## 1

#### Violation- The aff must use antitrust law to limit patents, not patent law

#### Patent and antitrust are two different things

Hovenkamp 15 , Herbert J., "Antitrust and the Patent System: A Reexamination" (2015). Faculty Scholarship at Penn Law. 1820. https://scholarship.law.upenn.edu/faculty\_scholarship/1820

The patent and antitrust systems have different structures and different histories. Both affect how competition and innovation issues are handled. First, while antitrust law’s broad focus on competition has compelled antitrust courts to consider innovation issues, the reverse is rarely true. Second, the open-ended nature of the antitrust laws and their mandate to protect competition has directed litigants, their experts, and the academy to develop a large empirical literature on the competitive effects of various practices. By contrast, the patent code is much more specific and never invites such empirical query. As a result the empirical literature on how the patent system functions in relation to innovation goals is not well developed and, in any event, seldom employed in litigation. A critical aspect of that difference is the Patent Act’s general insensitivity to market diversity, even though such diversity affects the rate and dissemination of innovation at least as much as it affects the robustness of competition. Finally, the creation of the Federal Circuit as an exclusive appellate tribunal for patent cases has exacerbated myopic analysis of innovation issues.

#### Vote neg to prevent an explosion of affs that use nonAT law to enhance market competition and preserve core generic ground based on AT mechanisms.

## 2

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12 (Eve Tuck, associate Professor of Critical Race and Indigenous Studies at the Ontario Institute for Studies in Education, University of Toronto, State University of New York at New Paltz. And K. Wayne Yang, Ph.D., Social and Cultural Studies, University of California, Berkeley, University of California, San Diego*. Decolonization is not a metaphor.* Decolonization: Indigeneity, Education and Society Vol. 1, No. 1, 2012, pp. 1-40, pp. 5-7 GC)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap4 - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”).The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). **At the same time,** settler colonialism involves **the subjugation and forced labor of chattel slaves**5 , **whose bodies and lives become the property**, and who are **kept landless**. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, **more human**, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). **In order for excess production, he needs excess labor,** which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, **even supernatural**. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and zdisplacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7 . Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Fear of pathogenic spread is rooted in the racist discourse of settler colonialism.

Tanous, 2020 (Osama – Pediatrician, “COVID-19 in times of settler colonialism”, Zochrot, March, <https://zochrot.org/en/article/56520>, shae)

