# Push Out 1AC

#### Criminality is not a street phenomenon but exists within the walls of the classroom. We need to raise critical consciousness of the ongoing disaster Black girls face with criminalization in and by the very places that should help them thrive.

**Morris 16 [Monique W. Morris, Award-winning author and social justice scholar with three decades of experience in the areas of education, civil rights, juvenile and social justice, Founder and President of the National Black Women’s Justice Institute (NBWJI), an organization that works to interrupt school-to-confinement pathways for girls, “Pushout: the criminalization of Black girls in schools”] o $**

Call my mama!” This was the cry of fourteen-year-old Dejerria Becton, who in the summer of 2015 was thrown to the ground as well as physically and verbally assaulted by Corporal Eri c Casebolt after she refused to leave her friends at the mercy of this law enforcement officer in Mc Kinney, Texas. A video, which later went viral, showed Casebolt pushing Dejerria’s face into the ground as she—a slight-framed, barefoot, bikini-clad teenager who presented no physical threat or danger—screamed for someone to call her mother for help. The video showed Casebolt grinding his knee into her bare skin and restraining her by placing the full weight of his body onto hers. The incident was violent and reeked of sexual assault—overtones that were later deemed inappropriate, “out of control,” and incon- sistent with the police department’s policies, training, and articu- lated practices.1 Though Casebolt resigned in response to the public outcry and internal scrutiny associated with his actions, **the image of her helpless, frightened body under his has become one of the snapshots that call our public consciousness to examine the over- zealous policing and criminalization of Black youth**. Though me- dia and advocacy efforts have largely focused on the extreme and intolerable abuse cases involving Black boys, such as seventeen- year-old Trayvon Martin in Florida or twelve-year-old Tamir Rice in Ohio, a growing number of cases involving Black girls have sur- faced to reveal what many of us have known for centuries: Black girls are also directly impacted by criminalizing policies and practices that render them vulnerable to abuse, exploitation, dehu- manization, and, under the worst circumstances, death. For example, eighteen-year-old Sheneque Proctor died in police custody after she was arrested for disorderly conduct in Bessemer, Alabama.2 Even in high-profile cases involving boys, **we often fail to see the girls who were right there alongside them**. After the fatal shooting of Tamir Rice, the officers tackled his fourteen-year-old sister to the ground and handcuffed her. Not only had she just watched her little brother die at the hands of these officers, but she was forced to grieve his death from the backseat of a police car.3 Addressing these problematic narratives has proved difficult in the current social and political climate, one that embraces punitive responses to expressions of dissent and increases the surveillance of the homes where our families live, the communities where our chil- dren play, and the schools where our children are educated**. The result has been an increasing number of girls in contact with the criminal and juvenile justice systems**. Since 1992, girls’ share of delinquency cases resulting in detention (the most com- mon form of confinement for girls) has increased, often for charges such as prostitution, simple assault, or status offenses.\* For a host of reasons—paternalistic juvenile courts and a lack of community- based, culturally competent, and gender-responsive services among them—diversion away from these systems has been underutilized with girls. These are mostly girls of color (a disproportionately high percentage of girls are Black and/or Latina), and many of them (by some estimates 40 percent) identify as lesbian, gay, bisexual, trans- gender, queer/questioning (LGBTQ), or gender-nonconforming. One of the most persistent and salient traits among girls who have been **labeled “delinquent” is that they have failed to establish a meaningful and sustainable connection with schools.** **This missing link is exacerbated by the increased reliance of public schools on exclusionary discipline, at present one of the most widely used measures to deal with problematic student behaviors.** Indeed, nearly 48 percent of Black girls who are expelled nationwide do not have access to educational services.5 Black girls are 16 percent of the female student population, but nearly one-third of all girls referred to law enforcement and more than one-third of all female school-based arrests.6 **The criminalization of Black girls is much more than a street phenomenon. It has extended into our schools, disrupting one of the most important protective factors in a girl’s life: her education.** In May 2013, Ashlynn Avery, a sixteen-year-old diabetic girl in Alabama, fell asleep while reading *Huckleberry Finn* during her in-school suspension. When she did not respond, the suspension supervisor allegedly threw a book at her and ordered her to leave the classroom. As she was leaving the room, a police officer alleg- edly slammed her face into a file cabinet and then arrested her.7 In April 2013, sixteen-year-old Kiera Wilmot was charged with a felony offense when what she said was a science experiment went wrong, leaving her subjected to a mandatory suspension and arrest following an unauthorized “explosion” on school grounds.8 The charges were later dropped after significant public objection and peti- tioning by advocacy groups; however, after the incident, Wilmot has feared being labeled a “terrorist.”9 In 2008, Marché Taylor was arrested in Texas after she resisted being barred from prom for wearing a dress that was considered too revealing.10 And in 2007, Pleajhia Mervin was harmed by a California school security offi- cer after she dropped a piece of cake on the school’s cafeteria floor and refused to pick it up.11 **Some of the most egregious applications of punitive school discipline in this country have criminalized Black girls as young as six or seven years old, who have been arrested for throwing tantrums in their school classrooms, yelling and screaming at a teacher, and being disruptive to the learning environment.** Six-year- old Salecia Johnson was arrested in Georgia in 2012 for having a tantrum in her classroom.12 In 2011, seven-year-old Michelle Mitchell was arrested with her eight-year-old brother after they got into a fight on an Ohio school bus.13 And six-year-old Desre’e Watson was hand- cuffed and arrested at a Florida school in in 2007 for throwing a tantrum in her kindergarten class.14 These cases were so extreme that they managed to capture considerable public attention—mostly through social media. However**, they were never pieced together to present a comprehen- sive, national portrait of how school responses to the disruptive behaviors of Black girls push them out and often render them vul- nerable to further victimization and delinquency.** It turns out that the incidents involving Ashlynn, Kiera, Marché, Pleajhia, Salecia, Michelle, and Desre’e were not isolated ones. Black girls from coast to coast tell stories of being criminalized and pushed out of schools. **For many Black girls, interactions between the justice system and schools often do not begin, or end, in school. The surveillance to which Black girls are subjected, and the punitive responses to either their (sometimes poor, sometimes typical) decision making or their reactions to perceived injustice have made contact with law enforcement a frequent occurrence.** The implementation of zero-tolerance policies, as I will discuss throughout this book, has become the primary driver of an unscrupulous school-based reli- ance on law enforcement and school security guards. People who often know little to nothing about child or adolescent develop- ment, and who often lack the appropriate awareness and training for the school environments they patrol, are responding to behav- iors that were previously managed by skilled teachers, counselors, principals, and other professionals. While there are plenty of numbers and statistics that paint a troubling picture, the harm done by this shift can hardly be quantified. **Black girls are being criminalized in and by the very places that should help them thrive.**

#### Black girl are relegated to a state of triple consciousness where their identities are marked by an intersection of oppression

**Morris 16 [Monique W. Morris, Award-winning author and social justice scholar with three decades of experience in the areas of education, civil rights, juvenile and social justice, Founder and President of the National Black Women’s Justice Institute (NBWJI), an organization that works to interrupt school-to-confinement pathways for girls, “Pushout: the criminalization of Black girls in schools” pgs ]**

In *The Souls of Black Folk* (1903), W.E.B. Du Bois articulated the presence of a “double consciousness” among Black Americans—a “twoness” that he described as “an American, a Negro; two souls, two thoughts, two unreconciled strivings.”20 **For Black women, their unreconciled strivings and stirred consciousness are also in- formed by their other identities, including gender, sexuality, and class, among others. In fact, most people walk through life consciously unaware of their multiple identities** (no one is *just* Black, *just* a woman, *just* a parent, *just* a student, etc.). The interdigitation of sex and race create barriers to continued economic and intellectual advancement for Black girls and young women under eighteen years old. In modern ghettos, **Black girls are routinely expected to seamlessly reconcile their status as Black *and* female *and* poor, a status that has left them with a mark of double jeopardy that fuels intense discrimination and personal vulnerability.** Still, despite the intersection between these identities that shapes how people see themselves as much as how others see them, Black women and girls are often challenged to pick an allegiance. Many Black girls—whether in California, Georgia, or New York— pretend that they can isolate and prioritize their “competing” identities. “I’m Black first, female second,” I’ve heard many times over the years. Indeed, a failure to acknowledge one’s *whole* self silences a more sophisticated analysis about how race, gender, class, sexual iden- tity, ability, and other identities interact. Acknowledging the com- plexity of social identity has been termed “intersectionality,” a concept coined by legal scholar Kimberlé Crenshaw.21 Her schol- arship advances the work of Anna Julia Cooper, Angela Davis, Audre Lorde, and other Black feminist scholars who argued that **there is no hierarchy of oppressions.22 Each identity intersects with the other to generate a more complex worldview than the one that would exist if any of us were ever truly able to walk through life with a singular identity. Oppressed identities further complicate this experience. This assertion—that no single form of oppression is more important or dominant than another—is key to under- standing and combating the harmful and dehumanizing experi- ences faced by all manner of human beings, including all too many Black girls.** **Actively engaging this framework in daily life creates places to expose, confront, and address questions of privilege. In this practice and in those open places, freedom lives.** But the process of getting free is not easy. It demands a close look at the current **public construct of Black femininity and how that translates—or doesn’t—into opportunity for Black girls and women. Feminist scholar bell hooks writes and talks of an “oppo- sitional gaze,” a way to examine the presentations of Black femi- nine identities and confront the paralyzing stereotypes that undermine the well-being of Black women and girls.**23 She’s one of many critical minds whose work offers guidance for confronting such images, interrogating them, dismantling them, and rebuild- ing new images in a more perfect and complex representation of Black female identity. Yet one-dimensional stereotypes, images, and debilitating narratives persist, creating a pressing need to explore why the struggle for survival is a universally accepted rite of passage for Black girls. Most importantly, **individuals, communi- ties, and all sorts of institutions ha ve an obligation to understand why the pushout of Black girls—the collection of policies, prac- tices, and consciousness that fosters their invisibility, marginalizes their pain and opportunities, and facilitates their criminalization— goes unchallenged.**

#### For black women, education allows for a disruption to the logics of slavery. She understands the potential risks and liberation tactics borne with such power. But, in order to properly deal with the nature of criminality, we need to reinvent a new epistemology designed to deal with the intricate nature of criminalization of young black girls.

