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#### Topical affirmatives must instrumentally defend an expansion of the scope of the United States core antitrust laws to substantially increase prohibitions on anticompetitive business practices.

#### Resolved means a policy

Louisiana House 5

(<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### USFG is the legislative, executive and judicial branches

US Legal No Date (United States Federal Government Law and Legal Definition https://definitions.uslegal.com/u/united-states-federal-government/)

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

#### Should requires action

AHD 2k

(American Heritage Dictionary 2000 (Dictionary.com))

should. The will to do something or have something take place: I shall go out if I feel like it.

#### ‘Its’ means the statutes belong to the government.

US District Court 7 (United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John, “AGF Marine Aviation & Transp. v. Cassin,” *2007 U.S. Dist. LEXIS 90808*, Lexis)

The Court inadvertently used the word "his" when the Court intended to use the word "its." The possessive pronoun was intended to refer to the party preceding its use--AGF. Indeed, that reference is consistent with the undisputed facts in this case, which indicate that Cassin completed an application for the insurance policy and submitted it to his agent, Theodore Tunick & Company ("Tunick"). Tunick, in turn, submitted the application to AGF's underwriting agent, TL Dallas. (See Pl.'s Mem. of Law in Supp. of Mot. for Summ. J. 5.)

#### The “core” antitrust statutes are the Sherman Act, Clayton Act, and FTC Act

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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.

#### They violate—the resolution requires government action.

#### 1. Clash— open subjects create incentives for avoidance and monopolization of moral high ground---that denies a role for the neg, destroys second-level understanding and turns the case

Grossberg 15 **-** Morris Davis Distinguished Professor University of North Carolina at Chapel Hill (Lawrence, We All Want to Change the World THE PARADOX OF THE U.S. LEFT A POLEMIC, <http://www.lwbooks.co.uk/ebooks/we_all_want_to_change_the_world.pdf>)

I will, in the following description, focus on the situation in the human sciences (rather than the hard sciences), where the explosion of publication creates an ever-expanding circle in which there is always too much to read—too many positions, too many arguments, too much contradictory evidence—so that scholars have to rely on either the author's stature or theoretical and/or political agreement. It has become almost impossible to read everything one must read, everything necessary to legitimate, at least in traditional terms, the claim of academic expertise or scholarship. In fact, given this situation (and its consequences as I will describe below), the most surprising thing is how much good work continues to be produced. This situation has serious consequences: First, one's expertise becomes defined in increasingly narrow terms, resulting in the proliferation of sub-fields.9 **[insert footnote 9]** For example, one might point to security studies, surveillance studies, transition studies, game studies, code studies, hip-hop studies, horror studies, etc. **[Footnote 9 ends]** And while each of them is valuable for their interdisciplinary efforts around a new empirical field, they all too often act as if the questions (and the realities they interrogate) are new; unfortunately, they rarely say anything new or surprising, anything that has not been said elsewhere. They frequently simply re-discover in their own empirical "pocket" universe what others have said previously in other fields. For example, all sorts of technologically defined sub-fields rediscover the rather old assumption that media audiences are active. This is partly because, within each subfield, one gets the impression of witnessing endless redistributions of a highly circumscribed set of citations and authors, under a series of ever-changing terms to describe their fields or positions. So, academics create ever shrinking circles in which authors cite a few theoretically and politically compatible works, and then follow the footnotes, all of which ultimately lead back to the original authors, creating an endlessly self-referential closed system of citations, a numbingly predictable, circular tissue of references. Second, one is less likely to read work that appears tangential but may nevertheless be absolutely decisive to producing truly interesting and insightful research. Asking significant questions should demand that one makes reference to all sorts of concepts and questions which would lead one to follow other unexpected traditions and lines of research, since any investigation (e.g., around questions of participation, publics, or leadership, to use only a few examples that have irked me recently) is likely to open up to an entire history of problematization, of conversations and debates, but who can afford the time and energy anymore. Third, one tends to read only the most recent work since so much is being published—in various media—so rapidly that there is little time to go back and read. Fourth, one tends to select one's sources according to criteria that have more to do with theoretical and political sympathies than with an understanding of research as a conversation with difference. One reads selectively, finding those ideas that are already in line with what one assumes one already knows, and one establishes a body of near-sacred texts; fifth, one selects topics that are au courant, partly because there is less scaffolding that one has to build upon and partly because one's work is more likely to gain visibility and impact. Sixth, complexity goes out the door as one increasingly "sees the world in a grain of sand." One can no longer be satisfied claiming to have discovered merely a new piece of a complex puzzle or even an interesting redeployment of an older practice or structure, because such claims do not bring fame and glory—either to oneself or the university. Instead, one has to have discovered the leading edge, the new key or essence. One good but relatively small idea is expanded into a metonym for the entire economy, culture or society. Instead of seeking new discursive forms to embody complexity, uncertainty and humility, one goes with elegance, hyperbole and the ever receding new.

#### 2. Fairness— non-topical advocacies monopolize argumentative ground and allow the affirmative to unilaterally determine negative positions which rigs the game against the neg– this comes before substance because it’s a procedural question

### 1NC---Case

#### Universalizing the honorable harvest is impossible---a wide transition is infeasible.

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‘Locked’ into growth and rising wellbeing expectations? Having set out in the previous sections the discussion about wellbeing in the degrowth discourse so far, we now examine two additional wellbeing related challenges to the political feasibility of degrowth. First, it can be argued that the dominance of growth-based economics has taken on a ‘structural’ quality in current societies. This means that a transition to degrowth that can successfully support wellbeing would need to involve very fundamental social, economic, political, cultural and technological changes – some of which are difficult to achieve through political means. Second, these changes would ideally need to happen very fast, to present a meaningful response to the climate change crisis. We argue here that the process of transition itself is likely to bring about challenges for achieving aspired wellbeing outcomes. Third, and based on the argument that the framework of universal basic needs is most appropriate for discussing wellbeing in a degrowth context, we raise the question how well (or not) applying this framework to think about wellbeing aligns with current societies’ wellbeing expectations. 3.1. Growth ‘lock in’ Economic growth, as an attribute of market capitalism, has structural properties – it is needed to stabilise modern societies as it provides employment, public sector provision through tax revenues, rising wages, and hence social stability ([Petridis et al., 2015: 178](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0375), [Rosa et al., 2017](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0405)). Economic growth is organised around and shapes a range of tightly coupled structures, including institutions, norms, discourses, culture, technologies, competences, identities, etc. Historically speaking, growth is a fairly recent phenomenon which only picked up in the 19th century together with the industrialisation of Western economies. In a co-evolutionary process, a range of institutions developed which are now coupled to a growth-based capitalist economy, including the nation state, representative democracy, the rule of law and current legal, financial, labour market, education, research, and welfare systems. These are based on philosophies which emerged to justify and give meaning to these institutions, for instance on individualism, freedom, justice, sovereignty, or power. The embeddedness of the growth-based capitalistic economic system in these co-evolved institutions and ways of thinking makes it difficult to transition to a degrowth system because the change of the economic system would need to involve a parallel transformation of those coupled systems. In Luhmann’s words, the constitution of the current system “defuturises” ([Luhmann, 1976: 141](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0305)) the future, it reduces the “openness” of the future; “path dependency” or even “lock-in” are related expressions that capture this idea. Two examples which directly link to people’s wellbeing can illustrate this point: the relationship between welfare states and growth, and between growth and people’s mind-sets and identities. The satisfaction of needs is influenced by the character of socio-economic institutions, including the ways in which work, welfare, retirement, health, education and family life are governed; as well as by the structure of the distribution of a range of resources that support health and wellbeing. Welfare state institutions play an important role in these areas in high income economies, and they are closely coupled with economic growth ([Bailey, 2015](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0015)). Rising economic prosperity in the post Second World War period provided the resources for establishing welfare states in Europe and elsewhere, and the funding of current welfare state institutions is closely coupled to economic growth as it largely depends on income-related taxes and [social security contributions](https://www.sciencedirect.com/topics/social-sciences/social-security-contributions). The positive relationship between economic growth and welfare states in many ways also works the other way round: welfare states support growth by enhancing the population’s health and education levels, providing unemployment and minimum income benefits for people out of work. This helps to increase productivity, maintain consumer demand, and more generally contain and minimise social conflict through redistribution and institutionalised conflict resolution between employers and employees. Evidently, a fundamental [reorganisation](https://www.sciencedirect.com/topics/social-sciences/reorganization) of the economic and welfare system would be required under degrowth to sustain investments in health, education, and the reduction of poverty and [inequality](https://www.sciencedirect.com/topics/social-sciences/inequality). This will be crucial in a context of decreasing material and financial resources, because if left unmanaged, this could provide fertile ground for new social conflicts with potentially detrimental implications for wellbeing. Various degrowth authors have made suggestions for alternative welfare institutions and policies, including working time reduction and redistribution as mentioned above ([Victor & Rosenbluth, 2007](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0460)), a basic income ([Gorz, 1980](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0190); [Dietz & O’Neill, 2013: 94](https://www.sciencedirect.com/science/article/pii/S0016328718300715#bib0110)), and, from a Marxian perspective, the establishment of a cooperative economy in which businesses will be worker-owned and managed ([Blauwhof, 2012](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0020)). These are all relevant suggestions, however, it should not be underestimated how radical the changes to existing social systems are that these new institutions represent. They challenge deeply entrenched ways of thinking about rights, justice, freedom, private property, individual responsibility, etc. A change of these deeply rooted ‘logics’ on which these institutions are based is not impossible, but very difficult to steer with political means. This point closely links to the idea that economic growth is not only at the core of various socio-economic institutions but is also very deeply anchored in people’s minds, bodies and identities which is likely to make the transition to degrowth additionally challenging. The concept of social practices helps us understand the ways in which agents (and their mind-sets and bodies) and broader social structures are continuously implicated and reproduced in the performance of social life ([Büchs & Koch, 2017: ch. 6](https://www.sciencedirect.com/science/article/pii/S0016328718300715#bib0060)). From this perspective, economic growth is not just an external premise that actors can decide to act upon or not, but it is a principle with structural properties that is engrained in ways of thinking and acting – for the most part habitually. Growth thus becomes something that is perceived as ‘natural’ by the vast majority of actors. A range of scholars have argued that the growth paradigm is deeply embedded in people’s minds and bodies ([Göpel, 2016](https://www.sciencedirect.com/science/article/pii/S0016328718300715#bib0185); [Lane, 1991](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0285); [Welzer, 2011](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0475); [Büchs & Koch, 2017: ch. 6](https://www.sciencedirect.com/science/article/pii/S0016328718300715#bib0060)). This implies that people’s identities and life goals are closely aligned with the idea of growth – shaped by ideas of social progress, personal status and success through careers, rising income and consumption. Even seemingly alternative goals such as ‘personal fulfilment’ can be infused with ideas that remain tied to the growth paradigm, for instance if fulfilment is sought through high consumption and high emissions practices such as extensive long haul travel or expensive hobbies and gadgets. As [Meadows (1999)](https://www.sciencedirect.com/science/article/pii/S0016328718300715" \l "bib0325) has pointed out, the most effective, but also the most difficult step in system transformation is the shift of paradigms that underpin the system. Again, since this is difficult to influence politically, it presents a major hurdle for a departure from growth-based systems that also maintains wellbeing.

