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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

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Dematerialization DA---

#### Capitalist growth drives sustainable dematerialization.

McAfee 19, \*Andrew Paul McAfee, a principal research scientist at MIT, is cofounder and codirector of the MIT Initiative on the Digital Economy at the MIT Sloan School of Management; (2019, “More from Less: The Surprising Story of How We Learned to Prosper Using Fewer Resources and What Happens Next”, https://b-ok.cc/book/5327561/8acdbe)

Capitalism and technological progress are the first pair of forces driving dematerialization. This statement will come as a surprise to many, and for good reason. After all, it’s exactly this combination that caused us to massively increase our resource consumption throughout the Industrial Era. As we saw in chapter 3, the ideas of William Jevons and Alfred Marshall point to the distressing conclusion that capitalism and tech progress always lead to more from more: more economic growth, but also more resource consumption.

So what changed? How are capitalism and tech progress now get ting us more from less ? To get answers to these important questions, let’s start by looking at a few recent examples of dematerialization.

Fertile Farms

America has long been an agricultural juggernaut. In 1982, after more than a decade of steady expansion due in part to rising grain prices, total cropland in the country stood at approximately 380 million acres. Over the next ten years, however, almost all of this increase was reversed. So much acreage was abandoned by farmers and given back to nature that cropland in 1992 was almost back to where it had been almost twenty-five years before. This decline had several causes, including falling grain prices, a severe recession, over-indebted farmers, and increased international competition.

A final factor, though, was the ability to get ever-more corn, wheat, soybeans, and other crops from the same acre of land, pound of fertilizer and pesticide, and gallon of water. The material productivity of agriculture in the United States has improved dramatically in recent decades, as we saw in chapter 5. Between 1982 and 2015 over 45 million acres—an amount of cropland equal in size to the state of Washington—was returned to nature. Over the same time potassium, phosphate, and nitrogen (the three main fertilizers) all saw declines in absolute use. Meanwhile, the total tonnage of crops produced in the country increased by more than 35 percent.

As impressive as this is, it’s dwarfed by the productivity improvements of American dairy cows. In 1950 we got 117 billion pounds of milk from 22 million cows. In 2015 we got 209 billion pounds from just 9 million animals. The average milk cow’s productivity thus improved by over 330 percent during that time.

Thin Cans

Tin cans are actually made of steel coated with a thin layer of tin to improve corrosion resistance. They’ve been used since the nineteenth century to store food. Starting in the 1930s, they began also to be used to hold beer and soft drinks.

In 1959 Coors pioneered beer cans made of aluminum, which is much lighter and more corrosion resistant than steel. Royal Crown Cola followed suit for soda five years later. As Vaclav Smil relates, “A decade later steel cans were on the way out, and none of them have been used for beer since 1994 and for soft drinks since 1996.… At 85 g the first aluminum cans were surprisingly heavy; by 1972 the weight of a two-piece can dropped to just below 21 g, by 1988 it was less than 16 g, a decade later it averaged 13.6 g, and by 2011 it was reduced to 12.75 g.”

Manufacturers accomplished these reductions by making aluminum cans’ walls thinner, and by making the sides and bottom from a single sheet of metal so that only one comparatively heavy seam was needed (to join the top to the rest of the can). Smil points out that if all beverage cans used in 2010 weighed what they did in 1980, they would have required an extra 580,000 tons of aluminum. And aluminum cans kept getting lighter. In 2012 Ball packaging introduced into the European market a 330 ml can that held 7.5 percent less than the US standard, yet at 9.5 g weighed 25 percent less.

Gone Gizmos

In 2014 Steve Cichon, a “writer, historian, and retired radio newsman in Buffalo, NY,” paid $3 for a large stack of front sections of the Buffalo News newspaper from the early months of 1991. On the back page of the Saturday, February 16, issue was an ad from the electronics retailer Radio Shack. Cichon noticed something striking about the ad: “There are 15 electronic gimzo type items on this page.… 13 of the 15 you now always have in your pocket.”

The “gizmo type items” that had vanished into the iPhone Cichon kept in his pocket included a calculator, camcorder, clock radio, mobile telephone, and tape recorder. While the ad didn’t include a compass, camera, barometer, altimeter, accelerometer, or GPS device, these, too, have vanished into the iPhone and other smartphones, as have countless atlases and compact discs.

The success of the iPhone was almost totally unanticipated. A November 2007 cover story in Forbes magazine touted that the Finnish mobile phone maker Nokia had over a billion customers around the world and asked, “Can anyone catch the cell phone king?”

Yes. Apple sold more than a billion iPhones within a decade of its June 2007 launch and became the most valuable publicly traded company in history. Nokia, meanwhile, sold its mobile phone business to Microsoft in 2013 for $7.2 billion to get “more combined muscle to truly break through with consumers,” as the Finnish company’s CEO Stephen Elop said at the time of the deal.

It didn’t work. Microsoft sold what remained of Nokia’s mobile phone business and brand to a subsidiary of the Taiwanese electronics manufacturer Foxconn for $350 million in May of 2016. Radio Shack filed for bankruptcy in 2015, and again in 2017.

From Peak Oil to… Peak Oil

In 2007 US coal consumption reached a new high of 1,128 million short tons, over 90 percent of which was burned to generate electricity. Total coal use had increased by more than 35 percent since 1990, and the US Energy Information Administration (the official energy statisticians of the US government) forecast further growth of up to 65 percent by 2030.

Also in 2007 the US Government Accountability Office (GAO), a federal agency known as “the congressional watchdog,” published a report with an admirably explanatory title: “Crude Oil: Uncertainty about Future Oil Supply Makes It Important to Develop a Strategy for Addressing a Peak and Decline in Oil Production.” It took seriously the idea of “peak oil,” a phrase coined in 1956 by M. King Hubbert, a geologist working for Shell Oil. As originally conceived, peak oil referred to the maximum amount of oil that we could annually produce for all of humanity’s needs.

The first oil wells pumped out the crude oil that was closest to the earth’s surface or otherwise easiest to access. As those wells dried up, we had to drill deeper ones, both on land and at sea. As the world’s economies kept growing, so did total demand for oil, which kept getting harder and harder to obtain. Peak oil captured the idea that despite our best efforts and ample incentive, we would come to a time after which we would only be able to extract less and less oil year after year from the earth. Most of the estimates summarized in the GAO report found that peak oil would occur no later than 2040.

The report did not mention fracking, which in retrospect looks like a serious omission. Fracking is short for “hydraulic fracturing” and is a means of obtaining oil and natural gas from rock formations lying deep underground. It uses a high-pressure fluid to cause fractures in the rock, through which oil and gas can flow and be extracted.

The United States and other countries have long been known to have huge reserves of hydrocarbons in deep rock formations, which are often called shales. Companies had been experimenting with fracking to get at them since the middle of the twentieth century, but had made little progress. In 2000 fracking accounted for just 2 percent of US oil production.

That figure began to increase quickly right around the time of the GAO report. Not because of any single breakthrough, but instead because the suite of tools and techniques needed for profitable fracking had all improved enough. A gusher of shale oil and gas ensued.

Thanks to fracking, US crude oil production almost doubled between 2007 and 2017, when it approached the benchmark of 10 million barrels per day. By September of 2018 America had surpassed Saudi Arabia to become the world’s largest producer of oil. American natural gas production, which had been essentially flat since the mid-1970s, jumped by nearly 43 percent between 2007 and 2017.

As a result of the fracking boom the United States has experienced peak coal rather than peak oil. And the peak in coal is not in total annual supply, but instead in demand. Fracking made natural gas cheap enough that it became preferred over coal for much electricity generation. By 2017 total US coal consumption was down 36 percent from its 2007 high point.

The phrase peak oil is still around, but, as is the case with coal, it usually no longer refers to supply. As a 2017 Bloomberg headline put it, “Remember Peak Oil? Demand May Top Out Before Supply Does.” Even though the extra supply from fracking has helped push down oil and gas prices, many observers now believe that energy from other sources—the sun, wind, and the nuclei of uranium atoms—is getting cheaper faster and becoming much more widely available. So much so that, as a 2018 article in Fortune about the future of oil hypothesized, “This wouldn’t be just another oil-price cycle, a familiar roller coaster in which every down is followed by an up. It would be the start of a decades-long decline of the Oil Age itself—an uncharted world in which… oil prices might be ‘lower forever.’ ” Analysts at Shell, the company from which the phrase peak oil originated, now estimate that global peak oil demand might come as soon as 2028.

