# 1NC Quarters

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### Reform CP---1NC

#### The United States federal government should create an independent commission of native and Black scholars and grant them exclusive authority over Economics course curriculums. Privately owned universities and programs should grant this commission sole authority over their curriculums.

#### Reforming the field of economics solves their impacts---rejecting academia links to every disad.

Stefania Paredes Fuentes 8-5-21. Diversity Champion at the Royal Economic Society. Associate Professor of Economics at the university of Warwick. PhD and MsC in Economics at the University of East Anglia. "How can we promote diversity in economics?" Economics Observatory, https://www.economicsobservatory.com/how-can-we-promote-diversity-in-economics

Whatcurrent initiatives promote diversity in economics**?** During the RES session on promoting diversity in economics, we had the opportunity to share what is happening at various levels to promote diversity. Maeve Cohen, campaign manager for [Discover Economics](https://www.discovereconomics.co.uk/), explained their work on making the discipline attractive to a more diverse range of students by changing perceptions of what economics is about, and what economists really do, among a target group of 15-17 year olds, many of whom do not have any opportunity to study economics at school. Recently, various groups and initiatives have been launched aiming to support economists from different backgrounds. [Felicia Odamtten](https://www.tben.co.uk/the-team), founder of [the Black Economics Network](https://www.tben.co.uk/), shared her experience as a black economist in the Government Economic Service (GES), and the role of the network in supporting professional economists and economics students, while also working to create more inclusive working environments for the community and calling out discriminatory practices. In my own role as RES [Diversity Champion](https://www.res.org.uk/resources-page/res-appoints-stefania-paredes-fuentes-as-diversity-champion.html), I am collaborating and supporting the work already in place by various networks. We plan to make diversity and inclusion central to all RES work and events, including the annual conference, and set up a mentoring programme that supports efforts in promoting diversity and inclusion in economics. We are currently working on improving our data collection process, which will inform future research on the state of economics in the UK. **Is improving diversity the end goal?** The short answer is no. Initiatives aiming to attract students from more diverse backgrounds to economics need to be matched with actions that ensure inclusion. The economics profession has been accused of being a hostile environment. The 2018 [climate survey](https://www.aeaweb.org/news/member-announcements-sept-26-2019) conducted by the American Economic Association (the US equivalent of the RES) highlighted the extent of this problem: only 40% of men and 20% of women are satisfied with the overall climate in economics. Women are unhappier: only 22% feel that they are socially included within the field (compared with 44% of men). And there are specific issues that are prevalent to them – 22% have suffered sexual harassment (compared with 3% of men). Further, 47% of black economists and 25% of those with a disability reported feeling discriminated and treated unfairly. An unfavourable environment may affect how people from diverse backgrounds engage with the discipline and have a negative impact on their satisfaction and wellbeing. This may then result in performance gaps among different demographic groups. To address these issues, we need to understand the roots of the problem. At the RES conference, we had the opportunity to hear some success stories. [Ana Lamo](https://www.ecb.europa.eu/pub/research/authors/profiles/ana-lamo.en.html) explained the work of the European Central Bank in [promoting gender balance](https://www.ecb.europa.eu/pub/economic-research/resbull/2019/html/ecb.rb191014~7c79f5f557.en.html), and [Tesfa Mehari](https://www.gre.ac.uk/people/rep/faculty-of-business/tesfa-mehari) (Greenwich) showed how clear equality targets can contribute to close promotion gaps. Both interventions were based on a throughout audit of diversity in the workplace, aiming to understand barriers to promotion and the roots of the observed structural inequalities. In both cases, a combination of mentoring programmes, creation of networks, and providing staff with leadership opportunities contributed to promoting diversity in more senior roles. Despite being a discipline attractive to ethnic minorities, these groups tend to underperform at all levels in the pipeline. Ethnic minority economists are less likely to work in Russell Group universities and those employed by these universities are 45% less likely to be professors compared with their white counterparts. At undergraduate level, students from minority backgrounds are less likely to get at least an upper second class honours degree, and are less likely to be successful in job applications ([Advani et al, 2020](https://www.res.org.uk/uploads/assets/8405479a-f1ab-4eb8-89e5337d6906c930/final-ethnic-diversity-in-uk-economics-1.pdf)). If we want to improve the pipeline, we need early interventions. Greater diversity in classrooms should be complemented by more inclusive educational practices that offer all students the opportunity to thrive. The way economics is taught is not neutral and affects students’ behaviours and performance. For example, those who study introductory economics courses tend to be less generous ([Rose, 2009](http://ftp.iza.org/dp4625.pdf)). In addition, economics students show greater gender bias after a few years of studying economics ([Paredes et al, 2020](https://www.nber.org/papers/w27070?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg19)). Rethinking pedagogical practices and innovations can help us not only to close awarding gaps, but also to contribute to improving students’ engagement and employability skills. During the RES session on diversity in economics teaching and learning, [Fahrida Miah](https://www.gre.ac.uk/people/rep/faculty-of-business/fahrida-miah), [Mahkameh Ghanei](https://www.gre.ac.uk/people/rep/faculty-of-business/ghanei-mahkameh), [Adotey Bing-Pappoe](https://www.gre.ac.uk/people/rep/faculty-of-business/bing-pappoe-adotey) and [Sara Gorgoni](https://www.gre.ac.uk/people/rep/faculty-of-business/sara-gorgoni) from the University of Greenwich shared some of their positive interventions working with a very diverse group of students. The interventions included changing assessment methods, and efforts to ‘decolonise’ curriculum and teaching practices, which contributed to decreasing attainment gaps for under-represented minorities and improving their sense of belonging to the discipline. In turn, this has had a positive effect on engagement and academic performance ([Ahn and Davies 2020](https://www.tandfonline.com/doi/abs/10.1080/03075079.2018.1564902?journalCode=cshe20); [Smith and Bath 2006](https://link.springer.com/article/10.1007/s10734-004-6389-2)). Students want to feel that they belong and that their voice matters. Students’ ideas can help us to shape the future of our discipline as those ones showcased in the ‘[seven action points](https://warwick.ac.uk/fac/soc/economics/news/2020/2/women_in_economics_workshop_at_warwick/economics_for_all.pdf)‘ for universities to start with this change, inspired by students’ interventions and experiences presented at the ‘[Women in Economics: Student Workshop](https://warwick.ac.uk/fac/soc/economics/news/2020/2/women_in_economics_workshop_at_warwick/)‘. Students also want to see the world we live in reflected in the curriculum. The [CORE Project](https://www.core-econ.org/missing-women-economics-new-research-project-core/) is looking to change how we teach economics to new generations, and there are valuable lessons we can learn from [decolonisation projects](https://www.economicsobservatory.com/economicsfest-does-economics-need-to-be-decolonised). Diversity alone does not drive inclusion and many of the challenges in attracting diversity to economics are rooted in the lack of an inclusive culture in our institutions. **What next?** We need more diversity in economics to broaden the ways we see the world, understand the social problems we research, and provide more relevant policy recommendations. And to maintain and support this diversity, we need to provide a more inclusive culture in economics. For this, we need changes aimed at transforming the structures, processes and practices – including mental models – that help to perpetuate any form of discrimination. Universities can work on implementing changes that we know work and were described in the sessions during the RES conference. At staff level, these include revisiting promotion practices and analysing the internal culture and sources of conscious and unconscious biases. At student level, they include changes in curriculum, and ways to teach and engage students, including assessment methods. Standard research tools can help to overcome institutionalised routines and practices that act as barriers for inclusion. Such tools include clear goals, (qualitative and quantitative) data collection, and analysis of what promotes change over time. At the RES, we are looking into these issues and we aim to take major steps to support students and economists from under-represented groups. The current strategy focuses on improving data collection and running research on the current climate within the discipline, which will help to understand the roots of the problems and provide potential solutions. For this, we need the contribution of all economists no matter what their background and experiences. The diverse talent brought into the discipline should not bear the burden of changing the culture.

### Climate DA---1NC

#### The field of economics and humanism’s focus on “individual incentives” yields market-based solutions that are key to solve the climate crisis.

Michael TOMAN, RAND and adjunct faculty member, Nitze School of International Studies, Johns Hopkins University and Bren School of the Environment, University of California Santa Barbara, ‘6 [“Values in the Economics of Climate Change,” *Environmental Values*, 15 p. 367-369]

Economic analysis explores the ways that individuals may respond to speci­fied change impacts, or climate change policies, and the implications of those impacts and response strategies (personal and policy related) on individual well-being. With respect to behavioural responses, much of the literature on mitigation policy is concerned with how individuals may respond to changes in energy prices or regulations, since fossil fuel combustion is the principal source of greenhouse gas emissions (GHGs).3 Key analytical uncertainties in this literature echo previous controversies in energy policy literature related to resource scarcity and economic regulation of energy markets. One of the most important controversies involves the nature of individual incentives for energy efficiency and conservation, and the extent to which non-price regulations like appliance and vehicle efficiency standards can engender low-cost or even nega­tive-cost improvements. Economics is also important for understanding the potential for adaptation to anticipated or realised climate change impacts.4 For example, to the extent that individuals can anticipate changes in temperature and rainfall, they can change what they grow as well as where, and they can organise individual and collective investments in research to increase adaptation options. Over the past decade or more, a growing number of micro-level analyses have been exploring the potential role that adaptation can play in reducing the long-term threat of climate change (see e.g. Mendelsohn 1999 and Mendelson, Nordhaus and Shaw 1994). For example, analyses of long-term cross-sectional agricultural productiv­ity differences have been used to understand what long-term adaptation could accomplish in adjusting to a new climate regime. These kinds of studies have been supplemented by a smaller number of analyses of the costs of adjusting to a new climate system, and of how climate variability itself could give rise to costs as well as how adaptation could limit these costs. While uncertainties and controversies remain abundant in this literature, it has definitely contributed to our understanding of the potential for adaptation and how that potential can be affected by economic incentives. The economics of adaptation also encompasses an assessment of institutional and resource scar­city barriers to better adaptation responses. Adaptation potential will be lower, for example, where knowledge or finances to alter crop patterns are limited, including subsistence agriculture practiced by the poor. Normative economic analysis has been applied to climate change impacts and policy scenarios in an effort to understand the impacts and policy implications in terms of human welfare measures. For example, a model of how temperature and rainfall may change as a result of climate change can be combined with a model of how these factors influence crop yields, and that model in turn can be combined with economic data on returns to agriculture and demands for com­modities to evaluate how climate change will have economic consequences for agricultural sector incomes, for household food costs, and for overall economic well-being. Studies of this type across the range of potential climate change impacts can shed light on the costs of climate change across space and time, though in practice empirical measures of these costs are still limited and very uncertain. Much of the economic analysis of mitigation policy has addressed the eco­nomically quantified benefits and costs of policy options to make statements about ʻefficientʼ or ʻoptimalʼ policy interventions. These approaches start with a monetarily quantified aggregate climate change cost function which also repre­sents the economically measured benefits of averting or slowing impacts, ideally once adaptation has also been taken into account. Information on avoided costs, along with information on the costs of mitigation primarily through reduced net greenhouse gas (GHG) emissions, provide a basis for comparing economically different combinations of mitigation measures (e.g., reforestation to sequester CO2, renewable energy development to lessen gross emissions, and improved landfill and agricultural management to reduce emissions of CH4, a much more potent GHG). Typically ʻoptimalʼ mitigation economics is studied through application of relatively compact reduced-form ʻintegrated assessmentʼ models that combine summary and aggregative representations of monetised climate change impacts with reduced form models of economic activity (in particular energy use) that are the sources of climate-forcing GHG emissions (see Weyant et al. 1996 for a summary of the approach and Nordhaus 1993 for a pioneering example). These models basically are examples of intertemporal cost-benefit analyses using a discounted present value criterion as a welfare measure (the present value could be of net consumption possibilities or of consumption utility depending on the model). In these models mitigation is a global public good in that GHG reduc­tions occurring anywhere create benefits in reducing climate change damage costs everywhere. A spatially disaggregated integrated assessment analysis can indicate a globally optimal time path of emissions mitigation according to the aggregated net present value criterion employed, and allocate shares of the miti­gation across national units based on cross-country relative costs (efficiencies) of mitigation. A refinement of this analytical outcome also considers any locally realisable co-benefits from GHG mitigation in allocating shares of mitigation action (e.g., different degrees of local air quality improvement). Economic analysis has made key contributions to the design of GHG mitiga­tion policy, drawing on broader lessons for policy design identified in the general literature on environmental economics. The use of emissions trading to lower overall mitigation costs and soften political objections in the allocation of mitiga­tion costs is reflected in the European Trading System for CO2 emissions, which began operating in 2005. This same idea is captured in the Clean Development Mechanism of the 1997 Kyoto Protocol (UNFCCC1999b), which provides for voluntary and mutually beneficial collaboration in project-level GHG mitigation and sustainable development by richer and poorer countries. Economic modelling has highlighted the potential for cost-saving intertem­poral flexibility in GHG mitigation. As shown by Wigley, Richels and Edmonds (1996) and subsequently elaborated by others, there can be several advantages to setting ambitious medium to long term global mitigation targets while also approaching their implementation more gradually. Aside from the most im­mediately apparent argument that mitigation costs incurred later have a lower discounted present value, a gradual approach also allows a less costly phasing out of more GHG-intensive technology and a more opportunistic phasing in of new advances in long-lived GHG technology as they occur.

#### It’s specifically key to developing a carbon pricing scheme.

Edenhofer 21, director and chief economist of the Potsdam Institute for Climate Impact Research. He is also the director of the Mercator Research Institute on Global Commons and Climate Change and professor of the Economics of Climate Change at the Technische Universität Berlin and he provided scientific advice on carbon pricing to the German Chancellor Angela Merkel. (Ottmar, 1-20-2021, "Carbon pricing could be the Biden administration's climate tool", *The Hill*, https://thehill.com/opinion/energy-environment/534985-carbon-pricing-could-be-the-biden-administrations-climate-tool)

What can the new administration do to keep Americans safe from climate risks? There’s in fact a whole toolbox to open after 4 years of neglecting the climate issue — but some tools are more effective than others. Of course, the U.S. will get back into the Paris Climate Agreement, which was signed by almost all governments worldwide. That’s good since climate stabilization efforts need to be international, just like climate impacts do not stop at a country’s borders. The world needs the U.S., and the U.S. needs the world. Yet the Paris Agreement means to bring down each nation’s GHG emissions to net zero by mid-century. How can this actually be achieved? Building a national carbon dioxide pricing scheme is what economists like myself find to be the most effective tool. Putting a price on what destabilizes our climate, on carbon dioxide, really means taxing the bad instead of goods. Clean renewable energy becomes cheaper when emitting GHGs — most notably carbon dioxide — becomes more expensive. While the government sets a direction to head for, it is completely up to businesses which way they choose to get there. It is a market-based solution. This is why it is a nonpartisan policy. The Biden-Harris administration now has the historic chance to make it a reality. Yet, for instance, in January 2020 already veteran Republicans such as George P. Shultz, who served as secretary of State under President Ronald Reagan and as secretary of Treasury under President Richard M. Nixon, proposed a carbon tax. They called it the conservative fiscal solution. It is to some extent, but it mainly is one thing: it’s reasonable. Part of the good news is that pricing carbon dioxide is not new. California, which alone is the fifth biggest economy of the world, and Massachusetts have already quite some experience with carbon pricing. The same goes for Europe and China, also Canada and Japan — basically the greatest partners and competitors of the U.S. My country, Germany, just established a national pricing scheme to complement the European Emissions Trading System (ETS). The new administration can look at what they did, check what works well and what could be improved. It can ground its action on robust experience of others — and do better. A U.S. carbon pricing system should work across sectors, from energy production, to industry, transport and to housing and agriculture. It should include a minimum price to provide a reliable framework so businesses have certainty for planning. Importantly, such a pricing scheme can generate substantial income — money that to some extent can be used to compensate low-income families, by sending Christmas checks or by lowering energy taxes or, if a government chooses so, by investing some part of it into improving U.S. infrastructure. In any case, carbon pricing can be designed revenue neutral, giving back the money to the people. This is not just a matter of making it more acceptable, but a matter of social justice. Poor people pay a relatively greater part of their income for their energy bills than rich ones. Hence we need to compensate the poor. Yes, some things will become more costly under carbon pricing, but the cost of living does not need to increase. If, however, climate destabilization would go on unmitigated, costs will increase — not just for the U.S. as a whole, but also for individual citizens, since for instance supply chains for businesses get interrupted more frequently driving up their costs, and so on. The science is clear that pushing the clean transformation makes sense economically. The transition will be difficult, no doubt about that. But new, green technology also means new, sustainable jobs. It means a new industrial revolution — the next big thing, complementing the digital revolution. More and more companies around the world — such as tech giant Google and financial powerhouse Blackrock and even truck makers — are aware of that and say they want to be part of the pioneers, not the laggards. In a second step, after introducing it nationally, a U.S. carbon pricing system could be linked with those in place in Europe and China. This would assure a level playing field for everyone, including U.S. businesses. Interacting prices would assure achieving climate stabilization at the lowest cost because they would happen wherever you get the biggest GHG reduction bang for the buck. If this linking of pricing schemes would succeed, this could be a real breakthrough in countering climate destabilization. It would mark history. The U.S. now has the chance to once again become a world leader on this journey to a safe and prosperous future for all. The Biden-Harris administration will be remembered as one that either failed to assure a safe future for our children. Or as one that acted on one of the greatest challenges of our times.

#### Unchecked climate change causes extinction.

Bill McKibben 19. Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most. I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.) But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean. FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die. A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop. Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent. It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.” At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors. Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.” Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

#### Extinction outweighs.

Seth D. Baum & Anthony M. Barrett 18. Global Catastrophic Risk Institute. 2018. “Global Catastrophes: The Most Extreme Risks.” Risk in Extreme Environments: Preparing, Avoiding, Mitigating, and Managing, edited by Vicki Bier, Routledge, pp. 174–184.

2. What Is GCR And Why Is It Important? Taken literally, a global catastrophe can be any event that is in some way catastrophic across the globe. This suggests a rather low threshold for what counts as a global catastrophe. An event causing just one death on each continent (say, from a jet-setting assassin) could rate as a global catastrophe, because surely these deaths would be catastrophic for the deceased and their loved ones. However, in common usage, a global catastrophe would be catastrophic for a significant portion of the globe. Minimum thresholds have variously been set around ten thousand to ten million deaths or $10 billion to $10 trillion in damages (Bostrom and Ćirković 2008), or death of one quarter of the human population (Atkinson 1999; Hempsell 2004). Others have emphasized catastrophes that cause long-term declines in the trajectory of human civilization (Beckstead 2013), that human civilization does not recover from (Maher and Baum 2013), that drastically reduce humanity’s potential for future achievements (Bostrom 2002, using the term “existential risk”), or that result in human extinction (Matheny 2007; Posner 2004). A common theme across all these treatments of GCR is that some catastrophes are vastly more important than others. Carl Sagan was perhaps the first to recognize this, in his commentary on nuclear winter (Sagan 1983). Without nuclear winter, a global nuclear war might kill several hundred million people. This is obviously a major catastrophe, but humanity would presumably carry on. However, with nuclear winter, per Sagan, humanity could go extinct. The loss would be not just an additional four billion or so deaths, but the loss of all future generations. To paraphrase Sagan, the loss would be billions and billions of lives, or even more. Sagan estimated 500 trillion lives, assuming humanity would continue for ten million more years, which he cited as typical for a successful species. Sagan’s 500 trillion number may even be an underestimate. The analysis here takes an adventurous turn, hinging on the evolution of the human species and the long-term fate of the universe. On these long time scales, the descendants of contemporary humans may no longer be recognizably “human”. The issue then is whether the descendants are still worth caring about, whatever they are. If they are, then it begs the question of how many of them there will be. Barring major global catastrophe, Earth will remain habitable for about one billion more years 2 until the Sun gets too warm and large. The rest of the Solar System, Milky Way galaxy, universe, and (if it exists) the multiverse will remain habitable for a lot longer than that (Adams and Laughlin 1997), should our descendants gain the capacity to migrate there. An open question in astronomy is whether it is possible for the descendants of humanity to continue living for an infinite length of time or instead merely an astronomically large but finite length of time (see e.g. Ćirković 2002; Kaku 2005). Either way, the stakes with global catastrophes could be much larger than the loss of 500 trillion lives. Debates about the infinite vs. the merely astronomical are of theoretical interest (Ng 1991; Bossert et al. 2007), but they have limited practical significance. This can be seen when evaluating GCRs from a standard risk-equals-probability-times-magnitude framework. Using Sagan’s 500 trillion lives estimate, it follows that reducing the probability of global catastrophe by a mere one-in-500-trillion chance is of the same significance as saving one human life. Phrased differently, society should try 500 trillion times harder to prevent a global catastrophe than it should to save a person’s life. Or, preventing one million deaths is equivalent to a one-in500-million reduction in the probability of global catastrophe. This suggests society should make extremely large investment in GCR reduction, at the expense of virtually all other objectives. Judge and legal scholar Richard Posner made a similar point in monetary terms (Posner 2004). Posner used $50,000 as the value of a statistical human life (VSL) and 12 billion humans as the total loss of life (double the 2004 world population); he describes both figures as significant underestimates. Multiplying them gives $600 trillion as an underestimate of the value of preventing global catastrophe. For comparison, the United States government typically uses a VSL of around one to ten million dollars (Robinson 2007). Multiplying a $10 million VSL with 500 trillion lives gives $5x1021 as the value of preventing global catastrophe. But even using “just" $600 trillion, society should be willing to spend at least that much to prevent a global catastrophe, which converts to being willing to spend at least $1 million for a one-in-500-million reduction in the probability of global catastrophe. Thus while reasonable disagreement exists on how large of a VSL to use and how much to count future generations, even low-end positions suggest vast resource allocations should be redirected to reducing GCR. This conclusion is only strengthened when considering the astronomical size of the stakes, but the same point holds either way. The bottom line is that, as long as something along the lines of the standard riskequals-probability-times-magnitude framework is being used, then even tiny GCR reductions merit significant effort. This point holds especially strongly for risks of catastrophes that would cause permanent harm to global human civilization. The discussion thus far has assumed that all human lives are valued equally. This assumption is not universally held. People often value some people more than others, favoring themselves, their family and friends, their compatriots, their generation, or others whom they identify with. Great debates rage on across moral philosophy, economics, and other fields about how much people should value others who are distant in space, time, or social relation, as well as the unborn members of future generations. This debate is crucial for all valuations of risk, including GCR. Indeed, if each of us only cares about our immediate selves, then global catastrophes may not be especially important, and we probably have better things to do with our time than worry about them. While everyone has the right to their own views and feelings, we find that the strongest arguments are for the widely held position that all human lives should be valued equally. This position is succinctly stated in the United States Declaration of Independence, updated in the 1848 Declaration of Sentiments: “We hold these truths to be self-evident: that all men and 3 women are created equal”. Philosophers speak of an agent-neutral, objective “view from nowhere” (Nagel 1986) or a “veil of ignorance” (Rawls 1971) in which each person considers what is best for society irrespective of which member of society they happen to be. Such a perspective suggests valuing everyone equally, regardless of who they are or where or when they live. This in turn suggests a very high value for reducing GCR, or a high degree of priority for GCR reduction efforts.