#### No mindset shift.

Heinberg 15—Senior Fellow-in-Residence of the Post Carbon Institute (Richard, “The Anthropocene: It’s Not All About Us”, <http://www.postcarbon.org/the-anthropocene-its-not-all-about-us/>, dml)

It’s hard to convince people to voluntarily reduce consumption and curb reproduction. That’s not because humans are unusually pushy, greedy creatures; all living organisms tend to maximize their population size and rate of collective energy use. Inject a colony of bacteria into a suitable growth medium in a petri dish and watch what happens. Hummingbirds, mice, leopards, oarfish, redwood trees, or giraffes: in each instance the principle remains inviolate—every species maximizes population and energy consumption within nature’s limits. Systems ecologist Howard T. Odum called this rule the Maximum Power Principle: throughout nature, “system designs develop and prevail that maximize power intake, energy transformation, and those uses that reinforce production and efficiency.”

In addition to our innate propensity to maximize population and consumption, we humans also have difficulty making sacrifices in the present in order to reduce future costs. We’re genetically hardwired to respond to immediate threats with fight-or-flight responses, while distant hazards matter much less to us. It’s not that we don’t think about the future at all; rather, we unconsciously apply a discount rate based on the amount of time likely to elapse before a menace has to be faced.

True, there is some variation in future-anticipating behavior among individual humans. A small percentage of the population may change behavior now to reduce risks to forthcoming generations, while the great majority is less likely to do so. If that small percentage could oversee our collective future planning, we might have much less to worry about. But that’s tough to arrange in democracies, where people, politicians, corporations, and even nonprofit organizations get ahead by promising immediate rewards, usually in the form of more economic growth. If none of these can organize a proactive response to long-range threats like climate change, the actions of a few individuals and communities may not be so effective at mitigating the hazard.

This pessimistic expectation is borne out by experience. The general outlines of the 21st century ecological crisis have been apparent since the 1970s. Yet not much has actually been accomplished through efforts to avert that crisis. It is possible to point to hundreds, thousands, perhaps even millions of imaginative, courageous programs to reduce, recycle, and reuse—yet the overall trajectory of industrial civilization remains relatively unchanged.

#### Legal strategies key to progress

NoiseCat 2016

11.24.2016 Julian Brave NoiseCat is an enrolled member of the Canim Lake Band Tsq'escen in British Columbia and a graduate of Columbia University and the University of Oxford “The Indigenous Revolution” https://www.jacobinmag.com/2016/11/standing-rock-dakota-access-pipeline-obama

Many Americans, Canadians, Australians, and New Zealanders believe that indigenous people are long gone and defeated. Inheritors of the imperial myth of “Manifest Destiny,” they presume the colonizers’ victory was inevitable and even predetermined. This racist myth has led empires and states to underestimate indigenous power.

Global histories of indigenous resistance, survival, and resurgence tell another story. On these Oceti Sakowin plains in 1876, a cocksure General Custer rushed into the Battle of the Little Bighorn only to be soundly defeated by allied Lakota, Cheyenne, and Arapaho forces. Dalrymple appears poised to repeat Custer’s mistake.

Countless indigenous communities, nations, and confederacies from the Americas to Australasia, and South Africa to Siberia, including Aboriginal Australians, Apache, Arapaho, Cherokee, Cheyenne, Chukchi, Comanche, Cree, Creek, Diné, Hawaiian, Haudenosaunee, Kiowa, Maori, Modoc, Nez Perce, Pueblo, Salish, Sauk, Seminole, Shawnee, Tasmans, Tlingit, Ute, Xhosa, Yakima, Zulu, and others have resisted imperial powers and industrial states and prevailed.

Before defeating Custer, the Oceti Sakowin had a long history of settler handling. In 1862, the Dakota pushed thousands of settlers off the Minnesota frontier. Six years later, the Lakota defeated the United States Army in Red Cloud’s War.

Retribution followed many indigenous victories. In California, entire communities were hunted like animals. After taking dozens of Dakota men as prisoners of war following the uprising of 1862, Abraham Lincoln signed an order to execute thirty-eight of them — the largest mass execution in American history. Later in 1890, the United States Army gunned down three hundred Lakota at Wounded Knee.

This history continues to devastate. Indigenous people remain the poorest of the poor and the most likely to be killed by law enforcement. Four of the fifteen most impoverished counties in the United States include Lakota reservations in South Dakota. The two poorest, Oglala Lakota and Todd County, lie entirely within the Pine Ridge and Rosebud reservations, where half of all residents live in poverty. In Ziebach County, which includes parts of the Standing Rock and Cheyenne River reservations, 45 percent of the population lives at or below the poverty line.

Elsewhere in the United States, Canada, Australia, and New Zealand, indigenous people are among the poorest, most oppressed, and least visible. They are overrepresented in prisons and underrepresented in universities. Their economic realities are bleak. Their pain is intergenerational.

In short, colonialism endures.

Yet these same communities are uniquely positioned to resist unjust systems and force them to retreat. We must hold these two seemingly contradictory realities of devastation and resilience in our minds at the same time. The Fourth World lives in devastation. The Fourth World is unconquered and on the rise.

Since the 1970s, indigenous people in the United States, Canada, Australia, and New Zealand have danced impressive victories. They have compelled states to forego assimilationist policies like the involuntary removal of indigenous children to abusive residential schools and the relocation of indigenous workers to cities. Overtly coercive policies have been slowly and steadily replaced with policies that recognize indigenous rights to land, jurisdiction, and sovereignty. Gains are limited, but they are still gains.

At certain times over the past thirty years, indigenous claims have prevented corporations from exploiting natural resources. In New Zealand in the 1980s, Maori claims under the Treaty of Waitangi stopped a state drive to privatize fisheries and hydroelectric power. In Canada and Australia, from the 1990s to the present, aboriginal claims have increased risk for prospective investors in extractive industries.

But the dance with the state can be perilous. In recent decades, some indigenous groups mistook neoliberals who denounced “big government” for allies. They accepted land claims settlements, treaty agreements, and business deals that enabled states to slash social services for the most vulnerable while restructuring indigenous communities as junior corporate partners in the global economy.

As Trump prepares to take power in the US and Brexit changes the economic calculus in Britain and across the world, it is clear that the dance with the state is entering a new age.

The New Colonialism

The new age has precedents.

Any Howard Zinn reader knows that the United States is built on stolen land with stolen labor. However, this is an observation too imprecise to help us understand and predict the trajectory of a global political economy steered and shaped by the likes of Trump and Nigel Farage. If you squint hard enough, Jack Dalrymple might look like a young George Custer, but that does not make him so.

To prevail, indigenous people and the Left must fully understand the precise ways that emerging systems will dispossess indigenous communities. In the nineteenth century, the United States Army incarcerated indigenous people on reservations, claimed land for homesteaders, protected prospectors, and cleared the way for railroad barons. In the 1960s, a different set of historical, political, and economic forces erected the Lake Oahe Dam on the Missouri River, flooding two hundred thousand acres of the Standing Rock reservation to provide power to suburban homeowners.

Today, the drive for independence from OPEC sees a solution in hydraulic fracturing technology. North American oil fields and infrastructure are funded by a financial system that encourages speculation, drives massive inequality, and fails to account for costs associated with human and environmental risks — passing these very real risks and consequences on to communities, workers, and indigenous nations. Inherently unaccountable capitalists are paid big money for being even more unaccountable, and indigenous dispossession continues on new frontiers.

Preliminary post-election forecasts indicate that Trump’s victory and Brexit will redirect capital back toward the American West and the British Commonwealth.

In particular, Trump — a DAPL investor himself — will expedite completion of DAPL and similar projects. He will push to reopen and complete the Keystone XL Pipeline. If he keeps his campaign promises, he will support infrastructure projects and extractive industries, including coal and fracking, in indigenous homelands across the American hinterlands.

At the same time, a conservative Supreme Court, an Interior Department led by Sarah Palin or oil baron Lucas Forrest, and a Justice Department led by Jeff Sessions means limited but hard-won Native rights will be rolled back. If this gang of reactionary appointees can’t figure out how to dismantle complex legal precedents, they can just cut funding to essential services like housing, schools, and health care that are already woefully underfunded, putting tribes in a stranglehold of austerity. Native resistance will be policed by Orwellian surveillance systems finely tuned by the Obama administration. Militarized law enforcement will find reinforcements in the booming private security and prison industries.

Surveillance, state law enforcement, and private security will drive mass arrests, as we’re seeing at Standing Rock. Law enforcement will have more power than ever to quash protesters and silence dissent.

In the former British Wests of Canada, Australia, and New Zealand, where the right-wing populist revolution has yet to take hold in the same way, suppression of indigenous resistance may be less visibly coercive — perhaps with the exception of skyrocketing policing, incarceration, and deaths-in-custody of indigenous people, particularly Aboriginal Australians (the “most imprisoned people in the world”).

Politicians in the Commonwealth will look to roll back or restructure indigenous rights won over the last three decades in ways that are favorable to capital.

Governments, like Justin Trudeau’s Liberals in Canada, are already abandoning campaign promises to indigenous people, opting instead to grab land and resources (as seen in the ham-fisted effort to force through the Site C Dam against indigenous opposition). Trudeau’s minister of natural resources has already stated that Canada will no longer ask First Nations for consent before going forward with lucrative natural resource projects like Kinder Morgan’s Trans Mountain Expansion project and Enbridge’s Northern Gateway pipelines.

In Australia, the government is steamrolling the Wangan and Jagalingou peoples’ Native Title claims in order to move forward with the massive Carmichael Coalmine in Queensland.

With the Commonwealth clamoring to cash in on opportunities created by Brexit, new free trade deals with the United Kingdom will be struck, resuscitating and rebuilding the capital networks of the former British Empire, previously weakened by globalization and the European Single Market. The Tory dream of a revived Anglosphere, long derided as fanciful, nostalgic, and bad business by Liberals, may even emerge as a legitimate principle and framework of international relations and trade. It will compete with increasingly powerful Chinese and Indian capital throughout the Commonwealth, as already witnessed in the Canadian tar sands, Australian coalmines, and New Zealand real estate and dairy.

Combined with the rise of China and India, this will bring new waves of exploitive capital into indigenous homelands, along with increased policing and the dismantling of indigenous rights.

Renewed colonial and capitalist pressure on indigenous people means that the Fourth World’s adversarial relationship with the state will become more central to the struggle to transform political and economic systems for all. If the history of the indigenous dance with the state is any indication, the Fourth World will suffer tremendously while at the same time standing athwart the forces of capitalism and exploitation.

The Left must stand with the Fourth World in our collective struggle.