Taking Stock of Rolling Stock

My friend Bo Cutter started his career in 1968 working for Northwest Industries, a conglomerate that owned the Chicago and North Western Railway. One of his first assignments was to help a team tasked with solving a problem that sounds odd to modern ears: figuring out where CNW’s railcars were.

These cars are massive metal assemblies, each weighing thirty tons or more. In the late 1960s CNW owned thousands of them, representing a huge commitment of both material and money. Across the railroad industry, the rule of thumb then was that about 5 percent of a company’s railcars moved on any given day. This was not because the other 95 percent needed to rest. It was because their owners didn’t know where they were.

CNW owned thousands of miles of track in places as far from Chicago as North Dakota and Wyoming. Its rolling stock (as locomotives and railcars are called) could also travel outside the company’s network on tracks owned by other railroads. So these assets could be almost anywhere in the country.

When the railcars weren’t moving, they sat in freight yards. At the time Cutter started his job, freight yards didn’t keep up-to-date records of the idle rolling stock they contained because, in the days before widespread digital computers, sensors, and networks, there was no way to cost-effectively know or communicate the location of each car. So it was impossible for CNW or any other railroad to systematically track its most important inventory, even though doing so would be hugely beneficial to the company’s bottom line. For example, Cutter’s team knew that if they could increase the percentage of cars moving each day from 5 percent to 10 percent, they would need only half as many of them. Even a single percentage point increase in freight-car use would yield major financial benefits.

When Cutter started his assignment, CNW and all other railroads employed spotters, who visited yards and watched trains pass, then telegraphed their findings to the head office. Other railroads passed on similar information to collect the demurrage charges they were owed for each CNW car on their tracks and in their yards. Cutter’s team improved on these methods by making them more systematic and efficient. They put in place a better baseline audit of where railcars were, employed more spotters, painted CNW cars differently so they were easier to see, and explored how to make more use of a new tool for businesses: the digital computer.

That tool and its kin are now pervasive in the railroad industry. In the early 1990s, for example, companies started putting radio-frequency identification tags on each piece of rolling stock. These tags would be read by trackside sensors, thus automating the work of spotting. At present over 5 million messages about railcar status and location are generated and sent throughout the American railway system every day, and the country’s more than 450 railroads have nearly real-time visibility over all their rolling stock.

The Rare Earth Scare

In September of 2010 the Japanese government took into custody the captain of a Chinese fishing boat that had collided with Japanese patrol vessels near a group of uninhabited islands in the East China Sea claimed by both countries. China responded by imposing an embargo on shipments of rare earth elements (REE) to the Land of the Rising Sun.

Even though Japan relented almost immediately and released the captain, a global panic began. This is because rare earths are “vitamins of chemistry,” as USGS scientist Daniel Cordier puts it. “They help everything perform better, and they have their own unique characteristics, particularly in terms of magnetism, temperature resistance, and resistance to corrosion.”

By 2010 China produced well over 90 percent of the world’s REE. Its actions in the wake of the maritime incident convinced many that it could and would take unilateral action to control the flow of these important materials, and panicked buying soon followed (along with its close cousin rampant speculation). A bundle of REE that would have sold for less than $10,000 in early 2010 soared to more than $42,000 by April of 2011. In September of that year the US House of Representatives held a hearing called “China’s Monopoly on Rare Earths: Implications for US Foreign and Security Policy.”

China didn’t attain its near monopoly because it possessed anything close to 90 percent of global reserves of REE. In fact, rare earths aren’t rare at all (one, cerium, is about as common in the earth’s crust as copper). However, they’re difficult to extract from ore. Obtaining them requires a great deal of acid and generates tons of salt and crushed rock as by-products. Most other countries didn’t want to bear the environmental burden of this heavy processing and so left the market to China.

In the wake of the embargo, this seemed like a bad idea. As Representative Brad Sherman put it during the congressional hearing, “Chinese control over rare earth elements gives them one more argument as to why we should kowtow to China.” But there was never much kowtowing. By the time of the hearing, prices for REE were already in free fall.

Why? What happened to the apparently tight Chinese stranglehold over REE? Several factors caused it to ease, including the availability of other supply sources and incomplete maintenance of the embargo. But as public affairs professor Eugene Gholz noted in a 2014 report on the “crisis,” many users of REE simply innovated their way out of the problem. “Companies such as Hitachi Metals [and its subsidiary in North Carolina] that make rare earth magnets found ways to make equivalent magnets using smaller amounts of rare earths in the alloys.… Meanwhile, some users remembered that they did not need the high performance of specialized rare earth magnets; they were merely using them because, at least until the 2010 episode, they were relatively inexpensive and convenient.”

Overall, the companies using REE found many inexpensive and convenient alternatives. By the end of 2017 the same bundle of rare earths that had been trading above $42,000 in 2011 was available for about $1,000.

What’s Going On?

There is no shortage of examples of dematerialization. I chose the ones in this chapter because they illustrate a set of fundamental principles at the intersection of business, economics, innovation, and our impact on our planet. They are:

We do want more all the time, but not more resources. Alfred Marshall was right, but William Jevons was wrong. Our wants and desires keep growing, evidently without end, and therefore so do our economies. But our use of the earth’s resources does not. We do want more beverage options, but we don’t want to keep using more aluminum in drink cans. We want to communicate and compute and listen to music, but we don’t want an arsenal of gadgets; we’re happy with a single smartphone. As our population increases, we want more food, but we don’t have any desire to consume more fertilizer or use more land for crops.

Jevons was correct at the time he wrote that total British demand for coal was increasing even though steam engines were becoming much more efficient. He was right, in other words, that the price elasticity of demand for coal-supplied power was greater than one in the 1860s. But he was wrong to conclude that this would be permanent. Elasticities of demand can change over time for several reasons, the most fundamental of which is technological change. Coal provides a clear example of this. When fracking made natural gas much cheaper, total demand for coal in the United States went down even though its price decreased.

With the help of innovation and new technologies, economic growth in America and other rich countries—growth in all of the wants and needs that we spend money on—has become decoupled from resource consumption. This is a recent development and a profound one.

Materials cost money that companies locked in competition would rather not spend. The root of Jevons’s mistake is simple and boring: resources cost money. He realized this, of course. What he didn’t sufficiently realize was how strong the incentive is for a company in a contested market to reduce its spending on resources (or anything else) and so eke out a bit more profit. After all, a penny saved is a penny earned.

Monopolists can just pass costs on to their customers, but companies with a lot of competitors can’t. So American farmers who battle with each other (and increasingly with tough rivals in other countries) are eager to cut their spending on land, water, and fertilizer. Beer and soda companies want to minimize their aluminum purchases. Producers of magnets and high-tech gear run away from REE as soon as prices start to spike. In the United States, the 1980 Staggers Act removed government subsidies for freight-hauling railroads, forcing them into competition and cost cutting and making them all the more eager to not have expensive railcars sit idle. Again and again, we see that competition spurs dematerialization.

There are multiple paths to dematerialization. As profit-hungry companies seek to use fewer resources, they can go down four main paths. First, they can simply find ways to use less of a given material. This is what happened as beverage companies and the companies that supply them with cans teamed up to use less aluminum. It’s also the story with American farmers, who keep getting bigger harvests while using less land, water, and fertilizer. Magnet makers found ways to use fewer rare earth metals when it looked as if China might cut off their supply.

Second, it often becomes possible to substitute one resource for another. Total US coal consumption started to decrease after 2007 because fracking made natural gas more attractive to electricity generators. If nuclear power becomes more popular in the United States (a topic we’ll take up in chapter 15), we could use both less coal and less gas and generate our electricity from a small amount of material indeed. A kilogram of uranium-235 fuel contains approximately 2–3 million times as much energy as the same mass of coal or oil. According to one estimate, the total amount of energy that humans consume each year could be supplied by just seven thousand tons of uranium fuel.

Third, companies can use fewer molecules overall by making better use of the materials they already own. Improving CNW’s railcar utilization from 5 percent to 10 percent would mean that the company could cut its stock of these thirty-ton behemoths in half. Companies that own expensive physical assets tend to be fanatics about getting as much use as possible out of them, for clear and compelling financial reasons. For example, the world’s commercial airlines have improved their load factors—essentially the percentage of seats occupied on flights—from 56 percent in 1971 to more than 81 percent in 2018.