### Inequality DA---1NC

#### The field of economics is progressive---empirical basis in the field creates incentives to address inequality.

Harold Meyerson 21. Editor at large of The American Prospect. "The Berkeley School". American Prospect. 3-25-2021. https://prospect.org/economy/berkeley-school-economics/

Today, however, practical men—and women—ain’t what they used to be. Jerome Powell, the Trump-appointed chair of the Federal Reserve, says he’s more concerned about unemployment than he is about inflation—by the historic standards of the Fed, an act of high heresy. Congress just passed President Biden’s economic-rescue package, which does more for poor Americans than any program since it enacted Medicaid 56 years ago. Congress may yet enact a $15 minimum wage, while its most progressive members advocate a tax on wealth. The powers that be are not getting these ideas from dead economists, or from the mainstream American economists who have dominated the field between the 1970s and the past few years (though they remain a considerable force). They are getting these ideas from a group of labor and public-policy economists who’ve surged to the forefront of the profession over the past decade. And more than anyplace else, these economists are clustered at the University of California, Berkeley. Much of the work that shaped the groundbreaking child benefits in the $1.9 trillion stimulus bill, and directed those benefits for the first time to the genuinely poor, was done by Hilary Hoynes, a professor in both Berkeley’s economics department and its public-policy school. As Hoynes has documented in a series of studies, both the welfare reform of the 1990s and the reliance on tax credits to provide the child benefits largely, and perversely, excluded children in poverty. The benefits in the new stimulus bill are specifically targeted to include poor kids. As for scholarly work that made the case for the $15 minimum wage, the multiple studies produced over the past quarter-century by Michael Reich—like Hoynes, a Berkeley professor of both economics and public policy—have documented that the presumed downsides of mandating such a raise are largely fictitious. The senators who tried to persuade the Senate parliamentarian that the raise would have a positive effect on the federal budget over the next decade relied on Reich’s fiscal estimates that it would net an additional $65 billion to federal revenues. And the wealth tax? When Elizabeth Warren and Bernie Sanders began advocating for it while on the presidential campaign trail in 2019, they based their advocacy on the research of two other Berkeley economists, Emmanuel Saez and Gabriel Zucman, whose studies had concluded that the wealthiest 0.1 percent of Americans held 19.3 percent of the nation’s wealth—three times what that group had held in 1979. Saez and Zucman also reported that the total tax rate for billionaires in 2018 was 23 percent; while for all taxpayers, it was 28 percent. Warren’s proposal, updated this February, called for a 2 percent tax on families with wealth exceeding $50 million, with an additional 1 percent surcharge on wealth exceeding $1 billion—which the Berkeley duo estimated would raise roughly $3 trillion over ten years. What, we may wonder, has been going on at Berkeley? In brief, a historic change. Over the past two decades, Berkeley’s economics department and associated institutes have been at the forefront of two critical changes in the practice of economics: a heightened emphasis on empirical research, and an increasing focus on inequality.

#### Empirical rigor and public policy in the field of Economics is key to targeting racial and gender inequality.

Harold Meyerson 21. Editor at large of The American Prospect. "The Berkeley School". American Prospect. 3-25-2021. https://prospect.org/economy/berkeley-school-economics/

BERKELEY HASN’T GONE it alone over the past three decades. Two Washington-based think tanks—the Economic Policy Institute and the Center for Economic Policy Research—have played key roles in studying our increasingly dysfunctional economy and developing policies to create more broadly shared prosperity. EPI, which was founded in 1986, has chiefly served as a tribune for the interests of American workers. In its long-running annual reports on The State of Working America and in a host of other papers, it has created some memorable explanations of the rise in inequality, including its graph charting the increases in productivity and income since the end of World War II (which rose in tandem until the 1970s, after which productivity continued to increase while median wages flatlined) and its yearly reports on the ratio of CEO pay to median worker pay. For its part, CEPR has highlighted a range of concerns, not least the several years of pre-2008-crash warnings from economist Dean Baker that the housing market had become a bubble that would soon and calamitously pop. Berkeley builds on one other valuable and unsung tradition. Beyond the rarified debates of freshwater versus saltwater economics in elite universities, a few heroic radical economics departments kept alive the tradition of historical inquiry and critique of market folly. At the University of Massachusetts at Amherst, the New School in New York, and the University of California at Riverside, neo-Marxists and institutionalists created centers of scholarly dissent. Other schools, such as the Levy Institute at Bard College, were hospitable to the radicalism of Keynes, as opposed to watered down neo-Keynesianism. These critics proved prescient about the failure of markets and influenced the new mainstream at Berkeley and beyond. Heather Boushey, now on President Biden’s Council of Economic Advisers, has her Ph.D. from the New School. Within the circuit of Berkeley, Harvard, MIT, and Princeton, there are frequent migrations of professors and newly minted Ph.D.s. “I have eight former Ph.D. students now on the Berkeley faculty,” says Harvard’s Katz. Sometimes, the migrations flow west to east, as in the case of Harvard’s Raj Chetty, one of the discipline’s leading empirical economists on such topics as intergenerational mobility (or the lack thereof), who began such work at Berkeley and is now continuing it in Cambridge. That said, Berkeley sounds increasingly confident about its hard-won place in the economics ecosystem. “If you want to do labor economics, or public [policy] economics, you can make the case that Berkeley is the place to come,” says Rothstein. Ellora Derenoncourt, who was hired last year as an assistant professor both in the economics department and the Goldman School, says she came because Berkeley offered “a space to combine inequality studies with policy solutions.” Since she’s been on staff, she’s talked to a number of students who’d been admitted to several graduate economics programs at top-ranked schools and were deciding which to attend. For many, she says, “it’s the inequality issue that pushes them to come to Berkeley.” Increasingly, that issue isn’t seen as one simply of income, education, and class. “Economics has not been the discipline at the forefront of understanding racism,” Derenoncourt notes, and, indeed, economics departments have long been the whitest and most male of any of the social sciences. Not surprisingly, a growing number of professors and graduate students are now working on issues of racial and gender inequality, and the experience of immigrants as well. Nina Roussille is one of those students; she just completed her doctoral studies after five years at Berkeley and as an IRLE associate. Her dissertation used the database provided by Hired.com to research gender differences in salary, where she found that mid-career women generally ask for lower salaries than their male counterparts seeking the same jobs, as their networks tend to include more experienced women workers who’ve been accustomed to lower salaries than their male co-workers. At Berkeley, she says, the emphasis in choosing your dissertation topic is often on whether the topic could address a question in a way that could change the way people work, or the policies that shape their work. “It’s certainly not the case in departments across the nation,” she says, “but at Berkeley, everyone is trying to be on that frontier.” And that frontier may just be spreading. “Berkeley, Harvard, MIT, and Princeton are the leaders, but there’s a broad shift toward a more empirical focus,” says Harvard’s Katz. “You see it in young European economists. Even the young people at Chicago are using these methods.” Indeed, a paper issued this February confirms Katz’s assessment. Using “anonymized bank account data covering millions of households,” the paper examined whether the federally funded increase in unemployment insurance benefits during the pandemic actually discouraged the recipients of the more-generous-than-usual UI from seeking work, as the standard economic models predicted (and as West Virginia Sen. Joe Manchin said he suspected). Instead, the authors wrote, while “simple job search models predict a sharp decline in search in the wake of a substantial benefit expansion … we instead find that the job-finding rate is quite stable.” In not discouraging job hunting and in boosting economic activity generally, they concluded, “benefit expansions during the pandemic were a more effective policy than predicted by standard structural models.” And the authors of this bit of empirically derived heresy? Three economists from the JPMorgan Chase Institute and three from the University of Chicago. And, the unkindest cut of all, the paper was published by Chicago’s Becker Friedman Institute, named after the university’s celebrated laissez-faire apostles Gary Becker and Milton Friedman. The age of Berkeley economics may just be getting started.

#### It turns the case.

Amanda 1AC Bayer et al. 20. Professor of Economics @Swarthmore College, Gary A. Hoover; Professor of Economics @ University of Oklahoma, Ebonya Washington; Professor of Economics @ Yale College, “How You Can Work to Increase the Presence and Experience of Black, Latinx, and Native American People in the Economics Profession?”, https://www.aeaweb.org/articles?id=10.1257/jep.34.3.193

In fact, nearly 75 percent of interview respondents cited an interest in public policy in explaining what first attracted them to economics. Says a recent undergraduate, Being able to connect what’s happened in the classroom with what a given student’s lived experience or question is, is extremely useful. . . . I personally know a lot of . . . people of color, who, I think personally, if economics was much more accessible, they would probably be economists because they’re interested in questions of, how do we fix the gender gap? How do we fix the racial disparities in education and wages? These are economics questions. A student who is now in an economics PhD program was hooked by being invited to critique the textbook models, Every time in class [the teacher] would say, “I’m going to show you this model[and] I want you to know that these are all of these assumptions baked into this model. . . . Every day you should ask yourself whether those assumptions are really true. . . .” And so, that got me thinking. . . . And I started realizing that I actually wasn’t that bad at math. I got to this point where I was like, oh wait, no, I’m proficient, I can probably do this.

### Legalism K---1NC

#### The disappearance of antitrust law from public discourse has cemented corporate power. A paradigm shift is possible, but requires making monopolies a political issue again, and advocating legal change.

David Dayen 15, author of *Monopolized: Life in the Age of Corporate Power (2020)* and *Chain of Title: How Three Ordinary Americans Uncovered Wall Street's Great Foreclosure Fraud*, “Bring Back Antitrust,” The American Prospect, Vol. 26, No. 4, Fall 2015, lexis.

In 1964, historian Richard Hofstadter gave a speech at the University of California, Berkeley, titled "What Happened to the Antitrust Movement?" He wondered why anti-monopoly sentiment ceased to become the subject of public agitation. "Once the United States had an antitrust movement without antitrust prosecutions," Hofstadter said. "In our time, there have been antitrust prosecutions without an antitrust movement."

Now we have lost both the movement and the prosecutions. When we talk about banks that are too big to fail, we're talking about antitrust. When we talk about the high cost of health care, we're talking about antitrust. So many of our key domestic issues are fundamentally questions about whether we should tolerate monopolies, or dismantle them. But this formulation-a centerpiece of public debate in the last robberbaron era between the 1880s and 1910s-has all but disappeared from popular discourse.

Can anti-monopoly sentiment be revived? When New York's Working Families Party first recruited Zephyr Teachout to run for governor, she said she would only do it if she could talk about monopolies. "They polled it, and they were correct that nobody knew what I was talking about," Teachout says. But when she eventually ran an insurgent campaign against incumbent Andrew Cuomo, she was determined to talk about it anyway.

"The minute you got past the sound-bite level, people responded to the concentration of power," Teachout says. They did campaign events at places where people paid their cable bills, using the pending Comcast-Time Warner merger, eventually abandoned, as the hook. She engaged farmers in upstate New York about monopsony power, and discussed Amazon and big banks on the stump. And it resonated. After only one month of campaigning, Teachout won 35 percent of the vote, with particular strength in upstate counties where farming issues were prominent.

"The Tea Party talks to people and says, 'You're out of power because government is taking it away from you,"' Teachout says. "Far too often, Democrats say, 'You're wrong, you're not out of power.' That's dissonant with our lived experience. You're out of power ... because your priorities don't matter and JPMorgan's do."

Beyond Teachout, you can see through the haze the stirrings of a grassroots antitrust agenda. The greatest anti-monopoly victory of the modern age, the Federal Communications Commission's net-neutrality rules, owed much to a smart, tech-savvy movement that leveraged big protest platforms. Web-native activists fought for the decentralized power of the Internet, without gatekeepers collecting tolls along the way. And they made the connection to things like the Comcast-Time Warner merger, which failed amid public outcry.

"After this existential threat to the Web, you see the same groups becoming interested in the deep history of anti-monopoly laws," Teachout says. "It's kind of an exciting intellectual moment, a fusion between old-school farmers who have been complaining for 30 years and new net-neutrality dreamers."

Monopolists have long used technological advances to consolidate power, from Gilded Age tycoons leveraging control of railroads and telegraphs to Amazon using its first-mover status in e-commerce to squeeze book producers, or Google harvesting traffic to their market-leading search engine to serve ads. It's easy to translate the need for a neutral platform for websites into the same need for book sales or car ride-sharing.

The European Union, in fact, did file formal antitrust charges against Google, accusing it of forcing search engine users into its own shopping platforms, and bundling Android phones with their own apps, to prevent competitors from performing the same functions. The FTC shut down its own investigation into Google over the same concerns in 2013. But an inadvertent disclosure revealed that the agency's Bureau of Competition recommended bringing a lawsuit, arguing that Google's conduct "has resulted-and will result-in real harm to consumers and to innovation in the online search and advertising markets." The political leadership ignored the recommendation.

The next administration must show "leadership that has a certain intellectual curiosity," says Maurice Stucke, pointing to the Google case as a missed opportunity. An alteration in posture would make enforcement far more vigorous, and bringing more cases will give litigators more experience and confidence to negotiate the judicial barriers. The American Antitrust Institute plans to create a transition document for the incoming administration, as they did for the Obama transition.

But at a time of political disempowerment, teaching about the dangers of monopolies and how we have the laws on the books to fight them, and creating upward pressure to do it, offers great potential for a paradigm shift. Connecting Senator Elizabeth Warren's fight against a rigged financial system and Al Franken's fight against media concentration can spark broader political energy.

You could see this potential in Washington, D.C., where in August, the city's Public Service Commission rejected a merger between energy firms Exelon and Pepco, citing "more active participation by parties and interested persons than any other proceeding in the Commission's more than a century of operations." Activists argued a giant Exelon conglomerate would fail to devote resources to the city's clean-energy goals, connecting anti-monopolization with fighting climate change.

There are a lot of reasons for runaway monopolies: an intellectual hijacking by Chicago-school conservative economists, the over-financialization of the economy, a failure of federal antitrust enforcement. But perhaps the biggest reason is that antitrust policy has become divorced from politics, confined to specialized lawyers and mathematicians instead of citizens and activists. Without grassroots momentum, politicians and enforcement agencies can safely ignore the issue. That's the challenge for a small band of academics, think-tank fellows, and activists: to make monopolies a vital issue again, connecting with the severe economic anxiety Americans feel.

#### Legal avenues are key to build up social movements that challenge power.

Kate Andrias and Benjamin I. Sachs 21, Kate Andrias is Professor of Law, University of Michigan Law School. Benjamin I. Sachs is Kestnbaum Professor of Labor and Industry, Harvard Law School, “Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” 130 Yale L.J. 546, January 2021, lexis.

[\*548] INTRODUCTION

Among the painful truths made evident by COVID-19 are the deep inequality of American society and the profound inadequacy of our social-welfare infrastructure. The nation's lack of comprehensive health care, 1Link to the text of the noteits underfunded and inefficient system of unemployment insurance, 2Link to the text of the noteand weak workplace safety and health guarantees, 3Link to the text of the notealong with nearly nonexistent paid sick leave, 4Link to the text of the notedebtor-forgiveness rules, 5Link to the text of the noteand tenant protections 6Link to the text of the noteleave poor and working-class communities--particularly communities of color--dangerously exposed to the ravages of this pandemic, both physical and economic. 7Link to the text of the noteAmerica's weak social safety net is, in turn, a product of a profound failure that has plagued American democracy for decades now: the wealthy exercising vastly disproportionate power over politics and government. 8Link to the text of the note

[\*549] Indeed, public faith in American democracy is at near-record lows, and increasing numbers of Americans report that they no longer feel confident in the health of their democratic institutions. When asked why, many say that money has too much of an influence on politics and that politicians are unresponsive to the concerns of regular Americans. 9Link to the text of the noteResearch supports these fears, showing both that wealthy individuals are spending record sums on electoral politics 10Link to the text of the noteand that elected officials are at best only weakly accountable to nonwealthy constituents. 11Link to the text of the note [\*550] As political scientist Martin Gilens has observed, "[W]hen preferences between the well-off and the poor diverge, government policy bears absolutely no relationship to the degree of support or opposition among the poor." 12Link to the text of the note

Of course, democracy does not require that policymaking always follow majority will or the median voter's preferences. But democracy, as well as the faith citizens have in their government, falters when lawmakers persistently disregard the priorities of nonwealthy citizens.

Much of the legal scholarship (and public commentary) concerned with this democracy deficit focuses on the increased flow of money into electoral politics and advocates for stemming that flow. 13Link to the text of the noteScholars writing in this vein criticize the Supreme Court's jurisprudence, exemplified by Citizens United v. FEC, that has enabled unfettered campaign spending. 14Link to the text of the noteThey offer a range of reforms designed to limit the flow of money into elections, many of which would require a change in the composition of the Supreme Court or the ratification of a constitutional amendment. 15Link to the text of the noteA related group of scholars advocates for shielding the legislative and administrative process from money's influence through, for example, lobbying restrictions and disclosure requirements. 16Link to the text of the note

[\*551] A second robust body of scholarship focuses not on insulating the political process from money but on trying to ensure equal rights of individuals to participate in the governance process through elections. These scholars criticize barriers to equal voting rights, including contemporary uses of gerrymandering and legislation that impose hurdles on individual voters' ability to exercise the franchise or minimize the effective voting power of particular constituents. 17Link to the text of the noteScholars urge both doctrinal and legislative reform that would ensure more equal rights of participation.

In the last few years, a third approach has begun to emerge in the legal scholarship. This approach begins by recognizing the difficulty--both practical and constitutional--of keeping money out of politics. It also recognizes that while equal voting and participation rights are critical to the goal of combatting political inequality, they are not enough to ensure political equality in a system where wealth functions so prominently as an independent source of political influence. Thus, this third approach moves beyond campaign finance and individual participation rights and focuses instead on what we will call countervailing power. In particular, this approach is concerned with the ability of mass-membership organizations to equalize the political voice of citizens who lack the political influence that comes from wealth. 18Link to the text of the note

The beneficial effects of countervailing, mass-membership organizations are well known to theorists and researchers of democracy. 19Link to the text of the notePut simply, such groups increase political equality by building and consolidating political power for the [\*552] nonwealthy, thus serving as counterweights to the political influence of the rich. Mass-membership organizations can serve in this capacity because, at bottom, they aggregate the political resources and political power of people who, acting as individuals, are disempowered relative to wealthy individuals and institutions. 20Link to the text of the noteMore particularly, mass-membership organizations enable pooling of politically relevant resources, including money, among individuals with fewsuch resources; they provide information to decisionmakers about ordinary citizens' views; they navigate opaque and fragmented government structures, thereby enabling citizens to monitor government behavior; and they allow citizens to hold decisionmakers accountable. And, in fact, when citizens are organized into mass-membership associations that are active in the political sphere, researchers find an exception to the general rule that policymakers are disproportionally responsive to the preferences and concerns of the wealthy. 21Link to the text of the note

Over recent decades, however, there has been a decline in broad-based, massmembership organizations of low- and middle-income Americans. 22Link to the text of the noteThis decline in countervailing organizations has exacerbated the political distortions caused by the increase in political spending by the wealthy. But the capacity for countervailing organizations to address the distorting effects of wealth raises a critical question for legal scholars: How can law facilitate the construction of countervailing organizations among the nonwealthy? Put differently, how can law facilitate political organizing among Americans whose voices are drowned out by the distorting effects of wealth? That is the question we address in this Article.

Recently, legal scholars have begun to address related topics. For example, K. Sabeel Rahman and Miriam Seifter have written about ways that participation in administrative processes can improve the organizational strength of citizen groups. Thus, Rahman argues for designing administrative processes in ways that enhance the countervailing power of ordinary citizens, 23Link to the text of the notewhile Seifter urges administrative-law scholars to pay attention to the characteristics of interest groups participating in the administrative process and to consider "looking [\*553] within interest groups," referencing the manner by which interest groups determine the views of their constituents, "to illuminate the quality and nature of participation in administrative governance." 24Link to the text of the noteTabatha Abu El-Haj has urged greater use of universal benefits and targeted philanthropy, to encourage the growth of mass-membership organizations, since both "create reasons to organize on the part of beneficiaries." 25Link to the text of the noteBoth of us have written about the countervailing role that labor organizations can play in politics. 26Link to the text of the noteAnd Daryl Levinson and one of us have written about the ways in which ordinary public policy often has the effect--and at times the intent--of mobilizing political organization around the policy. 27Link to the text of the note

Meanwhile, another group of legal scholars has highlighted the importance of social movements and their organizations in legal change, focusing on how movements shape decisionmaking by courts, legislatures, and administrative agencies. 28Link to the text of the noteIn particular, a rich literature has developed on the relationship between popular mobilization and evolving constitutional principles, 29Link to the text of the noteand on [\*554] how "cause lawyers" can best serve social movements. 30Link to the text of the noteMore recently, there has been a resurgence of scholarship that "cogenerates legal meaning alongside left social movements, their organizing, and their visions." 31Link to the text of the noteThis work builds on an older tradition of critical legal studies and critical race theory that interrogates the limits of traditional legal rights in bringing about progressive social change given the political, economic, and social conditions that systematically disadvantage poor people and people of color. 32Link to the text of the note

To date, however, no one has tackled directly the question that we pose here. 33Link to the text of the noteRather than asking how the enactment of substantive legislation or administrative-participation mechanisms might boost organizing, how social [\*555] movements can or hope to reshape law, or how a focus on traditional legal rights disables fundamental social change, we ask how law could be used explicitly and directly to enable low- and middle-income Americans to build their own socialmovement organizations for political power.

The question is particularly urgent today as the COVID-19 pandemic has exacerbated society's existing inequalities. Working-class communities, especially low- and middle-income people of color, have experienced hardships as a result of the disease to a far greater extent than the wealthy--from massive unemployment to dangerous working conditions, from food insecurity to rising debt and risk of eviction. 34Link to the text of the noteThe suffering wrought by the pandemic, as well as by the financial crisis of 2008, has led to an upsurge in protests by low- and middle-income Americans, particularly among workers, tenants, and debtors. 35Link to the text of the noteAt the same time, endemic violence against Black communities, including the recent killing of George Floyd, has led to widespread organizing around issues of racial justice. 36Link to the text of the noteThese movements demand that government respond to the [\*556] concerns of ordinary Americans and attempt to elicit better treatment from powerful actors. Yet, despite their promise, such movements face significant obstacles in translating their members' anger into robust and lasting political power. 37Link to the text of the noteA pressing task, therefore, is to ask how law can facilitate and protect these new and revived protest movements, helping to create durable organizations that can exercise sustained power in the political economy.

We start from the premise that the robustness of countervailing, mass-membership organizations should be understood as a problem both of and for law. The shape of civil society and organizational life is already a product of legal structures and rules. 38Link to the text of the noteAnd although law has frequently been a tool of oppression, rather than of empowerment, of poor and working-class people and movements, 39Link to the text of the notealternative legal regimes that encourage the growth of and the exercise of power by social-movement organizations of the poor and working class are possible. Indeed, for those who are committed to decreasing political inequality, alternative legal structures that encourage the growth of countervailing organizations are imperative.