We are far from comprehending the full scale of potential harm to people’s lives and the economy due to the COVID-19 outbreak. In the complicated reality of Palestine/Israel, where the outbreak is just beginning, it requires a deeper analysis. We know from history that the poor and oppressed bear the brunt of epidemics and disasters, and thus the danger of this virus for Palestinians is of grave concern. The Titanic in 1912, for example, carried 2,201 passengers and had the capacity to save 1,178 of them via lifeboats. Though more than half of the travelers could have been saved, only 32 percent survived. When we look at the numbers, it is clear that the chances of survival were not random, but were based on class and privilege. While the survival rate was 62.5 percent among first class travelers, it dropped to 41.4, 25.2, and 24 percent among second class, third class, and crew, respectively. The survival rate for the poorest and the working class was almost half, what it could have been. This differential patterning of survival cuts through eras, geographies, and crises. In the twentieth century, the Chicago heat wave of July 1995 killed 739 residents. As the bodies were piling up, harsh truths became apparent: Not all neighborhoods and people died equally. Black people’s death rate was almost 50 percent higher than that of white people. Eight of the ten neighborhoods with the highest mortality rate were poverty-stricken black neighborhoods. It is clear that place and race matter in predicting death. Hurricane Katrina of 2005 was another horrific example of how disasters expose inequality in society, and once again, the black and poor paid the highest toll. Environmental forces intersected with years of structural violence, neglect, and racism to expose and kill the most marginalized. Black people in New Orleans died 1.7 to 4 times more than white people, and four out of the five neighborhoods with the highest mortality rate were predominantly black. Daily existing health disparities and death gaps become more grandiose at a time of health crisis. Epidemics also put pressure on the societies they strike, and ~~make visible~~ [reveal] latent structures that might not otherwise be as evident. They provide a device for social analysis and reveal what really matters to a population and whom they truly value. One aspect of responses to epidemics is the desire to assign responsibility. This discourse of blame exploits existing social divisions, prejudices and racist ideas based on religion, race, or class. It was apparent in the Palestinian/Israeli context when in 1948 Dr. Avraham Katzinilson declared in the Israeli newspaper Haaretz that the complete segregation between the Jewish and Arab populations during wartime was responsible for the absence of infectious diseases like typhus and dysentery. There are conditions that are specific to settler colonialism, a form of colonialism that seeks to replace the original population of the colonized territory with a new society of settlers. Settler colonialism is enacted by a variety of means ranging from violent depopulation of the previous inhabitants, to more subtle, legal means such as assimilation or recognition of indigenous identity within a colonial framework. With Israel being a settler colonial society, the medical history of colonialism provides some lessons. Europe unwittingly exported smallpox and measles to the "New World" and Africa via the slave trade, later adding malaria and yellow fever. European empires were struck by panic and colonial anxieties from epidemic diseases. The control of pathogens and the people carrying them was a main source of concern in British India and Dutch Indonesia. In the United States, another settler colonial state\*, the virus outbreak is revealing the cracks in society concerning workers in the gig economy, the poor, prisoners, homeless and uninsured. There are 574 federally recognized sovereign tribal nations located across almost 40 states within the geographic borders of the United States. Native communities are disproportionately affected by health conditions that the Centers for Disease Control and Prevention (CDC) has specifically identified increase the risk of serious complications from Covid-19. Several tribes have opted for “self-determination” with greater financial flexibility and clinical autonomy—as opposed to depending on the federally controlled Indian Health Service (IHS), which has suffered decades of severe underfunding. “We quickly recognized the need to make sacrifices for the greater good, in order to protect our people and the wider community,” said Dr Dakotah Lane, medical director of the tribal health service in the Lummi nation, a sovereign Native American tribe. The Lummi reservation is located in Whatcom County—115 miles north of Seattle, Washington. As the Trump administration stalled, the tribe swiftly introduced mitigation and prevention measures such as social distancing, drive-through testing, telemedicine clinics, and a home delivery service for the elderly. The well-celebrated Canadian healthcare system is of no exception to how settler colonial states treat its indigenous populations. Unlike the usual performative political cuteness of Justin Trudeau's response to an 8-year-old’s coronavirus letter: ‘We’re working super hard’, Canada has been working "super hard" to make this epidemic more deadly for Indigenous communities. The lack of usable drinking water is only compounded by persistent infrastructure problems facing Indigenous communities, such as overcrowded housing and a lack of sewage systems, as well as years of government neglect. "The long-standing disparities that exist in the way of healthcare and health conditions … put our people, our communities, at a much greater risk," said Dalee Sambo Dorough, chair of the Inuit Circumpolar Council, an organization that represents 180,000 Inuit across Canada, the United States, Russia, and Greenland. Today in Palestine and Israel, the virus – unlike Palestinian bodies – does not stop at militarized borders to show an ID card at checkpoints. In response to a COVID-19 outbreak in Bethlehem, Israeli Defense Minister Naftali Bennett announced on March 5 that the city would be closed due to concerns about the spreading virus. “Both Israelis and Palestinians will be restricted from entering and leaving the city,” he said. Bennet also declared that if the coronavirus outbreak reaches massive proportions in Israel, "the Defense Ministry will take action.” It is unclear exactly what kind of action Bennet means, but Bethlehem, like many other Palestinian cities, is very familiar with curfews and lockdowns. Not only does the notion of concern for Palestinian lives and medical cooperation seem absurd in a settler colonial setting, as Palestinians remember all too well other comments made by Bennet, such as “I’ve killed lots of Arabs in my life, and there’s no problem with that ” Palestinians consequently do not believe that Bennet has a newfound concern for Palestinian lives, whether they die from Israeli bullets or COVID-19. It is telling that the blockade and closing of checkpoints in Bethlehem was not followed by similar measures in Tel Aviv or other Israeli cities after similar numbers of patients were diagnosed. Moreover, Israeli Prime Minister Netanyahu was quick to call for an emergency government including both large Israeli Jewish parties but excluding the mostly-Palestinian Joint list, who he referred to as “terror supporters .” In addition, the Palestinians were far from feeling relieved when the ultra-right-wing Minister of Justice Ayelet Shaked declared that she would personally ensure that the electronic surveillance of confirmed COVID-19 patients is done with minimum harm. The current pandemic also exposes how over seven decades of settler colonial rule, military occupation, checkpoints, and military assaults have engineered a reality of an already dystopian, quarantined, overpopulated, and incarcerated Palestine. In the dense Gaza Strip, where some 2 million people are besieged, with overburdened and crumbling health facilities, already deemed “unlivable” by the UN, any potential coronavirus case there could create an unimaginable health crisis. In the fragmented and divided militarily occupied West Bank the situation is not much better, Weeks before the imposed restrictions doctors went on strike protesting the fragility of the system and work conditions. Its crumbling health care system will also be pushed to the brink. Palestinians within Israel, living in townships of concentrated density and poverty and portrayed by the regime as a “security threat,” lack the same access and equal care as Jewish Israeli citizens. Palestinians—the refugees—many of whom languish in camps, are dependent on donors’ health services, live in a ghettoized reality, and face blatant discrimination from host countries and communities Lastly, the most vulnerable of us all, Palestinian prisoners in Israeli Prisons, medically neglected, in small crowded unventilated cells, ideal for virus spread, where the prison authority has taken measures to prevent lawyers and family visits without providing information on how it plans to tackle the health crisis. In times like these, Palestinians, like other Indigenous people, people of color, and refugees, are treated by the regime as ungrateful “others,” while the atmosphere of fear and hysteria reinforces and fuels racism, state violence, and exclusion—very likely resulting in a much higher amount of harm for the oppressed and controlled population. In essence, epidemics and disasters expose the power structures of sovereignty, wealth, and control, bringing to the surface deep power relations.