**Morris 16 [Monique W. Morris, Award-winning author and social justice scholar with three decades of experience in the areas of education, civil rights, juvenile and social justice, Founder and President of the National Black Women’s Justice Institute (NBWJI), an organization that works to interrupt school-to-confinement pathways for girls, “Pushout: the criminalization of Black girls in schools” pgs ]**

Long before the Supreme Court handed down its decision in *Brown v. Board of Education*, Black women were clear about the liberative power of education. Under slavery, the education of people of African descent was illegal and considered a punishable offense under state slave codes.\* In Georgia, enslaved Africans or other free people of color were fined or whipped, at the discretion of the court, if discovered reading or writing “in either written or printed characters.”15 **In this society, to read challenged the oppressive, controlling logic of slavery and the presupposed inferiority of Black people.** For many enslaved Black women, **learning to read represented a reclamation of human dignity and provided an opportunity to ground their challenges to the institution in scholarship, literature**, and biblical scripture. Many **a Black woman’s commitment to education was so strong that she risked incarceration or other penalties just to attain it.** Why take the risk? Because Black women understood the re- ward. **Having an education would make it much harder for Black people to be relegated to servitude and poverty**. Those Black women who became educators and generally learned people were able to renegotiate power relationships that had previously held them in bondage, and recast themselves as directors of their own destinies. **Education provided an alternative—and it was tangible**. It was tan- gible in 1793, when Catherine Ferguson, a formerly enslaved young woman, committed her life to corralling “poor and neglected” Black and White children for religious instruction on Sunday.16 \* States with slave codes that delineated the status of enslaved persons and the rights of their “owners” included Georgia, South Carolina, Alabama, Maryland, Louisiana, Texas, and parts of Missouri, among others. Though she could not read or write herself, as the founder of New York’s first Sunday school, Ferguson was hungry to pass on her faith practice and the important educational lessons that she knew would provide tools for others to secure a better future.17 It was tangible in 1853 when Sarah Mapps Douglass, an aboli- tionist and passionate educator, led the girls’ preparatory de- partment for the Philadelphia Institute for Colored Youth.18 It was tangible in 1904 when Mary McLeod Bethune opened the Daytona Educational and Industrial Training School; with just five students, she built the foundation for what would eventu- ally become a co-ed institution of higher learning, Bethune- Cookman College.19 In each of these cases, **Black women understood that education was a core civil and human right. It was the foundation upon which a life of opportunity stood.** **It was a critical tool for advance- ment in a society that regularly practiced discrimination against women and against people of color. But the road was neither easy nor straight. Black women’s efforts to establish educational pathways encountered significant backlash**. In the South, where efforts to restrict opportunity followed the emancipation of enslaved Black people, education was embraced as a tool for the upward mobility of freemen and freewomen—**which meant that to be educated remained a threat to the power structure.** Fear of retaliation was warranted and quite palpable. In October 1871, thirty-five-year-old Carolyn Smith, in testi- mony before Congress, described the terror that Black commu- nities in Atlanta, Georgia, **felt from the Ku Klux Klan in response to their quest for education**. In her testimony, she was asked about a beating that she and her husband endured one night from a group of men who identified as **Ku Klux Klan members: “They said we should not have any schools . . . They went to a colored man there, whose son had been teaching school, and they took every book they had and threw them into the fire; and they said they would dare any other nigger to have a book in his house.**”20 Historically, to be a scholar was a dangerous proposition for Black Americans and countless Black women and men have died to be able to read and write. **The lingering barriers to a quality ed- ucation and the transgenerational trauma associated with inter- nalized ideas about performance in school have yet to be exhaustively measured**. However, the systematic denial of equal access to edu- cation for African American children has been documented and successfully challenged in the judicial system,21 in the social sci- ences,22 and in the court of public opinion.23 **While White students and students of color have continued to experience separate and unequal learning environments over the past six decades, most legal and educational reform advocates recognize** *Brown v. Board of Education* (1954) as the landmark case that ended legal segregation in our society.\* *Brown* was both a pre- cursor to civil rights laws designed to guarantee equal protection and eliminate de jure segregation as well as an important exten- sion of a growing public will to reimagine the promise of American democracy.† However, while de jure segregation may have ended in many ways with the *Brown* decision, affecting public policy well beyond the issue of education, it did not address the ways in which enduring xenophobia, tribalism, and the intersections between race and poverty would sustain de facto segregation—expanded \* The Supreme Court case *Brown v. Board of Education* (1954) was actually a combination of five cases from five different jurisdictions: Delaware (*Gebhart v. Belton*, 1952), Kansas (*Brown v. Board of Education*, 1951), South Carolina (*Briggs v. Elliott*, 1952), Virginia (*Davis v. County School Board of Prince Edward County*, 1952), and the District of Columbia (*Bolling v. Sharpe*, 1952). residential racial isolation that by extension kept schools highly segregated. The decision also did not anticipate future proxies for race (including class and criminal conviction history) that would later facilitate a resegregation of several public learning spaces that had in fact managed notable progress on integration. Since the elimination of de jure segregation, Black girls have been subjected to harmful stereotypes about Black femininity that have at least shaped and at worst defined their experi- ences in classrooms and schools around the country. The ways in which Black girls’ educational experiences would be con- structed according to a hierarchy that favors White middle-class norms has been floating under the national radar for six decades. As Patricia Hill-Collins wrote, “All women engage an ideology that deems middle-class, heterosexual, White femininity as nor- mative. In this context, Black femininity as a subordinated gen- der identity becomes constructed not just in relation to White women, but also in relation to multiple others, namely, all men, sexual outlaws (prostitutes and lesbians), unmarried women, and girls.”**24 While not referring specifically to educational environments, these norms permeate and shape how Black women and girls are understood and treated in innumerable aspects of public and pri- vate life**. The purpose of this book is to interrogate the racial and gender inequality that still prevails in education more than sixty years after *Brown v. Board of Education*. In setting forth some truths that have heretofore been ignored or obscured, my aim is **to chart a new path and advocate for efforts that move beyond the “delib- erate speed” rhetoric that has for too long underserved low-income girls of color, Black girls in particular**. The central argument of this book is that **too many Black girls are being criminalized (and physically and mentally harmed) by beliefs, policies, and actions that degrade and marginalize both their learning and their humanity, leading to conditions that push them out of schools and render them vulnerable to even more harm. We can counter the criminalization of Black girls in schools by first understanding what their criminalization looks like, and then by building a common language and framework for making sure that struggling Black girls are not left behind**. We can all get behind a fair and effective education strategy that provides a qual- ity education for every young person.

# Push Out Neg

## Afropess

### 1NC

#### To be black means to be in contrast with the notion of humanity itself. Blackness is characterized by absence and slavery, to be black means to be susceptible to gratuitous violence, general dishonor, and natal alienation. The excess of the violence upon the slave cannot be articulated

Wilderson, ’10 [2010, Frank B. Wilderson is an Associate Professor of African-American Studies at UC Irvine and has a Ph.D. from UC Berkeley, “We’re trying to destroy the World,”]

Here’s the deal: in a nutshell, **every other group lives in a context of violence** which has what I would call a sort of psychological grounding wire, **which means that they can write a sentence about why they are experiencing that violence.** Native Americans can write a sentence that says ‘I’m experiencing violence because this is an ongoing tactic within a strategy of colonization’.White feminists can say the same, that ‘this is an ongoing tactic within a strategy of patriarchy’. **For a Black person to try and emulate that kind of interpretive lens, the problem becomes a lot bigger.** For us this is the ongoing tactic of a strategy for human renewal. **The violence** against us **becomes a tactic within a strategy to secure Humanity’s place. It’s not a tactic in an ongoing strategy to take our** land away, or to take **our rights away. We never had any rights.** The other thing is that our psyche does not obey the objective laws of the structure. The simple way of putting that would be to say that we exist in an external superviolence and we exist in an internal soup which has self-hatred as one of its main components. One of the things that Marriot and Fanon each say is that, generically speaking, **the structure by which human beings are recognized by other human beings and incorporated into a community of human beings, is anti-slave. And slaveness is something that has consumed Blackness and Africanness, making it impossible to divide slavery from Blackness**. Even if I say to myself, “I am not a Slave”, we don’t make our own way in the world. So we know every day, before walking out of the house—and I think the American Black knows it quicker, like say at age 3, the Caribbean and African Black might know it a little bit later on in life, like Fanon says, ‘I was 18 when I learned it’—that **we cannot enter into a structure of recognition as a being, an incorporation into a community of beings, without recognition and incorporation being completely destroyed. We know that we are the antithesis of recognition and incorporation.** And sometimes we build to a point that we can’t even call it political because it’s bigger than politics, a point of mobilization and organization and theorization that is in some way informed by this, and we just set it off, and I think that Harriet Tubman, Nat Turner, and the Black Liberation Army are episodes of that. But the response to these moments, where we recognize that we cannot be recognized and we move on that, the response is so overwhelmingly violent it seeks to crush us to the point that nobody ever gets that idea in their head again.