In analyzing how legal and institutional reforms could facilitate a different picture of organizational and political life in the United States, we draw from the successes and failures of labor law--the area of U.S. law that most explicitly and directly creates a right to collective organization for working people--while also moving beyond that context to literature considering "how, in what forms, and under what conditions social movements become a force for social and political change." 40Link to the text of the noteWe do not attempt to adjudicate priority among factors that [\*557] contribute to successful organizing, nor do we attempt to build an exhaustive list of such factors. Instead, we consolidate factors that have two attributes: (1) they are likely to contribute to the successful building of membership organizations among poor and working-class people, and (2) their existence or development might be enabled by law.

We recognize that some factors, undoubtedly critical to successful organizing, are beyond the reach of our proposal. For example, sociologists and historians have demonstrated that several structural opportunities helped facilitate the growth of the Civil Rights movement, including the collapse of cotton; the increase in Black migration and electoral strength; and the advent of World War II and the Cold War. 41Link to the text of the noteThese kinds of objective structural conditions, exogenous to movements themselves, are frequently important to movement formation, but they cannot be directly affected by the kinds of legal reforms we suggest. Likewise, sociologists have shown that strategic leadership within organizations is critical to movement success, 42Link to the text of the notebut internal leadership dynamics are not easily affected through legal regulation. 43Link to the text of the note

Three additional principles guide our analysis. First, because small-scale, concrete victories are essential to successful organizing, and because organizing tends to be most successful among people with shared identities and existing relationships, we focus on reforms that enable organizing within particular structures of authority and resource relations. By way of examples, we consider organizing among workers, tenants, debtors, and recipients of public benefits. We pick these contexts in part because they are ones rife with exploitation and [\*558] power imbalances and populated by the relevant income groups, and in part because they are home to important organizing efforts, both historical and contemporary. 44Link to the text of the noteWe do not suggest that these are the only relevant contexts in which our suggestions might be explored, nor do we in any sense imply that broader organizational development encompassing poor and working-class people as a whole is impossible or ineffective. In fact, the context-specific organizing regimes we envision might well facilitate broader community-based and political organization. However, we leave for another day exploration of how the law might directly enable broad-based political organization--say, a political organization of all poor people or a political-party system that incentivizes grassroots participation among nonwealthy individuals. 45Link to the text of the note

Second, we focus on how law can build organization, as opposed to more amorphous configurations of insurgency. The organizations our reforms seek to facilitate are very much social-movement actors, in that they seek to change "elements of the social structure and/or reward distribution of a society." 46Link to the text of the noteBut the goal is to encourage enduring organization that can wield sustained, [\*559] countervailing power. 47Link to the text of the noteThus, our approach rejects the idea that formal structures facilitated by law are necessarily deradicalizing and inimical to social change. 48Link to the text of the note

Finally, our focus is on how law can facilitate organizations of working-class and poor Americans--not on either of two other questions: one, how law could be designed specifically to enhance the political power of communities of color, or two, how law could encourage the formation of interest groups generally. The first question could not be more critical. Just as our government is disproportionately responsive to the wealthy, it is also disproportionately responsive to white people, 49Link to the text of the noteand the crisis of structural racism is perhaps the most acute we face as a nation. As such, a program for building political power among communities of color is just as necessary as a program for building power among workers and the poor. But it is also true that our focus on working and poor Americans ought, in practice, and in part due to the crisis of structural racism itself, to amount to a program for building power among and by communities of color. This is not the exclusive reach of our proposals, and continued attention must be paid to ensure that racial inequities do not infect the political organizing we aspire to enable. But because people of color are over-represented in the sectors of the population that we do address--low-income workers, tenants, government-benefits recipients, debtors--these communities would likely benefit from the success of our proposals. As to the second question, while a more expansive civil society may bring a host of benefits, including greater social cohesion and civic education, this Article's concern is with building organizations that can serve as a countervailing force to the extraordinary power of economic elites in our political economy. 50Link to the text of the note

[\*560] We argue that a legal regime designed to enable this kind of organizing should have several components. First, the law should grant collective rights in an explicit and direct way so as to create a "frame" that encourages organizing. Second, as importantly, though more prosaically, the law should provide for a reliable, administrable, and sustainable source of financial, informational, human, and other relevant resources. Third, the law should guarantee free spaces--both physical and digital--in which movement organization can occur, free from surveillance or control. Fourth, the law should remove barriers to participation, both by protecting all those involved from retaliation--no worker may be fired, no tenant evicted, no debtor penalized, and no welfare recipient deprived of benefits because they are active in or supportive of the movement's efforts--and by removing material obstacles that make it difficult for poor and working people to organize. Fifth, the law should provide the organizations with ways to make material change in their members' lives and should create mechanisms for the exercise of real political and economic power, for example by providing the right to "bargain" with the relevant set of private actors and by facilitating organizational participation in governmental processes. Finally, the law should enable contestation and disruption, offering protections for the right to protest and strike. 51Link to the text of the note

The particulars necessarily vary by context. For example, a law designed to generate organizing among tenants would start by affirmatively granting tenants the right to form and join tenant unions. It would grant such unions the right to access information and landlord property for organizational purposes. It would vest the organization with authority to collect dues payments through deductions from rent payments. It would mandate that landlords negotiate with tenants' organizations over rent and housing conditions. It would ensure that organizations have special rights of participation in administrative processes related to housing policy. And it would provide for the right of tenants to engage in rent strikes and protests, free from retaliation. A law designed to facilitate organizing among debtors would similarly create a collective frame, provide a mechanism for funding, protect against retaliation, mandate bargaining and [\*561] rights of participation in governance, and protect the right to protest and strike, but a debtor-organizing law might not provide for access to physical spaces, instead putting more emphasis on providing information and enabling online organizing.

Some of our proposals will generate resistance--theoretical, legal, and political. And, indeed, we concede that our approach has limitations. For example, we do not attempt to articulate the optimal level of political influence that the organizations in question ought to enjoy, nor a way of measuring when and whether they have become sufficiently strong. As Richard Pildes has written in a related context, we believe it is possible to "identify what is troublingly unfair, unequal, or wrong without a precise standard of what is optimally fair, equal, or right." 52Link to the text of the noteIn addition, the scope of our inquiry is limited to problems of economic inequality. Yet we do not mean in any way to minimize other aspects of inequality, including racial and gender discrimination and hierarchy, which are both inseparable from economic inequality and worthy of separate examination and intervention. To that end, we believe law ought to require inclusion and nondiscrimination among poor and working people's social-movement organizations. 53Link to the text of the note

Finally, we recognize both that our recommendations will not provide a panacea to the imbalance in power that characterizes our political economy and that our proposals will be difficult to enact. Indeed, although we suggest a range of possible reforms and explain how they could be achieved, the goal is to illuminate law's constitutive potential and to suggest a path for further work, not to provide a comprehensive blueprint. 54Link to the text of the noteIn short, analysis of what makes poor and working people's social-movement organizations succeed helps show that law [\*562] can make a difference--and that the absence of such law is a choice, one we believe our society cannot afford to make. 55Link to the text of the note

#### Turns case---Law gave birth to economics. Ignoring the legal domain misdiagnoses capital accumulation.

Katharina Pistor 21, Professor of law at Columbia law school and leading scholar and writer on corporate governance, money and finance, property rights, and comparative law and legal institutions, “The Code of Capital: How the Law Creates Wealth and Inequality – Core Themes”, Accounting, Economics, and Law: A Convivium Volume 11 Issue 1, feb 12th, https://www.degruyter.com/document/doi/10.1515/ael-2020-0102/html

1 The Code of Capital: Core Themes

I would like to thank the editors of Convivium for putting together this special issue and for inviting me to write a reply to the critiques in this issue. My hope was to write a book about capital that would open fresh perspectives and also engage readers from different disciplinary backgrounds. Having the opportunity to engage scholars from philosophy, law, sociology and business/accounting is a wonderful reward for such an undertaking. Thanks also to the contributors who read the book and put their thoughts and their critiques in writing. In what follows, I will summarize the core themes of my book with only scant reference to their critiques, which I reserve for the reply at the end of this issue.

Capital is not a thing, but a social relation, as Marx taught us (Marx, 1974) according to Marxists, the relation between capital and labor as at the heart of this relation. Ownership over the means of production allows capitalists to extract surplus from labor, which they can feed back into the production and surplus creation process, or take out for consumption. Law figures in this story, but as part of the super-structure, not its basis. Only the “old” institutional economists, foremost among them John Commons, gave law a central role in explaining capitalism (Commons, 1924). This book owes much to their writings and to the legal realists, as it does do social theorists like Karl Polanyi who sought to understand the long arch of historical transformations by observing the details that link societies to markets, social to economic and ultimately political change (Polanyi, 1944).

Capital, I argue in my book, is indeed a social relation, but one that is organized around and mediated by the state and its coercive powers, which have been institutionalized as law. Law is often depicted as a vertical relation between a state and the subject it controls, the people and organizations that occupy its territory. For social and economic activities, there is, however, another dimension of law, namely private law. The distinction between public and private law belongs to the modern period and is more pronounced in some legal systems than in others. It reflects an increasing differentiation of governance tasks and mechanisms for ever more complex social organizations. Several contributors to this issue have criticized this book for not saying enough about public law, a point to which I will return in my reply. For now, suffice to say that the legal domain that in my view has remained largely hidden from view in the discussion of social change, has been private law. It has been naturalized and reified and the fact that it owes its power of social ordering ultimately to the state is often ignored.

Private law consists of legal arrangements that allow private parties to organize their horizontal relations while resting assured that these arrangements will (in all likelihood) be enforceable in a court of law. Private actors may trade, invest, or gamble without this assurance, but they would have to protect themselves against possible breach or interference by strangers to their transactions and the social groups within which they take place. They would have to carefully select and monitor their counterparties or middlemen, wall in their properties, hire private guards, and so forth (Kronman, 1985; Landa, 1981). To be sure, modern technologies have greatly reduced the cost of self-help. As a result, the relative importance of coercive law enforcement (and thus of states) may decline. In the book, I argue that the digital code is unlikely to replace the legal code any time soon; and moreover, that the decisions that digital coders make are not fundamentally different from legal coders. Still, while writing the book, I did not fully grasp the potential of digital coding and of data, an issue I have since taken up (Pistor, 2020a, 2020b).

Setting aside the promises and challenges of the digital code, a critical premise of my argument is that for social relations to scale beyond the size of social groups that can rely on self-monitoring, something else is needed: a powerful agent with the authority to verify the rules that can enforce promises and uphold property rights, if necessary with the help of coercive power (Hodgson, 2009; Weber, 1968). Private law enables private parties to avail themselves of the state’s coercive powers in organizing their social and economic relations well beyond tightly knit spheres of exchange, while enjoying considerable flexibility in doing so. This is key for turning simple objects, promises and ideas or knowhow (or assets) into capital, that is, into assets that create new and secure past wealth. Deciphering the role that private law plays in the making of capital is the book’s core mission.

The basic argument the book makes is fairly simple: With the right legal coding any object, promise or idea can be turned into a capital asset. The process of coding capital bestows its holders with legal attributes that greatly enhance the likelihood that they will produce and secure wealth. I identify four attributes, namely priority, durability, universality, and convertibility. Priority means that some asset holders enjoy stronger rights than others; these rights can be extended in time by protecting them against other claims, thereby lending them durability and allowing capital to grow. Holders of financial asset attain durability by way of convertibility, an option to swap privately into state issued legal tender that maintains its nominal value (Ricks, 2016), and thereby to lock in past gains. Last but not least, universality ensures that all have to yield to these legal rights, whether or not they knew about them. Coding capital then is the process of grafting priority, durability or convertibility, and universality on to different types of assets and thereby creating wealth for their holders and inequality for the rest.

Only a handful of institutions of private law are needed to turn a simple asset into capital. For priority, property and collateral law do most of the work; and for durability, trust and corporate law. Bankruptcy is in the mix, because, even though it is mandatory and as such less malleable, it sanctions priority rights that were created outside bankruptcy. Owners of assets that are in the possession of a defaulting debtor can retrieve them, and holders of collateral interests can enforce against them before any other creditors. Claimants at the end of the queue get only the leftovers. The legal modules that confer priority and durability operate by design against anybody; in contrast, contract law is a legal relationship that binds only two parties to the contract. Still, contract law occupies an important role in the coding of capital, because contractual relations enjoy legal protection against outside interference. Moreover, with the help of information technology, the costs of contracting can be reduced to a point that contractual relations can be universalized – simply by requiring millions of platform users to click “agree” and thereby sign on to the same contract that bind everybody else. To be clear, these six modules are not the only legal devices that can be used for coding capital, but they have been central for coding of capital over the past four hundred years or so. The book applies this framework to the coding of land, firms, debt, and knowhow. While land came first, the story unfolds not in chronological order. In other words, there is no explicit or implied argument about historical stages of the coding of capital.

To me, one of the most striking discoveries was the persistence and versatility of the modules of the code. Property rights, as Bernard Rudden reminds us, first emerged during the age of feudalism (Rudden, 1994). The same legal modules, property rights, collateral as well as trust law, which were used to code land are used today for coding securitized assets and complex financial derivative structures. The legal modules are not entirely static; they were adapted to changing circumstances. Property rights in land evolved from an integral part of the feudal socio-political order into a legal right held by individuals in principle irrespective of their social status. I say “in principle”, because endowment effects limited access to land and other assets long after legal restrictions had been lifted and gave the privileged landowners a head-start over everyone else. The importance of land as the primary source of wealth prior to the onset of industrialization, and indeed of capitalism, is also evident in the evolution of trust last. Well into the nineteenth century, land was the only asset that could be conveyed to a trust, with sovereign debt and shares in the English East Indian Company allowed only later. Today, virtually anything that can generate future cash flows can be thrown behind the veil of a trust thereby granting investors (the beneficiaries) privileged access to these cash flows. In addition, the fiduciary duties of trustees have been relaxed, leading one student of trust law to talk of the “stripping of the trust” (Hofri-Winogradow, 2015), and beneficiaries have turned their equitable interests against the trust into fixed income claims.

These modifications notwithstanding, I stress continuity of the legal modules over change, because their basic structure remained intact even as they were adapted to new assets and changing circumstances. Still, there might room for another book that tells the story of each module over time, and preferably, in comparative perspective. In fact, I first thought about organizing the book around the legal institutions (property, trust, corporate law etc.), rather than the assets (land, firms, debt, knowhow) they have coded as capital. It might have been a great book for legal historians, but probably would have not conveyed the power of the legal code and its impact on the creation of wealth and inequality for a broader readership. Yet, analyzing the patterns of legal change in greater detail will be an important aspect for further deepening the theoretical analysis and drawing out the implications of “The Code of Capital” for social and political theory (more on this in the reply).

Placing private law at the center of the analysis seems to disregard the rise of global capitalism. Private law is domestic law; only some aspects of private have been harmonized globally. Even the EU, which had aspired to creating a comprehensives set of common rules for a common market, eventually switched direction. In lieu of a common set of substantive rules, say for contract, corporate law, etc., member states have harmonized the rules that determine which country’s rules should apply in cross-border cases where more than one legal system is in play. In legal jargon, these are the “conflict-of-law rules” (or international private law), which are part of the domestic legal orders of every country. These rules stipulate separately for every legal domain the factors that should determine whose law applies: the location of an asset for property rights, a company’s headquarters or place of incorporation for corporate law, or simply party choice for contract law – and increasingly for other areas of the law as well.

They may look arcane or unassuming, but these rules have been instrumental for the integration of economic and financial systems globally. In the absence of a global state and a global law, conflict-of-law rules have been used to extend the reach of domestic law beyond the territorial borders of the states from which it originated. Creating a menu of legal systems for private agents to choose from when organizing their transnational relations required at least two things: Different rules with some legal systems offering greater advantages for the coding of capital than others; and the willingness of states with less desirable rules to enforce the selected rules within their territories. The first condition is easy to meet, as legal rules do in fact vary across countries and legal system. More interestingly, they do so fairly systematically, with the common law offering for the most part superior conditions than do most civil law systems. Comparing civil law and common law regimes has a long trajectory, including more recently the law and finance literature (La Porta, Lopez-de-Silanes, Shleifer, & Vishny, 1998). I don’t add much to this debate other than suggesting that the organization of the legal profession, the role of private attorneys and courts in the legal system, has not received the attention it deserves.

The second condition, i.e. other states willing to enforce foreign law in their courts, requires a bit more explanation. Here, we have seen a shift over the past several decades towards allowing private parties to freely choose the law from among different legal systems that best suits their needs. Some states did so on their own behest; others were pushed by economic and legal integration projects, such as the European Union. Either way, the timing is conspicuous: it overlaps with the integration of financial markets globally since the late 1980s and early 1990s. Teasing out the interaction between decisions to remove capital controls, to privatize financial intermediaries and allow for the free movement of capital and changes in conflict-of-law rules certainly deserve further research.

When using the lens of the code of capital, global capitalism does not appear as some “supra-national” system that is detached from states or state law or that has diminished the role of states. Instead, global capitalism is rooted in select legal systems that have accommodated capital for centuries and that today are home to the major players in global finance, as well as the 100 top global law firms. English law has dominated international trade for centuries, with the direction of causality possible running from empire to legal dominance, but equally possible in the opposite direction. Today, English and New York state law dominate the coding of financial capital that is traded globally. These two jurisdictions are the rule makers for global capital. Most other jurisdictions will recognize and enforce the legal rights they create; they are rule takers. By recognizing and enforcing foreign law in their courts, they extend universality way beyond the territory of the country to provide the critical modules of the code.

Capital and the system to which it has given its name was not designed by anybody in a coherent fashion, but neither can it be described as the product of natural evolution. To turn a simple object, promise or idea into capital, somebody must decide, which and whose assets shall be coded as capital; others must accept the coding, even yield to it. And should the coding be challenged, someone must decide, whether a strategy should be upheld, struck down, or changed. These tasks are taken up by different agents: asset holders, lawyers, courts, regulators, and legislatures; and not just agents that all belong to the same state, but are dispersed among several. The de-centering and diffusion of state power through private law and conflict-of-law rules, the book suggests, is critical for understanding a system that is at once built from state law and difficult to constrain through collective governance mechanisms of states. This might help explain, why there is no simple reform strategy. In the book, I therefore propose a strategy of incremental change aimed at scaling back the mechanism that have contributed to the diffusion of state power and their concentration in private hands. To several critics this strategy is unsatisfactory. I don’t disagree and my own thinking has evolved since the book went to press, especially since the economic fallout from COVID-19 pandemic, which might create an opportunity for more radical change. Still, the measures I discuss in the book are in my mind and indispensable for creating the needed space for retooling state power.

### Topicality---1NC

#### The resolution should define the division of ground. It was negotiated and announced in advance providing both teams a reasonable opportunity to prepare. Only a textual reading of the resolution provides a predictable basis for research.

#### USFG means the three branches.

OECD 87. Organization for Economic Cooperation and Development. The Control and Management of Government Expenditure. 179. Google Book.

1. Political and organizational structure of government The United States America is a federal republic consisting of 50 states. States have their own constitutions and within each State there are at least two additional levels of government, generally designated as counties and cities, towns or villages. The relationships between different levels of government are complex and varied (see Section B for more information). The Federal Government is composed of three branches: the legislative branch, the executive branch, and the judicial branch. Budgetary decisionmaking is shared primarily by the legislative and executive branches. The general structure of these two branches relative to budget formulation and execution is as follows.

#### ‘Resolved’ means to enact a policy by law.

Words and Phrases 64. Permanent Edition. Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### ‘Antitrust laws’ are statutes.

Grimes ’20 [Charles W; 2020; editor of this Licensing Update and Law Professor at Ava Maria Law School; Wolters Kluwer, “Licensing Update,” https://www.crowell.com/files/20200401-Licensing-Update-Chapter-13.pdf]

§13.02 ANTITRUST LAW IN THE UNITED STATES

U.S. antitrust law is defined by federal and state statutes, as interpreted by the courts. The core federal statutes are the Sherman Act,1 passed by Congress in 1890, and the Federal Trade Commission2 and Clayton Acts,3 both passed in 1914. The United States Department of Justice (“DOJ”) and the Federal Trade Commission (“FTC” or “Commission”) (together the “agencies”) share enforcement of most areas of federal antitrust law but with some differences in the scope of their authority. The FTC has sole authority to enforce Section 5 of FTC Act, which prohibits (1) unfair methods of competition and (2) unfair or deceptive acts or practices. The FTC almost always pursues claims for anticompetitive conduct as unfair methods of competition and reserves charges of unfair or deceptive acts or practices for consumer protection violations. Though the FTC's authority to challenge unfair methods of competition goes beyond conduct prohibited by the Sherman and Clayton Acts, in practice the FTC brings most unfair methods of competition cases under the same standards that courts apply to Sherman Act claims. The most prominent exception is the invitation to collude offense, which falls outside the scope of the Sherman Act (if the invitation is not accepted, there is no agreement). The FTC challenges invitations to collude as so-called “standalone” violations of Section 5.4 The DOJ has sole authority to pursue criminal violations of the antitrust laws. Most states have their own state antitrust and unfair competition statutes. State law follows federal law to some extent, though as discussed below, may differ from federal law in meaningful ways that vary state to state. State attorneys general and private parties can also typically file suit to enforce both federal and state antitrust law.

#### Their ‘scope’ is defined by government.

Sagers ’15 [Christopher L; 2015; the James A. Thomas Distinguished Professor of Law and Faculty Director of the Cleveland-Marshall Solo Practice Incubator; Handbook on the Scope of Antitrust, “Introduction,” Ch. 1, p. 9]

B. Sources of the Scope of Antitrust Law

The scope of federal antitrust law is governed by three separate authorities: (1) the U.S. Constitution, (2) the language of the antitrust statutes themselves, and (3) the language of other federal statutes and regulations.

#### Vote negative:

#### 1. Clash: debate requires a predictable topic to motivate in depth research that yields the values of negation and argument refinement. Their interp explodes limits, allows affirmative conditionality, and makes debate a one-sided monologue devoid of argumentation which turns the case.

#### 2. Fairness: the neg should win on average 50% of the time. Entering a competitive activity proves their arguments are shaped by a drive to win. The insurmountable advantage of being affirmative under their unfair model is a reason they should lose.

## Case

### Solvency---1NC

#### Neg on presumption---ballot on Tabroom doesn’t solve their criticism of how debaters and coaches understand arguments, let alone academic fields external to the activity when their method is refusal.

#### Legal avenues are key to build up social movements that challenge power.

Kate Andrias and Benjamin I. Sachs 21, Kate Andrias is Professor of Law, University of Michigan Law School. Benjamin I. Sachs is Kestnbaum Professor of Labor and Industry, Harvard Law School, “Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” 130 Yale L.J. 546, January 2021, lexis.