Finally, some materials get replaced by nothing at all. When a telephone, camcorder, and tape recorder are separate devices, three total microphones are needed. When they all collapse into a smartphone, only one microphone is necessary. That smartphone also uses no audiotapes, videotapes, compact discs, or camera film. The iPhone and its descendants are among the world champions of dematerialization. They use vastly less metal, plastic, glass, and silicon than did the devices they have replaced and don’t need media such as paper, discs, tape, or film.

If we use more renewable energy, we’ll be replacing coal, gas, oil, and uranium with photons from the sun (solar power) and the movement of air (wind power) and water (hydroelectric power) on the earth. All three of these types of power are also among dematerialization’s champions, since they use up essentially no resources once they’re up and running.

I call these four paths to dematerialization slim, swap, optimize, and evaporate. They’re not mutually exclusive. Companies can and do pursue all four at the same time, and all four are going on all the time in ways both obvious and subtle.

Innovation is hard to foresee. Neither the fracking revolution nor the world-changing impact of the iPhone’s introduction were well understood in advance. Both continued to be underestimated even after they occurred. The iPhone was introduced in June of 2007, with no shortage of fanfare from Apple and Steve Jobs. Yet several months later the cover of Forbes was still asking if anyone could catch Nokia.

Innovation is not steady and predictable like the orbit of the Moon or the accumulation of interest on a certificate of deposit. It’s instead inherently jumpy, uneven, and random. It’s also combinatorial, as Erik Brynjolfsson and I discussed in our book The Second Machine Age. Most new technologies and other innovations, we argued, are combinations or recombinations of preexisting elements.

The iPhone was “just” a cellular telephone plus a bunch of sensors plus a touch screen plus an operating system and population of programs, or apps. All these elements had been around for a while before 2007. It took the vision of Steve Jobs to see what they could become when combined. Fracking was the combination of multiple abilities: to “see” where hydrocarbons were to be found in rock formations deep underground; to pump down pressurized liquid to fracture the rock; to pump up the oil and gas once they were released by the fracturing; and so on. Again, none of these was new. Their effective combination was what changed the world’s energy situation.

Erik and I described the set of innovations and technologies available at any time as building blocks that ingenious people could combine and recombine into useful new configurations. These new configurations then serve as more blocks that later innovators can use. Combinatorial innovation is exciting because it’s unpredictable. It’s not easy to foresee when or where powerful new combinations are going to appear, or who’s going to come up with them. But as the number of both building blocks and innovators increases, we should have confidence that more breakthroughs such as fracking and smartphones are ahead. Innovation is highly decentralized and largely uncoordinated, occurring as the result of interactions among complex and interlocking social, technological, and economic systems. So it’s going to keep surprising us.

As the Second Machine Age progresses, dematerialization accelerates. Erik and I coined the phrase Second Machine Age to draw a contrast with the Industrial Era, which as we’ve seen transformed the planet by allowing us to overcome the limitations of muscle power. Our current time of great progress with all things related to computing is allowing us to overcome the limitations of our mental power and is transformative in a different way: it’s allowing us to reverse the Industrial Era’s bad habit of taking more and more from the earth every year.

Computer-aided design tools help engineers at packaging companies design generations of aluminum cans that keep getting lighter. Fracking took off in part because oil and gas exploration companies learned how to build accurate computer models of the rock formations that lay deep underground—models that predicted where hydrocarbons were to be found.

Smartphones took the place of many separate pieces of gear. Because they serve as GPS devices, they’ve also led us to print out many fewer maps and so contributed to our current trend of using less paper. It’s easy to look at generations of computer paper, from 1960s punch cards to the eleven-by-seventeen-inch fanfold paper of the 1980s, and conclude that the Second Machine Age has caused us to chop down ever more trees. The year of peak paper consumption in the United States, however, was 1990. As our devices have become more capable and interconnected, always on and always with us, we’ve sharply turned away from paper. Humanity as a whole probably hit peak paper in 2013.

As these examples indicate, computers and their kin help us with all four paths to dematerialization. Hardware, software, and networks let us slim, swap, optimize, and evaporate. I contend that they’re the best tools we’ve ever invented for letting us tread more lightly on our planet.

All of these principles are about the combination of technological progress and capitalism, which are the first of the two pairs of forces causing dematerialization.

#### A transition backfires by accelerating the treatment of land as object.

Mead, 12 --- Professor of Foreign Affairs and Humanities at Bard College (7/28/2012, Walter Russell, “The Energy Revolution 4: Hot Planet?” <http://blogs.the-american-interest.com/wrm/2012/07/28/the-energy-revolution-4-hot-planet/>)