**Black positionality renders all notions of resistance incoherent. The only option for Blackness is a complete reconfiguration of civil society. An after life to slavery would imply there is a future, that civil society can somehow put life back into blackness while ignoring the fact there is no life for the black and the very existence of these structures, of the white masters, and the junior partners is antiblack.**

#### Thus, the alternative is to endorse a project of absolute dereliction on the sphere of civil society by which revolutionary war can be continuously be waged.

Wilderson 07 [Frank III, Professor at UC Irvine, “The Prison Slave as Hegemony’s (Silent) Scandal,” Warfare in the American Homeland: Policing and Prison in a Penal Democracy, p. 31-33]

Slavery is the great leveler of the Black subject's positionality. The Black American subject does not generate Historical categories of Entitlement, Sovereignty, and Immigration for the record. We are "off the map" with respect to the cartography that charts civil society’s semiotics: we have a past, but not a heritage, as Orlando Patterson points out in Slavery and Social Death. To the data generating demands of the Historical axis we present a virtual blank, much like the KhoiSan's virtual blank presented to the data generating demands of the Anthropological axis. This places us in a structurally impossible position, a position outside of the articulations of hegemony; but it also places hegemony in a structurally impossible position because and this is key our presence works back upon the grammar of hegemony and threatens it with incoherence. **If every subject -- even the most massacred subjects, Indians are required to h ave analogs within the nation's structuring narrative, and one subject, the subject upon which the nation's order of wealth is built, is a subject whose experience is without analog then, by that subject's very presence all other analogs are destabilized.** The Black body in the U.S. is that constant reminder that not only can work not be reformed, b t it cannot be transformed, to accommodate all subject’s: work is a White category. The fact that millions upon millions of Black people work misses the point. The point is we were never meant to be workers; in other words, capital/white supremacy's dream did not envision us incorporated, or incorporative. **From the very beginning, we were meant to slave and die.** Work (i.e. the French shipbuilding industry and bourgeois civil society which finally extended its progressive hegemony to workers and peasants to topple the aristocracy) was what grew up all around us -- 20 to 60 million seeds plan ted at the bottom of the Atlantic, 5 million seeds planted in Dixie. And today, at the end of the 20th century, we are still not meant to be workers. We are meant to be warehoused and die. Work (i.e. the prison industrial complex and the shot in the arm it gives to faltering White, communities -- **its positive reterritorialization of White Space and its simultaneous deterritorialization of B lack Space)** is what grows up around our dead bodies once again. The chief difference today, compared to several hundred years ago, is that today our bodies are desired, but not our labor. And again, the chief constant to the dream is that our labor power was never for sale. Civil society is not a terrain intended for the Black subject. It is coded as waged and wages are White. Civil society is the terrain where hegemony is produced, contested, mapped. And the invitation to participate in hegemony's gestures of influence, leadership, and consent is not extended to the unwaged. We live in the world, but exist outside of civil society. This structurally impossible position is a paradox, because the Black subject, the slave, is vital to political economy: s/he kick-starts capital at its genesis and rescues it from its over-accumulation crisis at its end. But Marxism has no account of this phenomenal birth and life-saving role played by the Black subject: from Marx and Gramsci we have consistent silence. In taking Foucault to task for assuming a universal subject in revolt against discipline, in the same spirit in which I have taken Gramsci to task for assuming a universal subject, the subject of civil society in revolt against capital, Joy James writes :The U.S. carceral network kills, however, and in its prisons, it kills more blacks than any other ethnic group. American prisons constitute an "outside" in U.S. political life. In fact, our society displays waves of concentric outside circles with increasing distances from bourgeois self-policing. The state routinely polices the unassimilable in the hell of lockdown, deprivation tanks , control units , and holes for political prisoners (Resisting State Violence 1996: 34 ) But this peculiar preoccupation is not Gramsci's bailiwick. His concern is with White folks; or with folks in a White (ned) enough subject position that they are confronted by, or threatened by the removal of, a wag e -- be it monetary or social. But Black subjectivity itself disarticulates the Gramscian dream as a ubiquitous emancipatory strategy, because Gramsci, like most White activists, and radical American movements like the prison abolition movement, has no theory of the unwaged, no solidarity with the slave If we are to take Fanon at his word when he writes, Decolonization, which sets out to change the order of the world, is, obviously, a program of complete disorder (37) then we must accept the fact that no other body functions in the Imaginary, the Symbolic, or the Real so completely as a repository of complete disorder as the Black body. Blackness is the site of absolute dereliction at the level of the Real, for in its magnetizing of bullets the Black body functions as the map of gratuitous violence through which civil society is possible: namely, those other bodies for which violence is, or can be, contingent. Blackness is the site of absolute dereliction at the level of the Symbolic, for Blackness in America generates no categories for the chromosome of History, no data for the categories of Immigration or Sovereignty; it is an experience without analog a past, without a heritage. Blackness is the site of absolute dereliction at the level of the Imaginary for whoever says rape says Black, (Fanon) , whoever says prison says Black, and whoever says AIDS says Black (Sexton) the Negro is a phobogenic object (Fanon). Indeed &a phobogenic object &a past without a heritage &the map of gratuitous violence &a program of complete disorder. But whereas this realization is, and should be cause for alarm, it should not be cause for lament, or worse, disavowal not at least, for a true revolutionary, or for a truly revolutionary movement such as prison abolition.

### FEM Links

#### The 1ac attempt to make the Black body become intelligible within civil society works to intensify violence. The 1AC is an attempt to make Blackness more intelligible to the white masters through self-identification.

**Hartman 1997** (Saidiya, Professor of English at Columbia University; “Scenes of Subjection: Terror, Slavery, and Self-Making in 19th Century America”)

In short, the selective recognition of humanity that undergirded the relations of chattel slavery had not considered them men deserving of rights or freedom. Thus **in taking up the language of humanism, they seized upon that which had been used against and denied them.** However, suppose that **the recognition of humanity held out the promise not of liberating the flesh or redeeming one’s suffering but rather of intensifying it**? Or what if **this acknowledgment was little more than a pretext for punishment, dissimulation of the violence of chattel slavery and the sanction given it by the law and the state, and an instantiation of racial hierarchy**? What if the presumed endowments of man— conscience, sentiment, and reason— rather than assuring liberty or negating slavery acted to yoke slavery and freedom? .Or what if the heart, the soul, and the mind were simply the inroads of discipline rather than that which confirmed-the crime of slavery and proved that blacks were men and brothers, as Charlie Moses had hoped! Here I am interested in the ways that **the recognition of humanity and individuality acted to tether, bind, and oppress.** For instance, although the captive’s bifurcated existence as both an object of property and a person (whether understood as a legal subject formally endowed with limited rights and protections, a submissive, culpable or criminal agent, or one possessing restricted capacities for self-fashioning) has been recognized as one of the striking contradictions of chattel slavery, the constitution of this humanity remains to be considered. In other words, **the law’s recognition of slave humanity has been dismissed as ineffectual and as a volte-face of an imperiled institution.** Or, worse yet, **it has been lauded as evidence of the hegemony of paternalism and the integral relations between masters and slaves.** Similarly, the failure of Reconstruction generally has been thought of as a failure of implementation— that is, the state’s indifference toward blacks and unwillingness to en­ sure basic rights and entitlements sufficed to explain the racist retrenchment of the postwar period. I approach these issues from a slightly different vantage point and thus consider the outrages of slavery not only in terms of the object status of the enslaved as beasts of burden and chattel but also as they involve notions of slave humanity. Rather than declare paternalism an ideology, understood in the orthodox sense as a false and distorted representation o f social relations, I am concerned with the savage encroachments of power that take place through notions of reform, consent, and protection. As I will argue later, rather than bespeaking the mutuality o f social relations O f the expressive and affective capacities o f the subject, sentiment, enjoyment, affinity, will, and desire facilitated subjugation, domination, and terror precisely by preying upon the flesh, the heart, and the soul. It was often the case that **benevolent correctives and declarations of slave humanity intensified the brutal exercise of power upon the captive body rather than ameliorating the chattel condition.**

#### Being unintelligible only creates a taboo of sexuality, for Black women their flesh is seen as excess always being too sexual or asexual destroying white heteronormativity.