[\*548] INTRODUCTION

Among the painful truths made evident by COVID-19 are the deep inequality of American society and the profound inadequacy of our social-welfare infrastructure. The nation's lack of comprehensive health care, 1Link to the text of the noteits underfunded and inefficient system of unemployment insurance, 2Link to the text of the noteand weak workplace safety and health guarantees, 3Link to the text of the notealong with nearly nonexistent paid sick leave, 4Link to the text of the notedebtor-forgiveness rules, 5Link to the text of the noteand tenant protections 6Link to the text of the noteleave poor and working-class communities--particularly communities of color--dangerously exposed to the ravages of this pandemic, both physical and economic. 7Link to the text of the noteAmerica's weak social safety net is, in turn, a product of a profound failure that has plagued American democracy for decades now: the wealthy exercising vastly disproportionate power over politics and government. 8Link to the text of the note

[\*549] Indeed, public faith in American democracy is at near-record lows, and increasing numbers of Americans report that they no longer feel confident in the health of their democratic institutions. When asked why, many say that money has too much of an influence on politics and that politicians are unresponsive to the concerns of regular Americans. 9Link to the text of the noteResearch supports these fears, showing both that wealthy individuals are spending record sums on electoral politics 10Link to the text of the noteand that elected officials are at best only weakly accountable to nonwealthy constituents. 11Link to the text of the note [\*550] As political scientist Martin Gilens has observed, "[W]hen preferences between the well-off and the poor diverge, government policy bears absolutely no relationship to the degree of support or opposition among the poor." 12Link to the text of the note

Of course, democracy does not require that policymaking always follow majority will or the median voter's preferences. But democracy, as well as the faith citizens have in their government, falters when lawmakers persistently disregard the priorities of nonwealthy citizens.

Much of the legal scholarship (and public commentary) concerned with this democracy deficit focuses on the increased flow of money into electoral politics and advocates for stemming that flow. 13Link to the text of the noteScholars writing in this vein criticize the Supreme Court's jurisprudence, exemplified by Citizens United v. FEC, that has enabled unfettered campaign spending. 14Link to the text of the noteThey offer a range of reforms designed to limit the flow of money into elections, many of which would require a change in the composition of the Supreme Court or the ratification of a constitutional amendment. 15Link to the text of the noteA related group of scholars advocates for shielding the legislative and administrative process from money's influence through, for example, lobbying restrictions and disclosure requirements. 16Link to the text of the note

[\*551] A second robust body of scholarship focuses not on insulating the political process from money but on trying to ensure equal rights of individuals to participate in the governance process through elections. These scholars criticize barriers to equal voting rights, including contemporary uses of gerrymandering and legislation that impose hurdles on individual voters' ability to exercise the franchise or minimize the effective voting power of particular constituents. 17Link to the text of the noteScholars urge both doctrinal and legislative reform that would ensure more equal rights of participation.

In the last few years, a third approach has begun to emerge in the legal scholarship. This approach begins by recognizing the difficulty--both practical and constitutional--of keeping money out of politics. It also recognizes that while equal voting and participation rights are critical to the goal of combatting political inequality, they are not enough to ensure political equality in a system where wealth functions so prominently as an independent source of political influence. Thus, this third approach moves beyond campaign finance and individual participation rights and focuses instead on what we will call countervailing power. In particular, this approach is concerned with the ability of mass-membership organizations to equalize the political voice of citizens who lack the political influence that comes from wealth. 18Link to the text of the note

The beneficial effects of countervailing, mass-membership organizations are well known to theorists and researchers of democracy. 19Link to the text of the notePut simply, such groups increase political equality by building and consolidating political power for the [\*552] nonwealthy, thus serving as counterweights to the political influence of the rich. Mass-membership organizations can serve in this capacity because, at bottom, they aggregate the political resources and political power of people who, acting as individuals, are disempowered relative to wealthy individuals and institutions. 20Link to the text of the noteMore particularly, mass-membership organizations enable pooling of politically relevant resources, including money, among individuals with fewsuch resources; they provide information to decisionmakers about ordinary citizens' views; they navigate opaque and fragmented government structures, thereby enabling citizens to monitor government behavior; and they allow citizens to hold decisionmakers accountable. And, in fact, when citizens are organized into mass-membership associations that are active in the political sphere, researchers find an exception to the general rule that policymakers are disproportionally responsive to the preferences and concerns of the wealthy. 21Link to the text of the note

Over recent decades, however, there has been a decline in broad-based, massmembership organizations of low- and middle-income Americans. 22Link to the text of the noteThis decline in countervailing organizations has exacerbated the political distortions caused by the increase in political spending by the wealthy. But the capacity for countervailing organizations to address the distorting effects of wealth raises a critical question for legal scholars: How can law facilitate the construction of countervailing organizations among the nonwealthy? Put differently, how can law facilitate political organizing among Americans whose voices are drowned out by the distorting effects of wealth? That is the question we address in this Article.

Recently, legal scholars have begun to address related topics. For example, K. Sabeel Rahman and Miriam Seifter have written about ways that participation in administrative processes can improve the organizational strength of citizen groups. Thus, Rahman argues for designing administrative processes in ways that enhance the countervailing power of ordinary citizens, 23Link to the text of the notewhile Seifter urges administrative-law scholars to pay attention to the characteristics of interest groups participating in the administrative process and to consider "looking [\*553] within interest groups," referencing the manner by which interest groups determine the views of their constituents, "to illuminate the quality and nature of participation in administrative governance." 24Link to the text of the noteTabatha Abu El-Haj has urged greater use of universal benefits and targeted philanthropy, to encourage the growth of mass-membership organizations, since both "create reasons to organize on the part of beneficiaries." 25Link to the text of the noteBoth of us have written about the countervailing role that labor organizations can play in politics. 26Link to the text of the noteAnd Daryl Levinson and one of us have written about the ways in which ordinary public policy often has the effect--and at times the intent--of mobilizing political organization around the policy. 27Link to the text of the note

Meanwhile, another group of legal scholars has highlighted the importance of social movements and their organizations in legal change, focusing on how movements shape decisionmaking by courts, legislatures, and administrative agencies. 28Link to the text of the noteIn particular, a rich literature has developed on the relationship between popular mobilization and evolving constitutional principles, 29Link to the text of the noteand on [\*554] how "cause lawyers" can best serve social movements. 30Link to the text of the noteMore recently, there has been a resurgence of scholarship that "cogenerates legal meaning alongside left social movements, their organizing, and their visions." 31Link to the text of the noteThis work builds on an older tradition of critical legal studies and critical race theory that interrogates the limits of traditional legal rights in bringing about progressive social change given the political, economic, and social conditions that systematically disadvantage poor people and people of color. 32Link to the text of the note

To date, however, no one has tackled directly the question that we pose here. 33Link to the text of the noteRather than asking how the enactment of substantive legislation or administrative-participation mechanisms might boost organizing, how social [\*555] movements can or hope to reshape law, or how a focus on traditional legal rights disables fundamental social change, we ask how law could be used explicitly and directly to enable low- and middle-income Americans to build their own socialmovement organizations for political power.

The question is particularly urgent today as the COVID-19 pandemic has exacerbated society's existing inequalities. Working-class communities, especially low- and middle-income people of color, have experienced hardships as a result of the disease to a far greater extent than the wealthy--from massive unemployment to dangerous working conditions, from food insecurity to rising debt and risk of eviction. 34Link to the text of the noteThe suffering wrought by the pandemic, as well as by the financial crisis of 2008, has led to an upsurge in protests by low- and middle-income Americans, particularly among workers, tenants, and debtors. 35Link to the text of the noteAt the same time, endemic violence against Black communities, including the recent killing of George Floyd, has led to widespread organizing around issues of racial justice. 36Link to the text of the noteThese movements demand that government respond to the [\*556] concerns of ordinary Americans and attempt to elicit better treatment from powerful actors. Yet, despite their promise, such movements face significant obstacles in translating their members' anger into robust and lasting political power. 37Link to the text of the noteA pressing task, therefore, is to ask how law can facilitate and protect these new and revived protest movements, helping to create durable organizations that can exercise sustained power in the political economy.

We start from the premise that the robustness of countervailing, mass-membership organizations should be understood as a problem both of and for law. The shape of civil society and organizational life is already a product of legal structures and rules. 38Link to the text of the noteAnd although law has frequently been a tool of oppression, rather than of empowerment, of poor and working-class people and movements, 39Link to the text of the notealternative legal regimes that encourage the growth of and the exercise of power by social-movement organizations of the poor and working class are possible. Indeed, for those who are committed to decreasing political inequality, alternative legal structures that encourage the growth of countervailing organizations are imperative.

In analyzing how legal and institutional reforms could facilitate a different picture of organizational and political life in the United States, we draw from the successes and failures of labor law--the area of U.S. law that most explicitly and directly creates a right to collective organization for working people--while also moving beyond that context to literature considering "how, in what forms, and under what conditions social movements become a force for social and political change." 40Link to the text of the noteWe do not attempt to adjudicate priority among factors that [\*557] contribute to successful organizing, nor do we attempt to build an exhaustive list of such factors. Instead, we consolidate factors that have two attributes: (1) they are likely to contribute to the successful building of membership organizations among poor and working-class people, and (2) their existence or development might be enabled by law.

We recognize that some factors, undoubtedly critical to successful organizing, are beyond the reach of our proposal. For example, sociologists and historians have demonstrated that several structural opportunities helped facilitate the growth of the Civil Rights movement, including the collapse of cotton; the increase in Black migration and electoral strength; and the advent of World War II and the Cold War. 41Link to the text of the noteThese kinds of objective structural conditions, exogenous to movements themselves, are frequently important to movement formation, but they cannot be directly affected by the kinds of legal reforms we suggest. Likewise, sociologists have shown that strategic leadership within organizations is critical to movement success, 42Link to the text of the notebut internal leadership dynamics are not easily affected through legal regulation. 43Link to the text of the note

Three additional principles guide our analysis. First, because small-scale, concrete victories are essential to successful organizing, and because organizing tends to be most successful among people with shared identities and existing relationships, we focus on reforms that enable organizing within particular structures of authority and resource relations. By way of examples, we consider organizing among workers, tenants, debtors, and recipients of public benefits. We pick these contexts in part because they are ones rife with exploitation and [\*558] power imbalances and populated by the relevant income groups, and in part because they are home to important organizing efforts, both historical and contemporary. 44Link to the text of the noteWe do not suggest that these are the only relevant contexts in which our suggestions might be explored, nor do we in any sense imply that broader organizational development encompassing poor and working-class people as a whole is impossible or ineffective. In fact, the context-specific organizing regimes we envision might well facilitate broader community-based and political organization. However, we leave for another day exploration of how the law might directly enable broad-based political organization--say, a political organization of all poor people or a political-party system that incentivizes grassroots participation among nonwealthy individuals. 45Link to the text of the note

Second, we focus on how law can build organization, as opposed to more amorphous configurations of insurgency. The organizations our reforms seek to facilitate are very much social-movement actors, in that they seek to change "elements of the social structure and/or reward distribution of a society." 46Link to the text of the noteBut the goal is to encourage enduring organization that can wield sustained, [\*559] countervailing power. 47Link to the text of the noteThus, our approach rejects the idea that formal structures facilitated by law are necessarily deradicalizing and inimical to social change. 48Link to the text of the note

Finally, our focus is on how law can facilitate organizations of working-class and poor Americans--not on either of two other questions: one, how law could be designed specifically to enhance the political power of communities of color, or two, how law could encourage the formation of interest groups generally. The first question could not be more critical. Just as our government is disproportionately responsive to the wealthy, it is also disproportionately responsive to white people, 49Link to the text of the noteand the crisis of structural racism is perhaps the most acute we face as a nation. As such, a program for building political power among communities of color is just as necessary as a program for building power among workers and the poor. But it is also true that our focus on working and poor Americans ought, in practice, and in part due to the crisis of structural racism itself, to amount to a program for building power among and by communities of color. This is not the exclusive reach of our proposals, and continued attention must be paid to ensure that racial inequities do not infect the political organizing we aspire to enable. But because people of color are over-represented in the sectors of the population that we do address--low-income workers, tenants, government-benefits recipients, debtors--these communities would likely benefit from the success of our proposals. As to the second question, while a more expansive civil society may bring a host of benefits, including greater social cohesion and civic education, this Article's concern is with building organizations that can serve as a countervailing force to the extraordinary power of economic elites in our political economy. 50Link to the text of the note

[\*560] We argue that a legal regime designed to enable this kind of organizing should have several components. First, the law should grant collective rights in an explicit and direct way so as to create a "frame" that encourages organizing. Second, as importantly, though more prosaically, the law should provide for a reliable, administrable, and sustainable source of financial, informational, human, and other relevant resources. Third, the law should guarantee free spaces--both physical and digital--in which movement organization can occur, free from surveillance or control. Fourth, the law should remove barriers to participation, both by protecting all those involved from retaliation--no worker may be fired, no tenant evicted, no debtor penalized, and no welfare recipient deprived of benefits because they are active in or supportive of the movement's efforts--and by removing material obstacles that make it difficult for poor and working people to organize. Fifth, the law should provide the organizations with ways to make material change in their members' lives and should create mechanisms for the exercise of real political and economic power, for example by providing the right to "bargain" with the relevant set of private actors and by facilitating organizational participation in governmental processes. Finally, the law should enable contestation and disruption, offering protections for the right to protest and strike. 51Link to the text of the note

The particulars necessarily vary by context. For example, a law designed to generate organizing among tenants would start by affirmatively granting tenants the right to form and join tenant unions. It would grant such unions the right to access information and landlord property for organizational purposes. It would vest the organization with authority to collect dues payments through deductions from rent payments. It would mandate that landlords negotiate with tenants' organizations over rent and housing conditions. It would ensure that organizations have special rights of participation in administrative processes related to housing policy. And it would provide for the right of tenants to engage in rent strikes and protests, free from retaliation. A law designed to facilitate organizing among debtors would similarly create a collective frame, provide a mechanism for funding, protect against retaliation, mandate bargaining and [\*561] rights of participation in governance, and protect the right to protest and strike, but a debtor-organizing law might not provide for access to physical spaces, instead putting more emphasis on providing information and enabling online organizing.

Some of our proposals will generate resistance--theoretical, legal, and political. And, indeed, we concede that our approach has limitations. For example, we do not attempt to articulate the optimal level of political influence that the organizations in question ought to enjoy, nor a way of measuring when and whether they have become sufficiently strong. As Richard Pildes has written in a related context, we believe it is possible to "identify what is troublingly unfair, unequal, or wrong without a precise standard of what is optimally fair, equal, or right." 52Link to the text of the noteIn addition, the scope of our inquiry is limited to problems of economic inequality. Yet we do not mean in any way to minimize other aspects of inequality, including racial and gender discrimination and hierarchy, which are both inseparable from economic inequality and worthy of separate examination and intervention. To that end, we believe law ought to require inclusion and nondiscrimination among poor and working people's social-movement organizations. 53Link to the text of the note

Finally, we recognize both that our recommendations will not provide a panacea to the imbalance in power that characterizes our political economy and that our proposals will be difficult to enact. Indeed, although we suggest a range of possible reforms and explain how they could be achieved, the goal is to illuminate law's constitutive potential and to suggest a path for further work, not to provide a comprehensive blueprint. 54Link to the text of the noteIn short, analysis of what makes poor and working people's social-movement organizations succeed helps show that law [\*562] can make a difference--and that the absence of such law is a choice, one we believe our society cannot afford to make. 55Link to the text of the note

#### Working within legal and political structures is especially key to solve their impacts.

**Rifkin 17,** Mark Rifkin is Director of the Women's and Gender Studies Program and Professor of English at the University of North Carolina, Greensboro and the author of several books, including Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance. ["Indigenizing Agamben: Rethinking Sovereignty in Light of the “Peculiar” Status of Native Peoples," Sovereign Acts: Contesting Colonialism Across Indigenous Nations and Latinx America, University of Arizona Press, 2017, pgs. 296-335.]//ARK1

As against Alfred’s call for eschewing the framework of “sovereignty,” Dale Turner insists that the **protection of Native peoples involves** making their **concerns** and **representations intelligible within** the **legal and political structures of the settler state**. In This Is Not a Peace Pipe, Turner argues that the **political terrain on which Native** peoples **must move** has been **mapped by the settler state** and that **if they are to gain greater traction** for their land claims and assertions of governmental autonomy, they will need to **express them** in ways **that non-Native** people and **institutions can understand**: “As a matter of survival, **Aboriginal intellectuals must engage** the **non-Aboriginal intellectual landscapes from which** their **political rights and sovereignty** are **articulated** and put to use in Aboriginal communities.”66 Given that non-Native political processes already are active in shaping the terms of Indigenous governance and social life, **Native** peoples cannot **afford simply to ignore them or** to insist on the significance of “traditional” knowledge in ways that **speak past non-Native modes of articulation**. Turner suggests that such translation is the work of “the word warrior,” whose “most difficult task will be to **reconcile indigenous ways of knowing with** the **forms of knowledge that define European intellectual traditions**.”67 “Survival” for Native polities, from this perspective, is predicated on a kind of communication in which discrepant “ways of knowing” can be bridged. However, to what extent does Turner’s notion of “**reconcil[ing]” knowledges** also present the struggle over sovereignty as a function of cultural dissonance **between Indigenous peoples and the settler state**? The central question he poses is, “How do we explain our differences and in the process **empower ourselves to actually change** the **state’s legal and political practices**?”68 But does **transposing Indigenous concepts into non-Native terminologies intervene** in the logic structuring “the state’s legal and political practices”? Does such a conversion challenge the jurisdictional imperative and imaginary driving the settler-state assertion of authority over Native peoples?

The idea of “explain[ing]” Indigenous “differences” acknowledges the imperial force exerted under the sign of sovereignty, but it does not contest the state’s monopoly over the legitimate exercise of legitimacy, nor does it prevent those “differences” from being reified, regulated, and subordinated as “culture” in the ways discussed earlier. Alongside the discussion of the necessity for translation by “word warriors,” Turner also calls for a thorough accounting of the violences of settler-state imperialism: “The project of unpacking and laying bare the meaning and effects of colonialism will open up the physical and **intellectual space for Aboriginal voice to participate** in the **legal** and **political practices of the state**.”69 Later, he suggests that **Indigenous intellectuals should** pursue three goals: “(a) they must take up, **deconstruct**, and continue to **resist colonialism** and its effects on indigenous peoples; (b) they must protect and defend indigeneity; **and** (c) they must **engage the legal and political discourses of the state** in an effective way.”70 What kind of “participat[ion]” and “engage[ment]” do such strategies yield?

Although Turner tends to answer this question by focusing on the possibility of explaining Indigenous intellectual traditions, making them comprehensible to non-Natives, the above comments offer another option, namely, deconstructing the dynamics of settler-state power—problematizing the ways it seeks to generate legitimacy for itself. He describes such intervention as “understanding . . . how colonialism has been woven into the normative political language that guides contemporary Canadian legal and political practices,” and folding deconstruction back into the elaboration of “differences” between Natives and non-Natives, he argues, “**indigenous peoples must use** the **normative language of the dominant culture to** ultimately **defend world views** that are **embedded in completely different normative frameworks**.

### AT: King

#### King’s refusal is anti-Indigenous. Despite being interdisciplinary, King et al prioritize an Afropessimist reading of sovereignty and Black-Native relations. This justifies elimination on a scholarly and material level.

Johnson 21 (KHALIL ANTHONY JOHNSON JR. is assistant professor of African American studies at Wesleyan University. Fall 2021, Book Review: Otherwise Worlds: Against Settler Colonialism and Anti-Blackness ed. by Tiffany Lethabo King, Jenell Navarro and Andrea Smith, Native American and Indigenous Studies, Volume 8, Issue 2, Fall 2021, University of Minnesota Press, JKS)

OTHERWISE WORLDS IS THE FIRST major anthology on Black and Indigenous relations to appear since Patrick Wolfe's article "Settler Colonialism and the Elimination of the Native" (Journal of Genocide Research 8, no. 4 [2006]) and Frank B. Wilderson III's Afro-pessimist monograph, Red, White, & Black: Cinema and the Structure of U.S. Antagonisms (2010). Whereas ethnic studies originated from revolutionary Third World movements for global liberation, the institutionalization of Black studies and Native studies resulted in a "tendency to position one's field, ontological position, politics, and modes of knowledge production as incommensurable" (9). Otherwise Worlds avoids such origins. Refusing the "baggage" of genealogy, the coeditors, Tiffany Lethabo King, Jenell Navarro, and Andrea Smith, instead ask contributors to speak as "amateurs" across the disciplinary divide (11, 6). Twenty chapters are divided across four thematic sections. The editors ask, "How do we carefully tend to relationships between Native and Black communities that lead toward liberation?" (13). Meandering readers will find earnest responses. For Ashon Crawley, love and care vibrate in ways that exceed settler violence. Sandra Harvey unearths Black Choctaw testimony from the Dawes enrollment archive that "rejects historical narratives of natal alienation and puts forth the possibility of 'African' political and social determination, including particular relationships to land" (227). Rinaldo Walcott pushes beyond the nation-state and Western thought to consider the indigenization of Black people in the Americas as a political process that might foster a "pure decolonial project" (356). Marcus Briggs-Cloud beautifully demonstrates how ancient Muskogee epistemology renders anti-Blackness literally unthinkable. Reading the book sequentially offers a different experience. The first Indigenous contributor appears on page 213. And even as its introduction calls beyond Black and Native incommensurability—a notion popularized in Jared Sexton's "The Vel of Slavery," which the anthology reprints—the opening paragraphs position the book squarely within Afro-pessimistic terrain and reduce the complex histories of Black and Native peoples in the Americas into a binary "relationship between Native genocide and anti-Blackness" (1). Otherwise Worlds contains no sustained consideration of anti-Indigeneity. There is no acknowledgment that Black people may operate in oppressive roles within U.S. settler colonialism vis-à-vis Native peoples, and there is no engagement with the histories of Liberia or Sierra Leone, where Black settlers from the U.S. and U.K. conquered, enslaved, and "civilized" West African tribes. Neither is there any apparent comprehension that the enslavement of Indigenous people persisted in New Mexico long after the Thirteenth Amendment or that slavery was a central means toward Indian genocide in California. Instead, its most consistent themes argue against Indigenous sovereignty and the contributions of settler-colonial studies. A conversation between Wilderson and King concludes the first section and sets the tone for several chapters. Wilderson states, without evidence, that "anti-Blackness is driving the quest for [Indigenous] sovereignty as much as the desire to get rid of the settler" (55). Such pessimism informs King's subsequent chapter, which argues that conquest should displace Marxist-humanist-inflected "white settler colonial studies" (79). Her citations of Native scholars, narrowly mediated through Wilderson and Smith, facilitate her claim that settler-colonial studies performs a "discursive genocide" that erases "Native scholars, texts, and analytics"—an assertion that, ironically, enacts what it denounces (82). Sexton curates a few essays on Black-Native solidarity to argue that Indigenous sovereignty is inherently anti-Black and should be abolished. "This point," he insists, "is not mitigated by the fact that Native sovereignty is qualitatively different from, and not simply a rival to, the sovereignty of nation-states" (107). Smith's argument that federally-recognized sovereignty is "deferred genocide" only approaches coherence if one decouples Indigenous sovereignty from Indigenous epistemologies and presumes—following Wilderson and Sexton—that both have been subsumed under the prerogatives of Western conquest. Cedric Sunray's forty-page polemic weaponizes anti-Blackness in tribal enrollment and federal recognition against so-called "nouveau ideas of sovereignty" (240), undermining the Cherokee Nation's power to determine its citizenry. Surely some NAIS readers will wonder what motivates this antagonism. These arguments against Indigenous sovereignty overwhelm contingencies. So when the fourth section opens with a paean to Beyoncé as an Indigenous feminist icon, it comes across as terrifyingly superficial. It is unfortunate that Otherwise Worlds presents Afro-pessimism as the forefront of Black radical thought because there is almost nothing at stake in an Afro-pessimist argument that has nihilistically ceded political liberation to an apocalypse. But there is so much at stake for Indigenous nations as sovereign political entities in the struggle against ongoing elimination. It is troublesome that this book, which runs counter to the histories, theoretical interventions, and political philosophies within Native American and Indigenous studies, may otherwise introduce many to the field. [End Page 157]

### Lightfoot---1NC

#### Their structural reading relies on pessimistic traps that are diametrically opposed to Indigenous agency and efforts to reassert nationhood both here and abroad.