#### Appealing to concerns for “international politics” primitivizes indigenous life as a civilizing mission. This erasure of indigenous life from IR is a necessary condition for genocide and dispossession.

King, 2017 (Hayden – Gchi'mnissing Anishinaabe writer and educator based in the Faculty of Arts @ Ryerson University in Toronto, “The Erasure of Indigenous Thought in Foreign Policy”, July 31, <https://www.opencanada.org/features/erasure-indigenous-thought-foreign-policy/>, shae)

Foreign policy, but in whose national interest? For those studying and working in foreign policy, there are certainly debates over what constitutes the definition of the field. In Canada, there are debates about what counts as foreign policy (defence, security, trade, peacekeeping) and also how to approach those subjects (from liberal frameworks, realist, even some critical lenses). In his textbook on foreign policy Kim Nossal notes that the field is inherently divisive, emerging from “the interplay of conflicting interests, divergent objectives, contending perceptions, and different prescriptions about the most appropriate course of action.” Yet despite these divisive debates, there is near universal acceptance of two core assumptions: the legitimacy of the Canadian state itself as the primary actor in foreign policy and the concept of the national interest, which the field of foreign policy strives to serve. This is no surprise, really, considering these assumptions are underwritten and supported by every domestic institution — from Canada’s constitutional sources, to the cultural organizations that currently promulgate the fantasy of Canada as 150 years of glowing hearts, or decisions of the Supreme Court that reflect on the “assertion of Crown sovereignty” without ever explaining how that sovereignty was obtained. But for critical Indigenous scholars, these assumptions are myths that form not a legitimate state in the community of nations, but rather a violent settler colony. Between 1921 and 1923, after many years of resistance to the young countries, Canada and the United States were steadily encroaching into Haudenosaunee territory and governance. Cayuga Chief Deskaheh, also known as Levi General, travelled to London, England, to appeal to King George on the matter. (He wasn’t the first or last to appeal to a King or Queen; Anishinaabe leader Shingwaukonse actively attempted to, post-War of 1812, and Chief Theresa Spence did so in 2013, among many others). But when King George refused him, Deskaheh turned to the Geneva-based League of Nations, seeking a seat for the Haudenosaunee. With his efforts undermined by English officials there too, he returned home but was stopped at the U.S.-Canada border and turned away by Canadian border guards. He spent his final days in Rochester, New York. Before his death he made one last plea to ordinary Canadians and Americans for justice: “Do you believe — really believe — that all peoples are entitled to equal protection of international law now that you are so strong? Do you believe — really believe — that treaty pledges should be kept? Think these questions over and answer them to yourselves…We have little territory left — just enough to live and die on [because] the governments of Washington and Ottawa have a silent partnership of policy. It is aimed to break up every tribe of red men so as to dominate every acre of their territory.” (His plea is documented in Rick Monture’s We Share Our Matters.) The last two sentences of this quote are an apt description of modern settler colonialism, nearly 100 years before scholars identified the process. For anthropologist Patrick Wolfe, there is a distinction between colonialism, which eventually ends when the invaders leave, and settler colonialism, where they don’t. While in the former [colonial] formulation the Indigenous population is often transformed to labour for colonial extraction, in the latter, the settler colony attempts to liquidate all remnants of the previous (Indigenous) societies to legitimize its permanent presence. Deskaheh was speaking in the North American context, Wolfe in the Australian, but the phenomenon can be seen elsewhere, from Aotearoa/New Zealand to Palestine/Israel. Common strategies in this liquidation are as follows: physical extermination; oppressive Indian legislation designed to contain; the creation of reserves/reservations/settlements, residential or boarding schools; discrimination aimed specifically at women; and eventually legal absorption into state apparatuses and assimilation. While the genocidal nature of settler colonialism may not appear as physical violence today (though we do still have plenty of that), the underlying motivation to expunge threats to settler sovereignty endures. But where the specific harms of the field of foreign policy come into greater focus are in crafting a common sense around what counts as a legitimate politics of the international. Consider the core concepts of the field, or at least the discipline of IR that foregrounds foreign policy. I think it’s fair to say most traditional perspectives view the international system as an anarchic environment where self-interested and (mostly) rational states compete against each other for power. Or, in contrast, they may cooperate. For foundational IR scholar Hedley Bull, this simple formulation is “the supreme normative principal of the political organization of mankind.” I don’t need to elaborate on these concepts for this audience. But, what about political communities that do not resemble a state, that eschew coercive notions of exclusive sovereignty, that are bound by obligations and responsibilities to the land and thus do not recognize an anarchic world, political communities that do not start and end with men? The discipline of IR, as well as practice of foreign policy, effectively casts Indigenous peoples as primitive (or at least inferior), sanctions the theft of their lands, and then forecloses the possibility of resurgent political communities. At a fundamental level the perpetuation of this conceptual galaxy denies opportunities for Indigenous expressions of liberation — whether the case is the Six Nations of the Grand River, whose demands for a seat at the League of Nations in 1922 were rejected, or the current Canadian government demands that the articulation of international Indigenous rights not challenge territorial integrity or state sovereignty (this is true generally but seen clearly with the United Nation’s Declaration on the Rights of Indigenous Peoples). Such a denial is also expressed in the unequivocal support of the state of Israel at the expense of Palestinian existence, or the collaboration with a Honduran government that suppresses Indigenous communities and murders activists like Berta Cáceres. I am talking about more than denying liberation. By continuing to enforce the view of humanity as a set of political states, with Europe at the centre of the planet – as Chickasaw lawyer James Youngblood Henderson once pointed out in his deconstruction of the familiar Mercator world map – foreign policy actively contributes to the erasure of Indigenous political difference conceptually as well as Indigenous bodies physically. (Not to mention non-Indigenous but racialized political communities and bodies, too.) Thus, Canadian foreign policy is a foreign policy that normalizes and affirms settler colonialism. This is the primary national interest. And so, foreign policy is itself a manifestation of settler colonialism.

