Democracies ought to incorporate provisions for legal secession into their national constitutions.

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# Topic Overview

Secession in constitutions as a garneted right begs the question of the role that a State-Nation has in regards to autonomy of the people who are being ruled. This is to say that there is contest as to whether or not people who are in a Democracy have an obligation to the state or if the opposite is true. Clearly there is middle ground on this question, and this is the nexus of such clash in this resolution. The viewpoints of each side usually impacts out to a world in which people of a nation-state continue to experience oppression by such a state. The most common examples of this happened usually contain decades, if not centuries of colonial rule. Some of the most basic and easy understandings of this concept for high-school students in the US come from the history the ‘New Worlds.’ Besides this example, there are several others that appear in 2015 around global politics.

#### AFF:

The affirmative ground of this resolution is tied to sovereignty. The case in this brief is constructed to reflect how such sovereignty impacts groups that are placed under the law of oppressive nations. While there is a contention about Russia and the Ukraine that is offered, the main focus of the framework and impacts comes from the slow genocide that was committed against indigenous populations. The general argument is that the right to secede indicates the level of sovereignty that a ‘unit’ or in more simple words, ‘state’ has for oneself. This is a crucial distinction than an argument that literally advocates for secession. Instead, this case is valuing the *ability* to do so. The world of the affirmative paints a picture of actual agency for Native Americans, which is clearly far different from the world that we see now. The strategy is that most likely the framework of the affirmative case completely encompasses the framework of the negative. Churchill argues that the ‘sins’ of US colonialism should be the bases for any dialogue of modern day politics. Focus on any other agenda is continual genocide. As these acts of violence have already been committed, the refusal to acknowledge such violence only comes from the privilege of not having experienced such violence for centuries. Thus, the implied moral obligation relies on a focus of recognizing the ‘sins’ that Churchill writes.

Other examples, which are offered in the ‘Further Reading’ section include the Chinese occupation of Tibet. Students are encouraged to use the contention of Russia and the possible contention of Tibet how they see fit. These arguments can be taken out and put back in. One of the worst things that a competitor could do with this case is to run it exactly how it is written without examining other possibilities. This would make the job of the rebuttal much more difficult because some implementations of strategy require a solid understanding of how the framework of the affirmative encompasses other strategies. There is plenty of impact evidence for the framework in the ‘AFF ADD-ONS’ section of this file.

#### NEG:

The negative ground is two-fold in the way that this case is written. First, there is the concept of Rancière’s understanding of Democracy. This is highly important for competitors to understand because it is more nuanced than the typical conception of democracy. It is not ‘pure’ Democracy (Rancière does not believe that such a thing exists). Instead, it is a form of Democracy that inherently brings conflict. When thinking about this form of Democracy one has to imagine a world where everyone is radically equal. There would be no ‘qualifications’ to be in government, which would imply that people who would otherwise be seen as unfit to be in government are now the perfect people to be in government. As Rancière writes, it is the lack of qualifications that makes one the most qualified.

This is important because such a democracy re-directs views of who has power in this world. Thus, populations that would be looking for agency or sovereignty from the right to secede are shifting agendas. Instead of the right to leave the table and be independent, another solution is to simply affirm agency that groups have at the table regardless of their place in society. This not only likely solves for the impacts that affirmative cases could have but it also indicates that lack of valuing such a democracy leads to a world in which small units break off larger state nations. Two implications come from such a word; first, the nation-state that gives reason for units to secede only continues in the frames in which such oppression took place. While the units in question might have sovereignty in the world of the affirmative, if nothing changes to the structure of the state that imposed such oppression, it is likely that such a governing body would continue to enforce harmful policies on the citizens that remain in their country in some way. Second, the units that secede have no support and thus are likely to be ‘weaker states,’ which is a disadvantage to the affirmative world because the units looking for some type of agency would ultimately be hurt on a number of levels.

Federalism is also a major standpoint of this case. The argument constructed in the negative case is a common argument for why federalism is good. Throughout the past two hundred years the federal government has frequently placed restrictions on policies that individual states try to implement. This has been the case with immigration laws, Jim Crow laws, civil rights legislation, and slavery. This argument is a structured case turn for the impacts of affirmative cases because groups that are marginalized by large governments are also historically protected by a larger rule about how to govern (such is the case in the United States.)

# AFF

**Resolved: Democracies ought to incorporate provisions for legal secession into their national constitutions**

#### Value: Sovereignty

I affirm the resolution by upholding sovereignty as the most important value of this resolution because sovereignty is necessary in order to achieve stability, democracy, and general order. Units of nations that are represented by common geography, culture, or language must have the sovereign right to secede.

**Sakwa** Region: Regional Studies of Russia, Eastern Europe, and Central Asia. Volume 1, Number 1, **2012**  pp. 3-27 Richard Sakwa is Professor of Russian and European Politics at the University of Kent and an Associate Fellow of the Russia and Eurasia Program at the Royal Institute of International Affairs, Chatham House. He has published widely on Soviet, Russian, and post-communist affairs

Available online at: http://muse.jhu.edu/journals/region/v001/1.1.sakwa.html#f28

**The characteristics of such a democracy include a consolidated regime, effective citizen participation, limits on executive power, an effective government, a commitment to social welfare policies, and**, far from least, **strong national sovereignty. The conclusion appears to be that there can be no democracy without sovereignty**; but while necessary,it is of course far from a sufficient condition.

#### Crtia: Self Determination

**Subpoint a)**

#### Definition

Alan **Tarr 2001.** Director, Center for State Constitutional Studies Rutgers University. Federalism, Subnational Constitutionalism, and the Protection of Minority Rights in the United States. Prepared for delivery at a conference on "Federal Arrangements, Subnational Constitutions, and the Protection of the Rights of Minorities in Europe," co-sponsored by the European Academy and the Center for State Constitutional Studies, in Seiseralm - Alpe di Suisi, Italy, July 27-28, 2001. Available online at: http://camlaw.rutgers.edu/statecon/publications/aver2.pdfPerhaps the basic political right, particularly for internal nations within multi- national countries, is the right of **self-determination--the power to determine the fundamental character, membership, and future course of the political society of which one is a part.**

**Subpoint b)**

#### What it achieves

The mere ability to secede is vital to the leverage that units must have in order to posit self-determination. It is not the act of seceding, but rather the ability to secede that is important for sovereignty.