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Sheryl, “The Pessimism Traps of Indigenous Resurgence,” Chapter 10 in *Pessimism in International Relations*, Eds. Stevens, T., & Michelsen, N., Palgrave)

Imagining a Post-Colonial Future: Pessimistic ‘Resurgence’ Versus the Optimism and Tenacity of Indigenous Movements on the Ground

All of these writers advocate Indigenous resurgence, through a combination of rejecting the current reconciliation politics of settler colonial states, coupled with a return to land-based Indigenous expressions of governance as the only viable, ‘authentic’ and legitimate path to a better future for Indigenous peoples, which they refer to as decolonisation. While inherently critical in their orientation, these three approaches do make some positive and productive contributions to Indigenous movements. They help shed light on the various and subtle ways that Indigenous leaders and communities can become co-opted into a colonial system. They help us to hold leadership accountable. They also help us keep a strong focus on our traditional, cultural and spiritual values as well as our traditional forms of governance which then also helps us imagine future possibilities.

As I have pointed out here, however, all three theorists are also caught in the same three pessimism traps: authenticity versus co-option; a vision of the state as unified, deliberate and never changing in its desire to colonise and control; and a view of engagement with the state as futile, if not dangerous, to Indigenous sovereignty and existence. When combined, these three pessimism traps aim to inhibit Indigenous peoples’ engagement with the state in any process that could potentially re-imagine and re-formulate their current relationship into one that could be transformative and post-colonial, as envisioned by the UN Declaration on the Rights of Indigenous Peoples. The pessimism traps together work to foreclose any possibility that there could be credible openings of opportunity to negotiate a fairer and just relationship of co-existence with even the most progressive state government.

This pessimistic approach is not innocuous. By overemphasising structure and granting the state an enormous degree of agency as a unitary actor, this pessimistic approach does a remarkable disservice to Indigenous resistance movements by proscribing, from academia, an extremely narrow view of what Indigenous self-determination can and should mean in practice. By overlooking and/or discounting Indigenous agency and not even considering the possibility that Indigenous peoples could themselves be calculating, strategic political actors in their own right, and vis-à-vis states, the pessimistic lens of the resurgence school unnecessarily, unproductively and unjustly limits the feld of possibility for Indigenous peoples’ decision-making, thus actually countering and inhibiting expressions of Indigenous self-determination. By condemning—writ large—all Indigenous peoples and organisations that wish to seek peaceful co-existence with the state, negotiate mutually benefcial agreements with the state, and/or who have advocated on the international level for a set of standards that can provide a positive guiding framework for Indigenous-state relations, the pessimistic lens of resurgence forecloses much potential for new and improved relations, in any form, and is very likely to lead to deeper conficts between states and Indigenous peoples, and potentially, even violent action, which Fanon indicated was the necessary outcome. The pessimism traps of the resurgence school are therefore, likely self-defeating for all but the most remote and isolated Indigenous communities. Further, this approach is quite out of step with the actions and vision of many Indigenous resistance movements on the ground who have been working for decades to advance Indigenous self-determination, both domestically and globally, in ways that transform the colonial state into something more just and may eventually present creative alternatives to the Westphalian state form in ways that could respect and accommodate Indigenous nations. Rather, it aims to shame and blame those who wish to explore creative and innovative post-colonial resolutions to the colonial condition.

The UN Declaration on the Rights of Indigenous Peoples (the Declaration or UN Declaration) was adopted by the General Assembly in 2007 after 25 years of development. The Declaration is ground-breaking, given the key leadership roles Indigenous peoples played in negotiating and achieving this agreement.45 Additionally, for the frst time in UN history, the rights holders, Indigenous peoples, worked with states to develop an instrument that would serve to promote, protect and affirm Indigenous rights, both globally and in individual domestic contexts.46

Many Indigenous organisations and movements, from dozens of countries around the world, were involved in drafting and negotiating the UN Declaration and are now advocating for its full implementation, both internationally and in domestic and regional contexts. In Canada, some of the key organisational players—the Grand Council of the Crees (Eeyou Istchee), the Assembly of First Nations, and the Union of British Columbia Indian Chiefs, or their predecessor organisations—were involved in the drafting and lengthy negotiations of the UN Declaration during the 1980s, 1990s and 2000s. In the United States, organisations like the American Indian Law Alliance and the Native American Rights Fund have been involved as well as the Navajo Nation and the Haudenosaunee Confederacy, who represent themselves as Indigenous peoples’ governing institutions. From Scandinavia, the Saami Council and the Sami Parliaments all play a key role in advancing Indigenous rights. In Latin America, organisations like the Confederación de Nationalidades Indígenas del Ecuador (CONAIE) and the Consejo Indio de Sud America (CISA) advocate for implementation of the UN Declaration. The three, major transnational Indigenous organisations— the World Council of Indigenous Peoples, the International Indian Treaty Council and the Inuit Circumpolar Council—were all key members of the drafting and negotiating team for the UN Declaration, and the latter two, which are still in existence, continue their strong advocacy for its full implementation.

Implementation of the UN Declaration on the Rights of Indigenous Peoples requires fundamental and significant change, on both the international and domestic levels. Because implementation of Indigenous rights essentially calls for a complete and fundamental restructuring of Indigenous-state relationships, it expects states to enact and implement a significant body of legal, constitutional, legislative and policy changes that can accommodate such things as Indigenous land rights, free, prior and informed consent, redress and a variety of self-government, autonomy and other such arrangements. States are not going to implement this multifaceted and complex set of changes on their own, however. They will require significant political and moral pressure to hold them accountable to the rhetorical commitments they have made to support this level of change. They will also require ongoing conversation and negotiation with Indigenous peoples along the way, lest the process becomes problematically one-sided. Such processes ultimately require sustained political will, commitment and engagement over the long term, to reach the end result of radical systemic change and Indigenous state relationships grounded in mutual respect, co-existence and reciprocity. This type of fundamental change requires creative thinking, careful diplomacy, tenacity, and above all, optimistic vision, on the part of Indigenous peoples. The pessimistic approaches of the resurgence school are ultimately of little use in these efforts, other than as a cautionary tale against state power, of which the organisational players are already keenly aware. Further, by dismissing and discouraging all efforts at engagement with states, and especially with the blanket accusations that all who engage in such efforts are ‘co-opted’ and not ‘authentically’ Indigenous, the resurgence school actually creates unnecessary negative feelings and divisions amongst Indigenous movements who should be pooling limited resources and working together towards better futures.

## 2NC

### T

#### Turn.

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Throughout this essay, I have felt uncomfortable with much of the language I have used. I do not like the tone that gets set when words like "client services" and "formerly homeless individual" are repeatedly used. Yet this is the language that is used in the domain of employment services - by the groups who are doing it, by the governmental agencies that are funding and regulating it, and by the academics who are evaluating and researching it. I [\*452] could create my own different language to describe what very low income people need in the way of help with finding jobs. Yet the project of seeking to link a pragmatic internal critique with the abolitionist aspiration is one that challenges us to speak inside of that language at the same time that we seek to push beyond it. Even as I pursue that dangerous project, I feel qualms about whether the project is worth doing at all, from a political perspective. Perhaps it is best to leave the domain of homeless service programs alone, and concern ourselves instead with the few projects - like the late Mitch Snyder's Center for Creative Non-Violence, or On the Rise in Boston, which empowers homeless women - that do not choose to take the state's money, or to speak its language, and have no confusion about "which side" they are on.

### Refusal Turn

#### Refusal must be open to iterative refinement which can only be achieved through debating the stasis point of the resolution.

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Alex Zahara, “Ethnographic Refusal: A How to Guide,” Discard Studies, August 8, 2016, <https://discardstudies.com/2016/08/08/ethnographic-refusal-a-how-to-guide/>

Activist researchers have the potential to uncover particularly sensitive information that, when revealed, may have very real social and material consequences for research participants and their communities. Examples of this could include the presence of contamination (in places, bodies or animals), access to knowledge that is considered sacred, or interview responses that are political and potentially identifying. Additionally, we might be given access to potentially painful community events and experiences. As researchers interested in social justice, how do we proceed helpfully and ethically in our research in such situations?

The concept of refusal is one way forward. Refusal is a method whereby researchers and research participants together decide not to make particular information available for use within the academy. It is intended to redirect academic analysis away from harmful pain-based narratives that obscure slow violence and towards the structures, institutions, and practices that engender those narratives. Doing so provides research participants the opportunity to (1) dictate whether knowledge is to be made available within the academy (or elsewhere); and (2) to determine how issues are responded to, when, and by whom. While anthropologists initially dismissed the concept of refusal for producing ‘incomplete’ depictions of marginalized groups (Ortner 1995), Indigenous theorists have reframed refusal as a decolonizing research method (Simpson 2007; Tuck and Yang 2014). According to Linda Tuhiwai Smith’s Decolonizing Methodologies (2012), decolonization requires attending to “…the implications of research for its participants and their communities” (p.19). For her and other Indigenous researchers, doing so necessitates community collaboration and control over research projects (Zavala 2013). Accordingly, the method is centrally concerned with a community’s right to self-representation, regardless of the community under study.

Action

In this section, the term ‘refusal’ is used in two ways: first, to describe the action of when a research participant refuses to engage in a particular topic of conversation or suggests to a researcher that something should not be published; and second, when a researcher—based on their own understanding of a given situation, or in response to research participants—refuses to publish this information. Here are some strategies for identifying and collaborating with research refusals.

Identifying what to refuse:

Preparation: Prior to conducting fieldwork, researchers should do ‘homework’ (Sundberg 2015), making an effort to understand the politics of the information that they’re gathering and producing. In doing so, contextualize your data within ongoing contestations, historical injustices, or hegemonic power relations. In many instances, this might best be done by conducting research in communities that we belong to or are otherwise already accountable to (Moffitt et al. 2015). Determine whether community members are already addressing issues on their own terms (e.g. Simpson 2007). If so, make contact and assess whether research is helpful.

Listen and reflect: When conducting interviews, identify not just overt refusals, but points of hesitation (Cameron 2015), changes in subject (Tuck & Yang 2014b), or semi/untruthful interview responses (Simpson 2007). These may be participant refusals, and should be contextualized or addressed accordingly.

Collaboration: If you’re not a member of the community you are researching with, research partnerships are necessary for confirming whether or not the information you have access to should be made available elsewhere. Participatory Action Research methods ensure involvement in this process (Zavala 2013). Alternatively, researchers might seek advice from specific community members for whom they have already developed a trustworthy relationship (Cameron 2015; Keene 2016). Researchers might also engage in community peer review, presenting research to community members prior to publishing information elsewhere (or refusing to do so).

How to refuse:

Studying up: Rather than studying the suffering of marginalized groups, researchers should focus instead on the systems and people responsible for this suffering (e.g. corporations, governments, or others in positions of power). This particular method is referred to as ‘studying up’. For an overview as it relates to refusal, see Gaztambide-Fernandez (2015).

Knowledge production: Researchers are recommended to ‘engage generatively’ with refusals (Simpson 2007). Doing so involves interpreting refusals— without revealing their content— by analyzing them within their historical or cultural context. See, for example, Dr. Adrienne Keene’s (2016) excellent discussion (and refusal to discuss) Navajo understandings and spiritual practices, and how they have been misrepresented in popular culture (specifically by author J.K. Rowling on the ‘Pottermore’ website).

Image use: Academics using photographs or producing visual outputs should select or digitally alter images (Gonzales-Day 2016) to “shift[] the gaze from the violated body to the violating instruments.” (Tuck and Yang 2014: 241). In doing so, the image itself produces a refusal. See also the images of e-waste centre Agbogbloshie taken by Alhassan Ibn Abdalla and featured in this post, or the example in Image 1 (below).

Ethical Considerations

While researchers may not be required to include refusals in their institutional ethics clearance (since it is an action of not reporting information), there are a number of other ethical considerations that researchers might face. First, because the method is centrally concerned with community representation, refusal necessarily involves aligning with particular individuals or stakeholders. Doing so may result in tensions— with other research participants, partners, or academics— regarding whether or how something should be refused. In turn, researchers should engage in reflexivity (Rose 1997) or ongoing project evaluation (Mathison 2014) in order to ensure they are proceeding forward on the basis of one’s positioning, research goals and ethics (e.g. community self-determination). Second, a researcher has the authority to decide what information is to be refused or how this information is interpreted, resulting in power imbalances between researcher and research participants and creating opportunities for community misrepresentation. In turn, community and participant peer review is necessary to ensure

community and participant peer review is necessary to ensure

#### Proves the disad turns the case---refusal alone fails when the world is burning.

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Jerry Lee, “Unrepresentable Justice: Looking for a Postqualitative Theory of Social Change.” *Qualitative Inquiry*, 1–6. https://doi.org/10.1177/1077800420922263

The Risk of Desiring More

Of course, you want more. As real as the constraints of lan- guage are, some part of you believes that is not the whole story. Attributing your difficulties finding a postqualitative practice of social change exclusively on deeply encoded habits of language and thought feels inadequate, like a tragic pose—sophisticated, beautiful even, but somehow self-insulating. It leaves you in the familiar territory of describing things, even if what you are describing is the limiting conditions of your descriptive activity.

There is an affect here being deferred to. Consider that postqualitative research theory begins as a step back from the imperial spectator subject of positivism—including the positivism found in interpretivism, grounded theory, and phenomenology. To this is added a step back from the sub- versive subject of the critical theory disciplines, traditions of thought that trouble naïve empiricism but retain a foun- dationalist realism and promise an authoritative insider knowledge that can lead to real change. This includes stand- point theory, critical race theory, as well as Marxism and post-Marxism.

The alternative to the modified foundationalism of crit- ical theory is the aporiatic suspension of all foundational- ism found in poststructuralism. This offers you yet another step back, this time into what Ricoeur (2008) calls a hermeneutics of suspicion and a subjectivity characterized by ironic regard for all representations. But even this is eventually found lacking. Posthumanism emerges as a step back from the overemphasis on linguistic representa- tion in poststructuralism.

Each step back is a hard-won technical achievement—an advance of analytic rigor you admire and find enjoyable. The persistent overarching form, however, is one of con- stantly stepping away from something. If you are honest, it looks to you like a flight response. Flight responses are based on the affect of fear. Which suggests a question: what anxiety is fueling all this critical backpedaling?

Whatever it is, it must be terrifying. Not just to you, but to many others as well. Two millennia have been spent engineering a foundationalist discourse that tells us the conclusions we come to are the only ones possible—the truth, the best practices, the most efficient practice, the exclusively logical conclusion. We are not responsible for the stances we take. The world, reality, forces them on us.

Even when the more critical, post discourses come into play, this anxiety is manifest. The shelter of foundationalism is replaced with a sheltering fog of critical suspension. Instead of actions justified by a deluded confidence, you refrain from offering authoritative representations. Analysis shifts to enforcing anti-foundationalism, a compulsive aversion to binaries, metaphysics, and explicit prescriptions for justice. Meanwhile truth becomes truthiness and the world continues to churn and burn.

Either way—with positivism or poststructuralism—you still do not have to take responsibility for advocating for particular forms of social relations. What remains to be developed is a practice of committing to specific onto-ethi- cal entanglements, to what Sylvia Wynter calls specific genres of being, instead of others—without foundational justification (Wynter & McKittrick, 2015).

It is not clear to you what such a practice would look like. It is not that anything is possible. But many constitu- tions of subject–object or agent–agent relations are possi- ble. If ontology is relational and pluralistic, then every act of relation is constituted by an inevitable refusal of other possible ontological relations. Once refused, those alterna- tive possibilities and the cascade of related possibilities for yourself and others are lost.

Is this the anxiety provoking part? Not a fear of being unwittingly caught in old ways of thinking. Instead a fear of losing worlds of possibility as you affirm other worlds? Of course, you are afraid. This is an understandable fear. Who are you to abandon whole futurities under the banner of sin- gular truths, best practices, or optimal efficiencies? You lack a language for even talking about that kind of ontologi- cal loss, for thinking about it. And if you can’t name a loss, then you can’t acknowledge the reality of it, take responsi- bility for it, mourn it. That is a recipe for a brittle arrogance and collective melancholia (Butler, 1997).

This then is what postqualitative “means to you.” It means to stand at a threshold of many ontological, ethical, and political possibilities, to be faced with an alleged free- dom and to have a presentiment of existential loss that will come with any course of action you take. Even tarrying on that threshold is an action. The action and loss are always already underway.

You know what you need to do. You need to risk com- mitting to representations, without the tricky hubris of pre- tending to be a god. You probably need to do it with others, with humility, because the risks are not just your own. The representations you generate—constrained by semi-mallea- ble materiality, suffuse with imagination—should offer not authoritative claims, but invitations to futurities worth having.

In this way, your research becomes less a coercive reve- lation, and more like committing to a cause among many worthy causes, participating in a collective gamble on what the world can be.

### Liberalism

#### We’ll impact turn the residual link.

Charles MILLS 12, the John Evans Professor of Moral and Intellectual Philosophy at Northwestern University [“Occupy Liberalism! Or, Ten Reasons Why Liberalism Cannot Be Retrieved for Radicalism,” *Radical Philosophy Review* 15(2): 305-323, http://pages.uoregon.edu/koopman/siap/readings/Mills\_Charles\_RPR.pdf]