The Fourth World and a Fourth Way

On November 14, the Army Corps of Engineers temporarily halted DAPL’s progress, stating that “the history of the Great Sioux Nation’s dispossessions of lands” and the United States’ “government-to-government” relationship with indigenous nations demanded that the route of the proposed pipeline be reassessed. The Army told Energy Transfer Partners (ETP), the company building DAPL, that construction beneath the Missouri River required explicit approval, and asked the Standing Rock Sioux to negotiate conditions for the pipeline to cross tribal territory. Faced with a momentary victory for Standing Rock, Kelcy Warren, Dallas billionaire and CEO of ETP, denounced the decision as “motivated purely by politics at the expense of a company that has done nothing but play by the rules.”

Warren was right. Had it not been for thousands of people mobilizing behind an indigenous-led coalition, DAPL would have been business as usual. ETP would have desecrated the graves of Standing Rock ancestors unimpeded. Workers, lured by relatively high wages, would have taken on toxic and insecure work. The tribe’s hunting and fishing grounds would have been jeopardized, and if the pipeline leaked, Standing Rock and its downstream communities would have been poisoned. Environmental degradation and runaway climate change would have pressed ahead unabated. Carbon dependency would have become even more deeply engrained in our political economy. Eventually, ETP and their investors would have cashed out, and future generations would have been robbed.

And all of this still will happen if President Obama doesn’t heed the water protectors and instead sides with ETP.

ETP spent $1.2 million over the last five years paying politicians to legislate in its favor. Warren personally donated $103,000 to the Trump campaign. But when indigenous people organized, turning to direct action and the law to pressure elected officials and government systems, they wrested power from ETP’s hands.

DAPL is just one chapter in a much longer story of indigenous resistance to, and victories against, pipelines across North America. In 2015, the Obama administration nixed the Keystone XL Pipeline, yielding to pressure from the Cowboy Indian Alliance. In Minnesota, Enbridge shelved plans for the Sandpiper pipeline, after encountering tribal opposition. The Unist’ot’en camp in northern British Columbia has held out against numerous proposed pipelines through their territory, building a space where indigenous sovereignty stands tall on lands defined by industry as an “energy corridor.”

#### Policy debates over antitrust are valuable

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IV. Antitrust in Civil Society

Competition issues are also part of the general civic discourse separate from the campaign rhetoric and legislative proposals offered by politicians. This is also a significant sign that antitrust has begun to be an important source of small “p” politics that engages substantial segments of the public at large. One example is the increased number of non-technical books intended for a lay audience that deal with the role of antitrust in a healthy economy and democracy. Recent and forthcoming books dealing with these themes include Tim Wu’s “The Curse of Bigness,”109 Matt Stoller’s “Goliath,”110 Maurice Stucke and Ariel Ezrachi’s “Competition Overdose,”111 Zephyr Teachout’s “Break ‘em Up,”112 and David Dayan’s “Monopolized.”113 On the academic side, there are a plethora of government and NGO studies of competition policy on digital competition114 and new works are flourishing which explore the broader ramifications of antitrust and competition in society.115 Long form and more mass-market journalism have also taken up the mantle of exploring the role of antitrust and competition policy. Such diverse magazines as The Atlantic,116 Time, 117 New Republic,118 American Prospect,119 Rolling Stone,120 New York Times magazine,121 Variety,122 National Review, 123 Foreign Policy,124 and other policy and opinion magazines have all run recent stories or profiles of individuals involved in antitrust issues. Before the COVID-19 pandemic effectively monopolized press coverage in the United States, there were thirty-three antitrust related stories on the front page of the New York Times or the front page of its business section over a three-month period in late 2019. 125 A majority of the stories focused on tech giants such as Apple, Microsoft, Google, Amazon, and Facebook.126 In addition, the New York Times also covered stories about mergers, merger policy, local issues such as the Chicago taxi market, and various smaller industries.127 This is separate from coverage during the same period of campaign issues and candidate statements relating to the field. A similar increase in coverage during this same period can be observed anecdotally in more business-oriented publications like Forbes, Barron’s, Wired, and the Wall Street Journal; general newspapers like USA Today, Washington Post, and Huffington Post; more local newspapers; as well as radio and television.128 Web pages and social media accounts on these issues have similarly proliferated on all ideological perspectives.129 Lobbying and public policy groups are growing in number and influence. Beyond the traditional trade associations and general think tanks there are now a number of active groups with antitrust as a large part of their focus. These include the Open Markets Institute, 130 American Antitrust Institute, 131 Anti-Monopoly Fund,132 Institute for Self-Reliance,133 Public Citizen,134 Public Knowledge,135 Demos, 136 and the International Center for Law and Economics.137 At the more technical legal end of the debate, antitrust is similarly flourishing as a field. One sees increased law school hiring in the field for the first time in decades. Academic institutes and centers abound with a wide variety of perspectives ranging from libertarian to enforcement oriented.138 Most major antitrust cases now feature multiple amicus briefs from legal and economic experts on both sides of an issue both in the Supreme Court or the Courts of Appeals.139

Conclusion

Antitrust has always been political in nature. Antitrust law provides broad legal commands dealing with how governments and private individuals can challenge different types of market behavior. In this way, antitrust has not changed. Antitrust will never take the place of sports, the Dow Jones index, or the weather for conversation at the breakfast table, but it has become a meaningful part of the political and policy debate for candidates, the legislature, and important segments of civil society. What has changed, however, is the degree that antitrust has reentered the political arena. Once mostly the domain of technocrats, antitrust issues have been proposed and debated by Presidential candidates, political parties, legislators, pundits, journalists, lobby groups, and voters alike. There are also a flurry of serious proposals and investigations that would make significant changes to the current system if adopted. This is all to the good. Even if none of the current proposals come to fruition, the antitrust debate is part of a broader engagement with political economy issues dealing with fundamental concerns such as economic concentration, globalization, income inequality, social and racial justice, and even recently the proper response to the COVID-19 emergency. The many proposals, initiatives, and pressure groups represent at a minimum the return of antitrust as part of the progressive agenda.

#### Settlerism is not a structure. They flatten history into a binary of settled versus settler – creates impossible goals that reinforce institutional failure and creates complacency when we assume a ballot solves.

Busbridge 18

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The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), there is nevertheless a ‘narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective of the paradigm in many ways closes down possibilities of imagining the type of social and political transformation to which the notion of decolonisation aspires. In this regard, there is a worrying tendency (if not tautological discrepancy) in settler colonial studies, where the only solution to settler colonialism is decolonisation—which a faithful adherence to the paradigm renders largely unachievable, if not impossible. To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The structuralism of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and refusal, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. Yet, in seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between settler, who seeks to destroy and replace the native, and native, who can only ever push back. Indeed, if the settler colonial paradigm views history in similar teleological terms to the Marxist framework, it does not offer the same hopeful vision of a liberated future. After all, settler colonialism has only one story to tell—‘either total victory or total failure’ (Veracini, 2007). Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes, under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7). The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility of a genuinely decolonised relationship’ (by virtue of its lopsidedness) yet is a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, the categorical distinction produced by the frontier must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’. Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). Given the generally dreadful Fourth World circumstances facing many Indigenous peoples in settler societies, it could be argued that there is good reason for such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless, the fatalism of the settler colonial paradigm—whereby decolonisation is by and large put beyond the realms of possibility—has seen it come under considerable critique for reifying settler colonialism as a transhistorical meta-structure where colonial relations of domination are inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s ontology erase contingency, heterogeneity and (crucially) agency (Merlan, 1997; Rowse, 2014), but its polarised framework effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that the totalising logic of Wolfe’s structure of invasion rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

#### Settler colonialism ought to be viewed as an on-going event, NOT as a structure – their frame obscures settler violence and disavows intersectional indigenous struggle.