#### Their impact scenarios are ideological mystification deployed to protect the colony – extinction is inevitable within settler colonialism which makes it try or die.

Dalley 16 (Hamish Dalley received his Ph.D. from the Australian National University in 2013, and is now an Assistant Professor of English at Daemen College, Amherst, New York, where he is responsible for teaching in World and Postcolonial Literatures., (2016): The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1238160, JKS)

Settlers love to contemplate the possibility of their own extinction; to read many contemporary literary representations of settler colonialism is to find settlers strangely satisfied in dreaming of ends that never come. This tendency is widely prevalent in English-language representations of settler colonialism produced since the 1980s: the possibility of an ending – the likelihood that the settler race will one day die out – is a common theme in literary and pop culture considerations of colonialism’s future. Yet it has barely been remarked how surprising it is that this theme is so present. For settlers, of all people, to obsessively ruminate on their own finitude is counterintuitive, for few modern social for- mations have been more resistant to change than settler colonialism. With a few excep- tions (French Algeria being the largest), the settler societies established in the last 300 years in the Americas, Australasia, and Southern Africa have all retained the basic features that define them as settler states – namely, the structural privileging of settlers at the expense of indigenous peoples, and the normalization of whiteness as the marker of pol- itical agency and rights – and they have done so notwithstanding the sustained resistance¶ that has been mounted whenever such an order has been built. Settlers think all the time that they might one day end, even though (perhaps because) that ending seems unlikely ever to happen. The significance of this paradox for settler-colonial literature is the subject of this article.¶ Considering the problem of futurity offers a useful foil to traditional analyses of settler- colonial narrative, which typically examine settlers’ attitudes towards history in order to highlight a constitutive anxiety about the past – about origins. Settler colonialism, the argument goes, has a problem with historical narration that arises from a contradiction in its founding mythology. In Stephen Turner’s formulation, the settler subject is by definition one who comes from elsewhere but who strives to make this place home. The settlement narrative must explain how this gap – which is at once geographical, historical, and existential – has been bridged, and the settler transformed from outsider into indigene. Yet the transformation must remain constitutively incomplete, because the desire to be at home necessarily invokes the spectre of the native, whose existence (which cannot be disavowed completely because it is needed to define the settler’s difference, superior- ity, and hence claim to the land) inscribes the settler’s foreignness, thus reinstating the gap between settler and colony that the narrative was meant to efface.1 Settler-colonial narrative is thus shaped around its need to erase and evoke the native, to make the indigene both invisible and present in a contradictory pattern that prevents settlers from ever moving on from the moment of colonization.2 As evidence of this constitutive contradiction, critics have identified in settler-colonial discourse symptoms of psychic distress such as disavowal, inversion, and repression.3 Indeed, the frozen temporality of settler-colonial narrative, fixated on the moment of the frontier, recalls nothing so much as Freud’s description of the ‘repetition compulsion’ attending trauma.4 As Lorenzo Veracini puts it, because:¶ ‘settler society’ can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of ‘peace’ that can never be reached, settler projects embrace and reject violence at the same time. The settler colonial situation is thus a circumstance where the tension between contradictory impulses produces long-lasting psychic conflicts and a number of associated psychopathologies.5¶ Current scholarship has thus focused primarily on settler-colonial narrative’s view of the past, asking how such a contradictory and troubled relationship to history might affect present-day ideological formations. Critics have rarely considered what such narratological tensions might produce when the settler gaze is turned to the future. Few social formations are more stubbornly resistant to change than settlement, suggesting that a future beyond settler colonialism might be simply unthinkable. Veracini, indeed, suggests that settler-colonial narrative can never contemplate an ending: that settler decolonization is inconceivable because settlers lack the metaphorical tools to imagine their own demise.6 This article outlines why I partly disagree with that view. I argue that the narratological paradox that defines settler-colonial narrative does make the future a problematic object of contemplation. But that does not make settler decolonization unthinkable per se; as I will show, settlers do often try to imagine their demise – but they do so in a way that reasserts the paradoxes of their founding ideology, with the result that the radical potentiality of decolonization is undone even as it is invoked.¶ I argue that, notwithstanding Veracini’s analysis, there is a metaphor via which the end of settler colonialism unspools – the quasi-biological concept of extinction, which, when deployed as a narrative trope, offers settlers a chance to consider and disavow their demise, just as they consider and then disavow the violence of their origins. This article traces the importance of the trope of extinction for contemporary settler-colonial litera- ture, with a focus on South Africa, Canada, and Australia. It explores variations in how the death of settler colonialism is conceptualized, drawing a distinction between his- torio-civilizational narratives of the rise and fall of empires, and a species-oriented notion of extinction that draws force from public anxiety about climate change – an invocation that adds another level of ambivalence by drawing on ‘rational’ fears for the future (because climate change may well render the planet uninhabitable to humans) in order to narrativize a form of social death that, strictly speaking, belongs to a different order of knowledge altogether. As such, my analysis is intended to draw the attention of settler- colonial studies toward futurity and the ambivalence of settler paranoia, while highlighting a potential point of cross-fertilization between settler-colonial and eco-critical approaches to contemporary literature.