Thornberry 2k

Thornberry, Professor of International Law, Keele University, 2000, “Operationalizing the Right of Indigenous People to Self Determination,”[http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html" \o "http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html" \t "_blank)

However, this categorical denial of self-determination to minorities is not as clear-cut as it might seem. Though international instruments suggest that minorities do not have a right to self-determination, it is important to remember that self-determination as a concept is based on the ideal of protecting oppressed peoples living under external oppression. In this sense, one of the arguments for a right to self-determination for minorities is based on the 1970 Declaration as examined above.[[57]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn58) Passed within the decolonisation process, the declaration invites states to respect the principle of equal rights and self-determination of peoples. Though it reaffirms the fundamental importance of states’ territorial integrity, the Declaration strongly insists on the duty of states to respect self-determination drawing a line linking equality and self-determination. As Wright highlighted, the Declaration seems to imply that if a government is not properly representative of all the constituent ethnic groups within its society, self-determination might be the tool to redress the imbalance between majorities and minorities.[[58]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn59) Thus, self-determination could be viewed as a remedy for minorities or ‘the last recourse to rebellion against tyranny’. This view is reaffirmed by the Vienna Declaration of 1993: [The right to self-determination] shall not be constructed as authorising or encouraging any action which could dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.[[59]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn60) This paragraph suggests that people living under a regime that is not respecting equality and non-discrimination might, as a last resort, have a right to break away, thus creating some room for oppressed minorities to make some claim towards people-hood. This indicates that the distinction between a minority and an oppressed people is not always clear. The distinction is blurred further when externally imposed boundaries are factored in. The distinction between ‘peoples’ and ‘minorities’ were not considered when boundaries were first drawn in foreign offices in Paris or London under colonial foreign policies. Several minorities within post-colonial states are in minority situations within the existing boundaries of their post-colonial countries as a pure result of colonial boundaries drawn for administrative reasons, having been transformed into international boundaries. As a result, they still claim to be under external oppression. The Working Group on Minorities has recognised this difficulty in the context of more recent ethnic conflict in the former Yugoslavia. As José Bengoa, one of the members of the Working Group, put it: In recent years the line of demarcation between groups which have declared themselves national and other groups, referred to as ethnic groups, which are not entitled to self-determination has become blurred to such an extent that it is difficult to distinguish between the two.[[60]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn61) There is no definitive answer to the question as to whether minorities are ‘peoples’ entitled to self-determination in the face of oppression by their governments.[[61]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn62) The only expectation is that self-determination both as a principle, and as a right, must allow for a right to be governed without discrimination. To what extent such a principle might entitle minorities to become a people if the state government is discriminating against them remains ambiguous. One of the chief reasons for the narrow interpretation of the right of minorities to ‘external’ self-determination is the fact that it is states that consent to international human rights treaties; the very states that could potentially be vulnerable to claims for self-determination made by minorities.[[62]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn63) One argument that could be put forward in light of the increased importance of the human rights agenda is that if minorities remain victims of ‘serious injustice’, and if there is no other remedy available, they might be entitled to secede. This is referred to in theory as the ‘remedial right to self-determination’, and has never been practically enforced, though the situation that resulted in the creation of the state of East Timor through a UN sponsored plebiscite arguably comes closest to articulating such a notion.[[63]](http://www.austlii.edu.au/au/journals/MqLJ/2003/8.html#fn64)

#### Cont. 1: Russia

#### Subpoint a)

**In a world without sovereignty, states like Ukraine are subject to violence and occupation.**

**Sakwa** Region: Regional Studies of Russia, Eastern Europe, and Central Asia. Volume 1, Number 1, **2012**  pp. 3-27. Richard Sakwa is Professor of Russian and European Politics at the University of Kent and an Associate Fellow of the Russia and Eurasia Program at the Royal Institute of International Affairs, Chatham House. He has published widely on Soviet, Russian, and post-communist affairs

Available online at: <http://muse.jhu.edu/journals/region/v001/1.1.sakwa.html#f28>

The issue is of particular relevance to Russia. If in the 1990s the state was unable to enforce the rule of law, in the 2000s it appeared unwilling. Putinite mythology characterizes the 1990s as an era in which Russia had become, if not a failed state, then something akin to a quasi-state, unable effectively to exercise its sovereignty abroad, while the government at home fell prey to special interest, notably the oligarchs, and regional fragmentation. **Weak states are unable to exert basic control over their territories, allowing the reversion to a neo-medieval patchwork of jurisdictions in which the state is far from sovereign. In these conditions, there can be no talk of universal and equal citizenship, since the rights associated with membership of a political community come into conflict with the prerogatives arrogated by social groups, elite factions, and governmental agencies.**

#### Subpoint b)

**The impact is ongoing occupation, which outweighs all other possible human rights. This is happening now in the Ukraine**

ABC News, March 2nd **2015 Ukraine crisis: Conflict death toll soars to more than 6,000 as US and Russia hold talks No author available, no credentials necessary. Available online at: http://www.abc.net.au/news/2015-03-03/kerry-meets-lavrov-as-ukraine-death-toll-soars-past-62c000kerr/6275728**

Many have been trapped in conflict zones, forced to shelter in basements, with hardly any drinking water, food, heating, electricity or basic medical supplies," UN high commissioner for human rights Zeid Ra'ad Al Hussein said. Altogether, the UN report found that 5,665 people were killed and 13,961 wounded from the beginning of the conflict in April through the middle of last month. But Zeid's office said the escalation in fighting in recent weeks, especially near Donetsk airport and around Debaltseve, had left hundreds of civilians and fighters dead, sending the toll soaring past the 6,000 mark.

#### Cont. 2: Native American Sovereignty

#### Subpoint a)

Our society is predicated upon centuries of suffering. A re-examination of native agency is critical to have any other value.