Capitalism is not, Monbiot is forced to admit, a fragile system that will easily be replaced. Bolstered by huge supplies of oil, it is here to stay. Industrial civilization is, as far as he can now see, unstoppable. Gaia, that treacherous slut, has made so much oil and gas that her faithful acolytes today cannot protect her from the consequences of her own folly. Welcome to the New Green Doom: an overabundance of oil and gas is going to release so much greenhouse gas that the world is going to fry. The exploitation of the oil sands in Alberta, warn leading environmentalists, is a tipping point. William McKibben put it this way in an interview with Wired magazine in the fall of 2011: I think if we go whole-hog in the tar sands, we’re out of luck. Especially since that would doubtless mean we’re going whole-hog at all the other unconventional energy sources we can think of: Deepwater drilling, fracking every rock on the face of the Earth, and so forth. Here’s why the tar sands are important: It’s a decision point about whether, now that we’re running out of the easy stuff, we’re going to go after the hard stuff. The Saudi Arabian liquor store is running out of bottles. Do we sober up, or do we find another liquor store, full of really crappy booze, to break into? A year later, despite the success of environmentalists like McKibben at persuading the Obama administration to block a pipeline intended to ship this oil to refineries in the US, it’s clear (as it was crystal clear all along to anyone with eyes to see) that the world has every intention of making use of the “crappy liquor.” Again, for people who base their claim to world leadership on their superior understanding of the dynamics of complex systems, greens prove over and over again that they are surprisingly naive and crude in their ability to model and to shape the behavior of the political and economic systems they seek to control. If their understanding of the future of the earth’s climate is anything like as wish-driven, fact-averse and intellectually crude as their approach to international affairs, democratic politics and the energy market, the greens are in trouble indeed. And as I’ve written in the past, the contrast between green claims to understand climate and to be able to manage the largest and most complex set of policy changes ever undertaken, and the evident incompetence of greens at managing small (Solyndra) and large (Kyoto, EU cap and trade, global climate treaty) political projects today has more to do with climate skepticism than greens have yet understood. Many people aren’t rejecting science; they are rejecting green claims of policy competence. In doing so, they are entirely justified by the record. Nevertheless, the future of the environment is not nearly as dim as greens think. Despairing environmentalists like McKibben and Monbiot are as wrong about what the new era of abundance means as green energy analysts were about how much oil the planet had. The problem is the original sin of much environmental thought: Malthusianism. If greens weren’t so addicted to Malthusian horror narratives they would be able to see that the new era of abundance is going to make this a cleaner planet faster than if the new gas and oil had never been found. Let’s be honest. It has long been clear to students of history, and has more recently begun to dawn on many environmentalists, that all that happy-clappy carbon treaty stuff was a pipe dream and that nothing like that is going to happen. A humanity that hasn’t been able to ban the bomb despite the clear and present dangers that nuclear weapons pose isn’t going to ban or even seriously restrict the internal combustion engine and the generator. The political efforts of the green movement to limit greenhouse gasses have had very little effect so far, and it is highly unlikely that they will have more success in the future. The green movement has been more of a group hug than a curve bending exercise, and that is unlikely to change. If the climate curve bends, it will bend the way the population curve did: as the result of lots of small human decisions driven by short term interest calculations rather than as the result of a grand global plan. The shale boom hasn’t turned green success into green failure. It’s prevented green failure from turning into something much worse. Monbiot understands this better than McKibben; there was never any real doubt that we’d keep going to the liquor store. If we hadn’t found ways to use all this oil and gas, we wouldn’t have embraced the economics of less. True, as oil and gas prices rose, there would be more room for wind and solar power, but the real winner of an oil and gas shortage is… coal. To use McKibben’s metaphor, there is a much dirtier liquor store just down the road from the shale emporium, and it’s one we’ve been patronizing for centuries. The US and China have oodles of coal, and rather than walk to work from our cold and dark houses all winter, we’d use it. Furthermore, when and if the oil runs out, the technology exists to get liquid fuel out of coal. It isn’t cheap and it isn’t clean, but it works. The newly bright oil and gas future means that we aren’t entering a new Age of Coal. For this, every green on the planet should give thanks. The second reason why greens should give thanks for shale is that environmentalism is a luxury good. People must survive and they will survive by any means necessary. But they would much rather thrive than merely survive, and if they can arrange matters better, they will. A poor society near the edge of survival will dump the industrial waste in the river without a second thought. It will burn coal and choke in the resulting smog if it has nothing else to burn. Politics in an age of survival is ugly and practical. It has to be. The best leader is the one who can cut out all the fluff and the folderol and keep you alive through the winter. During the Battle of Leningrad, people burned priceless antiques to stay alive for just one more night. An age of energy shortages and high prices translates into an age of radical food and economic insecurity for billions of people. Those billions of hungry, frightened, angry people won’t fold their hands and meditate on the ineffable wonders of Gaia and her mystic web of life as they pass peacefully away. Nor will they vote George Monbiot and Bill McKibben into power. They will butcher every panda in the zoo before they see their children starve, they will torch every forest on earth before they freeze to death, and the cheaper and the meaner their lives are, the less energy or thought they will spare to the perishing world around them.But, thanks to shale and other unconventional energy sources, that isn’t where we are headed. We are heading into a world in which energy is abundant and horizons are open even as humanity’s grasp of science and technology grows more secure. A world where more and more basic human needs are met is a world that has time to think about other goals and the money to spend on them. As China gets richer, the Chinese want cleaner air, cleaner water, purer food — and they are ready and able to pay for them. A Brazil whose economic future is secure can afford to treasure and conserve its rain forests. A Central America where the people are doing all right is more willing and able to preserve its biodiversity. And a world in which people know where their next meal is coming from is a world that can and will take thought for things like the sustainability of the fisheries and the protection of the coral reefs. A world that is more relaxed about the security of its energy sources is going to be able to do more about improving the quality of those sources and about managing the impact of its energy consumption on the global commons. A rich, energy secure world is going to spend more money developing solar power and wind power and other sustainable sources than a poor, hardscrabble one. When human beings think their basic problems are solved, they start looking for more elegant solutions. Once Americans had an industrial and modern economy, we started wanting to clean up the rivers and the air. Once people aren’t worried about getting enough calories every day to survive, they start wanting healthier food more elegantly prepared. A world of abundant shale oil and gas is a world that will start imposing more environmental regulations on shale and gas producers. A prosperous world will set money aside for research and development for new technologies that conserve energy or find it in cleaner surroundings. A prosperous world facing climate change will be able to ameliorate the consequences and take thought for the future in ways that a world overwhelmed by energy insecurity and gripped in a permanent economic crisis of scarcity simply can’t and won’t do. Greens should also be glad that the new energy is where it is. For Monbiot and for many others, Gaia’s decision to put so much oil into the United States and Canada seems like her biggest indiscretion of all. Certainly, a United States of America that has, in the Biblical phrase, renewed its youth like an eagle with a large infusion of fresh petro-wealth is going to be even less eager than formerly to sign onto various pie-in-the-sky green carbon treaties. But think how much worse things would be if the new reserves lay in dictatorial kleptocracies. How willing and able would various Central Asia states have been to regulate extraction and limit the damage? How would Nigeria have handled vast new reserves whose extraction required substantially more invasive methods? Instead, the new sources are concentrated in places where environmentalists have more say in policy making and where, for all the shortcomings and limits, governments are less corruptible, more publicly accountable and in fact more competent to develop and enforce effective energy regulations. This won’t satisfy McKibben and Monbiot (nothing that could actually happen would satisfy either of these gentlemen), but it is a lot better than what we could be facing. Additionally, if there are two countries in the world that should worry carbon-focused greens more than any other, they are the United States and China. The two largest, hungriest economies in the world are also home to enormous coal reserves. But based on what we now know, the US and China are among the biggest beneficiaries of the new cornucopia. Gaia put the oil and the gas where, from a carbon point of view, it will do the most good. In a world of energy shortages and insecurity, both the US and China would have gone flat out for coal. Now, that is much less likely. And there’s one more reason why greens should thank Gaia for shale. Wind and solar aren’t ready for prime time now, but by the time the new sources start to run low, humanity will have mastered many more technologies that can used to provide energy and to conserve it. It’s likely that Age of Shale hasn’t just postponed the return of coal: because of this extra time, there likely will never be another age in which coal is the dominant industrial fuel. It’s virtually certain that the total lifetime carbon footprint of the human race is going to be smaller with the new oil and gas sources than it would have been without them. Neither the world’s energy problems nor its climate issues are going away any time soon. Paradise is not beckoning just a few easy steps away. But the new availability of these energy sources is on balance a positive thing for environmentalists as much as for anyone else. Perhaps, and I know this is a heretical thought, but perhaps Gaia is smarter than the greens.

#### Try or die neg because of inevitable, widespread rejection of land as a subject.

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.

### 1NC---Ballot

#### Debate is an ineffective avenue to inaugurate broader epistemic shifts.

— formatting: footnotes omitted

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

Ritter 13 , J.D. from the University of Texas School of Law (Michael J. Ritter, September 2013, “OVERCOMING THE FICTION OF “SOCIAL CHANGE THROUGH DEBATE”,” National Journal of Speech and Debate, Volume 2, Issue 1.)

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.

### 1NC---Land Focus

#### Place-based critique of colonialism empowers neo-racism and colonial state classification.

Cynthia Wright 9, Women’s Studies @ York AND Nandita SHARMA Ethnic Studies & Sociology @ Hawai’i Manoa ‘9 “Decolonizing Resistance, Challenging Colonial States” Social Justice 35 (3) p. 123-126