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In this post, I extend J. Kēhaulani Kauanui’s incisive Lateral essay on the analytic of settler colonialism. Kauanui’s discussion underscores implications of understanding settler colonialism as a structure, rather than an event, while insisting on the centrality of indigeneity to discussions of settler colonialism.1 In line with that discussion, I reflect here on my own introduction to, and relationship with, settler colonial studies, offering an alternate trajectory and context for this work that makes visible some of the distinct stakes for those of us who are engaged in queer/feminist of color and decolonizing research and activism. I outline some of the distinctions between early work on ongoing colonialism by critical race and Native feminist scholars that preceded the institutionalized formation of settler colonial studies, while also distinguishing both of these from the approaches found in Indigenous Studies. For fellow scholars engaged in settler colonial studies, I emphasize the significance of developing scholarship that is invested in addressing entangled forms of racialized and colonial violence, rather than reproducing fields or disciplines. When I began a project on coalition building between Indigenous peoples and people of color as an MA student in Canada in 2005, “settler colonial studies” was not yet established as a field. However, I was able to draw on the work of scholars such as Bonita Lawrence, Enakshi Dua, Sherene Razack, Patricia Monture and Lee Maracle to speak of ongoing colonial violence in white settler societies. Maracle’s I Am Woman develops an early Native feminist framework through an account of everyday colonialism and its gendered intersections; Monture’s Journeying Forward presents a critique of the notion of self-determination, arguing instead for the independence of First Nations; Lawrence’s Real Indian and Others situates the tensions surrounding “mixed-blood” Natives in terms of the Canadian Indian Act, which regulates Indigenous identity and access to treaty rights; Lawrence’s highly provocative essay, co-written with Enakshi Dua, “Decolonizing Antiracism,” argues that theories of race, diaspora, and postcoloniality, along with antiracism activism, reproduce the colonial discourses and ideologies of settler states; Razack’s edited collection, Race, Space and the Law draws on critical race and gender studies to examine the spatial violence of white settler societies.2 Maracle and Monture do not use the language of “settlers,” “settler-colonials,” or “settler state.” Razack, Lawrence, and Dua use these terms primarily to describe the patterns of capitalist development that are particular to the US, Canada, Australia, and New Zealand: White settlement of these lands required the erasure and displacement of Indigenous peoples and claims to land, and the exploitation of labor of people of color to develop that land.3 Though Lawrence, Dua, and Razack respectively speak of colonization as being upheld and supported by settler states, they also implicitly make a subtle distinction between the settler state and colonization: the settler state had colonizing imperatives that were historically and geographically specific—because colonization facilitated settlement—but those colonizing imperatives were not necessarily identified as a unique form of colonization. Take, for example, Razack’s definition of a white settler society, from the introduction to her 2002 edited collection, Race, Space, and the Law: A white settler society is one established by Europeans on non-European soil. Its origins lie in the dispossession and near extermination of Indigenous populations by the conquering Europeans. As it evolves, a white settler society continues to be structured by a racial hierarchy. In the national mythologies of such societies, it is believed that white people came first and that it is they who principally developed the land; Aboriginal peoples are presumed to be mostly dead or assimilated. European settlers thus become the original inhabitants and the group most entitled to the fruits of citizenship. A quintessential feature of white settler mythologies is, therefore, the disavowal of conquest, genocide, slavery, and the exploitation of the labour of peoples of colour. In North America, it is still the case that European conquest and colonization are often denied, largely through the fantasy that North America was peacefully settled and not colonized.4 Though her definition flattens some of the distinct histories of the US and Canada—including the differences in nation and state formation resulting from an economy organized through chattel slavery in the US—Razack importantly centralizes the violence of conquest, and its subsequent disavowals, in this definition of a white settler society. For her, what characterizes this society is not that colonialism is “a structure, not an event,”5 but that colonialism is the continued repetition of colonial violence, or of the colonizer/colonized relationship. In the same edited collection, Razack’s essay on the murder of Saulteaux woman Pamela George exemplifies this approach as she argues how both the murder and subsequent trial discursively and materially repeated and affirmed colonial violence.6 When settler colonial studies became institutionalized through Lorenzo Veracini’s introductory text, Settler Colonialism: A Theoretical Overview (2010), and the inaugural issue of Settler Colonial Studies (2011), I simultaneously excited at the generative possibilities this work opened up for supporting the work I was already doing, and perplexed by the “newness” and seemingly sudden declarations of the contours of the field, given that my primary points of engagement were located in critical race and Indigenous Studies.7 I had begun this work with a clear premise: that colonization is ongoing. Subsequently, the questions framing my work included: What does ongoing colonization look like? How does it manifest? How do particular institutions, discourses, ideologies, and groups perpetuate colonization? This was a very different project than, say, describing what settler colonialism looked like. The starting point was that the violence affecting Indigenous peoples was historically constituted and perpetuated by legal and cultural discourses. The intellectual, political, and ethical commitments were to confront that violence, rather than to better understand settler colonialism per se. At the same time, the establishment of settler colonial studies also meant that I could spend less time “proving” that colonization was happening in settler states, because the field created a framework that clearly laid out its parameters. In particular, Patrick Wolfe’s conceptualization of settler colonialism as “a structure, not an event” premised on “the elimination of the Native” enabled me to support the contention that colonization is ongoing.8 Retrospectively, however, I believe there is a qualitative difference between arguing that colonization is ongoing, and arguing that colonization is a structure, even as the two may be intertwined. The former gestures to repetition of an originary violence, emphasizing the continual reenactment of colonization, whereas the latter emphasizes the totalizing effects of originary violence, emphasizing colonization’s erasures. To be sure, remembrance and erasure have a dialectical relationship with one another. Yet, there are political-ethical implications to highlighting one over the other. For example, engaging colonization as ongoing generates possibilities for focusing on colonial violence and its intersectional entanglements with racialized, gendered, and sexualized exclusion and exploitation, as exemplified by scholars working on settler colonialism through the lenses of women of color feminism, black feminism, queer of color critique, and critical race and ethnic studies.9 In particular, underscoring the repetition of colonial violence enables (even if it does not guarantee) the centering of Indigenous peoples—who are still here, and still resisting colonialism—while drawing attention to experiences of violence and their embodiment through categories of difference such as race, gender, and sexuality, as well as their connections to land. To return to Razack—her analysis of the Pamela George case elucidates that colonial violence in settler societies happens again and again, with the support of social institutions and discourses. Framing that violence as an intrinsic or established feature of settler societies implies that it has been embedded in a structure that simply replicates itself. Razack’s framing suggests that the violence is active and dynamic—allowing for the possibility of intervention and transformation—whereas framing colonial violence as an intrinsic component of settler societies suggests that the violence is always already there, thus limiting, even if not foreclosing, transformative possibilities. I think here too of Tiffany King’s essay “New World Grammars” (2016), which emphasizes colonialism as conquest rather than as settled structure in order to foreground the encounters with violence that subsequently form the basis for Black and Native relationality.10 King’s essay is included in the Fall 2016 Theory and Event special issue “On Colonial Unknowing,” edited by Manu Vimalassery, Juliana Hu Pegues, and Alyosha Goldstein, which insists on the indispensability of “postcolonial feminist theory, critical disability studies, queer theory, and women of color feminism” for undoing the disavowal of colonial relations that characterizes white settler societies.11 In their introduction to the special issue, Vimalassery, Pegues, and Goldstein posit that the over-emphasis on settler colonialism as structure unwittingly obscures settler colonialism’s historicity, or the ways in which it operates and has operated as event, and in conjunction with other modes of power.12 At the same time, both settler colonial studies and critical race feminist/queer approaches are “top down” insofar as they take as their point of departure colonizers/colonial violence. This is markedly different from Indigenous Studies approaches, which investigate how Indigenous peoples negotiate, contest, and resist colonial power. For instance, two recent, major works in the field, Audra Simpson’s Mohawk Interruptus and Glen Coulthard’s Red Skin, White Masks, have as their core focus Indigenous expressions of sovereignty and decolonization in settler colonial contexts.13 As Kauanui makes clear in her Lateral essay, “any meaningful engagement with theories of settler colonialism—whether Wolfe’s or others’—necessarily needs to tend to the question of indigeneity. Settler Colonial Studies does not, should not, and cannot replace Indigenous Studies.”14 While both settler colonial studies and critical race feminist/queer approaches offer generative insights into the workings of colonial power, those of us working from these approaches need to be mindful of these distinctions and how they position us differently with respect to questions of decolonization. Investigations of settler colonialism may inadvertently center non-Natives and reproduce colonial violence if not attentive to Indigenous voices, struggles, and perspectives. Professional academic expectations that prioritize the reproduction of disciplinary (or interdisciplinary) methods over political critique facilitate this centering of non-Natives. In my own work, I strive, usually imperfectly, to counter this tendency by thinking and working in an anti-disciplinary mode. In my current project—which engages with diasporic film’s relationships to settler colonialism—this means refusing to remain faithful to disciplinary demands of ethnic, gender, film, or settler colonial studies if and when they reproduce epistemic violence. Politically motivated and grounded work must be invested not in reproducing fields and disciplines, but in engaging in intellectual work to the extent that it facilitates social transformation.

#### Their call for the ballot fails to create social change, but prevents political compromise---this directly indicts Butler.