Churchill 03 Ward, Acts of Rebellion: The Ward Churchill Reader 263-5

I am here, however, as may have been gleaned from my opening quotation of George Manuel, to discuss a reality left unmentioned not only by Mao, but by analysts of almost every ideological persuasion. This is the existence of yet another world, a world composed of a plethora of indigenous peoples, several thousand of us, each of whom constitutes a nation in our own right. 3 Taken together, these nations comprise a nonindustrial “Fourth World, ” a “Host World” upon whose territories and with whose natural resources each of the other three, the worlds of modern statist sociopolitical and economic organization, have been constructed. 4 In substance, the very existence of any state—and it doesn’t matter a bit whether it is fascist, liberal To put it another way, the denial of indigenous rights, both national and individual, is integral to the creation and functioning of the world order which has evolved over the past thousand years or so, and which democratic, or marxist in orientation—is absolutely contingent upon usurpation of the material and political rights of every indigenous nation within its boundaries. It is even now projecting itself in an ever more totalizing manner into our collective future. 5 We say, and I believe this includes all of us here, that we oppose this prospect, that we oppose what was once pronounced by the papacy to be the “Divine Order” of things, what England’s Queen Victoria asserted was the worlds “Natural Order, ” what George Bush, following Adolf Hitler, described as a “New World Order, ” what Bill Clinton and Newt Gingrich have sought to consummate behind alphabet soup banalities like GATT and NAFTA and the MAI. In other words, we are opposed to the entire system presently “coordinated” by bodies like the World Bank and the International Monetary Fund and the Trilateral Commission**.** 6 We say we oppose all of this, and, with at least equal vehemence, we announce our opposition to more particularized byproducts of the trajectory of increasingly consolidated corporate statism, or statist corporatism, or whatever else it might be more properly called, that we as a species are presently locked into. The litany is all too familiar: an increasingly rampant homogenization and commodification of our cultures and communities; the ever more wanton devastation and toxification of our environment; an already overburdening, highly militarized and steadily expanding police apparatus, both public and private, attended by an historically unparalleled degree of social regimentation and an astonishingly rapid growth in the prison-industrial complex; conversion of our academic institutions into veritable “votechs” churning out little more than military/corporate fodder; unprecedented concentration of wealth and power…. We say we oppose it all, root and branch, and of course we are, each of us in our own way, entirely sincere in the statement of our opposition. But, with that said, and in many cases even acted upon, what do we mean? Most of us here identify ourselves as “progressives, ” so let’s start with the term “progressivism” itself. We don’t really have time available to go into this very deeply, but I’ll just observe that it comes from the word “progress, ” and that the progression involved is basically to start with what’s already here and carry it forward. The underlying premise is that the social order we were born into results from the working of “iron laws” of evolution and, however unpalatable, is therefore both necessary and inevitable. By the same token, these same deterministic forces make it equally unavoidable that what we’ve inherited can and will be improved upon. 7 The task of progressives, having apprehended the nature of the progression, is to use their insights to hurry things along. This isn’t a “liberal” articulation. It’s what’s been passing itself off as a radical left alternative to the status quo for well over **a century.** It forms the very core of Marx’s notion of historical materialism**, as when he** observes that feudalism was the social precondition for the emergence of capitalism and that capitalism is itself the essential precondition for what he conceives as socialism. Each historical phase creates the conditions for the next; that’s the crux of the progressive proposition. 8 Now you tell me, how is that fundamentally different from what Bush and Clinton have been advocating? Oh, I see. You want to “move forward” in pursuance of another set of goals and objectives than those espoused by these self-styled “centrists. ” Alright. I’ll accept that that’s true. Let me also state that I tend to find the goals and objectives advanced by progressives immensely preferable to anything advocated by Bush or Clinton. Fair enough? However, I must go on to observe that the differences at issue are not fundamental. They are not, as Marx would have put it, of “the base. ” Instead, they are superstructural. They represent remedies to symptoms rather than causes. In other words, they do not derive from a genuinely radical critique of our situation—remember, radical means to go to the root of any phenomenon in order to understand it 9 —and thus cannot offer a genuinely radical solutions. This will remain true regardless of the fervor with which progressive goals and objectives are embraced on, or the extremity with which they are pursued. Radicalism and extremism are, after all, not really synonyms. Maybe I can explain what I’m getting at here by way of indulging in a sort of grand fantasy. Close your eyes for a moment and dream along with me that the current progressive agenda has been realized. Never mind how, let’s just dream that it’s been fulfilled. Things like racism, sexism, ageism, militarism, classism, and the sorts of corporatism with which we are now afflicted have been abolished. The police have been leashed and the prison-industrial complex dismantled. Income disparities have been eliminated across the board, decent housing and healthcare are available to all, an amply endowed educational system is actually devoted to teaching rather than indoctrinating our children. The whole nine yards. Sound good? You bet. Nonetheless, there’s still a very basic—and I daresay uncomfortable—question which must be posed: In this seemingly rosy scenario, what, exactly, happens to the rights of native peoples? Face it, to **envision** the progressive transformation **of “**American society” is to presuppose that “America”—that is, the United States—will continue to exist. And, self-evidently, the existence of the United States is, as it has always been and must always be, predicated first and foremost on denial of the right of self-determining existence to every indigenous nation within its purported borders.

#### Subpoint b)

**Not valuing sovereignty is committing ongoing genocide**

Churchill 03 Ward, Acts of Rebellion: The Ward Churchill Reader 263-5

**Were the genocide of American Indians initiated by Christopher Columbus and carried on with increasing ferocity by his successors a matter of only historical significance—as with the nazi extermination campaigns—it would be utterly inappropriate, and unlawful, to celebrate it. Insofar as aspects of the genocide at issue are demonstrably ongoing**—not just here, but in Central and South America as well—this becomes all the more true.99 **The indigenous people of the Americas have an unquestionable, absolute, and vitally urgent need to alter the physical and political circumstances which have been and continue to be imposed upon us. In the alternative, we face, collectively, a final eradication through a number of means. Given contemporary demographic disparities between indigenous and nonindigenous populations in the Americas, and the power relations which attend these, it seems selfevident that a crucial aspect of native survival must go to altering the nonindian sensibilities which contribute to—either by affirming the rightness of, or acquiescing in— the continuing genocide against Native America.** Very high on any list of those expressions of nonindigenous sensibility which contribute to the perpetuation of genocidal policies against Indians are the annual Columbus Day celebrations, events in which it is baldly asserted that the process, events, and circumstances described above are, at best, either acceptable or unimportant. More often, the sentiments expressed by participants are, quite frankly, that the fate of Native America embodied in Columbus and the Columbian legacy is a matter to be openly and enthusiastically applauded as an unrivaled “boon to all mankind.”100 Undeniably, the situation of American Indians will not —in fact, cannot—change for the better so long as such attitudes are deemed socially acceptable by the mainstream populace. Hence, such celebrations as Columbus Day must be stopped.