Fleetwood ’11 (Nicole R. Fleetwood, Associate Professor in the Department of American Studies,Director of for Research for Research on Women at Rutgers University, New Brunswick. “Troubling Vision: Performance, Visuality, and Blackness” 2011)

Hammonds argues that black women's practices of going unmarked in the realm of sexuality and bodily politics reinforce the taboo of black female sexuality and hegemonic ideologies that encode their bodies with racialized and gendered meaning. Yet she cautions against an uncomplicated embrace of visibility to counter the damage of silence done to the black female body and black sexualities and argues, “visibility in and of itself does not erase a history of silence nor does it challenge the structure of power and domination, symbolic and material, that determines what can and cannot be seen. The goal should be to develop a ‘politics of articulation.’”31 Embracing both Phelan's and Hammonds' skepticism of visibility as a political strategy while acknowledging the enforced invisibility placed on racialized subjects, I argue that understanding systems of visuality as necessarily troubling structures makes viable a different set of questions about black visibility. The question becomes how do the terms of engagement change in performative practices that are rooted in the trouble of visibility? Excess flesh as an enactment, while not necessarily resistant, can be productive in conceiving of an identificatory possibility for black female subjects that refuses the aberrant representations of the black female subject in dominant visual culture. Excess flesh offers the possibility of particularizing (p.123) the spectragraphia that Maurice Wallace argues frames the black masculine figure in the public sphere, and I would add intensifies the gaze upon the black female subject. By spectragraphia, Wallace refers to a cultural vision that frames black men “through the spectral and the spectacular in racialist representations.”32 I would maintain that, with different gendered implications, “spectragraphia” also captures the black female body as ontologically aberrant. In Lacanian psychoanalytic terms, identification is the process by which the subject comes into being through a recognition and alienation of self, facilitated by the reflection of an idealized image. Silverman have revealed in their writings that the process of identification for all subjects is not facilitated by an ideal ego. Equally important for my purpose here is how their writings—with respect to their distinctively different projects—demonstrate the significance of the imago in the process of subject formation as enunciated by Lacan. About this, Silverman writes, “Lacan sharply differentiates the gaze from the subject's look, conferring visual authority not on the look but on the gaze. He thereby suggests that what is determinative for each of us is not how we see or would like to see ourselves, but how we are perceived by the cultural gaze.”35 It is to be understood without explication that “the cultural gaze” stands in for white male positionality in looking relations. This is abetted by a symbolic order that structures white men with perception and authority. Moreover, in much of the scholarship on visual culture and race, including my own work, the cultural gaze so defined is the psychic and symbolic impetus for 33 Psychoanalytic theorists from Frantz Fanon to David Eng and Kaja divergent art practices that redress its subjugation of others as curious objects of scopophiliac play.

### SETTLERISM Links

#### The futurist plan text of the 1AC represents a colonial understanding of time, that ignores that the future is an accumulation of past and current forms of anti-black violence

**Dillon** (Stephen, Assistant Professor of Queer Studies at Hampshire College) **2013** ("It's here, it's that time:" Race, queer futurity, and the temporality of violence in Born in Flames, Women & Performance: a journal of feminist theory, 2013, vol. 23, No. 1, 38-51, C.A.)

‘Baucom and Spillers’s theorizations of time as accumulation and capture have profound implications for how we understand the future. **Traditionally, the future is a space and time we do not know, a place of possibility and hope**. The emptiness of the future is imagined **as a space of seamless progress**: a myth of Marxist teleology; **a capitalist dream; a fantasy of nationalism and colonialism.** **When we imagine the future as the outcome of the passage of time, the past falls away and the present disappears so that the future becomes relief from the devastating weight of everything that has come before**. **For example, José Esteban Muñoz argues that the way out of the crushing weight of today is to hold on to the future because now is not enough. According to Muñoz, the future is the domain of queerness, a “warm illumination of a horizon imbued with potentiality” that allows us to think “then and there” when here and now is not enough** (2009, 1). **For Muñoz, the call for no future is only available to those who have a future to deny.** He worries that abandoning the future to a heteronormative white world will only lead to the deaths of more queer people of color. **Yet, if time does not pass but accumulates, then the future is not the triumph of a tendency inscribed in the present. It is not the dissolution of the past or the undoing of the present. If time does not pass but accumulates, then the future is not liberated from the constraints of yesterday, but, rather, is the place where the wreckage of then and now lives on.** When we think of time against the temporal regimes of the state, heteronormativity, the nation, and capital, time drags, reverses, compresses, and accumulates. **Engaging queerness as a force that distorts and undermines normative logics of sequence is to know that the conditions of possibility for the atrocities of the past have not faded, but, rather, have intensified** (Freeman 2010, 27). It is to deploy what Jasbir Puar calls an “antecedent temporality” **where one can see, feel, and engage the ghosts that are not yet here, but will be tomorrow and the next day and the next** (Puar 2007, xx). Muñoz writes that the past tells us something about the present: “It tells us that something is missing, or something is not yet here” (2009, 86). Baucom and Spillers extend this assertion by arguing that **past forms of racial terror are a lesson about the present, but also a vision of what is to come. If time does not pass but accumulates, then the past is where the future is anticipated, recollected, and demonstrated** (Baucom 2005, 213**). If there is no progress, but instead repetition, modification, intensification, reversals, and suspensions, then we know what the future will be. The future will be what was before**.

#### There is an ontological difference between the gratuitous violence of racial slavery and the dehumanization present in colonialist operations – reject the 1AC’s generic account of ’racism’ which makes all violence equivalent in favor of a political ontology that locates the color line as black vs. non-black rather than white vs. non-white

**Sexton** (Jared, Professor of African-American Studies at UC-Irvine) **2010** (The Curtain of the Sky: An Introduction, Critical Sociology, Vol. 36 (1), pg. 11-24, C.A.)

**Yet, for Wilderson, there is a qualitative difference, an ontological one, between the inferiorization or dehumanization of the masses of people ‘in Asia … in America and the islands of the sea’, including the colonization of their land and resources, the exploitation of their labor and even their extermination in whole or in part, and the singular commodification of human being pursued under racial slavery, that structure of gratuitous violence in which bodies are rendered as flesh to be accumulated and exchanged**. 7On this score, we should note that ‘the absolute submission mandated by law was not simply that of slave to his or her owner, but the submission of the enslaved before all whites’ (Hartman 1997: 83). The latter group is perhaps better termed all non-blacks (or the unequally arrayed category of non-blackness), because **it is racial blackness as a necessary condition for enslavement that matters most, rather than whiteness as a sufficient condition for freedom**. **The structural position of the Indian slaveholder – or, for that matter, the smattering of free black slaveholders in the USA or the slaveholding mulatto elite in the Caribbean – is a case in point** (Blackburn 1997; Koger 2006; Miles and Holland 2006). **Freedom from the rule of slave law requires only that one be considered non-black, whether that non-black racial designation be ‘white’ or ‘Indian’ or, in the rare case, ‘Oriental’** – this despite the fact that each of these groups have at one point or another labored in conditions similar to or contiguous with enslaved African-derived groups. In other words, it is not labor relations, but property relations that are constitutive of slavery. To repeat: **not all free persons are white** (nor are they equal or equally free), **but slaves are paradigmatically black**. Because **blackness** serves as the basis of enslavement in the logic of a transnational political and legal culture, it **permanently destabilizes the position of any nominally free black population**. Stuart Hall might call this the articulation of elements of a discourse, the production of a ‘non-necessary correspondence’ between the signifiers of blackness and slavery (Hall 1996). But **it is the historical materialization of the logic of a transnational political and legal culture such that the contingency of its articulation is generally lost to the infrastructure of the Atlantic world that provides Wilderson a basis for the concept of a political ontology of race that locates the color line vis-a-vis slavery: black/non-black rather than white/non-white. The USA provides the point of focus here, but the dynamics under examination are not restricted to its bounds**. Political ontology is not a metaphysical notion, because it is the explicit outcome of a politics and thereby available to historic challenge through collective struggle. But it is not simply a description of a political status either, even an oppressed or subjugated political status, because it functions as if it were a metaphysical property across the longue durée of the pre-modern, modern and now postmodern eras. That is to say, borrowing a distinction from Jürgen Habermas, the application of the law of racial slavery is pervasive, regardless of variance or permutation in its operation across the better part of a millennium (Habermas 1985). 8 **In Wilderson’s terms, the libidinal economy of anti-blackness is pervasive, regardless of variance or permutation in its political economy.** 9 In fact**, the application of slave law among the free** (i.e. the disposition that ‘with respect to the African shows no internal recognition of the libidinal costs of turning human bodies into sentient flesh’) **has outlived in the post-emancipation world a certain form of its prior operation – the property relations specific to the institution of chattel and the plantation-based agrarian economy in which it was sustained.** As noted, Hartman describes this in her memoir as the afterlife of slavery: ‘a measure of man and a ranking of life and worth that has yet to be undone … a racial calculus and a political arithmetic that were entrenched centuries ago’ (Hartman 2007: 6). **On that score, it is not inappropriate to say that the continuing application of slave law facilitated the reconfiguration of its operation with the passage of the Thirteenth Amendment to the US Constitution, rather than its abolition** (on the conventional reading) or even its circumscription ‘as punishment for crime whereof the party shall have been duly convicted’ (on the progressive reading of contemporary critics of the prisonindustrial complex). It is one of the great values of Wacquant’s work, especially in Wilderson’s hands, that it provides an historical schema for tracking such reconfigurations ‘from slavery to mass incarceration’ without losing track of the structural dimension. 10 The challenge for all subsequent scholarship in the overlapping fields of the sociology of race and ethnic and racial studies is to orient itself within this theoretical horizon if it is to attain what is most essential.