A number of political and intellectual projects are evident in Lawrence and Dua's article. In this essay, however, we address what we perceive to be two of the most problematic aspects of the argument that nonwhites in Canada are settler colonists. The first is the conflation of migration and colonization; the second is the attempt to depoliticize nationalist politics by taking it out of the realm of contestation. In claiming that attempts to critique notions of "nationhood," or of the ways in which nationalisms organize social relations, are tantamount to colonizing practices, Lawrence and Dua neglect to consider how various nationalisms, including relatively recent ones centered on indigeneity, have relied upon and reproduced the colonial state and colonial social relationships? In this section, we try to unpack these two political projects by showing their link to neoliberal practices that have further globalized capitalist social relations and to the related neo-racist practices of "each to their own." Both of these, we argue, rely on nationalisms and the existing, or hoped-for, national states they legitimate. A discourse that posits that "all migrants are settler colonists," or that "all those who leave their 'Native' lands are colonizers," necessarily renders the entire process of human migration as a serious problem, while denying the migratory histories of "Natives."8 Within this perspective, the only way not to be a "colonizer" is to remain on the land with which one is associated, which is something many people have been unable or unwilling to do in the past and that a growing number of people find impossible or undesirable to do today.9 Ironically, migration is often one response of people who have been colonized and dispossessed of their prior livelihoods. In some cases, migration is also a response to being "decolonized," as postcolonial struggles rage over whose "nation" has just been "liberated." For those defined as outside the new nationalized polity or even as its "enemies"?migration is one of the few available "escape routes" for life.10 Those observing the expansion of the category of "settler" or "colonizer" to include all "non-Natives," regardless of their historical or social relation to colonialism, see it as emerging from the political maturation of neoliberalism as a global phenomenon in the late 1980s (Comaroff and Comaroff, 2000: 125; see also Mamdani, 1998; Geschiere and Nyamnjoh, 2000; Veracini, 2007). Significantly, the character of racist discourses also changed in that period, casting migrants as the ultimate enemies of "nations," however that entity is imagined. Problematizing the presence of those who do not "belong" and calling for people to stay fixed in "their" space gained legitimacy as capital, commodities, ideas, and people became increasingly mobile and as the material benefits of citizenship were reduced due to neoliberal policies of liberalization, privatization, and deregulation. In Latin America, for instance, the privatization of lands and the unraveling of the "national-popular" state project have led, in a number of cases, to urban-based and other movements for "cultural revitalization" among indigenous peoples (Mallon, 2005: 285).This Far from being a contradiction or a mere reaction, such moves toward au tochthony are deeply embedded within the processes of capitalist globalization. Historically, as capitalist social relations have expanded, notions of "community" have often contracted. The process continues today: over the last few decades, the politics of neoliberalism has increasingly engendered virulent hatreds of anyone deemed to be "foreigners." Such distinctions are not, in and of themselves, clear cut since many of those now considered to be "the same" were once unknown to each other, while those now considered "strangers" were once long-time neighbors, friends, and even family (Geschiere and Nyamnjoh, 2000: 423). Such distinctions are a response to, and a deep denial of, the intricate webs of interdependency that tie people to each other across the globe today (and, arguably, for a long time). This ideological terrain of neoliberalism is very much racialized. In this form of racism, "differences" between cultures and traditions are seen as insurmountable.11 Differing from previous hegemonies of racist ideologies, it does not rely on a biological concept of "race" or even a racialized hierarchy per se. Instead, this form of racialized thought posits that "different" people should be in "their own" places (which, not coincidentally, often coincide with the boundaries of the existing or aspired-for nation states). This "new racism" has been called a "differentialist racism" (Taguieff, 1990), or simply "neo-racism" (Balibar, 1991b). Robert Miles (1993) points out that these racisms may not be so novel, but it is certainly true that today's racist practices are "largely based on the argument that it is futile, even dangerous, to allow cultures to mix or insist that they do so" (Hardt and Negri, 2000: 192). The anti-miscegenist character of neo-racist thought stems from its base assumption that ethnic boundaries are "natural borders."12 As feminist commentators in particular have noted, when "culture" and "tradition" are naturalized in this way, ethnicized borders are used by actual or aspiring elites to enforce their particular and particularistic interpretations of "culture" (Bannerji, 2000; LaRocque, 2007; Maracle, 1988; Menon, 2005; Moghadam, 1994). Such interpretations tend to construct forms of "community" that normalize patriarchal, elitist, and exploitative social relations. Ideologically detached from historical, social, or political processes, the fact that these standards are made through the unequal distribution of power is concealed. Moreover, the centering of "culture" within neo-racist discourses ensures a continuance of the devotion to genealogy held by the "old" racisms. That devotion has material moorings: origin stories within the neo-racist imagination lay the basis for making historical claims to contested lands by ethnicizing group rights that are said to be held solely by those "Native" to the place. Such notions work to make indigenous identity a "possessive identity" since this identity is often the only avenue within existing systems to make group claims to resources (Lipsitz, 1998; Mamdani, 1998; Hall, 2005). In this regard, it is a possessive identity of the poor and dispossessed in particular, since the rich have other, more market and law-based means by which to gain land. Processes of neoliberalism have exacerbated this process as access to needed resources has diminished further due to the ongoing entrenchment of market relations. Thus, the dualistic hierarchy established by neo-racist thought is one between "Natives" and "non-Natives." Within this dynamic, two arguments are discernable: first that "Natives" have a natural connection to particular lands and that migrants, either by moving or staying, upset this "natural" order. With such a "naturalization of xenophobia," as Jean and John Comaroff put it (2005: 140), it is entirely unsurprising that the demonization of contemporary and past migrations constitutes a central characteristic of the autochthonous character of neo-racist thought. Doing so helps to legitimate exclusive "Native" claims that are made on the grounds of "nationhood." "Migrants" come to stand in for the subordinated "race" within this neo-racist sensibility (Balibar, 1991c: 52). In one sense, then, autochthonous discourses can be said to be a form of flexible Othering. Creating an ever-expanding host of different Others narrows the group comprising the autochthones. Indeed, Geschiere and Nyamnjoh (2000:424) argue that notions of autochthony "can be seen as marking a new form of ethnicity," one that because of its ahistoricity is less specific and therefore subject to greater political manipulation. That such flexible Otherings are related to the neoliberal turn in state practices is evident in the ideological character of the criteria of be? longing?and not-belonging. That is, the neo-racist fetishization of autochthony should by no means be confused with either the disavowal of racialized hierarchies or the actual spatial separation of "different people." Though responsible for the increased precarity of many people's global movements, border-talk, and the state policies and ideas of "community" mobilized through it, is largely aimed at creating categorical juridical distinctions between "different" people within the same social space (Sharma, 2000; 2006). Thus, the distinction between "Native" and "non-Native" appears to be spatially organized (i.e., demands for fixed, ethnicized boundaries and for greater border control), while autochthonous discourses are primarily concerned with sorting out distinctions within shared spaces. This ensures the ethnicization of the polity, of politics writ large and of social movements. In an act of high irony, such ethnicizations are often formulated as a kind of antiracist response that "centralizes indigeneity" (as Lawrence and Dua call for) by demanding "a place" for "each people." In this way, the historical articulation of racism and nationalism is mobilized through autochthonous discourses (Balibar, 1991c: 50). Neo-racist arguments of this kind, therefore, ought to be seen as linked to either new or old nation-building projects, as well as to neoliberal practices since both rely on forms of "differential inclusion" ms of "differential inclusion" (Deleuze and Guattari, 1987; Balibar, 1991b). Importantly, neoliberal and neo-racist discourses rely on the state to legislate differences and on ideas of nationhood to legitimate such distinctions, demonstrat? ing the ongoing dependence of global capital on national states and nationalism. This is particularly so regarding the claims of states to the "right" to control the "character" of the "nation" through border controls and, not coincidentally, the shaping of competition within and between nationalized labor markets (Sharma, 2006). Thus, a key consequence of a focus on origins (by the Right and Left) is the depoliticization and insulation of the market and the nation-state through the organization of anti-migrant politics. Claiming that any anti-nationalist cri? tiques of such politics are acts of colonialism, those advancing an autochthonous project further legitimate their own nationalisms. In this sense, then, autochthony can be said to be a neoliberal mode of belonging, one whose attempts to contain contestation are based on allegations that any demand for rights and/or resources by "non-Natives," including a radical rethinking of how rights and resources are thought of and distributed, is tantamount to a disregard for, and even colonization of, the autochthones.

### 1NC---Busbridge

#### Settlerism is not a structure. Viewing it as such creates impossible goals that reinforce institutional failure.

Busbridge 18

Research Fellow at the Centre for Dialogue, La Trobe University (Rachel, “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society Vol 35, Issue 1, 2018, dml)

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.

### 1NC---Lightfoot/Noisecat

#### Honorable Harvest’s refusal to engage settler states sabotages successful indigenous movements. Binary between authentic resurgence and coopted recognition facilitates divide and conquer response.

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One particular branch of Indigenous political theory often referred to as ‘Indigenous resurgence’, draws heavily from Franz Fanon, who argues that colonial rule is based in coercion and ‘pure violence’ and ‘does not alleviate oppression or mask domination’.1 Further, Fanon also points out that in settings where colonial rule is not held and reproduced through force alone, the hegemony of the colonial state engages in the production of ‘colonized subjects’, meaning specific forms of colonised thought and behaviours that implicitly and explicitly create and maintain subject positions which produce and reproduce conditions of domination/ subordination.2

Following Fanon, the Indigenous resurgence school thus holds, simultaneously, two inter-related goals: (1) to illuminate the multitude of ways that settler states have retained and continuously reproduce colonial political, legal and material structures in their relationships with Indigenous peoples which create an ongoing system of structural domination and subordination; and (2) to assume an active anti-assimilationist and decolonising set of politics.