#### Subpoint c)

**The genocide of Natives outweighs all other impacts, histories of colonialism call for action now.**

Churchill 94

Ward Churchill, Coordinator of the Colorado chapter of the American Indian Movement, former professor of professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder). 1994, Indians Are Us? Pg. 72

Yet in the United States of Robert Jackson and Henry Stimson, the indigenous American Indian population had already been reduced, in a process which is ongoing to this day, from 12.5 to fifteen million in the year 1500 to fewer than 250,000 by the beginning of the twentieth century.8 This was accomplished, according to both official and unoffi­cial sources, "largely through the cruelty of [Euroamerican] settlers," and a sometimes informal but nonetheless clear and consistent governmental policy which made it an articulated goal to "extermi­nate these red vermin," or at least whole segments of them.9 Official bounties had been placed on the scalps of Indians—any Indians— in places as diverse as Georgia, Kentucky, Texas, the Dakotas, Oregon, and California. They remained in effect until resident Indian populations were decimated or disappeared. Entire peoples such as the Cherokee were reduced by half through a policy of forced removal from their homelands east of the Mississippi River to less preferable areas in the West. Others, such as the Navajo, while concentrated under military guard, suffered much the same fate. The United States Army and cooperating militias perpetrated whole­sale massacres of native people at places like Fallen Timbers, Horseshoe Bend, Bear River, Sand Creek, the Washita River, the Marias River, Camp Robinson and Wounded Knee Creek.19 Through it all, hundreds of dime novels—each competing with the next to make Indians appear more grotesque, menacing, and inhuman—were sold in the tens of millions of copies." Plainly, the Euroamerican public was being conditioned to see Indians in such a way as to allow their eradication to continue. And continue it did until the "Manifest Destiny" of the U.S.—a direct precursor to what Adolf Hitler would subsequently call Lebens­raumpolitik ("the politics of living space")—was con­summated.12 By 1900, the national project of "clearing" Native Americans from their land and replacing them with "superior" Anglo-American settlers was complete. The indigenous population had been reduced by as much as 98 percent. Approximately 97.5 percent of their original territory had "passed" to the invaders.13 The survivors were concentrated, out of sight and mind of the public, on scattered "reserva­tions," all of them under the self-assigned "plenary" (full) power of the federal government.14 There was, of course, no tribunal comparable to that at Nuremberg passing judgement on those who had created such circumstances in North America. No U.S. official or private citizen was ever imprisoned— never mind hanged—for implementing or propa­gandizing what had been done. Nor had the process of genocide against Indians been completed. Instead, it merely changed form.

# NEG

**I negate the resolution, Resolved: Democracies ought to incorporate provisions for legal secession into their national constitutions**

#### Value: Democracy

Renciere’s democracy solves for the impacts of the affirmative. When governments do not uphold democracy they discredit the citizens of the country, either because of geographical, class, or social ‘gaps’ between the rulers and those being ruled. Thus, introducing the voice of the oppressed to systematic modes of governing is the best solution. Merely seceding does not address this issue, but merely ignores it.

Jacques **Rancière.** "Ten Thesis on Politics." in:Theory & Event.Vol. 5, No. 3, **2001**.

Professor Emeritus at the Université de Paris (St. Denis). He first came to prominence under the tutelage of [Louis Althusser](http://www.egs.edu/library/louis-althusser/biography/) when he co-authored with his mentor Reading Capital (1968). Jacques Rancière is known for his sometimes remote position in contemporary French thought. Jacques Rancière has freely compared the works of such known luminaries as [Plato](http://www.egs.edu/library/plato/biography/), [Aristotle](http://www.egs.edu/library/aristotle/biography/), [Gilles Deleuze](http://www.egs.edu/library/gilles-deleuze/biography/) and others with relatively unknown thinkers like Joseph Jacototy and Gabriel Gauny.

**What thus characterizes a democracy is pure chance or the complete absence of qualifications for governing. Democracy is that state of exception where no oppositions can function, where there is no pre-determined principle of role allocation. 'To partake in ruling and being ruled' is quite a different matter from reciprocity. It is, in short, an absence of reciprocity that constitutes the exceptional essence of this relationship; and this absence of reciprocity rests on the paradox of a qualification that is absence of qualification. Democracy is the specific situation in which there is an absence of qualifications that, in turn, becomes the qualification for the exercise of a democratic arche. What is destroyed in this logic is the particular quality of arche, its redoubling, which means that it always precedes itself within a circle of its own disposition and its own exercise. But this exceptional state is identical with the very condition for the specificity of politics more generally.**

#### Criteria: Federalism

Federalism is the ideology associated with adherence to a federal or centralized government that has authority over smaller states of provinces. Federalism is often used as a tool for examining and enforcing minority rights. This uphold Democracy because it not only takes into account the governments of sub-states, but also takes into account the people that are living is such states. Democracy can only happen in a world in which the demographic that would otherwise be pushed out of conversations about governmental structure have a voice.

Alan **Tarr 2001.** Director, Center for State Constitutional Studies Rutgers University. Federalism, Subnational Constitutionalism, and the Protection of Minority Rights in the United States. Prepared for delivery at a conference on "Federal Arrangements, Subnational Constitutions, and the Protection of the Rights of Minorities in Europe," co-sponsored by the European Academy and the Center for State Constitutional Studies, in Seiseralm - Alpe di Suisi, Italy, July 27-28, 2001. Available online at: <http://camlaw.rutgers.edu/statecon/publications/aver2.pdf>

One possible response is to distinguish between types of federalism based on the character of the component units. Those who espouse federalism as a mechanism to enhance minority rights typically envision it as empowering regionally concentrated minorities, enabling them to dominate politically in those component units in which they are a numerical majority. They thus assume a federal system whose component units reflect, rather than cross-cut, ethnic and/or religious cleavages, and they conceive of rights primarily in political terms, in terms of (a limited) self-determination, presumably with the assumption that political authority will ensure the security of language, cultural, civil, and other rights. In contrast, it is often noted that in the United States the component units (states) do not embody the racial, religious, or other cleavages of the American polity, and that litigation regarding the rights of minorities has focused more on civil than on political rights. Thus, although there have been numerous cases dealing with the Equal Protection Clause of the Fourteenth Amendment, the vast majority of these cases have focused not on the exercise of political power by minorities but on how that power is exercised upon them. Simply put, the usual response to the paradox I have proposed is to deny that there is a paradox. American federalism is aberrant because it is decisively different from the federalism practiced or contemplated in multi-ethnic federations

#### Contention one: Renciere’s Democracy

Democracy is the only way for government to come face-to-face with populations that are invisible to institutions of power in the status quo. In a world in which states simply succeed from a larger government, such institutions re-contextualize and continue oppression in new forms.

**Jacques Rancière. "Ten Thesis on Politics." in:**Theory & Event.**Vol. 5, No. 3, 2001.** Professor Emeritus at the Université de Paris (St. Denis). He first came to prominence under the tutelage of [Louis Althusser](http://www.egs.edu/library/louis-althusser/biography/) when he co-authored with his mentor Reading Capital (1968). Jacques Rancière is known for his sometimes remote position in contemporary French thought. Jacques Rancière has freely compared the works of such known luminaries as [Plato](http://www.egs.edu/library/plato/biography/), [Aristotle](http://www.egs.edu/library/aristotle/biography/), [Gilles Deleuze](http://www.egs.edu/library/gilles-deleuze/biography/) and others with relatively unknown thinkers like Joseph Jacototy and Gabriel Gauny.