### COMMODIFICATION Links

#### Self-expression will get co-opted by market forces because our inner impulses will be channeled into intentional consumer choices—that means our personal acts of rebellion are a *false liberation* because our identities will still be shaped and conditioned by patterns of consumption.

Davis 03, Joseph E. Davis, Research Assistant Professor of Sociology at the University of Virginia. “The Commodification of Self,” The Hedge Review, 2003, pages 42-46, http://www.iasc-culture.org/THR/archives/Commodification/5.2EDavis.pdf

In a characteristic article, published in 1976, the sociologist Ralph Turner found evidence that “recent decades have witnessed a shift in the locus of the self….” 1 He characterized the movement in self-anchorage—in the feelings and actions that we identify as expressions of our “real self”—as movement along a continuum from “institution” to “impulse.” At the institutional pole, one recognizes the real self in the pursuit of institutionalized goals. Self-control, volition, and exacting standards within institutional frameworks are paramount. At the impulse pole, by contrast, “institutional motivations are external, artificial constraints and superimpositions that bridle manifestations of the real self.” 2 At this end of the continuum, the real self consists of “deep, unsocialized, inner impulses” waiting to be discovered and spontaneously expressed. 3 Though few people occupy the extremes, Turner emphasized, the personal relevance of institutions seemed to be declining and personal reality increasingly indexed to impulse. Turner’s observations were not unique. Earlier, Nathan Adler had suggested that an “antinomian personality,” a character type who rejects conventional morality, was emerging for whom the expression of impulse and desire is central. 4 Similarly, Christopher Lasch, in his best-seller The Culture of Narcissism, saw the spread of a “therapeutic outlook” in American society that seeks peace of mind in the “overthrow of inhibitions and the immediate gratification of every impulse.” 5 in a more empirical vein, joseph Veroff and his colleagues, comparing the result of national surveys they conducted in 1957 and 1976, found a significant shift in the way that people structure their self-definition and sense of well-being. They characterized this change as one from a “socially integrated” paradigm to a more “personal or individualized” paradigm and identified it in three aspects: “(1) the diminution of role standards as the basis for defining adjustment; (2) increased focus on self-expressiveness and self-direction in social life, [and] (3) a shift in concern from social organizational integration to interpersonal intimacy.” 6 Along with others, including Daniel Bell, Robert Bellah, and Daniel Yankelovich, these scholars saw the sixties and seventies as giving rise to a new emphasis on the exploration of personal desires and immediate experience, on distancing oneself from institutional (i.e., external) norms and goals, on finding one’s unique inner voice, and on freely expressing one’s intimate feelings.7 None of these sentiments were new, of course; all reflect an old Romantic sensibility. Yet the evidence suggested that they resonated as an ideal and as terms of self-expression with a much wider swath of the public. On the way to the seventies, many Americans had, in effect, internalized the harsh fifties’ critique of the “organization man.” The Commodification of Real Selves Consumerism and the commodification process were among the key forces that social critics such as Lasch and Bell identified as leading to the attenuation of social identities (e.g., mother, deliveryman, member of the Elks Club) in self-definitions and the destabilizing of the older institutions of identity formation (family, school, church, and so on). These developments created a vacuum of normative expectations and bonds. The very terms of the new self-definitions did so as well. The nonconformist appeal of “individuated paradigms” and “unsocialized, inner impulses” required that they lack social definition and normative structure. The “real self,” in this view, has its own criteria. Each person works out his or her own self-definition in relative isolation from others. The need for socially-derived identity criteria and the social recognition of others is in principle denied. The very market forces that helped create the vacuum now rushed in to fill it. New “scripts,” to use Louis Zurcher’s apt term, were written to channel those inner impulses into intentional consumer choices.8 Branding, for instance, the powerful marketing strategy used by companies to sell mass-produced goods and services, was transformed in the mid-to-late 1980s. Companies, some with no manufacturing facilities of their own (e.g., Tommy Hilfiger), began to emphasize that what they produced was not primarily things but images.9 A brand became a carefully crafted image, a succinct encapsulation of a product’s pitch. But a successful brand is also more than that. According to branding expert Scott Bedbury, in an interview with the business magazine Fast Company, a “great brand” is “an emotional connection point that transcends the product.” Myth-like, it is an evolving “metaphorical story,” that creates “the emotional context people need to locate themselves in a larger experience.”10 Inspiring passion and dreams of gratification, the theory goes, successful brands impel people to buy. The new marketing scripts incorporate the language of self-determination and transformation, and build on the knowledge that being true to our unique inner selves is a powerful moral ideal. Indeed, authenticity has been so thoroughly appropriated and packaged in the metaphorical stories of the mass marketers that we barely notice anymore. Advertisements rail against the conventional demands of society and sell products as instruments of liberation. Brands of jeans signify rebellion and rule breaking, fruit drinks and sneakers have countercultural themes, and cars let us escape and find ourselves. In the person of the bourgeois bohemians or “Bobos,” as journalist David Brooks portrays them, we have a social type that lives on precisely this model of “selfdetermination,” merging an ethic of nonconformism and impulse with a vigorous consumerism.11 Theirs, to use Thomas Frank’s term, is a “hip consumerism.”12 Even such ostensibly intimate concerns as sexual expression, self-development, and spiritual growth are now the subject of expert advice and prepackaged programs. Self-actualization, as Louis Zurcher once wrote, has become a “product marketed by awareness-training organizations that are subsidiaries of dog food and tobacco companies. Are you only a ‘three’ on our self-actualization scale? Too bad! We can make you a ‘ten’ during one of our weekend seminars in Anaheim, minutes away from Disneyland, for only a few thousand dollars.”13 By purchasing the right workbook, following the right steps, or getting the right makeover, we can change the quality of our inner experience, enhance our psychological well-being, and finally achieve true self-fulfillment. The marketing scripts have power because they are points of personal identification. The marketers recognize that an inwardly generated self is a fiction. We are selves in dialogue, both internalized and in direct conversation, with others. People need to “locate themselves in a larger experience,” and they need social recognition for their identity projects. To the degree that social identities are attenuated as the mooring of self-identification (and this, of course, is widely variable), companies can position their goods and images (and ever more precisely with niche marketing) not simply as fulfilling desires but as meeting a felt need for connection, recognition, and values to live by. At the same time, consumers can feel liberated, seeing their consumption choices as facilitating an expressive self and the articulation of personal style without the constraints of tradition or convention. Social identities remain but as one is turned into a consumer, they are increasingly shaped and conditioned by patterns of consumption. We identify our real selves by the choices we make from the images, fashions, and lifestyles available in the market, and these in turn become the vehicles by which we perceive others and they us. In this way, as Robert Dunn has written, self-formation is in fact exteriorized, since the locus is not on an inner self but on “an outer world of objects and images valorized by commodity culture.”14 There is more than a little irony here, but the mediation of our relation to self and others by acts of consumption also has significant implications. These implications overlap with another form of self-commodification and to that I turn.

### NARRATIVES Links

#### Stories of suffering are become spectacles and that perpetuates oppression—readers seek out spectacles of suffering and often identify with perpetrators

Kay and Smith 04, Schaffer, Kay, Emerita Professor in Gender Studies and Social Inquiry; Smith, Sidonie, Mary Fair Croushore Professor of the Humanities. Biography, “Conjunctions: Life Narratives in the Field of Human Rights,” Project Muse, Biography, Volume 27, Number 1, Winter 2004, pp. 1-24 (Article) l 4 Published by University of Hawai'i Press '77:): DOI: 10.1353/bio.2004.0039 http://engl646-srikanth.wikispaces.umb.edu/file/view/Schaffer+and+Smith.pdf

For other readers, sensationalized stories of suffering feed the darker passions of what Kirby Farrell labels the post-traumatic “wound” cultures of postmodernity. Farrell describes post-traumatic culture as a culture desensitized to suffering, “a world in which power and authority seem staggeringly out of balance, in which personal responsibility and helplessness seem crushing, and in which cultural meanings no longer seem to transcend death” (7). In a post-traumatic environment, some readers seek out spectacles of suffering and trauma to fuel sadomasochistic fantasies and voyeuristic pleasures. Identifying with perpetrators rather than victims, such readers may turn to another person’s potential violence to both experience and exorcize their own “post-traumatic demons” (Farrell 7). Others may turn to narratives of suffering and trauma to feed their needs to “feel” something, anything, any sensation, to experience some concatenation of affects and pleasures. This “recourse to traumatic narratives,” argues Ball, “paradoxically serves simultaneously to defer, to organize, and to reproduce the low-grade angst” (19).

