ill. However, recent cases show an exception emerging from within a sphere long controlled by the federal government: immigration. Immigration into this country has traditionally been a federal concern. n6 Congress sets visa requirements, determines visiting aliens' lengths of stay, and creates standards for when aliens must leave the country. n7 A triumvirate of agencies, Immigration and Customs Enforcement ("ICE"), Customs and Border Protection ("CBP"), and Citizenship and Immigration Services ("CIS"), n8 carry out congressional mandates for immigration and promulgate their own regulations interpreting the statutes. By statute, Congress has mandated when certain aliens are ordered to leave the United States, or be "removed." n9 Aliens are ordered removed from the country for a number of reasons, including violating the requirements of their visas, committing crimes of "moral turpitude," or posing a national security or terrorism threat. n10 While ICE conducts a hearing to determine whether an alien falls into one of the removable categories, the agency is authorized to detain that person pending a final removal order. n11 ICE justifies its detention authority during the removal hearing with pragmatic reasons intuitively recognized as immigration concerns: the alien may pose a danger to the community (for example, if he has been convicted of a drug crime or violent felony and has not yet served his prison sentence), or the alien may be a flight risk. n12 Once ICE has determined that the alien falls into one of the removable categories under a statute, then the agency begins the process of actually [\*98] effecting the alien's removal to another country, usually his country of citizenship or origin. ICE may, by congressional dictate, detain these aliens for a short period of ninety days while it effectuates their removal. n13 A problem arises, however, when ICE tries to return aliens to countries that lack repatriation agreements with the United States. n14 The government has an express interest in transporting these aliens out of the United States, yet an acknowledged inability to do so. The Supreme Court has ruled that ICE may not indefinitely detain these non-removable aliens. n15 After it becomes clear that the aliens will remain permanently in the U.S., the federal government loses some of its power to continue detaining the aliens pending an impossible release.

# 2NC

## \*2NC Link Wall\*

#### Hybrid theory risks the possibility of continuing the incorporation indigenous societies into the democratic polis, and undermines the American Indian struggle for sovereignty

Sandy Grande. “American Indian Geographies of Power: At the Crossroads of Indigena and Mestizaje.” Harvard Educational Review, 70:4. Winter 2000.

In terms of identity, critical theorists aim to explode the concretized categories of race, class, gender, and sexuality and to claim the intersections the borderlands - as the space to create a new culture - una cultures mestiza - in which the only normative standard is hybridity and all subjects are constructed as inherently transgressive.6 Though American Indian intellectuals support the notion of hybridity, they remain skeptical of the new mestiza as a possible continuation of the colonialist project to fuse Indians into the national model of the democratic citizen. There is, in other words, an undercurrent to the postcolonial lexicon of mestizaje that seems to undermine the formation of "a comfortable modern American Indian identity" (Deloria & Lytle, 1984, p. 266). More specifically, I argue that the contemporary pressures of ethnic fraud, corporate commodification, and culture loss render the critical notion of "transgressive" identity highly problematic for Indigenous peoples. As such, the primary argument is that critical efforts to promote mestizaje as the basis of a new cultural democracy does not fully consider Indigenous struggles to sustain the cultural and political integrity of American Indian communities.

#### Deconstruction erases the objective truth of sovereignty and Native histories – perm can’t solve because it denies the possibility of objective truth in the name of radical politics, thereby erasing the facticity of the genocide of the Native American

Gorelova, 2009 (Olena, “Postmodernism, native American literature, and Issues of sovereignty.” http://etd.lib.montana.edu/etd/2009/gorelova/GorelovaO0509.pdf, online, MB)

Postmodernism is all about bringing margins into the play and rejecting grand narratives. Michael Dear and Gregg Wassmansdorf point out in *Postmodern Consequences* that postmodernists learn to contextualize and reject meta-theories in favor of undecidability and microexplanations and renounce the universal truth. Nevertheless, Craig Womack’s statement that there is Native American truth and it is worth looking for (Womack 4) seems to be more convincing, especially in terms of quest for sovereignty and re-establishment of Native histories and their validity. It is way too premature for Native scholars to deconstruct history when we haven’t yet constructed it. We need, for example, to recover the nineteenth century, especially in terms of understanding what Native writers were up to during that time and how their struggles have evolved toward what Indian writers can say in print today, as well as foundational principles they provide for an indigenous criticism. (Womack 3) Deconstructing history and identity would negate the whole purpose of American Indian literature, which, by many scholars, is identified as a support of sovereignty. Postmodernism deconstructs identity and gets rid of Native American points of view, thus putting Native perspective as well as Native narrative and story out of existence. Womack points out that postmodernism has a “tendency to decenter everything, including the legitimacy of a Native perspective” (Womack 6). Therefore, on the one hand, it undermines the ideology of the dominant mainstream society by ridding it of the notion of “alien other” and introducing it into the positive world of differences. On the other hand, the loss of center leads to the loss of meaning and history, therefore devaluing Native perspective as well as five hundred years of colonization that is still ongoing.