— formatting: footnotes omitted

— we don’t endorse potentially problematic language in this evidence

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WHAT’S TO LEARN FROM 2PAC’S CHANGES In his immortal Changes, the supposedly late Tupac (2PAC) Shakur lamented, “I see no changes.” 16 2PAC expresses in Changes both his frustration with social racism and his hope for change.17 Acknowledging that race-based social inequalities would likely never completely disappear, he provocatively presented a model for improved communication and understanding to minimize racial inequalities.18 In 1999, Changes was released, topped international charts, and for many years thereafter, impressed a global audience (including The Vatican).19 Many students who participate in competitive interscholastic debate in high school and college20 frequently argue during debates that their speech acts, performances, or presentations criticizing a particular concept in a debate round could, just like 2PAC’s Changes, actually affect social inequities or issues inside and outside of the debate community. To preserve the activity, coaches and judges should discourage debaters from attempting to use—or deceiving others that they are using—competitive interscholastic debate to create social change. Those in the debate community who believe (or argue) that competitive interscholastic debate21 can reach an audience beyond the debate room, and their opponents, coaches, and judges, should consider this question: “What can I learn from 2PAC’s success in communicating his message in Changes?” Those who have wed themselves to the fiction that in-round speech acts in a competitive interscholastic debate setting can and does create actual social change (due to either some strategic reasoning or simple denial) will have a difficult time reaching the honest answer to that question: “I am wrong.” The structure of competitive interscholastic debate renders any message communicated in a debate round virtually incapable of creating any social change, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with nonapplicable rhetorical theory that fails to account for the unique aspects of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: “Can debate cause social change?” Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen not to prove this fundamental assumption, which—as this article argues—is merely a fiction that is harmful in most, if not all, respects. The position that competitive interscholastic debate can create social change is more properly characterized as a fiction than an argument. A fiction is an invented or fabricated idea purporting to be factual but is not provable by any human senses or reasoning or is an assumption otherwise unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be incredibly critical of those fictions and adopt them only if they promote the activity and its purposes. Competitive Interscholastic Debate: The Break Down Competitive interscholastic debate is uniquely different from other types of persuasive activities. Each individual component of the term “competitive interscholastic debate” describes the essential structures of the activity from which very important precepts can be discerned. These precepts are fundamental to any application of any rhetorical theory regarding speech acts within a debate round because the precepts necessarily affect the scope of two crucial aspects of all communication: audience and purpose. The debate community’s members, many of whom are shorthand enthusiasts, simply refer to the activity as “debate.” But what that simple term omits, and what many frequently forget when uncritically accepting the “social change through debate” fiction, is any reference to the essential structures from which the community spawned: a competition of argumentation during which students from one school compete against students from other schools for the votes of judges. Therefore, before any plausible argument can be made concerning the purposes or benefits of debate, the assumptions upon which those arguments are based must be identified and explained. The following discussion (perhaps painstakingly) analyzes the essential components of competitive interscholastic debate to identify the essential precepts that debunk the assumptions relied upon by those endorsing the fiction that competitive interscholastic debate can create social change. “Debate” “Debate,” in its simplest and most basic form, is the presentation of seemingly inconsistent positions to convince an audience. A position could be a factual or empirical position that describes current or historical fact (e.g. A = B). The presentation of a seemingly inconsistent position to convince an audience (e.g. A ≠ B) would constitute an empirical debate about what facts are (or were) true or false (or neither). A position could also be a normative position (i.e. a position about how the way things should have been or should be (e.g. “A should not have been or should be A). The presentation of inconsistent normative positions to convince an audience (e.g. A should not or should be A) constitutes a normative debate. The intent-to-convince element is an indispensible part of any debate. Presenting apparently conflicting positions with the intent to convince requires an audience of some sort, as an audience is necessary for someone to be convinced. For instance, if a person writes an article on the propriety of the verdict in the Trayvon Martin trial to convince others that the verdict was wrong, but then no one reads it, there is no consideration of the position by the intended audience because no one (other than the author himself) could be persuaded. An audience can be as simple as a single person (e.g. having an internal debate with oneself to consider the validity of two seemingly inconsistent positions). An audience could constitute only one person when someone presents two seemingly inconsistent positions for that one-person audience to consider (e.g. an attorney advising his22 client that he has two options and presents the pros and cons of both for his client to make a decision). Two people could comprise an audience. For example, a debate could involve two people who present apparently inconsistent positions to try to convince each other of the rightness of their respective positions. A seeming or apparent inconsistency between positions is also a necessary component of a debate. If two positions are clearly consistent, then there is no debate. Conversely, an actual inconsistency is not necessary for a debate. The following hypothetical demonstrates why: Two debaters who go on a date appear to disagree over which movie, Django Unchained or Kill Bill, to see at Quinton Tarantino’s privately owned theater on Friday night at 10 p.m. This appears to be a conflict because the two cannot watch both in different theaters together at the same time. Both of them want to see the most violent Tarantino movie with a revenge theme at that time. During the exchange their arguments for why Django Unchained or Kill Bill is more violent, one debater mentions Inglorious Bastards and both agree that Inglorious Bastards is the most violent Tarantino movie with a revenge theme. Fortunately, Inglorious Bastards is also playing at the theater at the same time. Just because the two debaters did not decide between Kill Bill and Django Unchained does not mean that they did not have a debate. During their debate, they realized that their apparently conflicting positions were not actually conflicting; they had the same position—wanting to see the most violent Tarantino revenge movie. And in this example, neither audience member was convinced of either initial position. Therefore, in any “debate” there will be some audience that must resolve an apparent conflict of positions. In all communications, there is some audience. Sometimes the audience has a specific goal, such as being entertained, informed, or persuaded. The discussion about what debate “is” demonstrates that identifying the audience is essential to understanding how the context of a speech act can advance or hinder the speaker’s goals. A Competitive Activity A second component of competitive interscholastic debate is that it necessarily involves a competition. Not all debates must occur within the context of a competition, as the Tarantino hypothetical above suggests. But most—if not all— debates in the debate community occur either to win a debate round at a debate tournament or in preparation for winning a debate round at a debate tournament. The tournament structure is a sin qua non (a fundamental component) of the debate community. And in the very rare case that debaters host a public debate (and in the very fortunate case that an audience attends and does not leave during the first speech), the purpose is ordinarily not to convince the audience of a particular side, but to demonstrate what the school’s debate team does. At a typical tournament, there are a pre-determined number of preliminary rounds in which all entered schools’ debaters compete against debaters from other schools that have entered the tournament. The tournament usually determines beforehand the number of debaters that will advance to elimination rounds, and that number usually equals four to thirty-two teams divided into brackets (semifinals to double octafinals). If a team loses an elimination round, as the term suggests, then they are eliminated from the tournament. The prevailing team advances further into the tournament until the “winner” is left with no competitor. A hypothetically neutral critic will be assigned as a “judge.” The judge, or a panel of an odd number of judges, will vote for the debaters who they believe won the debate by doing “the better debating.” Many judges have written paradigms; and the vast majority of written paradigms express a preference for how the debate should occur, but express little or no concern about what (in terms of content) is argued. In almost all debate rounds, the judge will make his decision based on how the debate occurs, not based on what persuaded the judge. A primary (and probably the best) example of this point is a “dropped” argument. Many debate rounds are won, not on the basis of the persuasiveness of an argument, but because the opponents failed to directly respond to the argument. Judges will ordinarily permit the opponent to then “blow up the impact” of this drop in the following speech. Thus, the competitive nature of debate causes, to a great degree, the how to precede the what (unless the point is immaterial or nonessential). As a result, many judges divorce their human experiences and logical reasoning skills of objectively evaluating the persuasiveness of an argument from the decision of which team to vote for. And even when there is a “point-for-point and warrant-for-warrant” debate, many judges will vote based on who does the better job (technically speaking) extending and explaining the argument (even if the argument is atrociously absurd). The target audience is solely the judge, and the sole issue the judge must decide is which side “did the better debating.” Mandatory switch-side debating confirms that the debaters themselves are not the audience for persuasion. And because fair opportunity is valued when there are winners and losers in competitions, most judges approach their paradigms with an attempt to be objective. Tournaments hire judges to objectively evaluate debates based on direct language from the ballot, the ballot the judge must sign his or her name to: who did the “better debating” or who “won the round” (which is a rephrasing of who did the better debating). Competitive debate is a very narrow slice of “debate.” One could persuasively argue that competitive debate barely qualifies as “debate” because the target audience (the judge) is persuaded not by the truth of an argument, but who “does the better debating.” Hence, the only point on which the judge of a competitive debate is seeking to be persuaded of is who to vote for. This conclusion narrows the previous section’s conclusions regarding “debate” (generally) because the “competition” element narrows the audience in the debate to the judge, not the competitors. The debaters are not competing to be persuaded. They are competing to persuade. And the only issue on which the audience—the judge—is asked to resolve is which competitors did the better debating. The judges are not present to objectively evaluate the content of messages and arguments for their persuasive value outside of the narrow issue of who did the better debating. An Interscholastic Activity The final essential component of competitive interscholastic debate is that students from different schools compete against each other at debate tournaments. Many academics who have spent decades competing in and coaching debate have probably never encountered an intrascholastic debate competition, at least not in any of the formats in the debate community. The interscholastic element further narrows “competitive debate” to a student activity that faces resource constraint (e.g. time, budget, rooms available, etc.). Perhaps, noting that the competitive debates are interscholastic highlights the more important point about what competitive student debate is not: “academic debate” or “public debate.” The interscholastic element determines how the competitive debates take place. Generally, several factors constrain interest in and participation on a school’s debate team. First, a school likely could not afford to send every enrolled student to travel to and register in debate tournaments. Even if some schools could afford this, not all could. But even the possibility of all schools’ students would be problematic in terms of one school making up more than half of the field. And even if all schools could afford to send all students to a debate competition, debate tournaments likely could not occur (perhaps, only during the summer) because debate tournaments would last several weeks. The tournament structure means that only a select few will be included in the first place to compete, and as tournaments progress, more and more debaters are excluded. Because only a limited number of teams can be sent to tournaments, coaches must decide who “makes the team” and which teams go to what tournaments. But these decisions (while they could be made for a good reason, bad reason, or no reason at all) will likely be influenced by a student’s natural ability or potential to become skilled at how to do our community’s particular formats of competitive debate. And because teams generally can and do not compete against other teams from their schools, a competitive interscholastic debate will result in one school advancing over the other whose chances of advancing then diminish if not disappear altogether. Finally, the interscholastic nature of competitive interscholastic debate is a point of differentiation from other types of competitive debates: the debaters are all students from different schools. They are either in college or high school. This distinguishes competitive interscholastic debate from other types of debate— particularly academic debate. High schoolers are generally still developing physically and mentally, as well as start developing intellectually. Most college students continue their intellectual development as they obtain their associate’s or bachelor’s degrees. It is not until students begin studying for a master’s, law, or doctoral degree that they must study a particular field in depth, reading publications from academics in their respective fields. Many former competitive interscholastic debaters must, for the first time, become familiar with the academics in the particular field for the sole purpose of learning, not “cutting cards” for debate. It is at the end of a master’s studies or PhD program that students finally must contribute something novel within their particular field of study that contributes something to that field of study. This is the point at which students have made an academic contribution (assuming that what is written is selected for publication). Thus, competitive interscholastic debate is radically different from every other kind of debate. It is not “academic debate,” and it is not “public debate.”23 Because schools’ resources limit debate participation, it is necessarily an exclusive activity to which no students have the right to participate in. And without accounting for how the structures unique to competitive interscholastic debate—exclusion, competition, a limited audience, very narrow audience purpose, etc.—affect the application of a general communications or rhetorical theory in this specific context, the application should be reconsidered or viewed highly skeptically if not outright rejected. Let’s Talk 2PAC To illustrate many of the reasons why “social change through debate” is a fiction, consider the question posed in the introduction: “How did 2PAC’s Changes reach a substantial and diverse cross-section of a global audience?” Any reader who picked up on the humor of the “supposedly-late” descriptor above would immediately know that it is a trick question: 2PAC didn’t make any impression by releasing Changes in 1999; 2PAC died in 1996. 2PAC’s estate contracted with players in the music industry to produce Changes by splicing together several of 2PAC’s pre-death recordings, and released Changes in 1999. The song was advertised and played on the radio and CD players internationally. The similarities and differences between 2PAC when recording Changes and a student arguing that competitive interscholastic debate can create social change are informative. Although 2PAC wrote and recorded parts of Changes, several other individuals in a very complex series of transactions and communications were responsible for the song’s global successes. When 2PAC recorded the various parts of Changes, he merely spoke and sang words into a microphone in a recording studio where the audience was solely concerned with operating equipment for quality assurance purposes. Similarly, a debater who is asserting that debate can cause social change, like 2PAC in a recording studio, is speaking to an audience who typically cares little (if at all) about the debater’s intended message and cares about recording it “on the flow.” But unlike 2PAC’s audience (that likely had solely a financial interest in re-communicating 2PAC’s message), the judge generally does not re-communicate the debater’s message for any persuasive purpose, and the judge usually has little or no interest or incentive to do so.24 Changes’s commercial context is part of what allowed the song to spread worldwide. Those initially re-communicating 2PAC’s message did so for financial reasons; the fact that 2PAC’s message was concerned with minimizing racial inequalities likely contributed only a limited extent to the song’s success. Pys’s Gangnam Style had similar success at reaching a global audience, and it made fun of Korean culture. What Changes, Gangnam Style (both messages disseminated in a commercial context), and debate (a competitive activity and, yet ironically, one increasingly marked by anti-capitalist sentiments) have in common is that form is so much more important than substance. But the difference between the form of international hit songs and debate is that the form of musical productions—with a catchy tune, visually stimulating music video, and sometimes a valuable message—makes the message appealing to a general audience. The form of modern competitive interscholastic debate—with, at its worse, rapid fire spreading of dense philosophical verbiage or personal attacks tangentially related (at best) to the topic—is simply unappealing to a general audience. If anything, the form in which messages are communicated in competitive interscholastic debate repels audiences outside of the community. To the extent that Changes was made more popular by its message, the crucial difference between the message of Changes and messages communicated in a debate round is that the in original production of Changes, and the recommunication of that original message, the message has never changed (save some remixes) or contradicted itself. The original version of Changes was the same as it was when it was released until (and after) the time that it made the Pope’s playlist. Conversely, debaters who communicate messages in a debate round will, almost always, contradict their argument (again for persuasive reasons, not because they were convinced that they were wrong initially) in another round, read a different part of the card they were reading previously, reading different phrasings of the same argument by a different author, etc. Therefore, the message-repetition element is missing from competitive interscholastic debate. The multiple points of distinction between 2PAC’s Changes and messages made in debate rounds demonstrate why the dissemination of messages outside of a debate round for persuasive purposes is highly unlikely. The Kicker As the question, “How did 2PAC reach a substantial and diverse cross-section of that global audience?” was trick question, so (to some extent) was this article’s initial question: “What can I learn from 2PAC’s success in communicating his message in Changes?” While one lesson we can learn from the success 2PAC’s changes concerns the factors that make messages more likely to be disseminated worldwide, there is pretty much nothing else to learn in terms of persuasion in the context of competitive interscholastic debate. Up to this point, this article has shown how each of the essential components of “competitive interscholastic debate” makes it very different from any other kind of debate. But one thing that is persuasive in any kind of debate is some sort of properly conducted study (or even a mere survey) that provides empirical proof or even substantial anecdotal support. To date, none of the many academics who coach or participate in the debate community have published a study or survey to support the social change fiction. (Perhaps they have tried, and discovered they were just wrong.) But until such an empirical study of competitive interscholastic debate is conducted, students, judges, and coaches should not take it for granted. Similarly, no one has studied whether 2PAC’s Changes had any effect on people’s attitudes toward racial equality. (Thus, it would be equally supported to say that 2PAC’s Changes increased racial violence.) No survey or statistical studies have been conducted, constrained by academic standards, and then published, that suggest that 2PAC’s Changes had any real effect on anyone (other than the objectively measurable effect that purchasing the song had on the buyer’s wallet). Similarly, no one has studied whether any individual debate round, a team’s year-long “project,” or a debate team’s seemingly perpetual social campaign has created any social change regarding the position they support. While it is theoretically possible that someone has listened to 2PAC and thought to himself, “Hmm , perhaps I should not be so racist,” it is as equally possible that, according to the arguments of Judith Butler or Jacques Derrida (or insert any other philosophy academic or rhetorical theorist—from Aristotle to Slavoj Žižek—here), debate has created some sort of social change. The problem is that nothing supports that debate rounds can create social change other than the adage, “Anything is possible.” The reasoning that debate can create social change is circular at its best. The absurdity is that judges prefer specific, predictive, and empirical evidence over general theoretical possibilities in almost every single context except when it comes to attempts to use debate to create social change. Bald theoretical assertions with flowery language from philosophers are accepted over uncarded but logical analytical arguments. Any explanation for why coaches and students (at least pretend to) believe that debate can create social change would require an unacceptable degree of speculation. The bottom line is that the proposition that competitive interscholastic debate will (or more accurately, can) result in social change is merely speculation without any logical or empirical support. Overcoming the Fiction Merely identifying a proposition as a fiction is insufficient to merit its abandonment. This article uses the term “fiction” because the idea that debate rounds could likely create any social change is, in all meanings of the term, a fiction. A fiction is a conclusion that is feigned, invented, or imagined. It is an imaginary thing or event, postulated for the purposes of argument or explanation. One can distinguish a fiction from a statement of fact (which can be determined true or false) or a scientific hypothesis (a falsifiable theory answering a posed question). A fiction, on the other hand, is something that is either false or has not been attempted to be proven true. A fiction is neither inherently good nor inherently bad. Rather, it is a tool to achieve some other purpose. Fictional stories frequently convey a moral to be extracted or lesson to be learned.25 In law, a legal fiction is a legal rule that is known to be factually false (such as the legal fiction that all people are presumed to know the law) that is endorsed for some greater public policy purpose (such as to avoid ignorance and discourage intentionally avoiding knowledge of the law). After identifying whether a proposition is a fiction (or a truth or hypothesis), determining whether the fiction is worthwhile requires weighing the pros and cons of the fiction against the purposes of the context in which it is used. The Fiction The idea or proposition that competitive interscholastic debate can result in social change is properly characterized as a fiction because it is false and has not been proven true. The proposition that debate rounds can create social change is a fiction because it is false on a theoretical level. Those who attempt to apply theories about academic debate (i.e. arguments published in books and journals by PhDs who argue about concepts within their respective fields of study), social movements, rhetorical acts, and performances are not discussing competitive interscholastic debate. Philosophers and rhetorical theorists have never written an article or book using competitive interscholastic debate as an example of the effectiveness of a communication strategy (at least not successes outside of a debate round). Their theories draw upon historical (i.e. anecdotal) examples to demonstrate their theories. None of them have ever cited a debate round or “debate movement” as an example of their theories.26 Those who attempt to apply academic theories to competitive interscholastic debate (primarily communications academics, who also frequently happen to be participants in the debate community), decontextualize the broader theories to apply them to competitive interscholastic debate without adequately accounting for the competitive and interscholastic structures of competitive interscholastic debate. 