¶ That ‘extinction’ should be a key word in the settler-colonial lexicon is no surprise. In Patrick Wolfe’s phrase,7 settler colonialism is predicated on a ‘logic of elimination’ that tends towards the extermination – by one means or another – of indigenous peoples.8 This logic is apparent in archetypal settler narratives like James Fenimore Cooper’s The Last of the Mohicans (1826), a historical novel whose very title blends the melancholia and triumph that demarcate settlers’ affective responses to the supposed inevitability of indigenous extinction. Concepts like ‘stadial development’ – by which societies progress through stages, progressively eliminating earlier social forms – and ‘fatal impact’ – which names the biological inevitability of strong peoples supplanting weak – all contribute to the notion that settler colonialism is a kind of ‘ecological process’ that necessitates the extinction of inferior races. What is surprising, though, is how often the trope of extinction also appears with reference to settlers themselves; it makes sense for settlers to narrate how their presence entails others’ destruction, but it is less clear why their attempts to imagine futures should presume extinction to be their own logical end as well.¶ The idea appears repeatedly in English-language literary treatments of settler colonial- ism. Consider, for instance, the following rumination on the future of South African settler society, from Olive Schreiner’s 1883 Story of an African Farm:¶ It was one of them, one of those wild old Bushmen, that painted those pictures there. He did not know why he painted but he wanted to make something, so he made these. [...] Now the Boers have shot them all, so that we never see a yellow face peeping out among the stones. [...] And the wild bucks have gone, and those days, and we are here. But we will be gone soon, and only the stones will lie on, looking at everything like they look now.10¶ In this example, the narrating settler character, Waldo, recognizes prior indigenous inha- bitation but his knowledge comes freighted with an expected sense of biological super- iority, made apparent by his description of the ‘Bushman’s’ ‘yellow face’, and lack of mental self-awareness. What is not clear is why Waldo’s contemplation of colonial geno- cide should turn immediately to the assumption that a similar fate awaits his people as well. A similar presumption of racial vulnerability permeates other late nineteenth- century novels from the imperial metropole, such as Dracula and War of the Worlds,¶ which are plotted around the prospect of invasions that would see the extinction of British imperialism, and, in the process, the human species.¶ Such anxieties draw energy from a pattern of settler defensiveness that can be observed across numerous settler-colonial contexts. Marilyn Lake’s and Henry Reynold’s account of the emergence of transnational ‘whiteness’ highlights the paradoxical fact that while white male settlers have been arguably the most privileged class in history, they have routinely perceived themselves to be ‘under siege’, threatened with destruction to the extent that their very identity of ‘whiteness was born in the apprehension of immi- nent loss’.11 The fear of looming annihilation serves a powerful ideological function in settler communities, working to foster racial solidarity, suppress dissent, and legitimate violence against indigenous populations who, by any objective measure, are far more at risk of extermination than the settlers who fear them. Ann Curthoys and Dirk Moses have traced this pattern in Australia and Israel-Palestine, respectively.12 This scholarship suggests that narratives of settler extinction are acts of ideological mystification, obscuring the brutal inequalities of the frontier behind a mask of white vulnerability – an argument with which I sympathize. However, this article shows how there is more to settler-colonial extinction narratives than bad faith. I argue that we need a more nuanced understanding of how they encode a specifically settler-colonial framework for imagining the future, one that has implications for how we understand contemporary literatures from settler societies, and which allows us to see extinction as a genuine, if flawed, attempt to envisage social change.¶ In the remainder of this paper I consider extinction’s function as a metaphor of decolonization. I use this phrase to invoke, without completely endorsing, Tuck and Yang’s argu- ment that to treat decolonization figuratively, as I argue extinction narratives do, is necessarily to preclude radical change, creating opportunities for settler ‘moves to innocence’ that re-legitimate racial inequality.13 The counterview to this pessimistic perspec- tive is offered by Veracini, who suggests that progressive change to settler-colonial relationships will only happen if narratives can be found that make decolonization think- able.14 This article enters the debate between these two perspectives by asking what it means for settler writers to imagine the future via the trope of extinction. Does extinction offer a meaningful way to think about ending settler colonialism, or does it re-activate settler-colonial patterns of thought that allow exclusionary social structures to persist?¶ I explore this question with reference to examples of contemporary literary treatments of extinction from select English-speaking settler-colonial contexts: South Africa, Australia, and Canada.15 The next section of this article traces key elements of extinction narrative in a range of settler-colonial texts, while the section that follows offers a detailed reading of one of the best examples of a sustained literary exploration of human finitude, Margaret Atwood’s Maddaddam trilogy (2003–2013). I advance four specific arguments. First, extinc- tion narratives take at least two forms depending on whether the ‘end’ of settler society is framed primarily in historical-civilizational terms or in a stronger, biological sense; the key question is whether the ‘thing’ that is going extinct is a society or a species. Second, biologically oriented extinction narratives rely on a more or less conscious slippage between ‘the settler’ and ‘the human’. Third, this slippage is ideologically ambivalent: on the one hand, it contains a radical charge that invokes environmentalist discourse and climate-change anxiety to imagine social forms that re-write settler-colonial dynamics; on the other, it replicates a core aspect of imperialist ideology by normalizing whiteness as equivalent to humanity. Fourth, these ideological effects are mediated by gender, insofar as extinction narratives invoke issues of biological reproduction, community protection, and violence that function to differentiate and reify masculine and feminine roles in the putative de-colonial future. Overall, my central claim is that extinction is a core trope through which settler futurity emerges, one with crucial narrative and ideological effects that shape much of the contemporary literature emerging from white colonial settings.