From this perspective, it will be appreciated that liberalism is not a monolith but an umbrella term for a variety of positions. Here are some examples-some familiar, some perhaps less so:¶ Varieties of Liberalism¶ Left-wing (social democratic) vs. Right-wing (market conservative) Kantian vs. Lockean¶ Contractarian vs. Utilitarian Corporate vs. Democratic Social vs. Individualist Comprehensive vs. Political¶ Ideal-theory vs. Non-ideal-theory Patriarchal vs. Feminist Imperial vs. Anti-imperial Racial vs. Anti-racial Color-blind vs. Color-conscious¶ Etc.¶ It is not the case, of course, that these different species of liberalism have been equally represented in the ideational sphere, or equally implemented in the institutional sphere. On the contrary, some have been dominant while others have been subordinate, and some have never, at least in the full sense, been implemented at all. But nonetheless, I suggest they all count as liberalisms and as such they are all supposed to have certain elements in common, even those characterized by gender and racial exclusions. (My motivation for making these last varieties of liberalism rather than deviations from liberalism is precisely to challenge liberalism's self- congratulatory history, which holds an idealized Platonized liberalism aloft, untainted by its actual record of complicity with oppressive social systems.) So the initial question we should always ask people making generalizations about "liberalism" is: What particular variety of liberalism do you mean?¶ And are your generalizations really true about all the possible kinds of liberalism, or only a subset?¶ Here is a characterization of liberalism from a very respectable source, the British political theorist, John Gray:¶ Common to all variants of the liberal tradition is a definite conception, distinctively modern in character, of man and society.... It is individualist, in that it asserts the moral primacy of the person against the claims of any social collectivity; egalitarian, inasmuch as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms; and meliorist in its affirmation of the corrigibility and improvability of all social institutions and political arrangements. It is this conception of man and society which gives liberalism a definite identity which transcends its vast internal variety and complexity.2¶ What generate the different varieties of liberalism are different concepts of individualism, different claims about how egalitarianism should be construed or realized, more or less inclusionary readings of universalism (Gray's characterization sanitizes liberalism's actual sexist and racist history), different views of what count as desirable improvements, conflicting normative balancings of liberal values (freedom, equality) and competing theoretical prognoses about how best they can be realized in the light of (contested) socio-historical facts. The huge potential for disagreement about all of these explains how a common liberal core can produce such a wide range of variants. Moreover, we need to take into account not merely the spectrum of actual liberalisms but also hypothetical liberalisms that could be generated through novel framings of some or all of the above. So one would need to differentiate dominant versions of liberalism from oppositional versions, and actual from possible variants.¶ Once the breadth of the range of liberalisms is appreciated-dominant and subordinate, actual and potential-the obvious question then raised is: Even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms?¶ One kind of answer is the following (call this the internalist answer): Because there is an immanent conceptual/normative logic to liberalism as a political ideology that precludes any emancipatory development of it.¶ Another kind of answer is the following (call this the externalist answer): It doesn't. The historic domination of conservative exclusionary liberalisms is the result of group interests, group power, and successful group political projects. Apparent internal conceptual/normative barriers to an emancipatory liberalism can be successfully negotiated by drawing on the conceptual/normative resources of liberalism itself, in conjunction with a revisionist socio-historical picture of modernity.¶ Most self-described radicals would endorse-indeed, reflexively, as an obvious truth-the first answer. But as indicated from the beginning, I think the second answer is actually the correct one. The obstacles to developing a "radical liberalism" are, in my opinion, primarily externalist in nature: material group interests, and the way they have shaped hegemonic varieties of liberalism. So I think we need to try to justify a radical agenda with the normative resources of liberalism rather than writing off liberalism. Since liberalism has always been the dominant ideology in the United States, and is now globally hegemonic, such a project would have the great ideological advantage of appealing to values and principles that most people already endorse. All projects of egalitarian social transformation are going to face a combination of material, political, and ideological obstacles, but this strategy would at least reduce somewhat the dimensions of the last. One would be trying to win mass support for policies that-and the challenge will, of course, be to demonstrate this-are justifiable by majoritarian norms, once reconceived and put in conjunction with facts not always familiar to the majority. Material barriers (vested group interests) and political barriers (organizational difficulties) will of course remain. But they will constitute a general obstacle for all egalitarian political programs, and as such cannot be claimed to be peculiar problems for an emancipatory liberalism.¶ But the contention will be that such a liberalism cannot be developed. Why? Here are ten familiar objections, variants of internalism, and my replies to them.¶ Ten Reasons Why Liberalism Cannot Be Radicalized (And My Replies)¶ 1. Liberalism Has an Asocial, Atomic Individualist Ontology¶ This is one of the oldest radical critiques of liberalism; it can be found in Marx's derisive comments, for example in the Grundrisse, about the "Robinsonades" of the social contract theory whose "golden age" (1650-1800) had long passed by the time he began his intellectual and political career:¶ The individual and isolated hunter or fisher who forms the starting-point with Smith and Ricardo belongs to the insipid illusions of the eighteenth century. They are Robinson Crusoe stories .... no more based on such a naturalism than is Rousseau's contrat social which makes naturally independent individuals come in contact and have mutual intercourse by contract .... Man is in the most literal sense of the word a zoon politikon, not only a social animal, but an animal which can develop into an individual only in society. Production by individuals outside society ... is as great an absurdity as the idea of the development of language without individuals living together and talking to one another.3¶ But several replies can be made to this indictment. To begin with, even if the accusation is true of contractarian liberalism, not all liberalisms are contractarian. Utilitarian liberalism rests on different theoretical foundations, as does the late nineteenth-century British liberalism of T. H. Green and his colleagues: a Hegelian, social liberalism. 4 Closer to home, of course, we have John Dewey's brand of liberalism. Moreover, even within the social contract tradition, resources exist for contesting the assumptions of the Hobbesian/Lockean version of the contract. Rousseau's Discourse on the Origins of Inequality (1755) (nowhere given proper credit by Marx5) rethinks the "contract" to make it a contract entered into after the formation of society, and thus the creation of socialized human beings. So the ontology presupposed is explicitly a social one. In any case, the contemporary revival of contractarianism initiated by John Rawls's 1971 A Theory of justice makes the contract a thought experiment, a "device of representation," rather than a literal or even metaphorical anthropological account. The communitarian/ contractarian debates of the 1980s onwards recapitulated much of the "asocial" critique of contractarian liberalism (though usually without a radical edge). But as Rawls pointed out against Michael Sandel, for example, one needs to distinguish the figures in the thought experiment from real human beings.6 And radicals should be wary about accepting a communitarian ontology and claims about the general good that deny or marginalize the dynamics of group domination in actual societies represented as "communities." The great virtue of contractarian liberal individualism is the conceptual room it provides for hegemonic norms to be critically evaluated through the epistemic and moral distancing from Sittlichkeit that the contract, as an intellectual device, provides.¶ 2. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology-I (Macro)¶ The second point needs to be logically distinguished from the first, since a theory could acknowledge the social shaping of individuals while denying that group oppression is central to that shaping. (So #1 is necessary, but not sufficient, for #2.) The Marxist critique, of course, was supposed to encapsulate both points: people were shaped by society and society (post- "primitive communism") was class-dominated. The ontology was social and it was an ontology of class. Today radicals would demand a richer ontology that can accommodate the realities of gender and racial oppression also. But whatever candidates are put forward, the, key claim is that a liberal framework cannot accommodate an ontology of groups in relations of domination and subordination. To the extent that liberalism recognizes social groups, these are basically conceived of as voluntary associations that one chooses to join or not join, which is obviously very different from, say, class, race, and gender memberships.¶ But this evasive ontology, which obfuscates the most central and obvious fact about all societies since humanity exited the hunting-and-gathering stage-viz., that they are characterized by oppressions of one kind or another-is not a definitional constituent of liberalism. Liberalism has certainly recognized some kinds of oppression: the absolutism it opposed in the seventeenth to nineteenth centuries, the Nazism and Stalinism it opposed in the twentieth century. Liberalism's failure to systematically address structural oppression in supposedly liberal-democratic societies is a contingent artifact of the group perspectives and group interests privileged by those structures, not an intrinsic feature of liberalism's conceptual apparatus.¶ In the preface to her recent Analyzing Oppression, Ann Cudd makes a striking point: that hers is the first book-length treatment of the subject in the analytic tradition. 7 Philosophy, the discipline whose special mandate it is to illuminate justice and injustice for us, has had very little to say about injustice and oppression because of the social background of the majority of its thinkers. In political theory and political philosophy, the theorists who developed the dominant varieties of liberalism have come overwhelmingly from the hegemonic groups of the liberal social order (bourgeois white males). So it is really not surprising that, given this background, their socio- political and epistemic standpoint has tended to reproduce rather than challenge group privilege.¶ Consider Rawls, famously weak on gender and with next to nothing to say about race. Rawlsian "ideal theory," which has dominated mainstream political philosophy for the last four decades, marginalizes such concerns not contingently but structurally. If your focus from the start is principles of distributive justice for a "well-ordered society," then social oppression cannot be part of the picture, since by definition an oppressive society is not a well-ordered one. As Cudd points out, A Theory of justice "leaves injustice virtually untheorized," operating on the assumption "that injustice is merely the negation of justice." 8 But radically unjust societies-those characterized by major rather than minor deviations from ideality-will be different from just societies not merely morally but metaphysically. What Cudd calls "non- voluntary social groups" will be central to their makeup, so that a conceptualization of such groups must be central to any adequate account of social oppression: "without positing social groups as causally efficacious entities, we cannot explain oppression." Contra the conventional wisdom in radical circles, however, she is insistent that the ontology of such groups can be explained "[using] current social science, in the form of cognitive psychology and modern economic theory, and situat[ing] itself in the Anglo-American tradition of liberal political philosophy."9 Identifying "intentionalist" and "structuralist" approaches as the two broad categories of competing theorizations of social groups, she recommends as the best option¶ a compatibilist position, holding that while all action is intentionally guided, many of the constraints within which we act are socially determined and beyond the control of the currently acting individual; to put a slogan on it, intentions dynamically interact within social structures .... My theory of nonvoluntary social groups fits the description of what Philip Pettit calls "holistic individualism," which means that the social regularities associated with nonvoluntary social groups supervene on intentional states, and at the same time, group membership in these and voluntary social groups partly constitutes the intentional states of individuals. 10¶ If Cudd is right, then, such a theorization can indeed be developed within a liberal framework, using the resources of analytic social and normative theory. But such a development of the theory is not merely permissible, but should be seen as mandatory, given liberalism's nominal commitment to individualism, egalitarianism, universalism, and meliorism. These values simply cannot be achieved unless the obstacles to their realization are identified and theorized. Social-democratic (left) liberalism, feminist liberalism, black liberalism, all historically represent attempts to take these structural realities into account for the purposes of rethinking dominant liberalism. 11 They are attempts to get right, to map accurately, the actual ontology of the societies for which liberalism is prescribing principles of justice. What Cudd's book demonstrates is that it is the ignoring of this ontology of group domination that is the real betrayal of the liberal project. A well-ordered society will not have nonvoluntary social groups as part of its ontology. So the path to the "realistic utopia" Rawls is supposedly outlining would crucially require normative prescriptions for eliminating such groups. That no such guidelines are offered is undeniably an indictment of ideal-theory liberalism, which is thereby exposed as both epistemologically and ontologically inadequate. But that does not rule out a reconceptualized liberalism, a non-ideal-theory liberalism that, starting from a different social metaphysic, requires a different normative strategy for theorizing justice.¶ 3. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology-II (Micro)¶ But (it will be replied) liberalism suffers from a deeper theoretical inadequacy. Even if it may be conceded that liberal theory can recognize oppression at the macro-level, it will be argued that its individualism prevents it from recognizing how profoundly, at the micro-level, individuals are shaped by structures of social oppression. Class, race, and gender belongings penetrate deeply into the ontology of the individual in ways rendered opaque (it will be claimed) by liberalism's foundational individualism.¶ But what those seeking to retrieve liberalism would point out is that we need to distinguish different senses of "individualism." The individualism that is foundational to liberalism is a normative individualism (as in the Gray quote above), which makes individuals rather than social collectivities the locus of value. But that does not require any denial that individuals are shaped in their character (the "second nature" famously highlighted by left theory) by oppressive social forces and related group memberships. Once the first two criticisms have been refuted-that liberal individuals cannot be "social," and that the involuntary group memberships central to the social in oppressive societies cannot be accommodated within a liberal framework-then this third criticism collapses with them also. One can without inconsistency affirm both the value of the individual and the importance of recognizing how the individual is socially molded, especially when the environing social structures are oppressive ones. As already noted, dominant liberalism tends to ignore or marginalize such constraints, assuming as its representative figures individuals not merely morally equal, but socially recognized as morally equal, and equi-powerful rather than group- differentiated into the privileged and the subordinated. But this misleading normative and descriptive picture is a function of a political agenda complicit with the status quo, not a necessary implication of liberalism's core assumptions. A revisionist, radical liberalism would make the analysis of group oppression, the denial of equal standing to the majority of the population, and their impact on the individual's ontology, a theoretical priority. Thus Cudd's book, after explicating the ontology of involuntary groups, goes on to detail the various different ways, through violence, economic constraint, discrimination, group harassment, and the internalization of psychological oppression, that the subordinated are shaped by group domination.12 But nothing in her account is meant to imply either that they thereby cease to be individuals, or that their involuntary group memberships preclude a normative liberal condemnation of the injustice of their treatment.

## 1NR

### Cap K

#### 3. Climate change turns the entire case.

Eric BONDS, assistant professor of sociology at the University of Mary Washington in Fredericksburg, Virginia, 16 [“Upending Climate Violence Research: Fossil Fuel Corporations and the Structural Violence of Climate Change,” *Human Ecology Review*, Vol. 22, No. 2, 2016, p. 3-23, Accessed Online through Emory Libraries]

Martin Luther King Jr. stated in a sermon he delivered in 1956 that "peace is not merely the absence of some negative force-war, tension, confusion, but it is the presence of some positive force-justice" (King, 1956). Both before and since King made this eloquent statement, philosophers and social activists have critiqued narrow conceptualizations of peace as the lack of armed hostilities and active fighting. Narrow definitions of peace, after all, overlook other more prevalent causes of death and suffering in the world. Johan Galtung (1969) brought this critique into the social sciences in a now classic essay in which he introduced the concept of "structural violence," which he defined as the existence of suffering and death in the world that might otherwise be prevented. Structural violence, he argues, is caused when "resources are unevenly distributed, as when income distributions are heavily skewed, literacy/education unevenly distributed, medical services existent in some districts and for some groups only, and so on" (Galtung, 1969, p. 171). As Soron (2007) further explains, it is "the normal, unexceptional, anonymous, and often unscrutinized violence woven into the routine workings of prevailing power structures."

While death is inevitable and suffering for all people who live long enough is unavoidable, Galtung (1969, p. 168) focuses on preventable deaths and degrees of suffering as manifestations of structural inequalities, writing that, for instance, "if a person died from tuberculosis in the eighteenth century it would be hard to conceive of this as violence since it might have been quite unavoidable, but if he dies from it today, despite all the medical resources in the world, then violence is present according to our definition." Anthropologist and medical doctor Paul Farmer has put the concept to good use to study the tuberculosis and HIV/AIDS epidemics that needlessly kill millions of persons every year. Farmer's (2003, 2004) own focus is on Haiti, and the ways that its historical domination within the global political economy and its own internal inequalities-based on divisions of race, class, and gender-create a society that is ravaged by these diseases, which could be largely averted or at least made much less severe.

Both Galtung and Farmer insist that social scientists are introducing an important kind of bias in their research by focusing only on forms of violence that are intentionally and directly carried out. Certainly direct forms of violence are more immediately visible. Warfare, with its bombs and explosions and all the terrible wounds it creates, is often spectacular. It embodies a certain kind of drama that often draws and holds our attention (Galtung, 1969). Even so, both theorists warn that narrowly focusing on dramatic forms of direct violence will let the biggest killers in contemporary global society go free, and mostly unnoticed.

Typically, orthodox climate conflict research measures violence in terms of the numbers of persons killed in hostilities. There is no doubt that such killings are troubling, and any connection between climate change and the onset of violent clashes in the global South should be studied. But the almost exclusive focus on this potential connection in regard to climate-related violence is also disconcerting. After all, can we say that, if global warming continues unabated, the increasing numbers of children who will die from waterborne diseases is somehow peaceful, even if it does not trigger armed combat? Can we say that the millions of persons who will be forced to leave their homes and homelands due to rising ocean levels are going in peace, even if their migrations do not lead to war? And what about the growing rates of people expected to be killed or displaced by the increasing numbers of severe tropical storms? While they might suffer silently without raising arms, is this peace? Clearly not. But current research on climate-related violence is unmindful of the likelihood of such suffering and death. It misses the mark by failing to acknowledge that climate change is itself violent (Solnit, 2014).

Dennis Soron (2007), for one, has advocated for the study of the structural violence of climate change. Such violence is not committed with malice and intent. And its impacts will not be felt immediately, but only over the decades to come. The World Health Organization, for instance, predicts that 250,000 excess deaths per year will be indirectly caused by climate change between the years 2030 and 2050 (through, for example, increased childhood malnutrition, heat waves, and the spread of tropical diseases) (Hales et al., 2014). Obviously, these deaths will pale in comparison to those that will be linked to climate change beyond 2050 if current rates of warming continue. And, needless to say, the bulk of these deaths will be experienced in the global South, among groups who contributed least to global warming but are also most vulnerable to its effects (Parr, 2014; Roberts & Parks, 2006).

#### 2. Their evidence explicitly rejects the marketplace as a place to preserve “individual competitors” BUT if the 1AC is consistent with market-based solutions, it zeroes all their offense on topicality.

Frederic C. RICH, J.D., University of Virginia School of Law, practiced at Sullivan & Cromwell LLP (1981-2014), Vice Chair of the Land Trust Alliance, head of the Environmental Leaders Group in New York State, 16 [*Getting to Green*, 2016, p. 88-91]

Closely allied with the notion that economic growth is the main enemy of a sustainable environment is the conviction that capitalism, so good at producing growth, is a social and economic framework inconsistent with environmental goals. It is tempting but wrong to think of this as a fringe position. This anticapitalist bias arises from a longstanding Green focus on market failure, and has been promoted by some of the most mainstream figures in environmentalism, such as former Yale School of Forestry and Environmental Studies dean Gus Speth, who—not mincing words or evidencing any concern for conservative sensibilities—asserts, "The planet cannot sustain capitalism as we know it."" The rapturous reception accorded by many Greens to Naomi Klein's 2014 anticapitalist polemic, This Changes Everything: Capitalism vs. The Climate, demonstrates the continuing strength of this bias within the Green movement.

There are few Green books that do not at some point mention Garrett Hardin's 1968 article in Science, "The Tragedy of the Commons."12 This is because most Green engagement with market capitalism starts with the proposition that people acting only as economic animals in their own rational self-interest will be free riders. Free riders take advantage of any opportunity to use (to and past the point of abuse) public or ecological resources (as in the grazing rights on the commons or fish stocks in the ocean). Free riders also impose costs on others or society at large (e.g., through pollution, where the free rider imposes an "externality," or cost, on society that should properly be priced into its own cost of production). This predisposition and ability to abuse public resources and impose externalities in a laissez-faire market system is at the heart of much Green discomfort with leaving everything to the free-market economy.

A similar market failure arises on the value side of the equation: Greens observe that the market prices resources such as timber and minerals, but fails to value "ecological services" (like the role [END PAGE 88] of forests in protecting aquifers or of wetlands in buffering storm surges). These failures are related to the market's difficulty in valuing things that are as intricate as ecological systems, or in accounting for deferred consequences (such as the flood-buffering effects of wetlands over time in the face of sea level rise). As Speth puts it, "The result is that our market economy is operating on wildly wrong market signals, lacks other correcting mechanisms, and is thus out of control environmentally."13 This much is true. The solution, of course, is not to throw out the market system but to correct the market failures by, for example, a carbon tax that shifts the costs of the externality to the producer.

Market failures are not, however, the exclusive cause of the anti-capitalist tendency among Greens. Parts of the Green movement are influenced by a broad leftist distrust of markets and capitalism. This distrust was exacerbated after the debacle of 2008 and the rise among progressives generally of severe doubts about the particular risks attached to unfettered financial markets. These doubts can, I think, be excused, given the damage done in the last decade by irrational excess, both on Wall Street and in corporate America. The distinction between rational self-interest (good) and excessive greed (bad) is also a critical one for some on the right, as illustrated by Russell Kirk's worrying in 1953 that the withering of religion, with its prohibition against avarice, and "the decay of the old aristocratic prejudices against greedy speculation," could lead to "a vast and voracious concentration upon profits."14 This sense that "a vast and voracious concentration upon profits" may not be a good thing is shared both by traditional conservatives and the left. Nonetheless, when Greens like Gus Speth take aim at capitalism, hostile conservatives shine a spotlight on the antimarket rhetoric and use it to paint the movement as socialistic. These old fault lines between socialism and capitalism have been revived by the virulent debate around capping carbon emissions, where forces on the right argue that confronting climate change threatens the free-market [END PAGE 89] system as we know it, and certain forces on the left agree, admitting that lowering global carbon emissions to the levels required to stabilize the climate will indeed be achieved "only by radically reordering our economic and political systems in ways antithetical to [the] 'free market' belief system." Canadian journalist and author Naomi Klein argues that this is a good thing, and that "the real solutions to the climate crisis are also our best hope of building a much more enlightened economic system-one that closes deep inequalities, strengthens and transforms the public sphere, generates plentiful, dignified work and radically reins in corporate power.”15 Her new book calls frankly for redistribution of wealth, what she calls “managed de-growth.” She writes that rightist ideologues who argue that action to limit climate change would spell the doom of capitalism actually have a better understanding of what is really required than mainstream environmentalists.

The anticapitalist flavor of "deep ecology" also provides an easy target for conservative critics such as Dinesh D'Souza, who wrote, "(S]ome environmentalists hold that the whole premise of modern technological capitalism, which is to supply the ever-increasing wants of man, is based on the false premise that the biosphere is ours for the ransacking. In the view of 'deep ecologists,' technological capitalism is a vicious, predatory enterprise because nature does not belong to us, we belong to nature.”16

Finally, despite the current Green movement's broad embrace of "environmental economics" and market-based solutions, thoughtful Greens understand that there remains an apparent disconnect between the deepest values of the Green movement and the mechanistic determinism of the market. The market deals with things that can be priced, and uses their prices to determine their values. When nature is looked at in terms of its values as a resource, as genetic information, and/or as provider of “ecological services,” prices can be fixed, and used to set priorities and maximize efficiency. But the idea of a transcendent value to nature is deeply [END PAGE 90] embedded in Green thinking. Simply put, some of environmentalism is about saving things whose value just cannot be priced. Aldo Leopold asked, "Do economists know about lupines?" and the question resonates deeply with many Greens, myself included. This sensibility, even if it highlights the limits of the market, does not require that market economics should be replaced with socialism or anything else. And, importantly, it provides a vital bridge to conservatives, who also recognize that certain values lie in a realm outside of the reach of the market.

#### 5. Utilizing the market in the intersection with political demands is key---anything else fails to galvanize sufficient climate policies. Proves the aff is diametrically opposed to our demand.

Wim CARTON, Human Geography, Lund University, 17 [“Dancing to the Rhythms of the Fossil Fuel Landscape: Landscape Inertia and the Temporal Limits to Market-Based Climate Policy,” *Antipode*, Vol. 49, No. 1, January 2017, p. 43-61, Accessed Online through Emory Libraries]

Underlying this competitive advantage of biomass is a resemblance to fossil fuels that is particularly convenient for energy companies. Fossil fuels can be easily stored and transported, are generally employable independent of weather variations and thus provide a reliable and predictable source of energy that can be easily adjusted to market demand (Huber 2008). These biophysical properties of fossil fuels are reflected in the highly centralized and steerable forms of electricity generation that dominate the existing energy landscape. As a combustible fuel, biomass (and particularly the use of wood pellets) fits many of these characteristics, as of course does the natural gas used in fuel switching. Other renewable technologies meanwhile reflect radically different geographies, often much more dependent on environmental factors such as weather and location (Calvert and Simandan 2010; Nadaï and van der Horst 2010), and therefore tend to require more substantial up-front investments. By themselves, these differences need not make the uptake of renewables impossible, indeed there are plenty of examples to illustrate that they do not. The point, rather, is that the characteristics of the existing fossil fuel landscape, historically constructed as it is, have an inert materiality that plays an important role in determining why a certain renewable energy investment is cost effective while another is not. A company's investment choices, overall energy prices, research and development costs, etc. are all significantly influenced by the ubiquity of a distinctively fossil fuel-oriented energy infrastructure and the centrality of fossil energy use to processes of socio-economic reproduction. In other words, the inertia of the fossil fuel landscape is fundamentally reproduced in the economics of technological development. This need not be a problem as long as politicians make policy choices that consciously confront and counteract landscape inertia. Market instruments that subsume climate policy to the goal of economic efficiency, however, deliberately refuse to do so. The choice for a MBM is a choice for the cheapest technology, which in a world burdened by landscape inertia implies a choice for technologies that are largely compatible with the prevailing fossil fuel landscape.

#### 7. Problem-solving approach to climate change is key. The aff forecloses it.

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We are all familiar with the litany of environmental woes. Scientists tell us, for example, that we are now in the midst of the sixth great extinction since life [End Page 9] formed on the planet close to a billion years ago. If things don't change, we will drive one-third to one-half of all species to extinction over the next 50 years.4 Despite this, there are no policy proposals being advanced at the national or international levels that come even close to addressing the magnitude of biodiversity loss.5 Likewise, we know that the build-up of greenhouse gases is radically changing the climate, with catastrophic dangers beginning to express themselves and greater ones waiting in the wings. The international community has embarked on significant efforts to curb greenhouse gas emissions but no policies are being debated that come even close to promising climate stabilization—including commitments to reduce the amount of carbon emissions per unit of GDP, as advanced by the US government, and to reduce GHG emissions globally by 5 percent below 1990 levels, as specified by the Kyoto Protocol. Scientists tell us that, to really make a difference, we need reductions on the order of 70–80 percent below 1990 levels.6 Such disconnects between high-level policy discussions and the state of the environment are legion. Whether one looks at data on ocean fisheries, fresh water scarcity or any other major environmental dilemma, the news is certainly bad as our most aggressive policies fall short of the minimum required. What is our role as scholars in the face of such a predicament? Many of us can and should focus on problem-solving theory. We need to figure out, for example, the mechanisms of cap and trade, the tightening of rules against trafficking in endangered species and the ratcheting up of regulations surrounding issues such as water distribution. We should, in other words, keep our noses to the grindstone and work out incremental routes forward. This is important not simply because we desperately need policy-level insight and want our work to be taken seriously but also because it speaks to those who are tone-deaf to more radical orientations. Most of the public in the developed world apparently doesn't like to reflect on the deep structures of environmental affairs and certainly doesn't like thought that recommends dramatically changing our lifestyles. Nonetheless, given the straits that we are in, a different appreciation for relevance and radical thought is due—especially one that takes seriously the normative bedrock of our discipline. Critical theory self-consciously eschews value-neutrality and, in doing so, is able to ask critical questions about the direction of current policies and orientations. If there ever were a need for critical environmental theory, it is now—when a thaw in political stubbornness is seemingly upon us and the stakes of avoiding dramatic action are so grave. The challenge is to fashion a more strategic and meaningful type of critical theory. We need to find ways of speaking that re-shift the boundary between reformist and radical ideas or, put differently, render radical insights in a language that makes clear what they really are, namely, the most realistic orientations these days. [End Page 10] Realism in International Relations has always enjoyed a step-up from other schools of thought insofar as it proclaims itself immune from starry-eyed utopianism. By claiming to be realistic rather than idealistic, it has enjoyed a permanent seat at the table (indeed, it usually sits at the head). By analogy, problem-solving theory in Environmental Studies has likewise won legitimacy and appears particularly attractive as a new environmental day is, arguably, beginning to dawn. It has claimed itself to be the most reasonable and policy-relevant. But, we must ask ourselves, how realistic is problem-solving theory when the numbers of people currently suffering from environmental degradation—either as mortal victims or environmental refugees—are rising and the gathering evidence that global-scale environmental conditions are being tested as never before is becoming increasingly obvious. We must ask ourselves how realistic problem-solving theory is when most of our actions to date pursue only thin elements of environmental protection with little attention to the wider, deeper and longer-term dimensions. In this context, it becomes clear that our notions of realism must shift. And, the obligation to commence such a shift sits squarely on the shoulders of Environmental Studies scholars. That is, communicating the realistic relevance of environmental critical theory is our disciplinary responsibility. For too long, environmental critical theory has prided itself on its arcane language. As theoreticians, we have scaled the heights of abstraction as we have been enamored with the intricacies of sophisticated theory-building and philosophical reflection. In so doing, we have often adopted a discourse of high theory and somehow felt obligated to speak in tongues, as it were. Part of this is simply the difficulty of addressing complex issues in ordinary language. But another part has to do with feeling the scholarly obligation to pay our dues to various thinkers, philosophical orientations and so forth. Indeed, some of it comes down to the impulse to sound unqualifiedly scholarly—as if saying something important demands an intellectual artifice that only the best and brightest can understand. Such practice does little to shift the boundary between problem-solving and critical theory, as it renders critical theory incommunicative to all but the narrowest of audiences. In some ways, the key insights of environmentalism are now in place. We recognize the basic dynamic of trying to live ecologically responsible lives. We know, for example, that Homo sapiens cannot populate the earth indefinitely; we understand that our insatiable appetite for resources cannot be given full reign; we know that the earth has a limit to how much waste it can absorb and neutralize. We also understand that our economic, social and political systems are ill-fitted to respect this knowledge and thus, as social thinkers, we must research and prescribe ways of altering the contemporary world order. While we, as environmental scholars, take these truths to be essentially self-evident, it is clear that many do not. As default critical theorists, we thus need to make our job one of meaningful communicators. We need to find metaphors, [End Page 11] analogies, poetic expressions and a host of other discursive techniques for communicating the very real and present dangers of environmental degradation. We need to do this especially in these challenging and shadowy times. Resuscitating and refining critical Environmental Studies is not simply a matter of cleaning up our language. It is also about rendering a meaningful relationship between transformational, structural analysis and reformist, policy prescription. Yes, a realistic environmental agenda must understand itself as one step removed from the day-to-day incrementalism of problem-solving theory. It must retain its ability to step back from contemporary events and analyze the structures of power at work. It must, in other words, preserve its critical edge. Nonetheless, it also must take some responsibility for fashioning a bridge to contemporary policy initiatives. It must analyze how to embed practical, contemporary policy proposals (associated with, for example, a cap-and-trade system) into transformative, political scenarios. Contemporary policies, while inadequate themselves to engage the magnitude of environmental challenges, can nevertheless be guided in a range of various directions. Critical Environmental Studies can play a "critical" role by interpreting such policies in ways that render them consonant with longer-range transformative practices or at least explain how such policies can be reformulated to address the root causes of environmental harm. This entails radicalizing incrementalism—specifying the relationship between superstructural policy reforms and structural political transformation.