#### Discourse of suffering upholds existing powers—responses and solutions to suffering are always controlled by those in power, and that just reinforces the divide between those who suffer and those who do not

Mohr 10, Richard Mohr, at Legal Intersections Research Center, “Responsibility and the Representation of Suffering: Australian law in black and white,” Academia.edu, 2010, https://www.academia.edu/1004478/Responsibility\_and\_the\_Representation\_of\_Suffering\_Australian\_Law\_in\_Black\_and\_White

In political and legal discourse suffering is reconstructed from an experience of pain or deprivation into a relationship, and this is notably a relationship between those who suffer and those who do not. Renault (2008: 376) reports on Veena Das’s analysis of reactions to the Bhopal disaster in India, which found that legitimating tropes of legal discourse detached suffering from the victims. The discourse of suffering “was used to reduce those who suffered to silence”, while the negotiations and construction of events, including that of the suffering itself, were commandeered by politicians and lawyers. The emphasis here 131 is on the victims of suffering, while the legal mechanisms are shown to have deprived them of a voice. Images of suffering typically portray the sufferer as the other, as distanced from “us” the responsible, the actively viewing subject. In a series of photographs by Pierre Gonnord reproduced in El País under the heading “El silencio de los marginados” (García,2008), the mute, closed faces of the marginalised are in contrast to the outgoing, engaging presence of the photographer himself, depicted by a newspaper photographer. The representation of suffering forms an essential component in that political economy of suffering that involves domination, dés affiliation and dispossession. On one hand, suffering is constituted as a salient political phenomenon by artistic, media and political representations. On the other hand, responses to suffering are framed by representations of the suffering subject and its converse, the responsible subject. Where suffering is represented as silence, the role of those responsible becomes to represent, to speak for, and, finally, to act for the sufferers. The media, politicians and lawyers play these roles with professional zeal. In the meantime, responsibility for one’s own actions and legal liability for specific injustices and the spoils of dispossession are washed away by the tide of a reimagined history, dispersal of collective responsibilities and the re-presentation of suffering embodied in those who suffer. The allocation of responsibility and suffering among Indigenous and settler Australians provides an illuminating instance of these processes. It tests and illustrates the theoretical framework developed above. At the same time, the concepts developed there should also be expected to suggest an evaluative framework and a way forward in improving the relations between the two groups, and in addressing the objective conditions of suffering. The following sections describe two relevant recent developments in law and policy relating to Australian Indigenous peoples (comprising two broad distinct groups known as Aboriginal people and Torres Strait Islanders, respectively).

## SETTLERISM NC

#### Gendered oppression is the tool of the colonizer, without first decolonizing we cannot solve for the rape and assault of native women.

Claire 2009

(September 2009, Anarchist Organizer, Mirroring Colonial Power Structures in Radical Organizing: Rape Culture as Colonization and Community Accountability, Unsettling Ourselves: Reflections and Resources for Deconstructing Colonial Mentality, pp. 94-95, https://unsettlingminnesota.files.wordpress.com/2009/11/unsettling-minnesota-sourcebook1point0.pdf, accessed 7/27/15) CH

The way that patriarchy is enforced and maintained is through systematic gender oppression in the mode of sexual abuse both physical and mental. Rape culture means the normalization and naturalization of systematic sexual violence and sexual abuse against women in society. Patriarchal rape culture means that women’s bodies and sexuality socially belong as objects and property to male desire. In rape culture, it is socially perceived that women’s bodies and sexuality are something men have a right and claim to, this opens the space for systematic sexual violence physically, emotionally and psychologically. In patriarchal US society, men are empowered to make the decisions and laws that effect and control women’s bodies and lives while women’s voices are devalued and silenced. When women occupy positions of power within US colonial society, the power structures and dynamics they are enacting are still within the constructs of patriarchal values, thus they are continuing to engage in gender oppression. Rape culture means that women experience mental and physical forms of sexual violence on a consistent, everyday basis and internalize these assaults, resulting in selfhatred and low self-esteem, insecurities, lack of confidence, and thus further silencing. Rape culture means that women are frequently pressured, coerced and forced into sexual acts as women’s sexuality is seen as property and conquest. Rape culture means that victims and survivors of sexual violence are often considered responsible and at fault for their own assaults and rapes. Rape culture is how it becomes socially accepted that women are ultimately to blame for their own rapes and assaults because of their own behavior (they dressed a certain way, they’re promiscuous, they were drunk, they didn’t fight back, they didn’t say no). Rape culture pressures the silence of female victims and survivors because we are taught that women’s bodies are meant to be violated and therefore at fault. Rape culture also means that perpetrators of sexual violence are rarely held responsible for their actions as the most common forms of sexual violence are normalized, such as date rape and domestic violence. Sexual violence cannot be understood only as a tool of patriarchy but also as a tool of white supremacy and colonization. In mainstream US society, the rapes of some women matter while the rapes of others do not. White supremacy and rape culture means that some perpetrators will be prosecuted and others will not. It means that whom is raped by whom matters in deciding whether or not the act holds significance. Sexual violence is a tool of colonial white supremacy in that it renders certain women as violable and certain men as those capable of violating. Colonial society and rape culture make it so that women believe themselves to be in need of protection from sexual violence and that protection is found through the institutions and authorities that make up white supremacist, patriarchal, colonial power structures. Examples of this are the mass lynchings of black men by white men for in some way interacting with white women. Since the endurance of US colonial society is dependent upon the repression, criminalization and eradication of indigenous cultures, sexual violence is an important tool in maintaining the ‘permanent present absence’ of native peoples and thus the continued legitimacy US settlers and colonial society claim to indigenous land. Again referencing Smith, as US colonial society renders indigenous bodies and land as settler property and as rightfully violable, indigenous peoples become constructed as naturally violable within US colonial society (Conquest, 12). Due to this, indigenous women are much more likely to be targeted for sexual violence than white women. The rapes and assaults of indigenous women are mostly ignored or condoned by law enforcement and authorities. The perpetrators of these sexual assaults and rapes most likely face no consequences. Indigenous women are subject to other systematic forms of sexual violence such as enforced, mass sterilization by the state. Smith calls this systematic sexual violence against indigenous peoples a project of colonial sexual violence which results in what she refers to as an “internalized genocidal project through selfdestruction” (Conquest, 12). The colonial tools of sexual violence and rape culture are used against indigenous communities to inflict massive psychological damage and self-hatred, repressing indigenous sovereignty and identity.

#### Sexual Violence is impossible to solve within the current system, through the affs reforms the colonial power structures are only replicated.

Claire 2009

(September 2009, Anarchist Organizer, Mirroring Colonial Power Structures in Radical Organizing: Rape Culture as Colonization and Community Accountability, Unsettling Ourselves: Reflections and Resources for Deconstructing Colonial Mentality, pp. 96-97, ttps://unsettlingminnesota.files.wordpress.com/2009/11/unsettling-minnesota-sourcebook1point0.pdf, accessed 7/27/15) CH

In this essay I have been referring to sexual violence and rape culture as patriarchal tools of gender oppression and speaking as though sexual violence is only perpetrated by men against women. While statistically, almost all perpetrators of sexual violence are men and most women have experienced some form of sexual violence, women certainly can be and are perpetrators of sexual violence and large numbers of men are survivors of sexual violence. Nor do I seek to imply that sexual violence is a hetero-normative act occurring between only men and women (I do however want to stress, that due to patriarchal gender oppression and rape culture, the ways that sexual violence affect men and women are very different). If women are perpetrators of sexual violence, or if men rape other men, does that mean sexual violence is not a systematic tool of patriarchal gender oppression? Sexual violence is an enactment and reinforcement of colonial power, regardless of what form it takes. Colonialism values conquest, domination, power, greed and taking by whatever force necessary. Colonialist society is built on institutionalized hierarchies. Rape culture and sexual violence (as I hope I’ve explained well by now) are strong tools used in the maintenance of hierarchical oppression and privilege. By living within colonialist society, our minds become colonized in the sense that we are raised to think and understand in terms of colonial power structures and hierarchy. We are shaped by the privilege, or lack of privilege, we receive in colonial society and learn to behave in accordance with these privileges or oppressions. We learn to expect, demand and control, or we learn to be controlled. We learn that we matter or that we do not matter. Colonization means that these understandings become so fundamental in the development of our minds that they become natural to us. We learn to think in terms of hierarchy, power, domination and control. We learn to value power as control, dominance and violence. We learn to desire power as something belonging to the individual and to assert power over others in order to obtain more power. Throughout the anti-rape organizing and educating I have been involved in, I have heard arguments that sexual violence cannot be gendered and is not an issue relating to gender. Sexual violence, as I hope I’ve explained well, is actually heavily gendered and one cannot separate sexual violence from gender, just as one cannot separate sexual violence from any colonial oppression. I want to focus on our abilities to perpetuate cycles of violence and how we have been colonized to understand and mimic colonial structures of violence. Sexual violence, no matter what form it takes, is a tool of colonial, patriarchal gender oppression and is a manifestation of those structures of power seeking to validate themselves. This is why we can’t hope for change within the US system because US society has been built from and out of violent colonialist power structures; its survival is dependent on the reinforcement and maintenance of these colonial power structures. US society and government have to be completely dismantled in order to abolish colonial rule. No matter who is the perpetrator of sexual violence, it is a violent act that seeks to claim dominance, to conquer, to control and to assert power. Power through conquest, claim and dominance are what embody, drive, and maintain colonization and colonial rule. Even if the roles of oppressor and oppressed are reversed we are still enacting colonial systems of power and thus reinforcing and validating them.