27 Although some “competition” is part of any debate, this part is more accurately described as the presence of seemingly conflicting positions, which is discussed above and exemplified by the Tarantino hypothetical. In social movements or public debate, there are two (or more) apparently conflicting positions. Competitive interscholastic debate is uniquely different because there is not a possibility for compromise on the ultimate question of who did the better debating; most tournaments prohibit double wins, and no debaters would agree to a double loss. The competition is absolute; one side must win and one side must lose. This is radically different from the ability of individuals to be persuaded by the other side of a social movement. The switching of sides outside of the debate context comes from a person’s willingness to be persuaded by a particular position; it is not forced by tournament rules. Thus, the competitive structures of competitive interscholastic debate render the applicability of philosophical or rhetorical theory inapplicable to the extent that it does not account for particular competitive interscholastic debate context. The unique structures of debate rounds rob all arguments or positions therein (or in a series of rounds) of any persuasive value beyond the very narrow issue of “which side did the better debating.” The competitive element and tournament structure of competitive interscholastic debate taint all positions proffered in a debate round to create social change with a stench of “I am actually lying about my goals; I am clearly just using this argument to win the ballot.” Even debates about how debates should proceed (i.e. theory arguments or arguments about the practices in debate, or “meta-debate” (debates about debate)) are not proffered for the truth of the proposition, but to win the debate. The audience—only the judge—is solely concerned with the ultimate question: “Which side did the better debating?” Competitive interscholastic debate is certainly a venue in which students can become aware of societal issues and topics of concern. But the persuasive value of arguments presented in a debate round to convince debaters of the truth of either side on a topic is virtually nil.28 Students will generally form opinions about issues they learn about in a debate round outside of their debate rounds. The issues debaters become aware of include issues external to debate (e.g. affirmative action, foreign policy) and issues internal to debate (e.g. theory, community issues). When debaters choose to bring those issues into a debate round, they necessarily use those issues as a competitive means to the ultimate end of convincing the judge that they did the better debating. This requires the opposing team to adopt a competitive counterstrategy to that position; it forecloses the option of the opposing team being fully persuaded by the other team’s position. Even an attempt to “compromise” via a permutation (as a competitive strategy rather than a persuasive position) will meet vigorous, usually pre-scripted opposition. As a result, any in-round action (whether a speech act or the judge voting for one team or the other) will have no out-of-round effect consistent with or contemplated by any cited authors or postulated by the high school or college student making the assertion. Even arguments about competitive interscholastic debate—primarily theory and issues about inequalities in the debate community—will necessarily lose all persuasive value about those particular issues when they are raised in a debate round. Although more specific to competitive interscholastic debate and not general theories about academic debate, meta-debate loses its power to convince anyone in the round because the audience—only the judge—is solely concerned with the question of “which team did the better debating.” Theory and arguments about “social issues in debate” made in a debate inherently reek of disingenuousness. Most debaters and judges do not even consider adopting a position on the meta-debate until after the round in reflective discussion and thought about the issue, thought that never incorporates the truthfulness of an argument because “it was dropped” in a debate round. In the particular debate, the result is always based on who, in the judge’s opinion, did the better debating. It is not based on who convinced the judge of some proposition irrelevant to deciding which team did the better debating. The preceding discussion demonstrates why arguments about social change— even social change within the debate community—have persuasive value only outside of a debate round. The debate community has developed multiple forums in which members of the community engage in noncompetitive and, sometimes, academic debate on issues within the debate community. These include discussions before and after rounds with judges, teammates, and competitors; on forums or online message boards; or in academic publications. For the social issues external to the debate community, there are almost an unlimited number of ways that students form opinions. And, after students form their opinions and join causes and organizations, there are about an equal number of non-competitive ways that students can use techniques and modes of persuasion discussed by academics and rhetorical theories. Debate rounds, at the very most, operate as venue solely for raising awareness about social issues and debate practices. It would be illogical to conclude that, because issues were debated in a particular debate and out-of-round discussion about that practice followed, the in-round debate created a social change. Because coaches and students strategically consider their arguments and practices prior to a debate round, the social issues or the “concern” about a debate tactic initially spawns outside of debate rounds, not from within a singular debate round. And just because one event occurred before another does not make the former the cause of the latter. To the extent that the in-round practice causes a subsequent out-of-round discussion, debate is admittedly a form for raising awareness about practices and social issues for students. But the arguments presented in the debate round will lack persuasive value in the round insofar as convincing the judge or other audience members of anything beyond the ultimate question of who did the better debating. But even if this article’s arguments up to this point have no validity, and creating social change through debate rounds is more likely than just theoretically possible, this is insufficient to adopt the proposition that competitive interscholastic debate creates social change. It remains a fiction because no academics—not even those who have remained in the debate community for decades—have attempted to prove its validity with any form of study or survey. No studies or surveys have been conducted on any particular application of philosophical or rhetorical theory to the practices within competitive interscholastic debate. Thus, competitive interscholastic debates and meta-debates therein claiming to create some sort of change either within the community or outside the community have no empirical support. They simply present the possibility, but fail to show any probability of success. Because any critically thinking person (in or out of the debate community) should be hesitant to presume probability based on mere possibility, the probability of the general theory being applicable in the competitive interscholastic debate context should be presumed to be zero, as no probability has been proven. Although practices have certainly evolved, no empirical study has causally linked this evolution to in-round arguments to the exclusion of out-of-round, non-competitive discussions. Why We Should Get Over This Fiction Fictions are neither inherently good nor inherently bad. Fictions must be judged based on whether they serve some relevant purpose to the context in which the fiction is adopted. The legal fiction that all people are presumed to know the law is one such fiction. If no one follows laws, then passing laws is pointless. Therefore, compliance with the law is fundamental. The fiction that people are presumed to know the law encourages individuals to know the law and increases compliance. If individuals can shield themselves from the ramifications of violating the law by not knowing the law, people would be encouraged to avoid learning about the law to excuse or justify non-compliance. A sound methodology for determining whether a fiction is good or bad must include: (1) an identification of whether the proposition is a fiction; (2) what the purposes of the context, field, or activity that is considering adoption of the fiction; and (3) whether the fiction advances or hinders those purposes. Up until this point, this article has argued why it is a fiction to believe that debate rounds cause social change. And, as was discussed at length in Nix the Nixonism: Identifying the Purposes of Debate by Understanding Constituency, Transparency & Accountability, the primary purposes of debate are self-preservation and “o promote skills including public speaking, researching, and critical thinking as judged by the larger academic community and the general public.29 Thus, deciding whether to dispense with the fiction of “social change through debate” is a worthwhile endeavor will require determining whether this fiction promotes or hinders the self-preservation of the community and promotes skills including public speaking, research, and critical thinking. Although either maintaining or dispensing with the fiction would likely be neutral with respect to promoting public speaking, researching, and critical thinking skills, the fiction continues to deal damaging blows to the debate community. These damaging effects can be shown anecdotally. The fiction has damaged the legitimacy of the debate community by encouraging a race to the bottom in terms of debaters—in a competitive flurry—trying to outdo each other and themselves. The best examples of this are in college policy debate, which has existed for much longer than any other interscholastic debate format in the U.S. The development of the “kritik” opened possibilities for deployment of a new body of literature in rounds. The race to the bottom has caused the debate community’s acceptance of the following in-round tactics: stripping nude to de-mystify the female body; dance-offs; defecating into a bag to face our waste; simulating an abortion; actual in round violence between debate partners to illustrate and dramatize domestic violence; voting down white debaters because they were white in order to promote minority participation in competitive interscholastic debate; and debating with the lights off, performatively conserving energy. Those outside of the debate community in academic and professional circles have noticed this downward trend in competitive interscholastic debate. As a result of this trend, debate is currently viewed as having diminished pedagogical value in terms of public speaking, research, and critical thinking. This presents a very real threat to the existence of schools’ debate programs.30 A possible advantage of adopting the fiction is that if students believe in the persuasive power of their positions, then they would be more likely to recommunicate the message in non-competitive formats outside of the competitive interscholastic debate community. Not only has this argument been empirically disproven, the opposite has proven to be true. Most debaters are involved in few, if any, other extra-curricular activities. Sometimes debate programs discourage participation in other activities to hone skills unique to competitive interscholastic debate (e.g. spreading). Furthermore, to the extent that debaters are convinced of their own argument that debate can create social change, the fiction discourages participation in more effective methods of persuasion that do not require the participants to contradict themselves. Students are led to believe that they have accomplished something when, in fact, they have contributed nothing (except to the decline of the community). Additionally, arguing that debate can create social change by the judge voting for the argument is also unethical. The fiction of social change through debate is powerful because it abuses debate’s structures designed to ensure fairness and minimize arbitrariness in judges’ decision-making. One primary structure is the contractual requirement that when the judges sign their ballots, they are voting for the team that does the better debating, as they have contracted with the tournament to do so. When the judge agrees with the host school to judge, he has promised to vote for the debaters who do the better debating. An argument that voting for one team over the other solely because of some out-of-round benefit compromises the judge’s objectivity of evaluating who did the better debating through the arguments made in the particular debate round. In essence, it is a promise for a benefit outside of the debate round in exchange for the ballot that would outweigh the judge’s sense of duty to remain objective and decide the round on who did the better debating. In this sense, endorsing the fiction of social change through debate is, by definition, is endorsing bribery. The only way this ethical dilemma would not exist would be for debaters relying on the fiction to admit that there really is no out-of-round benefit, which is this article’s ultimate point. Not only does the fiction unfairly place the judge in an ethical dilemma, it is also unfair by asking the judge to consider and accept out-of-round benefits of voting for a particular team but ignore all of the judge’s and other debaters’ personal outof-round experiences. In debate rounds, judges attempt to adopt neutral, objective paradigms by not disregarding an argument simply because they personally disagree or do not like it. The general motivation for this is to be fair to the students and allow them an opportunity to succeed despite the judge’s idiosyncratic preferences, the full disclosure of which would take too long to explain prior to a debate or write in a paradigm (although some judges definitely try). The fiction of social change through debate invites the judge to insert his or her subjective preferences only to the extent the judge personally agrees. If the judge personally disagrees with the team’s particular social goals, the judge will be shunned by rejecting the team’s argument absent some argument that the opposing team wins “on the flow.” But if the judge personally agrees with the team’s particular social goals (or at least what the debaters purport their social goals to be), then the debaters relying on the fiction of social change through debate invites and attempts to justify judges’ intervention only to the extent it benefits them even if the argument is not won “on the flow.” This is true because arguments about what the ballot can would, if the argument is true (or dropped), outweigh a technically bad performance by the debaters relying on those arguments. By placing the judge in an ethical dilemma, bribing the judge, and inviting and justifying one-sided intervention, the fiction of social change through debate encourages debaters to commit the ultimate in-round abuse. Arguments and strategies are not, by themselves, properly considered unfair or abusive to another debater. There are always counter-arguments and counter-strategies. Tactics—or the in-round conduct of debaters—can be unfair and abusive. For example, card clipping (purporting to read the entirety of a card but only reading part of it), hiding the other team’s evidence, name-calling, promising the judge money or job in exchange for voting for a particular team, blanket refusal to answer questions in cross-examination, and other rule violations (meaning the actual rules of the debate tournament or the organization under which the tournament is conducted) are all examples of tactics that are unfair and abusive. These tactics and the fiction of social change through debate place the judge in an ethical dilemma, bribe the judge with out-of-round compensation to vote for a team who does not do the better debating, and invite and justify one-sided intervention. They compromise the integrity of the activity and are thus the ultimate unfair tactics and the worst forms of in round abuse. The fiction of social change through debate abuses the win–loss structure of debate and permits debaters to otherize, demonize, dehumanize, and exclude opponents. The win–loss structure of debate rounds requires a judge to vote for one side or the other, as judges generally cannot give a double win. This precludes the possibility of compromise on any major position in the debate when the resolution of the position would determine the ultimate issue of “which team did the better debating.” Thus, the fiction of social change through debate encourages debaters to construct narratives of good versus evil in which the other team is representative of some evil that threatens to bring about our destruction if it is endorsed (e.g. capitalism). The team relying on the fiction of social change through debate then paints themselves as agents of the good, and gives the judge a George W. Bush-like “option”: “You’re either with us or you’re against us.” The fiction of social change through debate—like Bush’s rhetorical fear tactics and creation of a false, polarizing, and exclusionary dichotomy to justify all parts of the War on Terror—enables the otherization, demonization, dehumanization, and exclusion of the opposing team. When the unfairness of this tactic is brought to light—particularly in egregious situations when a team is arguing that the other team should lose because of their skin color—all can see that the debate centers on personal attacks against opposing debaters. This causes tensions between debaters that frequently result in debaters losing interest or quitting. By alienating and excluding members of the competitive interscholastic debate community for the purpose of winning a debate, it also makes the reaching of any compromise outside of the debate—the only place where compromise is possible—much less likely. By bringing the social issue into a debate round, debaters impede out-of-round progress on the resolution of social issues within and outside the debate community by prompting backlash. Finally, the fiction of social change through debate teaches debaters to engage in unethical tactics that justify—and, if those students then become government leaders or corporate executives, could result in—the tactics used by oppressive governments and corrupt corporations to maintain their positions of power. One such unethical tactic is requiring a person to make a decision in a limited amount of time based solely on a limited amount of biased or false information. North Korea, for example, campaigns for support with propaganda and lies, and then forcefully limits its people’s access to other sources of information. Nazi Germany also used comparable propaganda tactics to convince people of the superiority of an Aryan race. Corrupt corporations similarly scam consumers by presenting misleading and biased information and falsely promising great benefits after the consumer hands over his monetary endorsement. The fiction of social change through debate encourages these same tactics in a debate round and teaches students that these tactics are effective and rewarding. It places the judge in the position of supporting or rejecting a particular cause based on very limited information presented in a single debate round. It frequently requires the judge to act based solely on the particular, biased information presented by the debaters. The possibility of the other side presenting counterarguments is inadequate because debate teams purposefully research arguments to run that other debate teams likely do not have specific responsive evidence to. Furthermore, by requiring the judge to decide in the debate round whether to support or reject a cause, debaters seek to limit the judge’s access to other sources of information that would enable the judge to come to an informed decision. Thus, arguments made in a debate round are not the driving force convincing students of those arguments. It is the competitive tactics and strategies that students that are positively reinforced with the ballot that the debate community should be concerned about. Conclusion The idea that speech acts in a debate round can create social change is a fiction. The successes of 2PAC’s Changes demonstrate that communication and persuasive attempts in competitive interscholastic debate is entirely different from all other forms of persuasive communication that have been successful at reaching a broad audience. The fiction of social change through debate undermines the fundamental purposes of the competitive interscholastic debate activity— primarily self-preservation and the development of skills. It encourages tactics that undermine the prevalent values endorsed in the community (fairness, education, objectivity, ethics, morality, etc.) and tactics that mirror the most commonly criticized notions (unjust governments, corporate abuse, capitalism etc.). It is long past time for academics in our community who endorse the fiction of social change through debate to prove it by publishing some sort of valid academic study or survey. Despite the past decades of in-round argumentation that debate can create social change, one must lament, “I see no changes,” at least none for the better.