## 2NC-Method key F/L

#### Third, our Methodology is good and key, rather than beginning from an understanding of identity that perpetuates colonial structures, you should endorse a methodology which addresses the needs of colonized people and begins from Indigenous Intellectualism

Sandy Grande. “American Indian Geographies of Power: At the Crossroads of Indigena and Mestizaje.” Harvard Educational Review, 70:4. Winter 2000.

In the first draft of the final report of the Indian Nations at Risk Task Force, Indigenous scholar and activist Michael Charleston (1994) writes of the importance of coalition and its central role in the development of effective American Indian schools and Indian-centered curricula. Rather than the abstract language of critical pedagogy, however, Charleston invokes the Lakota tradition of the Ghost Dance as a metaphor of the need for healing through community, ceremony, sacrifice, and tradition.23 He writes: The new Ghost Dance calls Native and non-Native peoples to join together and take action. It calls us to be responsible for the future of the people of our tribes. It calls us to protect, revive and restore our cultures, our Native languages, our religions and values. It calls us to heal our people, our families, our tribes, and our societies. It calls for harmony and respect among all relations of creation. It offers a future of co-existence of tribal societies with other American societies ... indeed domination, oppression, and bigotry are exactly what we are overcoming in the new Ghost Dance as we seek to establish harmony and co-existence of tribes with other societies in the modern world. (p. 28) This spirit of coalition reflects the growing desire among American Indians to work together and form alliances with Native and non-Native forces in a mutual quest for American Indian sovereignty and self-determination. Though Charleston's rendition of coalition reflects the spirit of mestizaje - that is, the blurring of political, racial, and cultural borders in the service of social justice - he carefully relegates such coalition to the realm of sociopolitical action. In other words, the new Ghost Dance calls to Indian and non-Indian peoples to take collective action against U.S. policies that continue the project of colonization and cultural genocide. It is thus not a call for the embodiment, in critical-theoretical terms, of a transcultural, transnational subject that calls into question the very notion of authentic identities (McLaren, 1997), but rather a metaphor for collective political action. This is not to say that Charleston or other American Indian scholars do not support the notion that identity is constructed through multiple, intersecting, and contradictory elements. Rather, they remain wary of constructionist understandings of identity that, in the process of providing a corrective to static notions of culture, ignore the real possibility of culture loss that is, the real existing threat of cultural genocide of Indigenous peoples. § Marked 17:50 § Hale (2000) is worth quoting at length: When (cultural) transformation is conflated with loss ... the collective trauma is obscured and the brute historical fact of ethnocide is softened. The culprits in this erasure are the Indians' . . . enemies, but even more centrally ... elites who embraced classic nineteenth century liberalism cast in the idiom of mestizaje. A homogeneous and individualized notion of citizenship could not be compatible with the rights of Indian communities whose collective histories and identities stood opposed to the dominant mestizo culture.Just beneath the alluring promises to Indians who would accept these individual rights of citizenship was incomprehension, invisibility, and punishing racism for those who would not. (p. 269) Again, though the contemporary critical project of mestizaje is in many ways antithetical to the Latin American one, both projects ignore the "brute historical fact of ethnocide" and the invisibility of Indians within the broader democratic project. In contradistinction to the critical notion of mestizaje, American Indian scholars seek understandings of identity that not only reflect the multiple and contradictory aspects of contemporary experience, but also maintain a sense of American Indians as historically placed, sovereign peoples. For them, sovereignty is not a political ideology but a way of life (Warrior, 1995). As Charleston (1994) writes, "Our tribes are at a very critical point in our history again. We can stand by and wait for our children and grandchildren to be assimilated into mainstream American society as proud ethnic descendants of extinct tribal peoples. . . . Or, we can protect our tribes, as our ancestors did, and ensure a future for our children and grandchildren as tribal people" (p. 28).