Meanwhile, most settler colonial states are currently engaged in some type of reconciliation discourse, designed to deal with a widely acknowledged problematic past relationship by setting a new tone for future relations between states and Indigenous peoples. With the exception of the United States, each of these settler colonial states has an active reconciliation agenda intended to rewrite its relationship with Indigenous peoples. In Canada, this has taken the form of a Truth and Reconciliation Commission (TRC) that was mandated to explore the truth about the century-long Indian residential school policy that forcibly removed Indigenous children from their homes and communities with the intention of assimilating them into white society. In June 2015, at the end of its six-year mandate, the TRC issued its final summary report including 94 Calls to Action for the Canadian state and civil society.3 Central to these 94 Calls to Action is Call 43, which states, ‘We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) as the framework for reconciliation’. As I have argued elsewhere, full implementation of the UN Declaration, if achieved, would necessarily bring about deep transformations in the structure and form of Indigenous-state relations, with implications for a wider global politics since the implementation of Indigenous rights necessarily involves the re-thinking of various fundamentals of the international system like Westphalian sovereignty, liberalism, decolonisation, and the state form itself.4

In Australia, reconciliation discourse has defined official Indigenous- settler relations discourse for about a generation. In New Zealand, agreements to settle violations of the 1840 Treaty of Waitangi have been ongoing for decades. The treaty settlements process has, since the 1980s, completed treaty settlement agreements with many iwi (tribal groups), and the government has stated its intention to complete settlement agreements with all iwi in the coming years.

Despite all of these activities designed to re-write the relationship between states and Indigenous peoples, some high-profile critical Indigenous political theorists reject all state overtures towards reconciliation and take extremely pessimistic approaches towards future Indigenous-state relations. They advocate that Indigenous resurgence through a return to Indigenous land-based forms of governance is the only path to decolonisation. I argue that while resurgence school theorists are strong advocates for Indigenous nations, and bring focus and clarity to a set of issues about power structures and dynamics, they are all caught in the same set of three ‘pessimism traps’ that unnecessarily limit their capacity to contribute to improved Indigenous-state relationships. These pessimism traps emanate from a reliance on Fanonian revolutionary thought and a problematic application of Fanonian theory from French-colonised North Africa to an entirely different context in the English-speaking settler states. Finally, I argue, these pessimism traps are diametrically opposed to the work and vision of Indigenous organisations who have been working on the ground for decades to assert Indigenous nationhood both domestically and internationally, in ways that often assertively and creatively challenge and shift the existing system of sovereign states. In sum, because the resurgence school remains trapped in a pessimism box of its own making, it remains significantly out of step with Indigenous movements and actually risks harming their efforts to advance Indigenous self-determination in creative and innovative ways.

Pessimism Trap 1: A Clear Demarcation of Indigenous Individuals into Only Two Categories, 'Authentic5 and 'Co-Opted5

For Indigenous resurgence theorists, these two categories are the only possibilities, and there is no grey area in-between. In their view, Indigenous peoples are co-opted if they hold elected office, make land claims or economic development agreements with governments or industry, or even sign treaties. Furthermore, co-opted Indigenous peoples are so co-opted, that they do not even recognise how they are being used and colonised by the state and its private-sector partners. On the other hand, authentic Indigenous peoples live on their traditional lands, speak their Native languages, practice their culture and govern themselves in traditional fashion. They are the only ones that have successfully resisted the overwhelming forces of colonisation and its powers of co- optation, and the only ones with the power to do so into the future.

In his 2005 book, Wasdse: Indigenous Pathways of Action and Preedom, Taiaiake Alfred calls on the original people, what he calls Onkwehonwe in the Mohawk language, to unify in resisting the colonial structures that continue to oppress them.5 Relying on warrior imagery in the Mohawk tradition, Alfred confronts Indigenous people to recognise Western domination in our communities and resist it. He argues forcefully that Indigenous peoples have become overly complacent on, and even dependent upon, Western social, economic and political structures. He calls for a resurgence in Indigenous spirituality and political structures in Indigenous communities. As he sees it, a strong Indigenous warrior is not one that necessarily engages in war and violent resistance but, rather, is one that shows real courage by living a daily life grounded in the spiritual teachings and practices of our ancestors. The decolonis- ing revolution he calls for is rooted within the peaceful resurgence of traditional spirituality and governance. As he writes, ‘There are people in all communities who understand that a true decolonization movement can emerge only when we shift our politics from articulating grievances to pursuing an organized and political battle for the cause of our freedom. These new warriors understand the need to refuse any further disconnection from their heritage and the need to reconnect with the spiritual bases of their existences’.6 While at first glance, this book represents a powerful and compelling call to action by Indigenous communities and leaders, a closer examination reveals all three pessimism traps in play throughout the text.

Alfred draws a sharp line between authentic Indigenous approaches and co-opted ones. As he puts it, ‘Not all of us have been conquered. There are still strong Onkwehonwe who persevere in their struggle for an authentic existence and who are capable of redefining, regenerating, and reimagining our collective existences’.7 Yet, he warns, The colonizers stand on guard for their ill-gotten privileges using highly advanced techniques, mainly co-optation, division and when required, physical repression’ and ‘with its massive resources, the state can co-opt leadership and movement successes’.8

Furthermore, Alfred notes, the authentic Indigenous peoples and leaders are no longer the majority, as the co-opted ones seem to occupy most of the leadership roles in organisations and communities. Lamenting the constant temptations for co-optation on offer, from land claims agreements, to casino capitalism, to chief and council salaries, Alfred writes, Working for a cause that has indigenous integrity means sacrifice. ...This is the reality of an authentic indigenous existence in political terms. And, evidently, in our communities today, there are only a few people who are convinced that taking on the psychological and financial burden of being really indigenous is worth the fight’.9

Similar patterns appear in Alfred’s follow-up 2009 book, Peace, Power, Righteousness: An Indigenous Manifesto.10 In this work, Alfred walks the reader through Indigenous values, weaving a thesis that a new kind of Indigenous leadership, characterised by the resurgence of Indigenous forms of self-determination, is the only way to resist colonialism and preserve what still exists of Indigenous culture and lifeways today. In a Fanonian spirit, he challenges Indigenous peoples, and particularly leaders, professionals and academics, to be aware of how colonialism has impacted them and their communities on every level, including and especially, psychologically. He challenges Indigenous leadership and communities to recognise these multiple layers of colonialism in current contemporary practice, and to resist them.

As in his earlier work, Alfred divides Indigenous peoples, communities and leadership into two stark categories: authentic and co-opted. Indigenous leaders, he says, either actively resist, or they co-operate with the state. When they co-operate with the state, they ‘rationalize and participate actively in their own subordination and the maintenance of the Other’s superiority’ and therefore become co-opted.11

Further, he sees that as states have moved away from overt violent control of Indigenous communities, co-option has become the preferred method of control and subordination:

The fact is that neither the state-sponsored modifications to the colonial-municipal model ...nor the corporate or public-government systems recendy negotiated in the North constitute indigenous governments at all. Potentially representing the final solution to the white society’s ‘Indian Problem,’ they use the co-operation of Native leaders in the design and implementation of such systems to legitimize the state’s longstanding assimilationist goals for indigenous nations and lands.12

One of the deepest problems, according to Alfred, is that co-opted communities, leaders and professionals do not often even realise that they are, in fact, co-opted. Co-option, he says, ‘is a subtle, insidious, undeniable fact, and it has resulted in a collective loss of ability to confront the daily injustices, both petty and profound, of Native life’.13 As a case in point, Alfred engages in a substantial discussion of how the concept of sovereignty itself is Western in focus and therefore, when Indigenous leaders advocate for it, on behalf of their nations and communities, they are unwittingly engaging in a politics of co-optation. ‘Shallow-minded politicians’, Alfred writes, ‘are unable to grasp that asserting a right to sovereignty has significant implications’. When they assert a claim to sovereignty but not to resist the state itself, ‘they are making a choice to accept the state as their model and to allow indigenous political goals to be framed and evaluated according to a “statist” pattern’.14

Another prominent member of the Indigenous resurgence school, Glen Coulthard (Yellowknives Dene), was mentored by Taiaiake Alfred and their common philosophy is immediately apparent. As Alfred writes in his foreword to Coulthard’s 2014 book, Red'Skin, White Masks: Rejecting the Colonial Polities of Recognition, ‘Coulthard is talking about rising up, ...about resurgence and the politics of self-affirmation. This is a call to combat contemporary colonialism’s objectification and alienation and manipulation of our true selves’.15