#### Humanism is contingently good and alternatives are far worse.

Lester 12 – Alan Lester, Director of Interdisciplinary Research, Professor of Historical Geography, and Co-Director of the Colonial and Postcolonial Studies Network at the University of Sussex, 2012 (*Humanism, Race and the Colonial Frontier*, Published of the Institute of British Geographers, Volume 37, Issue 1, p. 132-148) //Xain

Anderson argues that it is not an issue of extending humanity to … negatively racialised people, but of putting into question that from which such people have been excluded – that which, for liberal discourse, remains unproblematised. (2007, 199) I fear, however, that if we direct attention away from histories of humanism’s failure to deal with difference and to render that difference compatible with its fundamental universalism, and if we overlook its proponents’ failed attempts to combat dispossession, murder and oppression; if our history of race is instead understood through a critique of humanity’s conceptual separation from nature, **we dilute the political potency of universalism. Historically, it was not humanism** that gave rise to racial innatism, it was the **specifically anti-humanist politics** of settlers forging new social assemblages through relations of violence on colonial frontiers. Settler communities became established social assemblages in their own right **specifically** **through the rejection of humanist interventions**. Perhaps, as Edward Said suggested, **we can learn from the implementation of humanist universalism in practice**, and insist **on its potential to combat racism**, and perhaps we can insist on the contemporary conceptual hybridisation of human–non-human entities too, without necessarily abandoning all the precepts of humanism (Said 2004; Todorov 2002). We do not necessarily need to accord a specific value to the human, separate from and above nature, in order to make a moral and political case for a fundamental human universalism that can be wielded strategically against racial violence. Nineteenth century humanitarians’ universalism was fundamentally conditioned by their belief that British culture stood at the apex of a hierarchical order of civilisations. From the mid-nineteenth century through to the mid-twentieth century, this ethnocentrism produced what Lyotard describes as ‘the flattening of differences, or the demand for a norm (“human nature”)’, that ‘carries with it its own forms of terror’ (cited Braun 2004, 1352). The intervention of Aboriginal Protection demonstrates that humanist universalism has the potential to inflict such terror (it was the Protectorate of Aborigines Office reincarnated that was responsible, later in the nineteenth and twentieth centuries, for Aboriginal Australia’s Stolen Generation, and it was the assimilationist vision of the Protectors’ equivalents in Canada that led to the abuses of the Residential Schools system). But we must not forget that **humanism’s alternatives,** founded upon principles of difference rather than commonality, **have the potential to do the same and even worse**. In the nineteenth century, Caribbean planters and then emigrant British settlers emphasised the multiplicity of the human species, **the absence of any universal ‘human nature’**, the **incorrigibility of difference**, in their **upholding of biological determinism**. Their assault on any notion of a fundamental commonality among human beings has **disconcerting points of intersection with the radical critique of humanism today**. The scientific argument of the nineteenth century that came closest to post-humanism’s insistence on the hybridity of humanity, promising to ‘close the ontological gap between human and non-human animals’ (Day 2008, 49), was the evolutionary theory of biological descent associated with Darwin, and yet this theory was adopted in Aotearoa New Zealand and other colonial sites **precisely to legitimate the potential extinction of other, ‘weaker’ races** in the face of British colonisation on the grounds of the natural law of a struggle for survival (Stenhouse 1999). Both the upholding and the rejection of human–nature binaries can thus result in racially oppressive actions, **depending on the contingent politics of specific social assemblages**. Nineteenth century colonial humanitarians, inspired as they were by an irredeemably ethnocentric and religiously exclusive form of universalism, at least combatted exterminatory settler discourses and practices at multiple sites of empire, and provided spaces on mission and protectorate stations in which indigenous peoples could be shielded to a very limited extent from dispossession and murder. They also, unintentionally, reproduced discourses of a civilising mission and of a universal humanity that could be deployed by anticolonial nationalists in other sites of empire that were never invaded to the same extent by settlers, in independence struggles from the mid-twentieth century. Finally, as Whatmore’s (2002) analysis of the Select Committee on Aborigines reveals, they provided juridical narratives that are part of the arsenal of weapons that indigenous peoples can wield in attempts to claim redress and recompense in a postcolonial world. The politics of humanism in practice, then, was riddled with contradiction, fraught with particularity and latent with varying possibilities. It could be relatively progressive and liberatory; it could be dispossessive and culturally genocidal. Within its repertoire lay potential to combat environmental and biological determinism and innatism, however, and **this should not be forgotten in a rush to condemn humanism’s universalism** as well as its anthropocentrism. It is in the tensions within universalism that the ongoing potential of an always provisional, **self-conscious, flexible and strategic humanism** – one that now recognises the continuity between the human and the non-human as well as the power-laden particularities of the male, middle class, Western human subject – resides.

#### Resuscitating humanist thought is key to human survival – their strategy naturalizes oppression and brackets-off theory from world concerns.

Isaac KAMOLA 17, an Assistant Professor of political science at Trinity College [“A time for anticolonial theory,” *Contemporary Political Theory*, First Online: October 5, 2017, p. 1-8, https://link.springer.com/article/10.1057/s41296-017-0161-8]

Today the world seems profoundly broken. Decades of endemic financial crisis and stagnant real wages have produced planetary inequality of such magnitude that eight white men now own the same wealth as the poorest half of the world’s population (Oxfam, 2017). Seemingly nihilistic armed conflicts engulf many regions of world, contributing to a reality in which one in every hundred people on the planet lives as a refugee (Connor and Krogstad, 2016). It is now ninety-five percent likely that temperatures will rise above the two-degree Celsius threshold, making the most dangerous effects of global climate change largely inevitable (Raftery et al., 2017). And this does not even include the success of racist, alt-right, and fascist movements across the United States, Europe, and elsewhere. All this at a time when governments and institutions around the world seem completely ill-equipped to even begin engaging the issues central to human survival.

This brave new world is not only profoundly dispiriting, it poses very serious challenges to those whose academic and political practice involves critically engaging the world with the aim of crafting the theoretical tools – or, as Amílcar Cabral (1979) might suggest, weapons – needed to change it. Today, the academic workbench of concepts, theories, and analysis seems woefully inadequate to honestly stare into the abyss before us, much less provide meaningful guidance for systemic transformation. One reason for the considerable gulf between available theories and present political realities stems from the fact that much of the intellectual tradition structuring the academy today was built alongside imperial or liberal political and historical trajectories. Many of the cherished thinkers we draw upon to construct the contemporary political imaginaries were often coconspirators in the solidification of the European state system and Western imperialism. During the twentieth century, theorists engaged in celebrating a politics of mass demonstration and deliberation, social movements, democratization, and post-Cold War cosmopolitan civil society. The theoretical lessons learned from these historical moments now seem either complicit in, or overly stressed by, the weight of the current pressures. Similarly, many of the political and theoretical apparatuses used to critique this history pale in the face of a historical moment that seems to demand a renewed militancy of purpose, a willingness to take risks for justice, and the urgent need for even more vibrant and vital networks of human solidarity.

It is not surprising, therefore, that within the current conjuncture political thinkers in the Western academy have begun returning to the shelves of the African anticolonial archive (for example: el-Malik and Kamola, 2017; Phạm and Shilliam, 2016; el-Malik, 2016). The twentieth-century struggles against colonialism in Africa, the African diaspora, and around the world, seem to once again speak in instructive and unexpected ways. There is good reason for this return. These voices are poetic yet strident, theoretical but immediately practical to the particularities of struggle. These writings on colonialism, race, class, violence, and governance avoid abstract musing – and the polish and perfection of argument that goes along with it. Instead, they are timely statements made with great urgency. The assumed audience of African anticolonial thought was often not scholars, but rather one’s immediate and intimate comrades. The horizons of these texts and arguments often contain futures filled with possibility, even if the specific outlines are not entirely discernable in the present moment.

Several recent books have argued, in different ways, that returning to thinkers of African anticolonial struggle greatly enriches the theoretical understandings and political struggles of the present. Gary Wilder’s Freedom Time: Negritude, Decolonization, and the Future of the World (2015), Robbie Shilliam’s The Black Pacific: Anti-Colonial Struggles and Oceanic Connections (2015), and Achille Mbembe’s Critique of Black Reason (2017) all make the compelling argument that the ideas, concepts, and modes of argument developed during anticolonial struggles in Africa and by the African diaspora are uniquely suited to help make sense of – and intervene into – the present. Unlike previous debates about ‘African philosophy’ or the popular turn towards ‘comparative’ or ‘global’ political theory, these three authors neither seek to ‘bring’ black and African voices ‘into’ an academic field; nor do they take anticolonial thought as confined to a location, limited to specific set of ‘problems’, or focused exclusively on the aim of national independence. Instead, Wilder, Shilliam, and Mbembe treat the work of anticolonialism as a human inheritance, one that transcends time and space. Wilder, for example, clearly states that he is less interested in ‘provincializ[ing] Europe’ than in working to ‘deprovincialize Africa and the Antilles’ (p. 10). To do so, he tackles the political and intellectual work of Aimé Césaire and Léopold Sédar Senghor in ways that force attention to their broader commitment to articulating a post-national (and post-continental) human politics, as a radical critique of Western modernity rather than the limited plotting of national independence or a black political identity. Similarly, Shilliam foregrounds the epistemic and manifest networks through which the liberatory desires embedded within black power movements and RasTafari spiritual practices circulated among religious, activist, and youth communities in Aotearoa (New Zealand) and beyond. Mbembe also rejects the compartmentalization of ‘Africa’ from the world, demonstrating that the racialized practices and knowledges once used to justify the colonization of Africa have become widely generalized beyond race. The political and epistemic practices that used ‘Black’ and ‘Africa’ as references to concoct racialized categories have become universalized beyond race.

These authors share a commitment to rereading African peoples, practices, and thought – especially as they relate to the refusal of the Western modern and colonial project – as central to understanding the contemporary condition. They contextualize anticolonial thinkers within their specific conjuncture, while taking care not to reduce their arguments to these temporal and spatial contexts. This work short-circuits the all-to-common assumption that the anticolonial project is a finished – or largely failed – project. However, rather than rebutting such accusations, Wilder’s Freedom Time gracefully argues that such claims are only relevant if one assumes that Césaire and Senghor, the two protagonists of his book, were primarily concerned with ending colonial rule within particular geographical spaces. Wilder argues that contemporary readers often miss the fact that these two thinkers understood their complex intellectual and political projects as engaged in a wholesale rebuilding of modern humanity beyond the nation-state. As such, the work of Césaire and Senghor should not be understood through the lens of national independence, but rather read for the not-yet-realized political visions they contain. Wilder writes: ‘Scholarship long promoted one-sided understandings of Césaire and Senghor as either essentialist nativists or naïve humanists…Negritude, whether embraced or criticized, was treated as an affirmative theory of Africanity rather than a critical theory of modernity’ (p. 8). Wilder argues instead that Césaire and Senghor actually reject ‘the doxa that self-determination required state sovereignty’ and instead proceeded from a position that ‘colonial peoples cannot presume to know a priori which political arrangements would best allow them to pursue substantive freedom’ (p. 2). In this way, Césaire and Senghor were intellectuals who lived as complex and fluid thinkers engaged in a ‘pragmatic orientation’ that ‘was inseparable from a utopian commitment to political imagination and anticipatory politics through which they hoped to transcend the very idea of France, remake the world, and inaugurate a new epoch of human history’ (p. 2). This requires understanding Césaire and Senghor as practicing a form of thinking that is simultaneously ‘strategic and principled, gradualist and revolutionary, realist and vision, timely and untimely’ (p. 2).

Wilder’s book alternates chapters between Césaire and Senghor, tracing the evolution, exchange, and collaboration between these two intellectuals, as well as tracing how their ideas evolved over the course of their engagement with party and state politics. Reading these texts as already instantiated within a political terrain makes it possible to grasp their full nuance. For example, in a chapter on Senghor’s African socialism, Wilder writes that Senghor ‘called neither for France to decolonize Africa nor for Africa to liberate itself, but for Africans to decolonize France’ (p. 214). To this end, African socialism was not simply a political platform, or an effort to remake Marxist theory, but rather a way of imagining the world that left open the possibility that Africans were the agents of ‘planetary salvation’ and ‘human emancipation’ (p. 215). This approach helps explain the seemingly quixotic political commitment that Senghor held concerning regional federalism and his insistence on maintaining a fraternal relationship between Senegal and France (two political positions often cited as evidence of his inability to uphold the true promise of national independence). Instead, Wilder suggests that thinking ‘with Césaire and Senghor’ requires us to ‘engag[e] a future that might have been’. While the specific conclusions Césaire and Senghor arrive at might not necessarily ‘be applied to our times’, ‘the problems they identified’ still ‘persist’, and their ‘utopian realist thinking, at once concrete and world-historical, still resonates’ (p. 256).

Shilliam’s book, The Black Pacific, similarly traces connections among anticolonial activists and intellectuals across space and time. However, rather than examining the exchange between Francophone Africa, France, and the Caribbean, Shilliam locates his study in the dense relationships between the Māori and Pasifika peoples of Aotearoa (New Zealand) and the ‘children of Legba’. Legba is a reoccurring figure from African cosmology that mediates the spiritual and physical worlds. Shilliam opens with the story of a 1979 exchange between Māori elders and their guests, a black theater troupe and a RasTafari band visiting Aotearoa NZ from England. The elder, or kaumātua, greeted the visitors, saying: ‘everyone being one people’ to which the theater director replied: ‘the ancestors are meeting because we have met’ here today (p. 1). This exchange reflects Shilliam’s larger argument about the already existing ‘deep, global infrastructure of anti-colonial connectivity’ (p. 3). He contrasts these lived and meaningful connections with the colonial ethnographic mapping practices that sought – and still seek – to firmly establish separation between colonial subjects, with a gaze remained firmly trained on Europe. Shilliam counters by offering a ‘decolonial science of “deep relation”’ (p. 13) that draws out the moments of connectivity between the spiritually synchronistic descendants of Legba, the Pacific Island figure of Tāne/Māui, and the Arcadian Hermes within the Western philosophical tradition. In doing so, Shilliam provides evidence of the profound spiritual bonds that ground relations of strength and connectivity. He argues that, while the ‘manifest world is a broadly (post)colonial one, structured through imperial hierarchies that encourage the one-way transmission of political authority, social relations and knowledge’, there also exists alongside this world vast ‘hinterlands of the spiritual domains’ (p. 20). Legba, Tāne/Māui, and the Arcadian Hermes continually assist in that translation and binding of the manifest and spiritual worlds and, in doing so, they eschew a ‘developmentalist understanding of time’ in favor of one that can account for ‘the reparation of ancestral ties’ (p. 21). Re-grounding anticolonialism in this shared spiritual inheritance emphasizes the dense human connections that, through their cultivation, might inform the healing of colonial wounds. Shilliam demonstrates the durability of these deep relations in chapters examining the movement and adaptation of Black Power in Aotearoa NZ, the embrace of the political concept of blackness among the Māori and Pasifika peoples, the spiritual and cultural circulation between liberation, RasTafari, and indigenous Rātana theologies, and the movement of Māori and Pasifika activists between Ethiopia, South Africa, the Caribbean, and the African diaspora in England.

Unlike Wilder and Shilliam, who locate anticolonial thinking and practice within the expansive spatial, temporal, and spiritual realities of specific individuals, Mbembe’s Critique of Black Reason engages in nothing less than a rewriting of the history of modernity as the ‘mobiliz[ation]’ of ‘Africa and Blackness’ with the goal of ‘the fabrication of racial subjects’ (p. 129). As a ‘river with many tributaries’, Mbembe’s book examines the evolving nature of race and Blackness within a world in which ‘Europe is no longer the center of gravity’ (p. 1). The book moves rapidly and expansively between theoretical engagements – with Fanon, Césaire, Foucault, Arendt, and others – and the historical events that created both modernity and racialized partition (the slave trade, the Haitian and American Revolutions, the Algerian War, and others). He re-casts ‘the biography’ of the ‘assemblage that is Blackness and race’ into ‘three critical moments’: the Atlantic slave trade, the ‘birth of writing’ marked by Blacks demanding ‘the status of full subjects in the world of the living’ (spanning from the Haitian Revolution, abolition, African decolonization, American civil right movement, to the dismantling of apartheid), and concluding with the current period of ‘neoliberalism’ (p. 3). In this latest period, we now inhabit an economic and racial order defined by the ‘industries of the Silicon Valley and digital technology’, in which ‘time passes quickly’, where workers have been replaced by ‘laboring nomads’, and ‘the tragedy of the multitude’ – comprising ‘superfluous humanity’ – has become ‘that they are unable to be exploited at all’ (p. 3). Within this new epoch, race and Blackness have taken on new forms such that the colonial technologies once developed to separate and manage human beings according to racialized categories have now become replaced by a universalized Blackness that extends beyond race: ‘for the first time in human history, the term “Black” has been generalized. This new fungiblity, this solubility, institutionalized as a new norm of existence and expanded to the entire planet, is what I call the Becoming Black of the world’ (p. 6). Islamophobia, for example, operates according to the traditional logics of racism; however, the characteristics once used to describe supposedly biological races has now been applied to ‘“culture” and “religion”’ (p. 7). While Blackness has become universalized beyond race, Mbembe argues that the ‘Western consciousness of Blackness’ – which reduces humans to ‘a racial subject and site of savage exteriority’ – has always existed alongside the ‘Black consciousness of Blackness’, namely the articulation of Blackness within ‘a long history of radicalism, nourished by struggles for abolition and against capitalism’ (pp. 28, 30). Blackness therefore exists within a ‘manifest dualism’, both ‘the living crypt of capital’ through which ‘skin has been transformed into the form and spirit of merchandise’, but simultaneously ‘the symbol of a conscious desire for life, a force springing forth, buoyant and plastic, fully engaged in the act of creation and capable of living in the midst of several times and several histories at once’ (p. 6). Drawing from these ‘reserves of life’, and the awesome refusal to ‘retreat from humanity’ that defines Black life, makes it possible to maintain the ‘possibility of restitution, reparation, and justice’ (p. 179). For Mbembe, whatever our own ‘horizons of…struggle’ might be today, the fundamental struggle remains ‘how to belong fully in this world that is common to all of us, how to pass from the status of the excluded to the status of the right-holder, how to participate in the construction and the distribution of the world’ – that is, the creation of a ‘world in common’ (p. 176).

Taken together, these three books offer insights into the potential benefits of grounding contemporary political and theoretical practices within the contours of African anticolonial thought, widely understood. First, all three are fundamentally concerned with the question of time and temporality. While colonialism is still often studied in a linear fashion – representing a break from a pre-colonial past, and eventually giving way to a post-colonial present (Cooper, 2002, pp. 14–16) – these three authors highlight how emancipatory conceptions of freedom require tarrying with modernist, developmentalist conceptions of time. Mbembe points out, for example, that the ‘remembrance among Blacks depend[s] to a large extent on the critique of time…Time is born out of the contingent, ambiguous, and contradictory relationship that we maintain with things, with the world, or with the body and its doubles’ (p. 121). In Freedom Time, Wilder examines ‘how a given historical epoch many not be identical with itself and historical tenses may blur and interpenetrate’ (p. 15). This attention to time and temporality allows the past to become more malleable and contingent and, thus, the future becomes more open. Wilder highlights this point, situating his book within the ‘postwar opening’ – a historical moment that was fluid, contested, and heterodox, existing between ‘earlier moments of epochal transition’ (i.e., 1790s–1840) and our ‘contemporary conjuncture’ (p. 14).

Second, these three books demand that we examine the relationships between the possible politics, economics, and epistemologies within the academy and those demanded by a still-very-present anticolonial politics. For example, Shilliam reminds us that if we aim for ‘epistemic justice’, then the ‘seedbed of such a decolonial project’ cannot ‘be found in academic discourse but in the living knowledge traditions of colonized peoples’ (p. 7). If one takes this argument seriously then both ‘personal and institutional’ anticolonial practice within the academy requires acknowledging that even our own ‘self-reflexivity’ is not ‘a unique product of modernity’ but rather an ‘institutionally traditional’ form of knowledge, and one that demands that any claim about the ‘superiority of Western academia’ be ‘radically questioned’ (p. 9). Unlike academic, colonial, and Western sciences, ‘decolonial science cultivates knowledge, it does not produce’ knowledge – production is an act of extending the self, while the cultivation of knowledge requires that we ‘till’ in order to ‘turn matter around and fold back on itself so as to rebuild and encourage growth’ (p. 24). Cultivating knowledge involves planting and tending seeds for the unexpected, unknown, and even impossible. The decolonial science of deep relations, therefore, engages in the cultivation of its own ‘biotope’, involving a ‘circulatory’ and ‘constant oxygenation process’, thereby establishing a ‘grounding’ of its own (p. 25).

Finally, these three texts share a common affirmation of a politics of freedom, of solidarity, and interconnectedness that is both extremely fragile yet durable beyond imagination. Wilder, Shilliam, and Mbembe insist that anticolonial thought and practices are already embedded within the present, and remain part of our human inheritance. They also suggest that turning to this body of work makes it possible to understand political freedom and human emancipation as a project that remains radically inclusive, spatially expansive, and temporally heterodox – both already present, rooted in the past, and always on the horizon.