What makes possible the metexis proper to politics is the rupture of all those logics of allocation exercised in the part-taking of arche. **The 'freedom' of a people that constitutes the axiom of democracy has as its real content the rupture of the axioms of domination: a rupture, that is, in the correlation between a capacity for rule and a capacity for being ruled.** The citizen who partakes 'in ruling and being ruled' is only thinkable on the basis of the demos as a figure that ruptures the correspondence between a series of correlated capacities. **Democracy is thus precisely not a political regime in the sense of a particular constitution that determines different ways of assembling people under a common authority. Democracy is the institution of politics -- the institution of both its subject and its mode of relating.**

#### Contention Two: Racism

**Federalism is key to prevent states from enforcing racist policies. From slavery, to Jim Crow Laws, to immigration, state adherence to federal law is what keeps states from enforcing laws that have racist implications.**

Alan **Tarr 2001.** Director, Center for State Constitutional Studies Rutgers University. Federalism, Subnational Constitutionalism, and the Protection of Minority Rights in the United States. Prepared for delivery at a conference on "Federal Arrangements, Subnational Constitutions, and the Protection of the Rights of Minorities in Europe," co-sponsored by the European Academy and the Center for State Constitutional Studies, in Seiseralm - Alpe di Suisi, Italy, July 27-28, 2001. Available online at: http://camlaw.rutgers.edu/statecon/publications/aver2.pdf

**Nowhere is this federal dominance more evident than in the protection of the rights of racial or ethnic minorities.** Nevertheless, two state initiatives are noteworthy. From 1963-1979, the California Supreme Court interpreted the state's equal protection clause to provide greater protection than its federal analogue, holding that segregation in public schools violated the state constitution, even if the segregation was not *de jure*, and imposing on districts an affirmative duty to integrate schools.However, in 1979 California voters amended the state constitution to outlaw the use of busing to achieve integration unless that remedy was required by the federal Constitution, and the U.S. Supreme Court ruled that the state's decision to conform to federal law rather than continue its enhanced protection did not violate the federal Constitution. More recently, the Connecticut Supreme Court concluded in *Sheff* v. *O'Neill* that the Connecticut Constitution required the Connecticut Legislature to provide students with substantially equal educational opportunity, that the racial and ethnic isolation within Connecticut schools deprived students of that equal educational opportunity, and that the Legislature therefore had an obligation to remedy this constitutional violation by ensuring all students with access to unsegregated education. Finally--and more controversially--California voters endorsed by initiative Proposition 209, which provided that "[t]he state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." While proponents of the measure hailed it as a victory for civil rights, opponents contended that by banning affirmative action, the amendment had the effect of diminishing the life- chances of minority group members. Beyond those three initiatives, **mention should also be made of various state constitutional rulings that, although not framed in terms of racial discrimination, have attacked inequalities that disproportionately disadvantaged minorities. In its famous *Mount Laurel* rulings, the New Jersey Supreme Court held that the state constitution forbade municipalities from using zoning regulations to exclude potential residents with low or moderate incomes and imposed on the municipalities an affirmative obligation to provide housing opportunities for the less fortunate. And over the past three decades, supreme courts in fifteen states have relied on their state constitutions to invalidate systems of public school finance that resulted in unequal education for students in poorer (usually urban) school districts.**

# AFF ADD-ONS

Seriously, we are *actually* committing genocide. Prefer my argument, the impact is ‘too real.’

#### **Friedberg 01**

Lilian Friedberg. 2001. Doctoral Candidate in German Studies at University of Illinois. http://muse.jhu.edu/journals/american\_indian\_quarterly/v024/24.3friedberg.html

Most importantly, perhaps, what distinguishes the American Holocaust from the Nazi Holocaust is what is at stake today. The Nazi Holocaust represents a historical event that threatened the entire Jewish population of Europe. Relegating this event to the archive of oblivion would involve a fatal miscalculation resulting in wholesale moral bankruptcy for the entire Western world. But the worldwide Jewish population can hardly be said to be at risk of extermination today--certainly not in the United States. American Jews stepped up their efforts to direct attention to the Nazi Holocaust at a time when they were by far the wealthiest, best-educated, most influential, in-every-way-most-successful group in American society--a group that, compared to most other identifiable minority groups, suffered no measurable discrimination and no disadvantages on account of that minority status. [48](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT48) Norman Finkelstein cites the Jewish income in the United States at double that of non-Jews and points out that sixteen of the forty wealthiest Americans are Jews, as are 40 percent of Nobel prizewinners in science and economics, 20 percent of professors at major universities and 40 percent of partners in law firms in New York and Washington. [49](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT49) Native Americans, by contrast, have long been subject to the most extreme poverty of any sector in the present North American population, and still have the highest rate of suicide of any other ethnic group on the continent. [50](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT50) High-school [End Page 365] dropout rates are as high as 70 percent in some communities. As Anishinabeg activist and Harvard-educated scholar Winona LaDuke notes with regard to the Lakota population in South Dakota: "Alcoholism, unemployment, suicide, accidental death and homicide rates are still well above the national average." [51](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT51) Alcoholism, intergenerational posttraumatic stress, and a spate of social and economic ills continue to plague these communities in the aftermath of the American Holocaust. This is not to deny or diminish the clear and present danger in the ominous resurgence of anti-Semitic sentiments reflected in isolated incidences of racial violence against Jews and Jewish institutions both here and abroad. However, the material realities confronting the Native American population remain, in many instances, comparable to those prevailing in Third World countries. The Native American experience of persecution is not a vicarious one. For substantial portions of this population, it is a lived reality. What is more, an unrelenting sentiment of Indian-hating persists in this country: There is a peculiar kind of hatred in the northwoods, a hatred born of the guilt of privilege, a hatred born of living with three generations of complicity in the theft of lives and lands. What is worse is that each day, those who hold this position of privilege must come face to face with those whom they have dispossessed. To others who rightfully should share in the complicity and the guilt, Indians are far away and long ago. But in reservation border towns, Indians [End Page 366] are ever present. . . . The poverty of dispossession is almost overwhelming. So is the poverty of complicity and guilt. In America, poverty is relative, but it still causes shame. That shame, combined with guilt and a feeling of powerlessness, creates an atmosphere in which hatred buds, blossoms, and flourishes. The hatred passes from father to son and from mother to daughter. Each generation feels the hatred and it penetrates deeper to justify a myth. [54](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT54) Attempts on the part of American Indians to transcend chronic, intergenerational maladies introduced by the settler population (for example, in the highly contested Casino industry, in the ongoing battles over tribal sovereignty, and so on) are challenged tooth and nail by the U.S. government and its "ordinary" people. Flexibility in transcending these conditions has been greatly curtailed by federal policies that have "legally" supplanted our traditional forms of governance, outlawed our languages and spirituality, manipulated our numbers and identity, usurped our cultural integrity, viciously repressed the leaders of our efforts to regain self-determination, and systematically miseducated the bulk of our youth to believe that this is, if not just, at least inevitable." [55](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT55) Today's state of affairs in America, both with regard to public memory and national identity, represents a flawless mirror image of the situation in Germany vis-à-vis Jews and other non-Aryan victims of the Nazi regime. [56](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT56)