Coulthard critiques the current Canadian policy atmosphere of reconciliation as contemporary colonialism, ultimately the same as the old colonialism, but with a new mask. He argues the structure of the settler colonial invasion continues to dispossess and oppress Indigenous peoples, as it always has, but it now has a new face: the disingenuous liberal politics of recognition—which includes such current policy initiatives as the delegation of self-determination, economic development and the settlement of land claims. He begins by noting that over the past forty years or so, there has been an ‘unprecedented degree of recognition for Aboriginal “cultural” rights within the legal and political framework of the Canadian state’.16 Coulthard acknowledges that the increase in recognition demands coming from Indigenous intellectual and community leaders are largely responsible for these changes to the structure of the Indigenous-state relationship in Canada. Yet, Coulthard’s goal in this work is to challenge the notion that ‘the colonial relationship between Indigenous peoples and the Canadian state can be adequately transformed via such a politics of recognition’.17 Rather than ushering in a new relationship, he argues, the ‘politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend’.18

In other words, all of the work and struggle by Indigenous leaders and advocates in the past four decades to advance self-government, recognition of Aboriginal rights and title and economic development for their communities has not only been futile, but damaging to what would or should have been an ‘authentic’ struggle for Indigenous self-determination. Further, all of these advocates and leaders do not even realise how co-opted they have become in the ongoing structures of colonialism. Citing Alfred, and echoing Fanon, Coulthard notes that the dominance of the recognition approach over an extended period of time has produced a class of ‘Aboriginal “citizens’” who have come to define themselves in terms of the colonial state and its institutions rather than the culture and political traditions of their own Indigenous nations. He identifies a similar process with capitalist economic development initiatives that have created an ‘emergent Aboriginal bourgeoisie whose thirst for profit has come to outweigh their ancestral obligations to the land and to others’.19 Unfortunately, Coulthard pessimistically views Indigenous rights advancement as ‘bleak’, since ‘so much of what Indigenous peoples have sought over the last forty years to secure their freedom has in practice cunningly assured its opposite’.20

In a 2007 article, Cherokee political scientist Jeff Corntassel takes the co-option argument to the international level.21 Corntassel acknowledges that UN fora do provide opportunities for strategising and diplomacy among Indigenous actors from diverse parts of the world, especially important in storytelling, information sharing and building solidarity. Corntassel also acknowledges that there ^Vere a handful of instances in the First UN Indigenous Decade (1995-2004) where Indigenous peoples were able to successfully challenge UN protocols and procedures and insert themselves into the UN ‘on their own terms’. However, despite these acknowledgements, Corntassel concludes that the UN system, being made up of states, aims to co-opt Indigenous peoples into the norms and mores of the state, thereby distracting them from their proper focus on advancing their own nationhood. Like Alfred and Coulthard, Corntassel falls into the first pessimism trap which demarcates Indigenous political leadership into ‘authentic’ and ‘co-opted’ categories.

Pessimism Trap 2: The State is Unified, Deliberate and Unchanging in Its Desire to Dispossess Indigenous Peoples and Gain Unfettered Access to Indigenous Lands and Resources

In other words, colonialism by settler states is a constant, not a variable, in both outcome and intent. Further, the state is not only intentionally colonial, but it is also unified in its desire to co-opt Indigenous peoples as a method and means of control.

In 2005’s Wasase, Alfred presents the state as unitary, intentional and unchanging in its desire to colonise and oppress Indigenous peoples noting, ‘I think that the only thing that has changed since our ancestors first declared war on the invaders is that some of us have lost heart’.22 Referring to current state policies as a ‘self-termination movement’, Alfred states, ‘It is senseless to advocate for an accord with imperialism while there is a steady and intense ongoing attack by the Settler society on everything meaningful to us: our cultures, our communities, and our deep attachments to land’.23

Alfred’s Peace, Power; Righteousness (2009) also argues that the state is deliberate and unchanging, stating quite plainly that ‘it is still the objective of the Canadian and US governments to remove Indians, or, failing that, to prevent them from benefitting, from their ancestral territories’.24 Contemporary states do this, he argues, not through outright violent control but ‘by insidiously promoting a form of neo-colonial self-government in our communities and forcing our integration into the legal mainstream’.25 According to Alfred, the state ‘relegates indigenous peoples’ rights to the past, and constrains the development of their societies by allowing only those activities that support its own necessary illusion: that indigenous peoples today do not present a serious challenge to its legitimacy’.26

Linking back to the aim of co-option, Alfred argues that while the state’s desire to control Indigenous peoples and lands has never changed, the techniques for doing so have become subtler over time. ‘Recognizing the power of the indigenous challenge and unable to deny it a voice’, due to successful Indigenous resistance over the years, ‘the state has (now) attempted to pull indigenous people closer to it’.27 According to Alfred, the state has outwitted Indigenous leaders and ‘encouraged them to reframe and moderate their nationhood demands to accept the fait accompli of colonization, (and) to collaborate in the development of a “solution” that does not challenge the fundamental imperial lie’.28

In a similar vein, Coulthard’s central argument is centred on his understanding of the dual structure of colonialism. Drawing directly from Fanon, Coulthard finds that colonialism relies on both objective and subjective elements. The objective components involve domination through the political, economic and legal structures of the colonial state. The subjective elements of colonialism involve the creation of ‘colonized subjects’, including a process of internalisation by which colonised subjects come to not only accept the limited forms of ‘misrecog- nition’ granted through the state but can even come to identify with it 29 Through this dual structure, colonial power now works through the inclusion of Indigenous peoples, actively shaping their perspectives in line with state discourses, rather than merely excluding them, as in years past. Therefore, any attempt to seek ‘the reconciliation of Indigenous nationhood with state sovereignty is still colonial insofar as it remains structurally committed to the dispossession of Indigenous peoples of our lands and self-determining authority’.30

Concerning the state in relation to Indigenous peoples on the international level, Corntassel argues that states and global organisations, for years, have been consistently framing Indigenous peoples’ self-determination claims in ways that ‘jeopardize the futures of indigenous communities’.31 He claims that states first compartmentalise Indigenous self-determination by separating lands and resources from political and legal recognition of a limited autonomy. Second, he notes, states sometimes deny the existence of Indigenous peoples living within their borders. Thirdly, a political and legal entitlement framing by states deem- phasises other responsibilities. Finally, he claims that states, through the rights discourse, limit the frameworks through which Indigenous peoples can seek self-determination. Like Alfred and Coulthard, Corntassel has concluded that states are deliberate and never changing in their behaviour. With this move, Corntassel limits and actually demeans Indigenous agency, overlooking the reality that Indigenous organisations themselves chose the human rights framework and rights discourse as a target sphere of action precisely because, as was evident in earlier struggles like slavery, civil rights or women’s rights, these were tools available to them that had a proven track record of opening up new possibilities and shifting previous state positions and behaviour. Indigenous advocates also cleverly realised, by the 1970s, that the anti-discrimination and decolonisation frames could be used together against states. States did, in no way, nefariously impose a rights framework on Indigenous peoples. Rather, Indigenous organisations and savvy Indigenous political actors deliberately chose to frame their self-determination struggles within the human rights framework in order to bring states into a double bind where they could not credibly claim to adhere to human rights and claim that they uphold equality while simultaneously denying Indigenous peoples’ human rights and leaving them with a diminished and unequal right of self-determination. But, because he is caught in the pessimism trap of seeing the state only as unified, deliberate and unchanging, Corntassel overlooks and diminishes the clear story of Indigenous agency and the potential for positive change in advancing self-determination in a multitude of ways.

Pessimism Trap 3: Engagement with the Settler State is Futile, if Not Counter-Productive

Since the state always intends to maintain, if not expand, colonial control, and is seeking to co-opt as many Indigenous peoples as possible in order to maintain or expand its dispossession and control, it is therefore futile, at best, and actually dangerous to Indigenous existence to engage with the state. Furthermore, all patterns of engagement will lead to co-optation as the state is cunning and unrelenting in its desire to co-opt Indigenous leaders, academics and professionals in order to gain or maintain control of Indigenous peoples.