#### 2. Stable and predictable pricing creates short term efficiency improvements on electricity AND long term tech innovation.

Kaufman et al. 16 (Noah Kaufman, economist for the US Climate Initiative in the Global Climate Program, Michael Obeiter, Senior Associate in World Research Institute’s Global Climate Initiative, Eleanor Krause, Researcher and Analyst for World Research Institute’s Carbon Pricing program, “Putting a Price on Carbon: Reducing Emissions” January 2016, https://www.wri.org/sites/default/files/Putting\_a\_Price\_on\_Carbon\_Emissions.pdf)

Very Short-run Response to a Carbon Price in the Electricity Sector

A carbon price translates societal costs of climate change into explicit costs to electricity producers, and the price of electricity will incorporate these additional costs. In response, some producers and consumers will adjust their behavior to save money, as they would in response to any other increase in costs. Unlike in other sectors, where change takes place gradually, the electricity sector has systems in place to adjust to the carbon price virtually immediately. In any power system, due to the difficulties of storing electricity, producers build sufficient generating capacity to exceed customers’ maximum demand levels. As a result, significantly more resources are usually available to serve customers than are needed on a daily basis. The resources operating at any given time depend on a multitude of factors—including geographic location, the costs of starting and stopping power plants, and whether plants are engaged in a bilateral contract—but no factor is as important as operating costs (U.S. EIA 2012). In simplified terms, power plants with the lowest costs of operation are “dispatched” first, and those with higher costs are brought on line sequentially as demand increases (U.S. EIA 2012.) Because demand for electricity is constantly fluctuating, the dispatch of power plants changes frequently as well. Electricity grids are therefore designed to respond almost immediately to changes in the cost of fuel (due to a carbon price or any other (and greatly oversimplified) electricity grid “dispatch curve,” with and without a carbon price.

Because a carbon price increases the costs of operating fossil-fuel units in proportion to the carbon content of the fuel, the primary consequence (in the very short run) is a reduction in generation from coal units, which have the highest emissions rate of any electricity source. The biggest beneficiaries of this immediate adjustment are natural gas units, whose operating costs (with no carbon price) are higher than coal plants on average (U.S. EIA 2015c) but, because of the lower carbon content of natural gas, pay a carbon price that is only 50 to 60 percent of the price paid by coal plants for the same generation (U.S. EIA 2015d). Once built, the costs of operating nuclear and renewable energy units are typically much lower than those of coal or natural gas plants, so a carbon price will not significantly affect the usage of these units in the very short run (but a carbon price does incentivize the construction of more renewable plants, as explained below). Indeed, changes in operating costs have caused large fluctuations in coal and natural gas usage in recent years (see Box 2 below), confirming the intuition of Figure 2.

Short-run Effects of Carbon Pricing in the Electricity Sector

In the short run, responses to a carbon price in the electricity sector are somewhat constrained by existing commitments and the lags associated with construction and large purchases. Nevertheless, both producers and consumers will begin to change their behavior in the short run when the costs of carbon-intensive goods and services increase.

Owners of electricity generation facilities can retrofit or refurbish fossil-fuel power plants so that they produce the same amount of electricity while burning less carbon. A coal plant operator will find that efficiency alternatives that were too costly without a carbon price are cost-effective with one. A study by Resources for the Future concluded that a carbon price of $10 per metric ton would lead to reductions in emissions rates at coal plants of 1 to 2 percent, with higher prices leading to greater efficiencies (Linn et al. 2014). Because the carbon price also encourages reduced usage of coal fired power plants, the efficiency gains will lead to emissions reductions (in contrast, policies that mandate efficiency improvements can encourage coal units to operate more often, because more efficient plants are less costly to operate) (Linn et al. 2014).

A carbon price also affects electricity consumption decisions. When the price of electricity increases, consumers tend to use less of it (EPRI 2008). Lower demand for electricity will typically lead to a fall in usage of fossil-fuel power plants because they have the highest operating costs. Reduced electricity usage also implies lower electricity bills, and the net effect of a carbon price on electricity bills depends on the extent to which consumers respond to the price change.3

Economists have exhaustively studied the extent to which electricity demand decreases when prices increase (referred to as the “price elasticity of demand”). Table 1 displays the results of recent studies of the short-run (i.e. usually within the first few years, although definitions vary) and longrun responsiveness of U.S. electricity consumers to electricity price changes. In the short run, consumers respond to changes in electricity prices by reducing their demand for electricity, but they do not respond as much as they do over longer periods, when consumers have had the opportunity to invest in more efficient machinery and appliances.

Short-run elasticities between −0.1 and −0.4 imply that a 10 percent price increase would only lead to a 1−4 percent reduction in electricity use. Some consumers may at first perceive the price change to be temporary (if they notice it at all), and others may not adjust their behavior until they purchase new equipment or appliances.

Long-run Effects of Carbon Pricing in the Electricity Sector

In the long run, consumers are more responsive to a carbon price, in large part because they are less constrained by currently installed technologies.

The long-run price elasticities in Table 1 imply that a 10 percent electricity price increase will lead to an average of 3 to 12 percent reductions in electricity use. Such a wide range should not be surprising, considering the diversity of consumers and electricity uses across the economy.

Consumer responses to a carbon price may be larger than are suggested by these empirical estimates based on general electricity price changes, for several reasons. First, a carbon price may be perceived as more permanent, which could cause consumers to change their behavior rather than wait for temporary price increases to subside. In addition, the salience of the tax may coax consumers into fundamentally reducing electricity consumption, either to save money or for altruistic reasons (Chetty et al. 2007). The UK introduced a “Climate Change Levy” in 2001 that taxed electricity use at roughly 10 percent. A study of manufacturing plants and other commercial users found that electricity use declined by over 22 percent at plants subject to the tax compared to plants that were eligible to opt out (Martin et al. 2011), which implies a much larger response than the elasticities presented above. (The authors of the study caution that some of this shift away from electricity in the UK may have been toward gas and coal, which were taxed at lower rates, thus offsetting the emissions reductions from the policy.) Finally, progress with “smart grids” and home energy management products could enable individuals and businesses to respond more efficiently to price signals than they have in the past.

A carbon price will also have long run effects on electricity production. Hundreds of new electricity generating units are brought online each year in the United States, either to meet additional demand for electricity or to replace older generating units (U.S. EIA 2015e). A carbon price would have a substantial impact on decisions regarding which plants are most cost-effective to build and operate over their lifetimes. A useful (though imperfect) metric to compare the costs of different types of new power plants is the levelized cost of electricity (LCOE), which depicts the lifetime costs of producing a given amount of electricity, including the costs of building and operating the plant. Figure 4 displays LCOE estimates from the company Lazard, with and without illustrative carbon prices of $25 and $50 per metric ton. Coal plants are omitted because few are likely to be built in the United States going forward.4

Figure 4 shows that with a carbon price, wind and solar become more competitive with natural gas, which has been the dominant source of fossil-fuel electricity being added to the grid for more than a decade (Shellenberger et al. 2014). While (unsubsidized) solar would remain more expensive than natural gas in some regions of the country at today’s prices, this will change if the cost of solar energy continues to fall (Feldman et al. 2012). Building wind and solar units in lieu of natural gas plants avoids decades of emissions that would come from those plants (although it also introduces challenges associated with more unpredictable generation sources).

Forecasts of Emissions Reductions in the Electricity Sector

A carbon price will cause grid operators to dispatch lower-carbon generation alternatives, producers to retrofit existing power plants and build new lower-carbon plants, and consumers to use less electricity. Taken together, these actions will lead to substantial emissions reductions in the electricity sector.

U.S. EIA estimated the effects of a national carbon price in its 2014 Annual Energy Outlook Report (U.S. EIA 2014a).5 EIA’s modeling is widely cited and highly influential, and its results are broadly similar to other prominent energy/economic models (Fawcett et al. 2015) (many of which rely in part on information from EIA). We display results for EIA’s carbon price scenarios that start at a price of $25 per metric ton (in 2012 dollars) in 2015, growing at 5 percent per year. This carbon price trajectory is comparable to certain projections of carbon prices from the cap-and-trade program that passed the U.S. House of Representatives in 2009 (as part of the American Clean Energy and Security Act, commonly known as “Waxman-Markey”) (U.S. EIA 2009). However, the price trajectory is low compared to economists’ and scientists’ best estimates of the carbon prices needed to achieve long-term emissions targets.6

While implementation of a national economy-wide carbon price in the next few years is unlikely, EIA’s results should be viewed as illustrative of how a model of the U.S. economy and energy system forecasts the impacts of a carbon price over the first 10 to 15 years of implementation.

Table 2 displays the results of EIA’s analysis for the electricity sector. Retail electricity prices increase by 14 percent in 2030 compared to the Reference Case (which differs only in its lack of a carbon price), leading to a reduction in electricity usage of 6 percent. Recall that the best estimates of long-run price elasticities from Table 1 range from -0.3 to -1.2, implying that a 14 percent price increase would lead to a decrease in demand between 4 and 17 percent. EIA’s forecast of 6 percent is near the bottom of that range.

On the supply side, the carbon price causes coal use to decline by 85 percent below the Reference Case level in 2030. (For comparison, EPA projects the Clean Power Plan to cause a reduction in coal usage of 22 to 23 percent by 2030 (U.S. EPA 2015).) Natural gas usage increases rapidly in the initial years to replace this coal generation. By 2030, with higher carbon prices and more time to build new infrastructure, renewable energy increasingly replaces coal (and to some extent natural gas) generation.

EIA’s forecasts of changes in electricity supply are pessimistic in that the model does not consider the possibility of transformative changes or disruptive technological progress. It assumes that no new technologies provide meaningful competition to fossil fuels, even though a carbon price will increase the incentive for technological progress (discussed in the next section). In fact, the recent trends of rapidly decreasing costs of solar and wind technologies are assumed not to continue—for example, the projected costs of building utility-scale solar photovoltaic generating plants are assumed to remain higher through 2025 than typical cost estimates from 2014.7

Consequently, the extent to which wind and solar generation is available to replace coal and natural gas generation is constrained in EIA’s analysis, and consumers are not increasingly responsive to price changes due to innovative “smart grid” technologies.

Still, EIA projects that the carbon price reduces electricity sector emissions in 2030 by over 60 percent below Reference Case emissions levels. Actual emissions reductions in the sector could be larger or smaller. But if clean energy technologies continue to improve, it is far more likely that a carbon price will cause larger emissions reductions than are predicted in these conservative forecasts.

Very Long-run Effects of Carbon Pricing in the Electricity Sector

For the United States to meet its goal of over 80 percent emissions reductions by 2050, a transformation of the electricity sector is essential. This will occur only through the development and scaling of new technologies. Most studies of carbon pricing focus on the effects described above because they are relatively predictable. We can measure how consumer demand changes with electricity prices and how low-carbon supply options become more competitive when a carbon price is implemented. But CO2 stays in the atmosphere for hundreds of years and, while the climate is changing today, the worst damages from climate change are decades or centuries away. For that reason, the most important effects of carbon pricing occur over a long-term time scale. A major benefit of carbon pricing policies is that they encourage technological change, so the menu of cost-effective low-carbon alternatives available to producers and consumers will expand over time.

The process that drives technological change is complex and not entirely understood. It includes the invention of new technologies, improvements to existing technologies, and the adoption and diffusion of technologies throughout the economy (Jaffe et al. 2003). We refer to inducing technological change as a “very long-run” effect because it can take decades for new technologies to mature, but the advancements can occur quickly as well (particularly improvements and cost reductions for existing technologies).

Private businesses fund over 60 percent and perform over 70 percent of total R&D in the United States, with industry responsible for even larger portions of applied research and product development (Newell 2015). A carbon price increases incentives for private businesses to invest in low-carbon technologies because it affects the expected return on investments. A strong and predictable carbon price will ensure that the price of producing electricity with fossil fuels incorporates the costs to society of burning these fuels, thus making new low-carbon technologies more competitive if and when they become available. Larger anticipated market shares for low-carbon innovations imply greater expected returns on investments today. Investments flow toward opportunities with higher expected returns, so a carbon price encourages investments in low-carbon technologies, and these investments are what drive innovation.

Increased experience with low carbon technologies will also lead to productivity gains over time. This effect—often referred to as “learning by-doing”—is responsible for major decreases in the costs of solar photovoltaic energy in recent years (Bollinger and Gillingham 2014). Economists attribute a significant portion of the technological progress across the economy to learning-by doing (Arrow 1962).

Figure 5 summarizes the pathways by which a carbon price will lead to emissions reductions via technological change.

Economic theory and empirical evidence suggest that a strong and predictable carbon price is likely to increase the pace of technological development in the electricity sector by the pathways described in Figure 5. A recent study showed that industry leaders agree with this prediction (New Climate Economy 2014). Importantly, a carbon price encourages innovation without requiring accurate predictions regarding which technologies will be most cost-effective at reducing emissions. This is a major advantage because breakthroughs could emerge from any number of sources—for example, solar, wind, energy storage, nuclear, carbon capture, hydrogen fuel cells, advanced smart grids, or technologies as yet unknown.8 A carbon price encourages all clean-energy technologies simultaneously, thus eliminating the possibility of regulations diverting scarce resources to promote the “wrong” technologies.

#### 3. Pricing induced short-term electricity reductions are key---status quo fails.

Kaufman et al. 16 (Noah Kaufman, economist for the US Climate Initiative in the Global Climate Program, Michael Obeiter, Senior Associate in World Research Institute’s Global Climate Initiative, Eleanor Krause, Researcher and Analyst for World Research Institute’s Carbon Pricing program, “Putting a Price on Carbon: Reducing Emissions” January 2016, https://www.wri.org/sites/default/files/Putting\_a\_Price\_on\_Carbon\_Emissions.pdf)

Electricity Sector

The electricity sector produces more greenhouse gas emissions than any other sector in the United States. Over four billion megawatt hours of electricity are produced each year, approximately two thirds of which are produced using fossil fuels (U.S. EIA 2015a). The result is over 2 billion metric tons of annual CO2 -equivalent emissions, which comprise roughly one third of total U.S. greenhouse gas emissions (U.S. EPA 2013a).

For the United States to meet its emissions reduction targets, fossil fuel usage in the electricity sector must be significantly curtailed. Fortunately, there are viable alternatives. Nuclear energy provides nearly 20 percent of total electricity generation, and renewables provide another 13 percent (U.S. EIA 2015b). The amount of electricity produced by solar and wind energy in particular has increased dramatically in the past decade as the costs of these technologies have plummeted (Feldman et al. 2012), making them a more viable alternative to fossil-fuel generation each year.

Still, absent strong climate change policies, the transition away from fossil fuels is unlikely to occur quickly enough to enable the United States to achieve its emissions targets. Accounting for the effects of the Clean Power Plan (the regulation of greenhouse gas emissions from existing power plants), the U.S. Environmental Protection Agency (EPA) forecasts that fossil fuels will still comprise about 60 percent of U.S. electricity generation in 2030. As explained below, carbon pricing can have dramatic effects on emissions in the electricity sector. As soon as the policy is implemented, high carbon generating units will operate less often because of higher operating costs. The carbon price will also change decisions about how much electricity to consume, which plants to build, and what efficiency measures to implement. Simultaneously, pricing carbon will induce investments in low-carbon technologies, the development of which will be crucial if the United States is to meet its long-term emissions targets.

#### 4. Only the tax changes economy wide decisions and provides a break to the rebound effect.

Komanoff 15—Co-founder of the CTC, Director of the Energy-Policy Center, and a MA from Harvard [Charles, “What an Energy-Efficiency Hero Gets Wrong about Carbon Taxes,” 2 Sept 2015, <http://www.carbontax.org/blog/2015/09/02/what-an-energy-efficiency-hero-gets-wrong-about-carbon-taxes/>]

The Crux

And therein lies the fundamental difference between Goldstein’s (NRDC) and my (CTC) respective approaches. Miles-per-gallon rules reduce carbon emissions per vehicle-mile driven, but they do nothing to affect the other half of the formula that equally determines emissions: the number of vehicle-miles driven.

In contrast, a carbon tax effectively makes every action that reduces fossil fuel use less costly, by raising the rewards from using less fuel. Taxing carbon will open up multiple paths that will influence the literally billions of daily decisions that determine energy usage and, hence, carbon emissions.

In driving, a carbon tax will affect whether and how far and often to drive . . . which car to take on a family trip . . . how high an mpg rating to demand in the next lease or purchase . . . and, at the societal level, whether public transit investments “pencil out” and might be prioritized over wider highways, and whether hyper-efficient car designs pencil out in corporate boardrooms and venture-capital spreadsheets.

The power of carbon-taxing, in a nutshell.

The same goes for other energy-use sectors. Costlier diesel fuel will not only stiffen legislators’ and regulators’ spines in promulgating truck mpg standards; they’ll incentivize local and regional provision over far-flung shipping of food, raw materials and consumer goods, thus cutting down on freight-miles and resultant emissions. Rising electric rates — at least during the decades until carbon fuels are eliminated — will not only strengthen NRDC’s and ACEEE’s case for ever more-efficient appliances; their price pressures will help restrain the size and number of appliances sold and also motivate consumers to use them more efficiently.

Costlier electricity and natural gas will likewise discourage developers from building, and families from insisting upon, gargantuan homes whose outsize volumes must be heated and cooled. Not to mention that a carbon tax provides an antidote to the oft-postulated “rebound effect” by which increased energy efficiency, by reducing the implicit price of energy services, can engender greater energy usage and inadvertently cancel some of the intended savings from those efficiencies. A carbon tax acts as a direct brake on that implicit price reduction and, thus, on the rebound effect.

The point is clear: No other policy can match a carbon tax’s reach, or its simplicity. As we wrote last year in comments we submitted to the Senate Finance Committee concerning energy subsidies and pricing:

The U.S. energy system is so diverse, our economic system so decentralized, and our species so varied and innovating that no subsidies regime, no matter how enlightened, and no system of rules and regulations, no matter how well-intentioned, can elicit the billions of carbon-reducing decisions and behaviors that a swift full-scale transition from carbon fuels requires. At the same time, nearly all of those decisions and behaviors share a common, crucial element: they are affected, and even shaped, by the relative prices of available or emerging energy sources, systems and choices. Yet those decisions cannot bend fully toward decarbonizing our economic system until the underlying prices reflect more of the climate damage that carbon fuels impose on our environment and society.

Carbon Taxing Going Forward

Two carbon tax bills now before Congress — submitted by Reps. Jim McDermott (D-WA) and John Larson (D-CT) — ramp up the tax level steadily and predictably to reach triple digits (i.e., $100 per ton of CO2) a decade on. Our modeling suggests that either bill, by the end of its tenth year, will have reduced total U.S. carbon emissions from fossil fuel burning by more than 30 percent, vis-à-vis 2005 emissions — with the reductions rising as the tax level continues ramping up. As noted, a little more than half of the reductions will come about by sustaining and accelerating the ongoing decarbonization of the U.S. fuel mix, not just in electricity but by motivating increased electrification of sectors like driving that are now dominated by hydrocarbon fuels. The remainder will result from energy efficiency and conservation, i.e., reduced usage per unit of economic activity.

Such a carbon tax has myriad other advantages, including the ease with which it can be replicated globally, that no other approach can match. One unsung advantage is that taxing carbon harmonizes with other measures for reducing energy consumption and carbon emissions. My or other individuals’ energy-savings don’t undermine the tax’s effect on other economic actors ― whereas under cap-and-trade, autonomous energy-saving actions lower the price of the emission permits and thus attenuate the price signal. Likewise, a carbon tax reinforces the economic effectiveness of the appliance and vehicle and building efficiency standards so ably championed by David Goldstein and NRDC, just as those standards play an essential role in overcoming the market failures that are hard to counteract with price signals alone.

It’s 26 years and counting since my first carbon tax op-ed, and almost 9 years since I co-founded the Carbon Tax Center. We at CTC have long since abandoned the hope that NRDC or the other big green giant, the Environmental Defense Fund, would lead the charge for a U.S. carbon tax. We’re okay with that, but we ask our environmental colleagues to refrain from devising and attacking straw-man versions of carbon taxes.

We’ve never said that “carbon emissions fees alone can . . . solve the climate problem.” Rather, we believe that the climate problem can’t be solved without them.

#### Markets are the most efficient mechanism for solving unsustainable practices.

Graham HARRIS, Adjunct Professor at the Centre for Environment at the University of Tasmania, ‘7 [*Seeking Sustainability in an Age of Complexity*, 2007, p. 320-321]

Michael Young has spent many years working on the design of management systems for these common pool natural resources. As he points out, what is required is an efficient and robust system for managing sustainable investment and resource use, which achieves 'equity, environmental integrity and economic efficiency'.31 In what I regard as a much neglected book, Young succinctly catalogues the shortcomings of market economics and notes that markets are not, on the whole, ecologically friendly. The continued search for economic efficiency leads to both intra- and intergenerational inequities, so that true sustainability requires mechanisms and instruments that ensure equity both within and between generations. Young makes the valid point that the true distinction between 'strong' and 'weak' sustainability is whether or not it is required that environmental quality is maintained within each generation, or whether some 'borrowing' between generations is allowed with compensation allowed for at later times. Correctly, in my view, Young argues for efficiency in economic policy as a means to achieving good environmental outcomes (the use of market mechanisms and the elimination of perverse trade and agricultural subsidies, [END PAGE 320] for example), but sees the need for compensation and wealth redistribution mechanisms to tackle the problems of inequity in the short and long term. Sustainability requires equity and ethical solutions, in the here and now but especially over 'deep time'. If resource use is to be made sustainable, there is a very strong argument to be made for correct pricing of resources in the form of 'polluter pays' and 'consumer pays' policies. Arguing from economic theory, Young also calls for specific institutions and mechanisms to manage particular externalities, and this can be achieved either through regulation or through market mechanisms. Of course, none of this would be music to the ears of the 'business-as -usual' merchants and those who would deny that there is any kind of environmental problem in the world and who would argue that maximising profit and minimising cost is the best strategy. Nevertheless those working in third world development would surely agree. Aid workers have known for some time that sustainable wealth generation happens when people work together to manage local ecosystems effectively.32 What I have found fascinating in the writing of this book is the fact that many of the most advanced tools and techniques for community dialogue and the balancing of cultures and values are to be found in use in the third world where the funding comes from philanthropic, aid and NGO funds. It is high time that these techniques were also used New York, London and Sydney, where they are as much in need of application.

Markets can be used to manage systems where the costs and feasibility of reversing a decision and restoring an equivalent set of environmental values or opportunities are low and where the significance of the decision is also low. With the correct allocation mechanisms and institutional and legal arrangements, markets can work well under these circumstances. As the possibilities of the irreversible loss of values and opportunities increases and the significance of decisions or actions increases (e.g. there is a real potential for lack of intra- or intergenerational equity) then market mechanisms need to be increasingly hedged about by tight institutional or regulatory rules. At the extreme, where reversibility is impossible and the significance of decision making or action is very high, then transparency, dialogue, deliberation and citizen-based decision malting is essential.33 In all cases real prices must be charged for resources and the winners must compensate the losers in Pareto optimal solutions, even across generations.