#### **‘Growth’ upholds a dualist ontology that appropriates land, blackness, and indigeneity globally to create surplus value.**

Hickel, 2021 (Jason – London School of Economics and Political Science @ the University of London, “The Anti-Colonial Politics of Degrowth”, *Political Geography* Vol. 88, June, shae)

Degrowth calls for rich nations to scale down throughput to sustainable levels, reducing aggregate energy use to enable a sufficiently rapid transition to renewables, and reducing aggregate resource use to reverse ecological breakdown. This demand is not just about ecology; rather, it is rooted in anti-colonial principles. Degrowth scholars and activists explicitly recognize the reality of ecological debt and call[s] for an end to the colonial patterns of appropriation that underpin Northern growth, in order to release the South from the grip of extractivism and a future of catastrophic climate breakdown. Degrowth is, in other words, a demand for decolonization. Southern countries should be free to organize their resources and labor around meeting human needs rather than around servicing Northern growth. Decolonization along these lines is a crucial precondition for successful development in the South. Dependency theorists have pointed out that “catch-up” development is impossible within a system predicated on appropriation and polarized accumulation. This is true also from an ecological perspective. The alternative is to pursue a strategy of convergence: throughput should decline in the North to get back within sustainable levels while increasing in the South to meet human needs, converging at a level consistent with ecological stability and universal human welfare. This much is straightforward. But there are further implications of degrowth that are worth drawing out here. For degrowth, the problem is not ultimately the behavior of individual “consumers” (as in mainstream environmentalist thought) but rather the structure and logic of the underlying economic system, namely, capitalism. We know that capitalism is predicated on surplus extraction and accumulation; it must take more from labor and nature than it gives back. As Marxist ecologists have pointed out, such a system necessarily generates inequalities and ecological breakdown. But many economic systems have been extractive in the past; what makes capitalism distinctive, and uniquely problematic, is that it is organized around, and dependent on, perpetual growth. In other words, capital seeks not only surplus, but an exponentially rising surplus. To understand why this is a problem, we have to grasp what “growth” means. People commonly assume that GDP growth is an increase in value (or provisioning, or well-being), when, in fact, it is primarily an increase in commodity production, represented in terms of price. This distinction between value and price is important. In order to realize surplus value, capital seeks to enclose and commodify free commons in order extract payment for access, or, in the realm of production, to depress the prices of inputs to below the value that is actually derived from them. Both tendencies require appropriation from colonial or neo-colonial “frontiers”, where labor and nature can be taken for free, or close to free, and where costs can be “externalized”. In this sense, capitalist growth is intrinsically colonial in character, and has been for 500 years. Enclosure, colonization, mass enslavement, extractivism, sweatshops, ecological breakdown – all of this has been propelled by the growth imperative and its demand for cheap labor and nature. Of course, there is nothing “naturally” cheap about labor and nature at the frontier. On the contrary, they have to be actively cheapened. To do this, European capitalists advanced a dualist ontology that cast humans as subjects with mind and agency, and nature as an object to be exploited and controlled for human ends. Into the category of “nature” they shunted not only all nonhuman beings, but also Black and Indigenous people, and most women, all of whom were cast as not-quite-fully-human, in order to legitimize dispossession, enslavement and exploitation (Federici, 2004; Patel & Moore, 2017). Racist discourses were leveraged to cheapen the lives of others for the sake of growth. Similar discourses are used today to justify wages in the South that remain below the level of subsistence (Hickel, 2020d). Degrowth, then, is not just a critique of excess throughput in the global North; it is a critique of the mechanisms of colonial appropriation, enclosure and cheapening that underpin capitalist growth itself. If growthism seeks to organize the economy around the interests of capital (exchange-value) through accumulation, enclosure, and commodification, degrowth calls for the economy to be organized instead around provisioning for human needs (use-value) through de-accumulation, de-enclosure and de-commodification. Degrowth also rejects the cheapening of labour and resources, and the racist ideologies that are deployed toward that end. In all of these ways, degrowth is about decolonization (Hickel, 2020b; Tyberg, 2020).