#### Colonialism is an analytically useless category – fails to explain violence – focus on the nation-state’s policies is more productive

Ribeiro 11 – (2011, Gustavo Lins, PhD in Anthropology, Ángel Palerm Chair of the Autonomous Metropolitan University of Iztapalapa (Mexico City) and is a Distinguished Scholar at the Iberoamericana University, “Why (post)colonialism and (de)coloniality are not enough: a postimperialist perspective,” Postcolonial Studies, 14:3, 285-297)

The stress on colonialism, neo-colonialism, internal colonialism, postcolonialism and the coloniality of power is welcome. No one doubts the power of structuration of colonialism. However, I would like to explore the idea that we cannot think of the ‘structural power’ of colonialism as a lasting force that always overruns others, especially those that are unleashed by what might be called ‘the nationality of power’. 21 For me, postcolonialism and the coloniality of power coexist in different forms and intensities, in different national scenarios, with the nationality of power as well as with the globality of power. On the one hand, however strong transnational forces may be, we cannot diffuse the power of nation-states in global entities such as the world system, nor can we reduce them to mechanic responses to supranational dynamics. On the other hand, colonialism cannot become an interpretive panacea, nor the latest example of historical determinism.

The fact that peripheral countries are the privileged scenario for postcolonial and decolonial interpretations becomes a problem when we realize that the most powerful nation-state of current times, the United States, is a former British colony. If the explanation for this exception is that there are different colonial experiences that may result in different postcolonial and decolonial experiences then subalternity within the world system is not a necessary result of the colonial experience or an intrinsic quality of postcoloniality and decoloniality. What I am saying is that an overemphasis on colonialism and on coloniality can curiously (re)generate precisely what needs to be criticized and surpassed: an explanation that accepts subalternity as a destiny of former colonies.

My argument calls for a sharper consideration of the ‘causal hierarchies’ among colonialism and other historical processes in diverse concrete scenarios.22 I am implying that by transforming colonialism and not capitalism into the primordial focus of analysis we underestimate the current importance of nation-states and their elites, as well as deviate from understanding the particular characteristics of the power relations of the current relationships between nation-states and the world system. In some places, these relationships are 200 years old or more, if we include in our list the US, the first politically independent modern republic. Isn’t this a sufficient amount of time to create particular interests and dynamics that are central to the construction of any future scenario?

If one of the aims of critical theory is to overcome an unjust past and contribute to the construction of a different future, then utopias are a most important object of desire in the progressive intellectual scene. While I am favourable to ideological struggles\*without them it wouldn’t be possible to denaturalize the naturalized present\*I want to advocate for more utopian struggles in a juncture where there is a dearth of future scenarios strong enough to galvanize the imagination of a great number of political actors. This is one of the reasons why I offered the notion of post-imperialism. Living in a world region that has a longstanding experience with imperialism\*in its soft and hard expressions\*the imagining of life after imperialism can prove to be an exercise in creativity and audacity\*qualities many times denied to the ‘subalterns’.

#### Imagination of particular nation-state futures based on causal analysis is more useful than focus on coloniality

Ribeiro 11 – (2011, Gustavo Lins, PhD in Anthropology, Ángel Palerm Chair of the Autonomous Metropolitan University of Iztapalapa (Mexico City) and is a Distinguished Scholar at the Iberoamericana University, “Why (post)colonialism and (de)coloniality are not enough: a postimperialist perspective,” Postcolonial Studies, 14:3, 285-297)

In this section, I will make a few general concluding remarks and will draw conclusions that are specific to the Brazilian scenario but that relate to the need to further develop post-imperialist perspectives.