#### The affirmative operates in the mindset that what’s best for them is best for everyone else, but it ignores the root cause of the oppression of indigenous women, the colonization of their bodies. Only decolonization can solve for gendered opression

Jacobs 13 (Beverley Jacobs,Beverley Jacobs is a citizen of the Kanienkehake Nation, Bear Clan of the Haudenosaunee Confederacy from the Six Nations Grand River Territory. She graduated with a law degree at the University of Windsor in 1994 and a master’s degree in law in 2000. She is currently a PhD Candidate at the University of Calgary. She also owns her own law firm, which is situated at Six Nations Grand River Territory and practices part-time while working on her Interdisciplinary Degree focusing on human rights, Indigenous research methodologies, and Aboriginal health, FEBRUARY 13, 2013"Decolonizing the Violence Against Indigenous Women," Decolonization, <https://decolonization.wordpress.com/2013/02/13/decolonizing-the-violence-against-indigenous-women/>) CH

Colonization is violence. Colonization has had an impact on both Indigenous women and men’s roles in all relationships but Indigenous women have taken the brunt of the impacts of colonization. Direct attacks against Indigenous women are attempts to erase them from existence so that there will be no future generations. These are attacks against the future of our Indigenous nations. Indigenous women are now dealing with the high statistics of violence against them and the highest numbers of missing and murdered Indigenous women, not only in Canada but also globally. Violence and abuse have occurred in all societies and in all races of peoples, but the violence against Indigenous women comes from colonization; our Indigenous women have become the direct targets of colonial violence. This has saturated into our communities and Indigenous women are now dealing with the violence against them by Indigenous men and by non-Indigenous men. They are no longer safe in their own communities. I have learned about not being safe in my own home and community. I have learned what an abusive relationship is. In an abusive relationship, the abuser feels the need to have power and control. When an abuser feels that his power and control are taken away, he has to strike out at his most vulnerable victim to regain that power and control. The victim loses her voice and feels that she does not have any control of the situation at the time of the abuse. I remember being silent and knowing that I could not say a word to anyone about the abuse that was happening. I remember that silence well. When an abusive relationship ends, the victim makes a decision to take her power back. I remember saying that I will no longer be beaten or abused – not mentally, emotionally, spiritually, physically or sexually. I remember saying that no one will ever hurt me again. I acknowledged that I will no longer be a victim. I had found my voice and regained respect for myself. As a survivor of violence, I have learned not to blame anyone else but to take responsibility for myself. I can celebrate my life and learn from the lessons that I have learned. The abuser has an opportunity to learn that he does not need to have that kind of power and control but can be an equal and respectful partner. The relationship has to be a partnership. The abusive relationships that happen to our women are also born out in the larger context of Canada’s colonial relationship to Indigenous peoples. Canada’s colonial government has been an abuser since its existence. First, it violated peace and friendship treaties, which were based on nation-to-nation relationships, by unilaterally establishing its government through legislation in which it had control over Indians and lands reserved for Indians (ie. British North America Act, 1867). This legislation then gave the government authority to establish the most racist piece of legislation called the Indian Act. These unilateral acts were the beginning of the abusive relationship. As a result of generations of abuse and control, Indigenous peoples have become victims in a long-standing abusive relationship and have been silenced through the lack of control over lands and resources, the genocidal policies of the residential school system, and the disrespect and violence against Indigenous women. The violence against women and the violence occurring against Mother Earth are also directly connected. Haudenosaunee planting ceremonies acknowledge that the women are the seed – the connection between the Creator and Mother Earth. The loss of connection of Indigenous women to their lands and territories means that the lifeblood and carrier of future generations are also cut off. Since the existence of the patriarchal Indian Act, there have been missing Indigenous women who were forcefully displaced from their traditional territories for “marrying out”. This was the beginning of missing Indigenous women. The genocidal policies of the Indian Act also had an impact on Indigenous governance systems where the women’s decision-making qualities were silenced and no longer part of the balance of these systems. And we already know what the residential schools did to our families, including the roles of mothers and fathers and the losses of family bonding, and the loss of the most basic tenets of a relationship: love and emotional well-being. In order to become survivors of this abusive relationship, all victims, including Indigenous men and women, must take their power back. Many have already. This is what decolonization means at a very practical level – taking our power back. The language and actions about violence against Indigenous women has to shift to actually begin the decolonization process. What do I mean by shifting our language? It means that we have to stop behaving and to stop talking like a victim. We have to stop blaming the abuser and take responsibility for our own actions. We have to teach our next generations about healthy relationships, healthy sexual relationships and how to treat each other with respect. We need to practice our teachings by making a conscious choice about the decisions that we make today and how each of those decisions have an impact seven generations from now. I know my ancestors did that for me seven generations ago. The decisions include how we teach our sons to respect themselves and to be good men, to honour the women in their lives, to honour their children, to be good fathers and good grandfathers; the decisions to teach our daughters to respect themselves and their bodies, to respect all of the relationships in their lives, to know that they are the life givers and nurturers to the next generations. Decolonization means bringing the safety back and means living in a society where we feel safe and where we respect each other as people. It means that our men are taking back their rightful responsibilities to be the Warriors of our nations; to protect the women and the children, and the lands they are all connected to, to protect the lands for our future generations. It means that our women are taking back their rightful responsibilities to be respected decision-makers, to carry and nurture life and to bring those future generations into this physical world. It is the responsibility of all generations (mothers, fathers, grandmothers and grandfathers) to ensure that we maintain those connections to our lands and territories, with our strong languages and ceremonies intact. Decolonization means true partnerships, whether those partnerships are with Canada, with our non-Indigenous allies, or between Indigenous men and women. Decolonization means that we celebrate our resiliency in the face of an abusive relationship and choose different relationships that honor ourselves, our communities, our women, and our lands.

#### The Alternative is to decolonize unconditionally, decolonization is a pre-requisite to any reformism

Burke 9 (Nora Butler Burke, 11-25-2009, "Building a “Canadian” Decolonization Movement: Fighting the Occupation at “Home”," No Publication, <http://theanarchistlibrary.org/library/nora-butler-burke-building-a-canadian-decolonization-movement-fighting-the-occupation-at-home>) CH

Perhaps the first step that we can take in allying ourselves with Indigenous peoples is to face up to our colonial past and present. And here I’d like to assert that Canada is not a post-colonial state, nor is it neo-colonial, as is the case in other parts of the world. In Canada, colonialism dominates [4]. While Aboriginal peoples continue to be forced or excluded from their lands, capitalist interests rush to invade their territories in attempts to seize resources from it. Indigenous nations remain culturally, economically and politically under attack within this colonial apparatus — a distinct experience which undoubtedly shares parallels with the experiences of other racialized and oppressed communities in Canada. Beyond facing up to the past, as a means of owning our history, we must take responsibility for that history. While many of us are excluded from and denied much of the wealth of the Canadian state ourselves, those of us who are Canadian citizens none the less benefit from that wealth to some degree. What we can not take for granted is the fact that much of that wealth was accumulated at the expense of Aboriginal peoples. Therefore, any movement which seeks to address the injustices perpetrated against Indigenous peoples must also take into account the positioning of non-native people within this colonial state. Decolonisation is not a process which entails solely the Indigenous nations of this continent. All people living in Canada have been distorted by colonialism. It effects us all, not only those whom it most severely oppresses. Therefore, a decolonisation movement cannot be comprised solely of solidarity and support for Indigenous peoples’ sovereignty and self-determination. If we are in support of self-determination, we too need to be self-determining. Unless we exercise our own self-determination and fight our own governments, then we risk reinforcing the isolation of Indigenous communities and their resistance. A movement for decolonisation must be premised on a parallel process of self-determination. While Indigenous nations continue to assert their autonomy and nationhood, we, as non-native settlers, must also assert our own autonomy within our respective communities, and resist our governments’ attempts to further consolidate its control over all communities, Indigenous and non-Indigenous alike. I think it is clear from what I am saying here, but I want to take a second to address a common misperception held by non-native people that decolonisation would require a mass departure of all non-Indigenous peoples from the continent. While I can’t speak for any Indigenous people or communities, my understanding, based on conversations with and readings by many Indigenous activists, has been that the fundamental change which North American decolonisation would bring about would be a change in the nature of the relationship between immigrants and Aboriginal peoples. It would be to bring an end to our imperialist relationship, and an end to the colonial imposition of foreign systems, be they governmental, ideological, religious, or otherwise, on the many hundreds of nations which exist on this continent. Rather than attempting to re-establish the conditions of a pre-colonial North America, many see it as being much more realistic to abandon the current relationship between native and non-native peoples. The state has long defined that relationship, one which has been characterized foremost by oppression. It is time to cut the state out of this relationship, and to replace it with a new relationship, one which is mutually negotiated, and premised on a core respect for autonomy and freedom. Furthermore, decolonisation means ridding ourselves of the super-states of Canada and the United States. They only serve an elite few while maintaining a liberal system of economic and social apartheid.