#### Thus, the only alternative is one of decolonization.

Tuck and Yang 12 (Eve Tuck, associate Professor of Critical Race and Indigenous Studies at the Ontario Institute for Studies in Education, University of Toronto, State University of New York at New Paltz. And K. Wayne Yang, Ph.D., Social and Cultural Studies, University of California, Berkeley, University of California, San Diego*. Decolonization is not a metaphor.* Decolonization: Indigeneity, Education and Society Vol. 1, No. 1, 2012, pp. 1-40, pp. 35-36 GC)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework.

We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36).

To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.

when you take away the punctuation

he says of

lines lifted from the documents about

military-occupied land

its acreage and location

you take away its finality

opening the possibility of other futures

-Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012)

Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

## Case

### Access

#### Their own own collette evidence says that many people don’t access opioid treatment now

#### Their own evidence says that there were still generic treatment options. If there were generic treatment options people can still access treatment.

#### They don’t have any evidence saying that if people can access the medicine they will seek treatment. The aff cant force people to seek opioid treatment so although their intents are good, increasing access to treatment doesn’t mean increased treatment

#### There are still generic opioids that people can access and fuel the opioid epidemic

#### Their own kim evidence says that as long as the demand for opioids stay high cartels will continue to excel there’s no way they can solve

### Econ

#### People can access generics they’re all over the store and hospitals can still offer generics all the time

#### Their gupta et al evidence says that drug prices decrease once generics get fda approval increasing competention doesn’t mean the fda will approve these medicines and fda approval is still a lengthy process

#### Hospital competition as a whole is the root cause to high prices not just the cost of medicine all their evidence is about healthcare costs writ large and nothing about the amount were spending on medicine now

#### Lack of competition is causing health care costs in the US to grow exponentially

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This leaves increasing health care prices as the major reason for the growth in health care expenditures in 2018, accounting for more than half (53%) of the growth in health care expenditures between 2017 and 2018. This was the sharpest increase of any year since the implementation of insurance expansion in 2014 as a part of the Affordable Care Act. High prices for health care services is a well-known aspect of the US health care system. International comparisons reveal US prices that are [many times higher](http://www.ifhp.com/insights/ifhp-comparative-price-report-issued/) than charged in European and other high-income countries for the vast majority of diagnostic and therapeutic procedures. For example, outpatient computed tomography and magnetic resonance imaging scans are priced 4 to 5 times higher in the United States than in the Netherlands and Switzerland. Such price differences are even greater for hospital-based care. The prices for cardiac bypass, angioplasty, hip replacement, knee replacement, appendectomy, hysterectomy, and normal delivery are all [2 to 4 times higher](https://www.nytimes.com/2019/12/27/upshot/expensive-health-care-world-comparison.html?action=click&module=News&pgtype=Homepage) in the United States than in other industrialized countries. Effect of Consolidation Although the causes of the substantially higher health care prices in the United States compared with those of other countries are not fully understood, one likely factor unique to the US health care system is the [rapid consolidation of hospitals and physicians](https://www.healthaffairs.org/do/10.1377/hblog20191122.345861/full/). US physicians are increasingly working for hospitals, and hospitals are in turn merging to formulate large chains. Although there is the potential for these larger health systems to create more efficient, integrated delivery systems, this [does not appear to be happening on a widespread scale](https://www.nejm.org/doi/full/10.1056/NEJMsa1901383?query=TOC). The most visible aspect of [what health system consolidation does](https://jamanetwork.com/journals/jama/fullarticle/2596282) is limit competition, which results in higher prices. This is despite the fact that the vast majority of these consolidated health systems are nonprofit entities. Consolidated health systems have exhibited a range of anticompetitive behaviors to undermine health insurers’ attempts to negotiate lower prices.