In spite of the power of structuration of colonialism, it cannot be seen as an overall force determining all current sociological, economic, political and cultural scenarios in previously colonized nation-states. The duration of the post-colonial period and the prominence of the coloniality of power vary in different historical settings. The definition of such moments needs to be found on a case-by-case basis. I would argue that in Bolivia, for instance, the moment of shift from the prominence of the coloniality of power to the beginning of the construction of the nationality of power happened only with the election of Evo Morales as president in 2006. This leads me to think that the close relation between the formulation of the theory on the coloniality of power and the political life of Andean countries such as Bolivia, Peru, Ecuador and Colombia, is an index of the relative strength of the power of structuration of colonialism in these countries. In view of the variability of glocal historical experiences, the ‘nationality of power’ cannot be subsumed under colonial frameworks of analysis, nor under globalized ones; it is a specific object of enquiry. Therefore a more complete framework of analysis includes causal hierarchies that are sensitive to the different geographies and histories of colonialism and of nation-building, the power of structuration of which varies over time according to the outcome of different historical conflicts in different nation-states. In sum, former colonies are differently subject, today, to the diverse powers of structuration stemming from the coloniality of power, the nationality of power (which includes the histories, specificities and contradictions of the local and regional levels) and the globality of power. All of the latter needs to be understood within the framework of an ever expanding capitalist political economy with its dynamics and contradictions.

Throughout the postcolonial and national history of Brazil, a strong ideology of the ruling elites developed, according to which the country is destined to become a world power. The construction and consolidation of Brasilia as the country’s new capital was a most important step in the development of the Brazilian nationality of power; it reassured the ‘great destiny of Brazil’ to nationalist ideologues and reinforced the discursive matrix of a powerful future. In the current moment of the world system, especially after the 20082009 crisis when the BRIC countries (Brazil, Russia, India and China) became the most publicized examples of fast response to the crisis, the sense that the ‘sleeping giant’ is about to wake up has increased within Brazilian political and economic elites. It is already possible to see that Brasilia will become in the near future the capital city of a major global player with part of its elite with (sub)imperialist pretensions.29 The role of critical thought in Brazil in this regard is to make a preemptive move in order to go beyond such pretensions and favour the rise not only of a post-imperialist capital city but also of a post-imperialist country. By this I mean a kind of cosmopolitics that imagines a world system without imperialisms and fosters national formulations and actions in international arenas that stress and truly promote cooperation and peace at the same time that it criticizes inequality and war. To do that there is a need to dedicate more time to a post-imperialist imagination, critique and programme; to dedicate, in sum, more time to utopian struggles than to ideological ones. Post-imperialism would thus be a cosmopolitics capable of pointing to new moments of the world system and its unfoldings.

#### Legal reform is vital to provide meaningful redress for past violence to natives—can’t fix the law outside of the law

William Bradford 2, Chiricahua Apache. LL.M., 2001, Harvard Law School; Ph.D., 1995, Northwestern University, "With a Very Great Blame on Our Hearts": 1 Reparations, Reconciliation, and an American Indian Plea for Peace with Justice, 27 Am. Indian L. Rev. 1

[\*17] Nevertheless, even if the non-Indian majority would reject the American Myth in the interest of mending national fences, the path to Indian redress winds through terrain unmapped heretofore. Compensation and apologies, gestures potentially part of an amicable settlement, are not germane to the resolution of Indian claims for injustices that cannot be remedied save by reinvestiture of lands and sovereignty in self-determining Indian tribes. 70 This requires not merely an abstract acknowledgment of the value of pluralism but a comprehensive program of legal reform that dispenses with doctrines and precedents perpetuating the denial of the human rights of Indian tribes and people. 71 As law, more than any other social variable, has reproduced the subordination of Indians in the United States, 72 legal reform occupies a central position in the claim for Indian redress. 73¶ [\*18] In short, proponents of Indian redress must not only displace a flawed version of history: they must articulate a proposal for remediation that transports the American people far beyond the strictures of existing law to enable the peaceful restoration of Indian lands and powers of self-government. 74 Such a transformative mission cannot be accomplished by positing Indians and the non-Indian majority as adversaries, as would reparations; rather, redress of Indian claims and the healing of the American nation -- crucial foci of the drive toward perfection -- necessitate dialogue, reconciliation, and joint authorship of a future history of peace, harmony, and justice. 75¶ Part II of this Article offers a disquieting version of U.S-Indian history that accelerates erosion of the American Myth and acquaints the non-Indian majority with the necessary factual predicate to Indian redress. Parts III and IV contrast the assumptions, procedures, and remedies that distinguish reparations and reconciliation, 76 the dominant contending models of redress available to group victims of human injustice, and demonstrate that, because it offers the best hope for a peaceful American coexistence marked by mutual respect for sovereignty, reconciliation is a more appropriate avenue to Indian redress. Several preliminary proposals, including the introduction of traditional tribal peacemaking as perhaps the most appropriate form of [\*19] reconciliation, will be offered to stimulate thinking.

#### Only advocating legal reform by non-natives can address the past imperialism of federal native policy

William Bradford 2, Chiricahua Apache with an LL.M., 2001, Harvard Law School; Ph.D., 1995, Northwestern University, "With a Very Great Blame on Our Hearts": 1 Reparations, Reconciliation, and an American Indian Plea for Peace with Justice, 27 Am. Indian L. Rev. 1

More than two centuries of genocide, land theft, and ethnocide, implemented by the brutal instrument of federal Indian law, 350 have depopulated and seized Indian land and eliminated rival polities within the colonial state constructed thereon. The historical review of U.S.-Indian relations has revised a mythical account in order to prepare the intellectual terrain for contemporary remediation. Although the role of the United States in the deliberate destruction of Indian populations, property rights, and cultural patrimonies is for most Americans a hidden history, it presents an archetype for the contemporary exposition, analysis, and redress of a gross human injustice. However, even if re-envisioning history instructs the non-Indian majority in its moral and legal obligations to redress Indian claims, 351 unless two fundamental, transformative principles guide and inform redress, it is foreordained to fail.¶ First, because a set of institutionalized legal impediments 352 runs through the domestic order and trammels Indian rights, it falls to a process of legal reform to make the nation safe for the peaceful coexistence of basic value-differences [\*73] between people as well as between peoples. 353 Necessary reforms will include legislation 354 to strengthen protection of Indian religious, cultural, and property rights; 355 create specific remedial programs; 356 tighten judicial canons of construction to resolve ambiguities and construe treaty terms in favor of tribal reserved rights; and incorporate those principles of conventional and customary international law protective of the rights of indigenous peoples. 357 A Constitutional amendment may be necessary to renounce plenary power 358 and [\*74] restore Indian tribes to a position superior to states in the federalist hierarchy. Proposed reforms will "portend changes in power and well-being for specific persons or groups" 359 and may compromise the universalist approach to conceiving of, promoting, and protecting rights. 360 Redress thus invites contestation over its form, pace, and scope. 361¶ Consequently, the second principle, a corollary to the first, is that the non-Indian majority must assist in the infusion of "Indian Self-Determination" with genuine meaning. 362 The United States and Indian tribes are not only [\*75] intertwined geographically and historically, they are interdependent. Indian autonomy and prosperity on the one hand, and U.S. legitimacy and global leadership on the other, are inseverable, with each a necessary condition for the full realization of the other. 363 Enhancement of the positive externalities of reciprocal transactions will serve both Indian and non-Indian peoples. If U.S.-Indian relationships advance on the basis of a recognition of, and respect for, mutual sovereignties, with differences and disputes attended not by coercion and domination but by negotiation and harmonization, a new era of domestic peace with justice, more worthy of emulation and export than earlier periods of American history, will follow.¶ The next section defines and contrasts the theories, procedures, assumptions, and remedies that distinguish reparations and reconciliation, the dominant contending modes of redress available to group victims of human injustice; bring each mode to bear upon the Indian claim; and evaluate the relative utilities and disutilities of each.

#### Territorial acknowledgements aren’t revolutionary – they devolve into box-ticking forms of inclusion that do nothing for indigenous sovereignty

Vowel, Native Studies MA, 16 (Chelsea Vowel, is Metis, has a Bed and LLB from the University of Alberta, MA in Native Studies, 9-23-16, Beyond Territorial Acknowledgments, <http://apihtawikosisan.com/2016/09/beyond-territorial-acknowledgments/>, JKS)

In the first two quotes, it is clear that the intended purpose of territorial acknowledgments is recognition as a form of reconciliation. Kairos goes a bit deeper in the intention to also acknowledge the violent relationships between churches who ran residential schools, and Indigenous peoples, so what is being “recognized” is not merely Indigenous presence. Nonetheless it seems to me that when territorial acknowledgments first began, they were fairly powerful statements of presence, somewhat shocking, perhaps even unwelcome in settler spaces. They provoked discomfort and centered Indigenous priority on these lands. The third quote by Bob Joseph suggests that territorial acknowledgments can also be a way of honouring traditional Indigenous protocol. **I disagree that these acknowledgements can accomplish such a thing, as such statements of thanks to hosts barely even scratch the surface of such traditional protocols**. In fact, I think **it is dangerous to even suggest that territorial acknowledgments alone satisfy protocol in any way unless concrete actions accompany the words spoken**. I will return to this when I discuss moving beyond acknowledgments. Another purpose of territorial acknowledgements, related to emphasizing continuous Indigenous presence, is the way in which many spaces feel unsafe for Indigenous peoples. For example, at the University of McGill, asking for territorial acknowledgment was part of a wider attempt by student groups to “[create] a more welcoming environment for Indigenous students. The proposal called for McGill to publicly acknowledge on its website and in email signatures that McGill is built on traditionally Kanien’kehá:ka land.”[5] I personally experienced McGill as an incredibly alienating and invisibilizing environment, and that institution certainly has a lot of work to do in terms of acknowledging Indigenous presence (and Indigenous students) compared to other some universities. As a newer practice in such environments, territorial acknowledgments continue to have the power to disrupt and discomfit settler colonialism. It should also be emphasized that these territorial acknowledgments flow from the work of Indigenous peoples themselves, who are resisting invisibilization. When they are crafted, they are usually done so in consultation with local Indigenous peoples. However, it is also interesting to geographically track the criticisms of territorial acknowledgements, as a way of tracing their lineage. The strongest Indigenous critiques of these acknowledgments tend to come from the west coast, suggesting they have been happening there the longest, whereas in places like Montreal, territorial acknowledgments are still being introduced and are legitimately “cutting edge” in that political milieu. That’s not to say that strong Indigenous critique cannot exist absent of a tradition of territorial acknowledgments! We are almost certainly importing the practice into the United States, and it will not necessarily be welcomed there by Indigenous peoples for reasons unrelated to the rendering of such statements meaningless through repetition. I believe territorial acknowledgments can have numerous purposes, and in fact can be repurposed, so merely examining the stated intentions of these invocations is insufficient. What may start out as radical push-back against the denial of Indigenous priority and continued presence, may end up repurposed as “box-ticking” inclusion without commitment to any sort of real change. In fact, I believe this is the inevitable progression, a situation of familiarity breeding contempt (or at least apathy).