You wanna defend util, huh? *FINE.* We also outweigh with extinction.  
Friedberg 01

Lilian Friedberg. 2001. Doctoral Candidate in German Studies at University of Illinois. http://muse.jhu.edu/journals/american\_indian\_quarterly/v024/24.3friedberg.html

Collective indifference to these conditions on the part of both white and black America is a poor reflection on the nation's character. This collective refusal to acknowledge the genocide further exacerbates the aftermath in Native communities and hinders the recovery process. This, too, sets the American situation apart from the German-Jewish situation: Holocaust denial is seen by most of the world as an affront to the victims of the Nazi regime. In America, the situation is the reverse: victims seeking recovery are seen as assaulting American ideals. But what is at stake today, at the dawn of a new millennium, is not the culture, tradition, and survival of one population on one continent on either side of the Atlantic. What is at stake is the very future of the human species. LaDuke, in her most recent work, contextualizes the issues from a contemporary perspective: Our experience of survival and resistance is shared with many others. But it is not only about Native people. . . . In the final analysis, the survival of Native America is fundamentally about the collective survival of all human beings. The question of who gets to determine the destiny of the land, and of the people who live on it--those with the money or those who pray on the land--is a question that is alive throughout society. [57](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT57) [End Page 367] "There is," as LaDuke reminds us, "a direct relationship between the loss of cultural diversity and the loss of biodiversity. Wherever Indigenous peoples still remain, there is also a corresponding enclave of biodiversity." [58](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT58) But, she continues, The last 150 years have seen a great holocaust. There have been more species lost in the past 150 years than since the Ice Age. (During the same time, Indigenous peoples have been disappearing from the face of the earth. Over 2,000 nations of Indigenous peoples have gone extinct in the western hemisphere and one nation disappears from the Amazon rainforest every year.) [59](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html#FOOT59) It is not about "us" as indigenous peoples--it is about "us" as a human species. We are all related. At issue is no longer the "Jewish question" or the "Indian problem." We must speak today in terms of the "human problem." And it is this "problem" for which not a "final," but a sustainable, viable solution must be found--because it is no longer a matter of "serial genocide," it has become one of collective suicide. As Terrence Des Pres put it, in The Survivor: "At the heart of our problems is that nihilism which was all along the destiny of Western culture: a nihilism either unacknowledged even as the bombs fell or else, as with Hitler or Stalin, demonically proclaimed as the new salvation."

It is not the secession that is key, it is the *right* to secede that is crucial to sovereignty because it implies self determination This is uniquely key.

Churchill 92

WARD CHURCHILL. CODIRECTOR OF THE COLORADO CHAPTER OF THE AMERICAN INDIAN MOVEMENT. A PREVIOUS PROFESSOR AT THE UNIVERSITY OF COLORADO/BOULDER. 1992. [ “FANTASIES OF THE MASTER RACE.” PG. 131]

Land, as Red Cloud, Hugo Blanco and myriad others have noted, is the absolutely essential issue defining viable conceptions of Native America, whether in the past, present or future. A deeply held sense of unity with particular geographical contexts has provided, and continues to afford, the spiritual cement allowing cultural cohesion across the entire spectrum of indigenous American societies. Contests for control of territory have also been the fundamental basis of Indian/non-Indian interaction since the moment of first contact, and underlie the virtually uninterrupted (and ongoing) pattern of genocide suffered by American Indians over the past half-millennium. It follows that the retention of any modicum of Indian national and cultural integrity in coming decades is a matter utterly and inextricably bound up with the question of whether they will not only be able to maintain their present residue of original land base, but—in many cases—to expand upon it, recovering areas lost in earlier expropriations. If Native America is to survive, the over-riding historical trajectory marking this hemisphere since 1492 must be, in a word, reversed.

The *right* to secede is crucial to Self Determination. Lack of sovereignty is cultural genocide, which still outweighs regardless of whose framework you choose.

#### **Churchill 92**

Ward Churchill. Codirector of the Colorado chapter of the American Indian Movement. A previous professor at the University of Colorado/Boulder. 1992. [ “Fantasies of the Master Race.” pg. 194-195]

"We are resisting this," Means goes on, "because spirituality is the basis of our culture; if it is stolen, our culture will be dissolved. If our culture is dissolved, Indian people as such will cease to exist. By definition, the causing of any culture to cease to exist is an act of genocide. That's a matter of international law; look it up in the 1948 Genocide Convention. So, maybe this’ll give you another way of looking at these culture vultures who are ripping off Indian tradition. It's not an amusing or trivial matter, and it's not innocent or innocuous. And those who engage in this are not cute, groovy, hip, enlightened, or any of the rest of the things they want to project themselves as being. No, what they're about is cultural genocide. And genocide is genocide, regardless of how you want to 'qualify' it. So some of us are starting to react to these folks accordingly." For those who would scoff at Meanss' concept of genocide, Mark Davis and Robert Zannis, Canadian researchers on the topic, offer the following observation: If people suddenly lose their 'prime symbol/ the basis of their culture, their lives lose meaning. They become disoriented, with no hope. A social disorganization often follows such a loss, they are often unable to insure their own survival...The loss and human suffering of those whose culture has been healthy and is suddenly attacked and disintegrated are incalculable.

Therefore, Davis and Zannis conclude, "One should not speak lightly of 'cultural genocide' as if it were a fanciful invention. The consequence in real life is far too grim to speak of cultural genocide as if it were a rhetorical device to beat the drums for 'human rights.' The cultural mode of group extermination is genocide, a crime. Nor should 'cultural genocide' be used in the game: 'Which is more horrible, to kill and torture; or remove [the prime cultural symbol which is] the will and reason to live?' Both are horrible."