#### The central question of this debate is that the exclusion of indigenous peoples provides the ontological grounding for modern sovereignty—any analysis which fails to foreground these histories is doomed to reproduce the horrors of colonialism

D’Errico 97 (D'Errico, Peter. "AMERICAN INDIAN SOVEREIGNTY: NOW YOU SEE IT, NOW YOU DON'T." American Indian Civics Project. CA, USA, Arcata. 24 Oct. 1997. *UMASS*. Web. 1 Feb. 2015. <http://www.umass.edu/legal/derrico/nowyouseeit.html>. //TB)

Contemporary Non-Recognition of Indigenous Peoples **Over 300 million people on earth** today can be said to be truly **|||are|||** **"indigenous"** -- living on lands which they have inhabited since time immemorial. **In every instance, indigenous communities are legally circumscribed by one or more nation-states, within territorial boundaries drawn by government geography.** These 300 million constitute an increasingly self-aware force for global rethinking of the nature of power. Their challenge is increasingly overt and serious to the world's political structure. The United Nations' designation of The Decade of Indigenous People is a symptom of this challenge. The nature of the challenge becomes more clear when we consider the revision of the original designation, which referred to indigenous peoples. **The plural form -- "peoples" -- triggered immense anxiety and successful resistance by member states of the UN, on the grounds that these 300 million people are individual citizens of states claiming jurisdiction over them, and not members of independent peoples. "Peoples" in international law implies rights of self-determination, which the United States took the lead to challenge|||d||| as not applicable to indigenous peoples.** The U.S. argues that there can collective self-determination exists only through states, and that indigenous people are groups of individuals with shared cultural, linguistic, and social features, but without any internal coherence as "peoples." This argument contradicts the U.S, claim that it deals with indigenous peoples on a "government-to-government" basis. Here is one example of "now you see it, now you don't." **In light of the history of treaty-making and with an eye toward restoring the sense of equality between nations that justified the treaty process to begin with, American Indians are -- in concert with indigenous peoples worldwide -- asserting a sense of their own "sovereignty."** The United Nations Draft Declaration of the Rights of Indigenous Peoples is at the center of this global struggle for self-determination. The Declaration is the product of twenty years of negotiating among indigenous peoples and U.N. bodies. It's very title draws the line of battle -- rights of indigenous peoples (plural). Federal Indian Law **When we enter into the realm of "federal** Indian **law," we need to keep in mind that we are traveling in a semantic world created by one group to rule another.** The terminology of law is a powerful naming process. In working with this law, we will use the names that it uses, but we will always want to keep in mind that the reality behind the names is what we are struggling over. **According to the theory of sovereignty in federal Indian law, "tribal" peoples have a lesser form of "sovereignty," which is not really sovereignty at all, but dependence.** In the words of Chief Justice John Marshall in Cherokee Nation v. Georgia (1831), American Indian societies, though they are "nations" in the general sense of the word, are not fully sovereign, but are "domestic, dependent nations." The shell game of American Indian sovereignty -- the "now you see it, now you don't" quality -- started right at the beginning of federal Indian law. **The foundation of federal** Indian **law is the assertion by the United States of a special kind of non-sovereign sovereignty.**

## 1NC CAP CARDS

#### Capitalism is foundation that grinded women’s role in society—family-household system emerged as the resolution to the effective reproduction to meet labor needs

Copland 15, Simon Copland, writer specialising in sex, culture and politics, “Sex and Society: Capitalism and Gay Oppression,” Simoncopland, June 19, 2015, <http://simoncopland.com/2015/06/sex-and-society-4-capitalism-and-gay-oppression/>

Here was the problem. In the early stages of industrialised capitalism men, women, and children all ended up in the factory. However, as people moved to the cities, the infant mortality rate shot through the roof. In Manchester, for example, there were a recorded 26,125 deaths per 100,000 thousand children under the age of one. This was three times the rate of mortality rater of non-industrial areas. With the rise of industrialised capitalism workers were robbed of control of production process, and in turn robbed of their capacity to incorporate reproduction into the needs of production. In simpler terms, being forced to work long hours in unsanitary factories made it much more difficult for workers to properly look after their children. And, as Tad Tietze argues, “this created severe problems for the system’s ability to ensure the reproduction of the working class.” Capitalists were watching as their next swathe of workers died in front of their eyes. Brenner and Ramas argue the creation of the “family-household system emerged as the resolution to this crisis.” The idea of the “family-household system” was introduced by Michèle Barrett in her book Women’s Oppression Today, described as a structure in which a number of people, usually biologically related, depend on the wages of a few adult members, primarily those of the husband/father, and in which all depend primarily on the unpaid labour of the wife/ mother for cleaning, food preparation, child care, and so forth. The ideology of the “family” is one that defines family life as “ ‘naturally’ based on close kinship, as properly organized through a male bread- winner with a financially dependent wife and children, and as a haven of privacy beyond the public realm of commerce and industry.” As capitalists were not willing, nor able, to provide services for parents to nurture their children (paid maternity leave, childcare centres, etc.) and with household services (maids, cleaning services, etc.) being too expensive for the working class, women were forced back into the home to look after children and complete domestic duties. As Tietze argues: “The capitalist family thus had to be consciously constructed, with all the coercive and consensual elements of that process — a process involving significant state and extra state mobilisation in terms of ideologies, laws, policies, regulations, work reorganisation, and industrial relations strategies, including settlements around the family wage, etc.” The family-household structure had to be developed in order to ensure the survival of the capitalist system. That doesn’t mean women stopped working, but when they did they faced particular disadvantages. Brenner and Ramas argue there were particular classes of women who were working at this time; those with children, who were widows and those married to men with unstable incomes. “These women constituted a particularly defenceless and desperate labour pool,” they write. With domestic responsibilities making it difficult to organise in unions and a lack of mobility making it difficult to find better jobs, women were stuck in lowing paying, often part-time work. Hence we see the development of the gender wage-gap — a gap that continues until this day. Herein lies the roots of female oppression under capitalism — roots we still see today. While some women have broken through the “glass ceiling” the majority still suffer both because of a historical disadvantage they have faced in the labour market, but also due to a capitalist class that is unwilling to provide the resources required to nurture children (which is still largely seen as a woman’s job). Paid maternity leave has been a huge fight, while services such as childcare are expensive and hard to come by. This leaves women still at a disadvantage.

#### The aff will never solve if it fails to address Marxism—in fact, the aff has detrimental effects on “Left” theory and practice.

Scatamburlo-D’Annibale and McLauren 03, V. and Peter McLaren, “The Strategic Centrality of Class in the Politics of ‘Race’ and ‘Difference’”, UCLA, 2003, http://pages.gseis.ucla.edu/faculty/mclaren/mclaren%20and%20valerie.pdf

We stubbornly believe that the insights of Marx and those working within the broad parameters of that tradition still have something to say despite proclamations to the contrary. Indeed, perhaps one of the most taken-for-granted features of contemporary social theory (especially the variety that purports to be “radical”) is the ritualistically dismissive and increasingly generic critique of Marxism in terms of its alleged failure to address forms of oppression other than that of “class.” Marxism is considered to be theoretically bankrupt and intellectually passé, and class analysis is often savagely lampooned as a rusty weapon wielded clumsily by those mind locked in the jejune factories of the 19th and 20th centuries. When Marxist class analysis has not been distorted or equated with some crude version of “economic determinism,” teleology or essentialism, it has been attacked for diverting attention away from the categories of “difference”—including “race” (Gimenez, 2001). 1 To overcome the presumed inadequacies of Marxism, an entire discursive apparatus sometimes called “post-Marxism” has arisen to fill the void. Regardless of Marx’s enduring relevance (cf. Greider, 1998) and despite the fact that much of post-Marxism is actually an outlandish “caricature” of Marx and the entire Marxist tradition, it has eaten through the “left like a cancer” and has “established itself as the new common sense” (Johnson, 2002, p. 129). Eager to take a wide detour around political economy, post-Marxists (who often go by other names such as postmodernists, poststructuralists, radical multiculturalists, etc.) tend to assume that the principal political points of departure must necessarily be “cultural.” Many but not all post-Marxists have gravitated toward a politics of difference that is largely premised on uncovering relations of power that reside in a variety of cultural and ideological practices (cf. Jordan & Weedon, 1995). Advocates of difference politics posit their ideas as bold steps forward in advancing the interests of those historically marginalized by dominant social and cultural narratives. Various strands of post-Marxism have undoubtedly advanced our knowledge of the hidden trajectories of power and their fetishizing instrumentalities within the processes of representation, and they remain somewhat useful in discerning the relationships between difference, language, and cultural configurations. At the same time, however, the rhetorical excesses of post-Marxists—enamored with the cultural and seemingly blind to the economic—have been woefully remiss in addressing the constitution of class formations and the stark reality of contemporary conditions under global capitalism. In some instances, capitalism and 150 Cultural Studies↔Critical Methodologies•May 2003 by guest on July 30, 2015 csc.sagepub.com Downloaded from class relations have been thoroughly “otherized;” in others, class is reduced to “classism” and summoned only as part of the triumvirate of race, class, and gender in which class is portrayed as merely another form of difference. As we hope to show, the radical displacement of class analysis in contemporary theoretical narratives and the concomitant decentering of capitalism, the anointing of difference as a primary explanatory construct, and the “culturalization” of politics have had detrimental effects on “Left” theory and practice.