## Alt k2 Debate Space

#### The alt is key to decolonizing the debate space – introducing radical thought in our community is a pre-rec to dismantling power structures

Suarez 12 (Julia Suárez-Krabbe. Assistant professor at Roskilde University, The Department of Culture and Identity Interkulturelle studier Universitetsvej 1, 3.1.5 DK-4000, Roskilde Denmark “‘Epistemic Coyotismo’ and Transnational Collaboration: Decolonizing the Danish University” Human Architecture: Journal of the Sociology of Self- Knowledge Volume 10 Issue 1 Decolonizing the University: Practicing Pluriversity 1-1-2012 Article 5)

One of the most effective ways to work against epistemic racism is through what Nelson Maldonado-Torres has called ‘epistemic coyotismo.’ Epistemic coyotismo consists of introducing “theories and ideas that are banned or excluded from the halls of academia into the universities and formal centers of learning” (2006:16). In my experience, the introduction of theories and ideas otherwise banned is especially fruit- ful for students who, at the same time, often take those theories beyond the specific class or project in which they have learned about them. This means that the theories and ideas can to some extent infiltrate academia from below: the § Marked 17:12 § students will for example present an essay on another issue, which brings to the fore some of these otherwise excluded theories. In this manner other faculty will start recognizing, if not neces- sarily acknowledging, them. When introduc- ing such theories to students, I have found it useful to add to the introduction a word of warning: they must know what kind of invalidating strategies they will encounter when using these other theories, such as the strategies of epistemic racism that I listed previously. This helps to prepare the students for countering these strategies by addressing them in advance. In my experi- ence, the fact that the list of strategies of “invisibilization,” or epistemic racism, presented in the previous section, is not an expression of the teacher’s paranoia, but a realistic description of some of the mecha- nisms at work today in their own univer- sity, often surprises them. However, epistemic coyotismo pursued only at this level does not suffice. There is a need to promote destabilising spaces of debate that move beyond the classroom level and are aimed at unsettling the mech- anisms of epistemic racism. At the same time, there is a strong need to address the ways in which the coloniality of knowledge manifests itself. By mapping and address- ing the global articulations of power, the dismantling of the same becomes a realistic possibility. We know that there is a strong resistance towards these hegemonic articu- lations of power—most powerfully among social and ethnic movements in the South. To some extent, this resistance is also at play within the university sector in the South. In the North, it is still very weak.10 As mentioned, the university in the North is strongly attached to the triangle of colo- niality and, indeed, works as a powerful weapon of global apartheid. As such, that is, as a weapon, it needs to be dismantled. Therefore, epistemic coyotismo in the North must necessarily be articulated with the epistemic resistance (and coyotismo) in the South. To start dissolving the power of the transnational elites, they need to be countered transnationally. Indeed, whether we like it or not, epistemic coyotes are, leaving aside our very different geo-body- politics, very often members of the transna- tional elites. We might find ourselves in precarious conditions and marginal posi- tions within the university, and probably most of us embody that ‘incorporated dissent’ that is tolerated as long as it does not constitute a serious threat. Neverthe- less, we are (peripherally) part of the global elites. This means that however negative the picture of coloniality is, and however persistent global apartheid remains, we have some margin for maneuvre that must be exploited to the greatest extent. As Castro-Gómez (2007:80) has argued, ... even within the University new paradigms of thought and organi- zation are being incorporated, [paradigms] that could help break the trap of [the] modern/colonial triangle, though still very precari- ously. I refer specifically to trans- disciplinarity and complex thought as emerging models from which we could begin to build bridges towards a transcultural di- alogue of knowledges (my transla- tion). In this respect, strategic alliances between ‘epistemic coyotes’ and critical members of the transnational elites (poten- tial epistemic coyotes) must not be discarded insofar as they provide impor- tant fields of action and improve the possi- bilities of achieving access to funding. In any case, efforts at decolonizing the univer- sity in Denmark must necessarily aim to foster ‘encounters’ between different epis- temologies. Furthermore, as we know, decolonization requires a change in the subject (Maldonado-Torres, 2008; Gordon, 2004). My bet is that, at this initial point, in Denmark this change must be fomented through these encounters—hopefully direct ones, as in seminars, courses, and other such forums.