Genocide Outweighs

#### **O’Donnell 02**

O’Donnell 02 (<http://www.bc.edu/schools/law/lawreviews/meta->elements/journals/bctwj/23\_2/07\_TXT.htm)

Genocide is the most heinous crime that can be committed against a human population.[39](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F39" \t "LAW_FTN) In the famous words of the UN General Assembly, genocide “shocks the conscience of mankind.”[40](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F40" \t "LAW_FTN) A mandate for its prevention and punishment has been enshrined in a widely-ratified multilateral treaty.[41](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F41" \t "LAW_FTN) Genocide’s status as a jus cogen, or customary norm of international law from which no derogation is permitted under any circumstances, is broadly accepted.[42](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F42" \t "LAW_FTN) Commentators have suggested that any list of absolute rights should be short and relatively abstract.[43](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F43" \t "LAW_FTN) It nearly goes without saying that the right of a people to be free from wholesale slaughter would top any such list.[44](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F44" \t "LAW_FTN) Given the near-universal consensus that the taking of innocent life is a moral wrong, genocide stands alone as a wrong [\*PG407]that actually multiplies a wrong, magnifying its infamy.[45](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F45" \t "LAW_FTN) The essence of genocide’s power is that it denies the very right to exist to entire groups of people based solely upon their identity, making it at once selective in practice and universal in scope.[46](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bctwj/23_2/07_FTN.htm" \l "F46" \t "LAW_FTN) Given genocide’s legal and moral opprobrium, if freedom from it cannot be enumerated as an absolute right, then absolute rights do not exist.

Lack of recognition of Native American sovereignty leads to federal government passing policies that abuse Native Americans. Without the right to secede, natives have no leverage and this triggers the impacts.

#### **Robideau 06**

ROBERT ROBIDEAU is co-director of the Leonard Peltier Defense Committee, 1.27.6, Socialist Worker, “"One of many racists out to defraud Native tribes",” http://socialistworker.org/2006-1/573/573\_04\_Robideau.shtml

When tribal people stand up in self defense, as they did in the 1970s, when thousands marched across North America on the Trail of Broken Treaties to Washington, D.C., to protest tribal corruption sanctioned by federal policies and congressional acts, we were met with clubs and violence. Before federal treaties removed tribes from their traditional lands, they lived a rich and abundant life for thousands of years. Since then, congressional acts have kept tribes locked in poverty and ill health to the present day. The federal government's programs enacted by Congress have whittled away millions of areas of reservation land for profit, and continue an ongoing policy that sanctions thefts of Indian land and natural resources. The gaming industry represents a continuation of congressional manipulations that erode tribal sovereignty and continue to plague the quality of life for Native people. We have fought the land rush, gold rush and oil rush. Now comes the gaming rush, which has created more corruption in our tribal governments and animosity among Native Americans. Congress passed the Indian Gaming Regulatory Act in 1988, and it has only brought money-mongering politicians scurrying in from Washington, D.C., sniffing out casino profits. Governmental reports alleging that gaming revenue has been used to "reduce poverty and unemployment rates, build schools and hospitals, paved road and construct sewer systems, preserve and revitalize cultural traditions and build responsive and responsible government institutions such as tribal courts" are a smokescreen for the United States to escape its treaty obligations. If these treaties had been honored decades ago, the Native American communities would have enjoyed the same opportunities and the same standard of living as mainstream America. The United States is the wealthiest country in the world, with a higher poverty rate than any other progressive nation. Native Americans rank the poorest in health and economy due to federal "Indian policies."

# NEG ADD-ONS

Federalism is better than secession. A centralized nation-state is critical to not leave small units of populations hangin’

#### **Moore 96**

Richard Moore, Political Scientist, 1996 [THE FATEFUL DANCE OF CAPITALISM AND DEMOCRACY, p. http://legalminds.lp.findlaw.com/list/cyberjournal/frm00089.html].

Maastricht, Scottish independence, ethnic or regional autonomy, stronger international "peace" arrangements -- these are all developments which might have much to be said for them taken in isolation, or if implemented within a democratic framework. But within the context of the corporate elite storming the Bastille of democracy, it is necessary to re-examine all changes and "reforms" from the perspective of whether they strengthen or weaken our fundamental democratic institutions. If we don't look at the big picture, then we'll be like the frog who submits to being cooked -- the victim of a sneaky slow-boiling policy. The fact is that the modern nation state is the most effective democratic institution mankind has been able to come up with since outgrowing the small-scale city-state. With all its defects and corruptions, this gift from the Enlightenment -- the national republic --is the only effective channel the people have to power- sharing with the elites. If the strong nation-state withers away, we will not -- be assured --enter an era of freedom and prosperity, with the "shackles of wasteful governments off our backs". No indeed. If you want to see the future --in which weak nations must deal as-best-they-can with mega-corporations -- then look at the Third World.

#### AT: Tibet

Tibet is literally asking for a system of Rencier’s Democracy. The government is pulling for a dialogue process where they can come to the table.   
  
Business Standard July 6th **2015 ‘Tibet government-in-exile hopes China will continue talks.’ Available online at: http://www.business-standard.com/article/news-ians/tibet-government-in-exile-hopes-china-will-continue-talks-115070600502\_1.html**

**The Tibetan government-in-exile here on Monday expressed the hope that the Chinese leadership would continue the dialogue process** with the envoys of spiritual leader, the Dalai Lama. **"It is our hope that the Chinese leadership will soon understand and accept the middle-way approach to a mutually beneficial solution and continue the dialogue process** with the envoys of the Dalai Lama as the only way to resolve the issue of Tibet," **the Dharamsala-based Tibetan government-in-exile said in a statement** on the occasion of the spiritual leader's 80th birthday. The cabinet, headed by democratically-elected political leader Lobsang Sangay, said the countrymen have long-standing demands for the return of the Dalai Lama to Lhasa and freedom for Ti**betans. A total of 140 Tibetans have immolated themselves since 2008 in support of the demands.**

#### AT: Self-Determination

Self-determination kills democracy

Etzioni 93

University professor at George Washington University and editor of the responsive community, 1993 Amitai, “The evils of self determination,” Winter, Issue 89