#### No econ wars.

Drezner 16 Daniel W. Drezner, International Politics Professor at Tufts University. [The System Worked: How the World Stopped Another Great Depression, Oxford University Press, Reprint Edition (2016), Chapter 3: Why the Misperception?]//BPS

Finally, the Great Recession did not lead to a deterioration in international security. Because political instabil¬ity and violence can impinge on cross-border flows, in¬creases in international conflict can dampen cross-bor¬der trade and exchange. During the initial stages of the crisis, multiple analysts asserted that the Great Reces¬sion would lead states to increase the use of political viol¬ence as a tool to stay in power.44They voiced genuine concerns that the global economic downturn would lead to an increase in conflict—whether through greater in¬ternal repression, diversionary wars, arms races, or a ratcheting up of great-power rivalries. Violence in the Middle East, piracy on the high seas, border disputes in the South China Sea, riots in European cities, and even the disruptions of the Occupy movement fueled impres-sions of a global surge in public disorder. As fiscal aus¬terity in the developed economies curtailed social spend¬ing, economists predicted an explosion of unrest.45 Initially, there was some evidence of deterioration. Following the 2008 financial crisis, there was a spike in global piracy, particularly off the Horn of Africa. The In¬ternational Maritime Bureau reported that in 2009 alone, there was a 40 percent surge in piracy attacks, with attacks near Somalia quadrupling during the same period. The Institute for Economics and Peace, which has constructed the Global Peace Index annually since 2007, reported in 2013 that there had been a 5 percent deterioration in global peace since 2008.46 72/452 A closer look at the numbers, however, reveals more encouraging findings. What seemed to be an inexorable increase in piracy, for example, turned out to be a blip. By September 2013, the total numbers of piracy attacks had fallen to their lowest levels in seven years. Attacks near Somalia, in particular, declined substantially; the total number of attacks fell by 70 percent in 2012 and an additional 86 percent in the first nine months of 2013. Actual hijackings were down 43 percent compared to 2008/9 levels.47 The US Navy's figures reveal similar de¬clines in the number and success rate of pirate attacks.48 Security concerns have not dented the opening of the global economy. As for the effect of the Great Recession on political conflict, the aggregate effects were surprisingly modest. A key conclusion of the Institute for Economics and Peace in its 2012 report was that "the average level of peacefulness in 2012 is approximately the same as it was in 2007."49 The institute's concern in its 2013 report about a decline in peace was grounded primarily in the increase in homicide rates—a source of concern, to be sure, but not exactly the province of global governance. Both interstate violence and global military expenditures have declined since the start of the financial crisis. Other studies confirm that the Great Recession has not triggered any increase in violent conflict. Looking at the post-crisis years, Lotta Themner and Peter Wallensteen conclude, "The pattern is one of relative stability when we consider the trend for the past five years."50 The de-cline in secular violence that started with the end of the Cold War has not been reversed. Rogers Brubaker 73/452 observes that "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."51

### Innovation

#### Alt cause to lack of innovation in health care: lack of resources to implement

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Why is our prolific innovation ecosystem not helping reduce costs? The core issue relates to its apparent failure to enhance net productivity—the relative output generated per unit resource required. In this post, we decompose the concept of innovation to highlight situations in which inventions may not increase net productivity. We begin by describing how this issue has taken on increased urgency amid resource constraints magnified by the COVID-19 pandemic. In turn, we describe incentives for the pervasiveness of productivity-diminishing innovations. Finally, we provide recommendations to promote opportunities for low-cost innovation. The issue of productivity-enhancing innovation is timely, as health care systems have been overwhelmed by COVID-19. Hospitals in Italy, New York City, and elsewhere have lacked adequate capital resources to care for patients with the disease, sufficient liquidity to invest in sorely needed resources, and enough staff to perform all of the necessary tasks. The critical constraint in these settings is not technology: In fact, the most advanced technology required to routinely treat COVID-19—the mechanical ventilator—was invented nearly 100 years ago in response to polio (the so-called iron lung). Rather, the bottleneck relates to the total financial and human resources required to use the technology—the denominator of net productivity. The clinical implementation of ventilators has been illustrative: Health care workers are still required to operate ventilators on a nearly one-to-one basis, just like in the mid-twentieth century. High levels of resources required for implementation of health care technologies constrain the scalability of patient care—such as during respiratory disease outbreaks such as COVID-19. Thus, research to reduce health care costs is the same kind of research we urgently require to promote health care access for patients with COVID-19.