#### Unproblematized use of Western norms for conflict resolution commits ontological violence and trains us to be future colonizers

Walker 4 (Polly O, is of Cherokee and Anglo descent and holds a PhD in conflict transformation from the University of Queensland in Australia. “Decolonizing conflict resolution: addressing the ontological violence of westernization,” The American Indian Quarterly 28.3&4 (2004) 527-549//)

In this article I have argued that Western problem-solving models of conflict resolution are not culturally universal as some authors claim. Rather, they reflect unacknowledged cultural underpinnings of Western worldview. I further maintain that assertions of cultural universality of Western models represent a form of ontological violence by marginalizing Indigenous ways of conflict transformation. A number of scholars argue that Western problem-solving models of conflict resolution, rather than being acultural, merely fail to make explicit the cultural basis of their own approach (Avruch and Black 1991). For example, the cultural parameters of Western conflict resolution often remain at an "out-of-awareness" level: We think of the practice of mediation as the application of techniques . . . yet these techniques are embedded within a surrounding [End Page 545] cultural framework of unrecognized and taken for granted conceptions of the social world. This cultural framework consists of ideas about when to fight and when to compromise, notions of the self in relation to others, and theories about which third parties are entitled to intervene in problems and in what ways. To those who share this implicit framework, it is simply the natural and sensible way of doing things. (Merry 1987, 1) Indigenous peoples who do not share this implicit framework may find their worldviews and ways of transforming conflict marginalized or suppressed. Current literature on culture and conflict resolution criticizes the application of Western paradigms to conflicts involving Indigenous peoples (Grose 1995; Beattie 1997; Yazzie 1995) and urges further research to determine the conflict resolution methods of other cultures (Avruch and Black 1991, 31–37). In the last ten years a growing number of researchers have addressed Indigenous processing of conflict, including Beattie (1997), Garrett (1998), Grose (1995), Huber (1993), LaResche (1993), LeBaron (1995), Walker (2001), and Yazzie (1995). Nevertheless, the majority of formal research on processing conflict continues to focus on Western methodologies. Western problem-solving models are frequently imported into Indigenous communities with few modifications (Beattie 1997; Grose 1995; Lederach 1995). Ron Kraybill describes this proselytization of Western conflict resolution stating that, "Where religions send missionaries, conflict resolution organisations send trainers" (1996, 22). Elements of ontological violence are evidenced in the marginalization of Indigenous approaches to conflict transformation through the promotion of Western approaches. These differences in worldview are more than cultural points of interest. They are the sites of political contestation of power. Indigenous methods of conflict transformation are marginalized within the Western discipline of conflict resolution. The Western methods of resolving conflict that are often imported into Indigenous communities are based on an extremely different worldview. Western societies' power and willingness to implement their models without consideration of Indigenous worldviews perpetuates ontological violence, the forceful introduction of one worldview to the extent that it marginalizes or suppresses another worldview. Decolonizing the discipline of conflict resolution [End Page 546] involves developing a deeper understanding of, respect for, and acknowledgement of Indigenous worldviews. The decolonizing process also involves creating support for Indigenous people to be able to access conflict transformation processes that are in alignment with Indigenous worldviews.

#### We must decolonize the curriculum – it upholds the larger hegemonic epistemic system

Breidlid 13 (Anders, Professor, Master programme in Multicultural and International Education, Oslo University College, “Education, Indigenous Knowledge, and Development in the Global South”, p. 57)OG

What is almost completely under-communicated in the South is how¶ the hegemonic educational discourse—across the curriculum of school and¶ university systems and across nations—has helped to promote the capitalist¶ world-system and globalization and defend positions of power. The sig-¶ nificance of privileging Western epistemology, beyond its alienating effect,¶ is how the hegemonic epistemology and educational discourse effectively¶ prevents a critique of the present neo-colonial epistemological legacy—the¶ hegemonic world system and its oppressive features.¶ This is made possible because the hegemonic epistemology and its trans-¶ lation into educational discourse is unrivalled in schools. Such an educa-¶ tional discourse reinforces the epistemic dominance in countries in the¶ semi-periphery or periphery, which already experience the negative aspects¶ of the present world order. To challenge this hegemonic knowledge neces-¶ sitates a deconstruction of the triad of Western epistemology-(neo)coloni-¶ zation-hegcmonic power and implies a decolonizing of the curricula and¶ the educational discourses globally.

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### Kritik

Lundberg 10

[Christian, Professor of Communication at UNC Chapel Hill, Navigating Opportunity: Policy Debate in the 21st Century, “Tradition of Debate in North Carolina”, p. 311//wyo-tjc]

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modern political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Dewey in The Public and Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modern articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multi-mediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instruction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instructional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthen and Gaylen Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life. Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.