Although the economic penalties paid by splinter states may be painful, they are not the primary cost of disunion. Excessive self-determination works against democratization and threatens democracy in countries that have already attained it. Self-determination movements challenge democracy by chipping away at its structural and socio-psychological foundations. Structurally, democracy depends on more than regular elections. Elections were conducted frequently by an authoritarian Egypt and the communist USSR. A true democratic structure requires that nonviolent change of those in power can be made in response to the people's changing preferences. Such changes ensure that the government can continue to respond to the needs and desires of the people, and that if the government becomes unresponsive it will be replaced without undue difficulties. To ensure that the variety of needs within a population find effective political expression, democracies require that the sitting government not "homogenize" the population in some artificial manner, like imposing one state-approved religion. Only a plurality of social, cultural, and economic loyalties and power centers within society make it possible for new groups to break upon the political scene, find allies, build coalitions, and effect change. The Great Society reforms of the mid 1960s in the United States demonstrate the importance of a plural, fluid system. Rising African American groups formed a coalition with white liberals and labor unions to advance a common agenda, increasing political participation and preventing a political explosion. Aside from keeping the government and its closest allies in the population in check, the pluralistic array of groups that thrive in a truly democratic society also keep one another in check. When historical processes or deliberate government policies leave only one group of supporters organized and weaken all other groups, as the Nazis did in post-World War I Germany, they undermine the foundations of democracy. In short, social pluralism supports democratic government. While there are many ways the coalitions needed for social pluralism can be built, the best are those that cut across existing lines of division, dampening the power of each and allowing for a large number of possible combinations of social bases to build political power. Thus, a society rigidly divided into two or three economic classes may have a structure that is somewhat more conducive to democratic government than a society with only one class. However, the potential for democracy in such a society increases when there are other groups that draw on members from various classes, so that loyalty to them cuts across class lines. In the United States, ethnic loyalties have historically cut across socio-economic strata, dampening both class and ethnic divisions. Thus, American Jews may be largely middle and upper-middle class, but most people in those classes are not Jewish, and there are Jews in the other classes. White Anglo-Saxon Protestants may be over-represented in the upper classes, but they are also found in large numbers in all other classes, and so on. The fact that both economic and ethnic loyalties cut across regional boundaries further cements the foundations of pluralism and, hence, of democracy. In contrast, breakaway states based on ethnicity tend to fashion communities that are more sociologically monolithic than their parent states. Quebec, obviously, would be more "French"--and the remaining Canada more "English"--than the current composite. The great intolerance breakaway states tend to display toward minority ethnic groups heightens the polarization. Ethnically based breakaway states generally result in more ethnic homogeneity and less pluralism, meaning that they often lack the deeper sociological foundations of democracy.

#### AT: Human Rights

Turn, ‘Human Rights’ is a concept created by white people and usually excludes huge populations. Human rights in your sense only comes from a dominant power ‘granting’ value to populations.

Mutua 02

Makau Mutua, Professor of Law and Director, Human Rights Center, SUNY-Buffalo School of Law, 2002 “Terrorism and Human Rights: Power, Culture, and Subordination,” Buffalo Human Rights Law Review

The international law of human rights, arguably the most benign of all the areas of international law, seeks the universalization of European cultural, philosophical, and political norms and social structures. It is largely a culturally specific doctrine which is expressed in the idiom of the [\*5] same culture. The human rights corpus is driven -- normatively and descriptively --by what I have called the savage-victim-savior metaphor, in which human rights is a grand narrative of an epochal contest that pits savages against victims and saviors. 5 In this script of human rights, democracy and western liberalism are internationalized to redeem savage non-Western cultures from themselves, and to alleviate the suffering of victims, who are generally non-western and non-European. The images of the savage Taliban, the Afghan victims mired in pre-modernity, and the American saviors put the metaphor in sharp relief. In the human rights idiom, North America and the European West --acting generally under the guise of the United Nations and other multilateral agencies -- are the saviors of hapless victims whose salvation lies only in the transformation of their savage cultures through the imposition of human rights. The human rights corpus is presented as a settled normative edifice, as a glimpse of an eternal, inflexible truth. As a result, attempts to question or reformulate a truly universal regime of rights, one that reflects the complexity and the diversity of all cultures, have generally been viewed with indifference or hostility by the official guardians of human rights. This refusal to create a culturally complex and diverse human rights corpus is all the more perplexing because the view that the human rights doctrine is an ideology with deep roots in liberalism and democratic forms of government is beyond question. In fact, an increasing number of scholars now realize that the cultural biases of the human rights corpus can only be properly situated within liberal theory and philosophy. Understood from this position, human rights are an ideology with a specific cultural and ethnographic fingerprint. The human rights corpus expresses a cultural bias, and its chastening of a state is therefore a cultural project. If culture is not defined as some discrete, exotic, and peculiar practice which is frozen in time but rather as the dynamic totality of ideas, forms, practices, and structures of any given society, then human rights is an expression of a particular European-American culture. The advocacy of human rights across cultural borders is then an attempt to displace the local non-Western culture with the "universal" culture of human rights. Human rights therefore become the universal culture. It is in this sense that the "other" culture, that which is non-European, is the savage in the human rights corpus and its discourse.

#### AT: Native Secession

Native American Secession is not a good measurement of sovereignty or self-determination. It’s not even a good option to pursue.

Bradford 05

Bradford, Chiricahua Apache and Associate professor of Law, Indiana University School of Law, 2005 William, “Beyond Reparations,” Ohio State Law Journal, 66 Ohio St. L.J.

Thus, an Indian tribe with a population, territorial base, government, and the capacity to enter into international relations could, in theory, declare independence and gain international recognition. [n447](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n447) Arguably, Indian nations, as a matter of international law, continue to possess the right that existed prior to contact with European discoverers to create their own forms of organization without reference to the states in which they are now situated. [n448](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n448) Some Indian rights advocates suggest that only full tribal sovereignty in the form of independent nation-states recognized as such by other members of the international community can overcome the disabilities imposed by federal Indian law. [n449](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n449) However, although the history of U.S.-Indian relations strongly suggests that Indian interests and those of the U.S. majority are not often commensurable, any proposal to compromise the territorial integrity of the U.S. is unlikely to be met with anything but the most hostile of responses in majoritarian political circles. The suggestion that tribal self-determination be bolstered with legal significance evokes reactions to "Indian separatism" verging on enmity, even  [\*93]  when offered by the U.S. President. [n450](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n450) A U.S. Senator angrily proclaims that "[c]itizens of the [U.S.] should not have their rights limited by separate governments within the [U.S.]" [n451](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n451) In short, full independence is likely not negotiable, but a significant degree of political and legal autonomy may be. In fact, most tribes do not define secession and independent statehood as the desired end-state of a program of self-determination, but rather as an intermediate status that would devolve degrees of political and legal power that has been arrogated to the U.S. and the States and allow tribes to "challenge . . . intrusions across the full spectrum of locations at which . . . injury is felt." [n452](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n452) A pragmatic approach, organized around issue-area autonomy, that would allow Indians to "recuperate" traditional laws and modalities of governance [n453](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.639705.6169223625&target=results_DocumentContent&reloadEntirePage=true&rand=1216329132802&returnToKey=20_T4186741430&parent=docview" \l "n453) and assert alternative institutional structures more consonant with their cultural imperatives represents an approach to self-determination that demands a lesser quantum of independence while departing sufficiently from the current paradigm to satisfy most tribes.

# Extra Reading

Castellino, Joshua: Gilbert, Jeremie. “SELF-DETERMINATION, INDIGENOUS PEOPLES AND MINORITIES”

Churchill, Ward. “Acts of Rebellion.”

Churchill, Ward. “Indians are Us?”

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