Alfred argues, in both his 2005 and 2009 books, that any Indigenous engagement with the state, including agreements and negotiations, is not only futile but fundamentally dangerous, as such pathways do not directly challenge the existing colonial structure and ‘to argue on behalf of indigenous nationhood within the dominant Western paradigm is self-defeating’.32 Alfred states that a ‘notion of nationhood or self-government rooted in state institutions and framed within the context of state sovereignty can never satisfy the imperatives of Native American political traditions’33 because the possibility for a true expression of Indigenous self-determination is ‘precluded by the state’s insistence on dominion and its exclusionary notion of sovereignty’.34 Worst of all, according to Alfred, when Indigenous communities frame their struggles in terms of asserting Aboriginal rights and title, but do so within a state framework, rather than resisting the state itself, it ‘represents the culmination of white society’s efforts to assimilate indigenous peoples’.35

Because it is impossible to advance Indigenous self-determination through any sort of engagement with the state, Coulthard also advocates for an Indigenous resurgence paradigm that follows both his mentor Taiaiake Alfred but also Anishinaabe feminist theorist Leanne Simpson.36 As Coulthard writes, ‘both Alfred and Simpson start from a position that calls on Indigenous peoples and communities to “turn away” from the assimilative reformism of the liberal recognition approach and to instead build our national liberation efforts on the revitalization of “traditional” political values and practices’.37 Drawing upon the prescriptive approach of these theorists, Coulthard proposes, in his concluding chapter, five theses from his analysis that are intended to build and solidify Indigenous resurgence into the future:

1. On the necessity of direct action, meaning that physical forms of Indigenous resistance, like protest and blockades, are very important not only as a reaction to the state but also as a means of protecting the lands that are central to Indigenous peoples’ existence;

2. Capitalism, No More!, meaning the rejection of capitalist forms of economic development in Indigenous communities in favour of land-based Indigenous political-economic alternative approaches;

3. Dispossession and Indigenous Sovereignty in the City, meaning the need for Indigenous resurgence movements ‘to address the interrelated systems of dispossession that shape Indigenous peoples’ experiences in both urban and land-based settings’38;

4. Gender Justice and Decolonisation, meaning that decolonisation must also include a shift away from patriarchy and an embrace of gender relations that are non-violent and reflective of the centrality of women in traditional forms of Indigenous governance and society; and

5. Beyond the Nation-State. While Coulthard denies that he advocates complete rejection of engagement with the state’s political and legal system, he does assert that ‘our efforts to engage these discursive and institutional spaces to secure recognition of our rights have not only failed, but have instead served to subtly reproduce the forms of racist, sexist, economic, and political configurations of power that we initially sought...to challenge’.39 He therefore advocates expressly for ‘critical self-reflection, skepticism, and caution’ in a ‘resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically non- exploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions’.40

Corntassel also demonstrates the third pessimism trap, that all engagement with the state is ultimately futile. For the most part, however, Corntassel’s observation is that the UN system operates like a reverse Keck and Sikkink ‘boomerang model’ and ‘channels the energies of transnational Indigenous networks into the institutional fiefdoms of member countries’, by which an ‘illusion of inclusion’ is created.41 He argues that, in order to be included or their views listened to, Indigenous delegates at the UN must mimic the strategies, language, norms and modes of behaviour of member states and international institutions. Corntassel finds that ‘what results is a cadre of professionalized Indigenous delegates who demonstrate more allegiance to the UN system than to their own communities’.42 In his final analysis, he charges that the co-optation of international Indigenous political actors is highly ‘effective in challenging the unity of the global Indigenous rights movement and hindering genuine dialogue regarding Indigenous self-determination and justice’ 43

Finding that states deliberately co-opt and provide ‘illusions of inclusion’ to Indigenous political actors in UN settings, Corntassel comes to the same conclusion as Alfred concerning the futility of engagement, arguing that because transnational Indigenous networks are ‘channeled’ and ‘blunted’ by colonial state actors, ‘it is a critical time for Indigenous peoples to rethink their approaches to bringing Indigenous rights concerns to global forums’ 44

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

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

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

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

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

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

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

#### Legal strategies are effective, even if success is not linear.

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.”

### 1NC---Sium

**The aff fails to bridge the divide between theory and praxis and remains trapped on the bookshelf- decolonization requires taking action for immediate survival**

-settlers too\*

**Sium et al 12**

**(Aman Sium, Chandni Desai, Eric Ritskes, Ontario Institute for Studies in Education, University of Toronto, Sium identifies as being Tigrinya, indigenous, African, and Eritrean, Ritskes is Zhaganash, Towards the ‘tangible unknown’: Decolonization and the Indigenous future, Decolonization: Indigeneity, Education & Society ¶ Vol. 1, No. 1, 2012, pp. I-XIII, JKS)**

**One of the greatest challenges in looking to understand decolonization in complex ways is bridging the divide of action vs. theory**. Eve Tuck and K. Wayne Yang (this issue) remind us that “settler colonialism and its decolonization implicates and unsettles everyone” (p. 7). They go on to explore how **there is no room for settlers to claim innocence in the ongoing colonial violence and dispossession of Indigenous land. Importantly, however, we each also have the agency to participate in this violence (or resist it) through morally differentiated positions, levels of complicity, points of impact, and consequence**. For this reason, what **knowledge we choose to produce has everything to do with who we are and how we choose to act in the world. Transformative praxis can be measured by our ability to show scholarly courage and imagination in taking our ideas off the bookshelf and acting on them.** **Decolonization does not simply suggest that we refrain from becoming spectators to the knowledge we produce; it demands it**. As Fanon ¶ (1967) clearly laid out, “**It’s no longer a question of knowing the world, but of transforming it**” (p. 1). ¶ It is this transformative action that Waziyatawin (in this issue) displays great imagination in **outlining in the “endgame of empire,” asking what kind of world Indigenous resurgence hopes to bring about after it is gone. She encourages her readers to peek behind the colonial curtain to see that a central “facet of the colonial picture is an illusion of permanency and inevitability**” (p. 76). Importantly, she also encourages her readers to recognize that there is life beyond colonialism; that a certain degree of hope, in both theory and practice, is necessary in defeating it. **Colonialism may actively work to shape the world but it can also be made malleable, forced to show the cracks in its walls, and forced to retreat through struggle against it**. **As we witness the death throes of global capitalism and its insatiable appetite for Indigenous land and resources, we must also understand that, like a cornered animal, it will fight until the last breath in defending the privileges of colonial governments and extractive industry.** According to Waziyatawin**, this is the paradox of Indigenous resurgence at the end of empire: “while we have an opportunity to realize its emancipatory potential, if we do not succeed soon, the chances for the survival of all life will severely diminish” (p. 82). For this reason both decolonization theory and action are time sensitive.**

### 1NC---Land Focus

#### Place-based critique of colonialism empowers neo-racism and colonial state classification.

Sharma ’20 [Nandita; Professor of Sociology @ University of Hawaii – Manoa, PhD in Sociology and Equity Studies @ University of Toronto; “The National Politics of Separation” in *Home Rule: National Sovereignty and the Separation of Natives and Migrants*, Duke University Press, p. 1-35; AS]

National Autochthonies

National autochthonous discourses are a legacy of imperialism. Having constructed a Manichean binary of European/Native, fearful imperial states, beginning with the British Empire’s containment of the Indian Rebellion of 1857, regained control by separating colonized Natives into two, supposedly distinct, groups: “Indigenous-Natives” and “Migrant-Natives,” with the former regarded as more native than the latter (Mamdani 2012). The basis of this imperial distinction was the idea that a primordial relationship existed between a certain group of people and a designated place. Indigenous-Natives, not unlike certain flora and fauna, were portrayed as being “of the place,” further naturing them in the process. Migrant-Natives, on the other hand, were portrayed as being subsequent settlers from outside the colony and therefore not of it.

Both categories were codified in imperial law so that the two categories of colonized Natives were governed by dif­ferent laws. These laws, which included differential allocations of land, political rights, and power for people in the two groups, materialized the differences between Indigenous-Natives and Migrant-Natives. Indigenous-Natives were granted formal access to territories and political rights on it through “Native authorities.” Migrant-Natives were not. Such imperial distinctions profoundly reshaped politics in the colonies and informed how national liberation movements imagined which people were the People of the nation. Nationalists took the imperial idea of indigeneity as a stable and static group and retooled it to fit the nations they were in the process of creating. With “independence,” the imperialist meanings attached to both Natives and Migrants were relocated to nationalized territory. When the colonies and, later, imperial metropoles nationalized their sovereignties from the late nineteenth century, claims to national status were underpinned by claims to autochthonous belonging. Being Native, once the denigrated Other to the colonizer, has, in the Postcolonial New World Order, become the quintessential criterion for being a member of the nation. Migrants, unable to cross the racialized boundary of Nativeness (at least in the places they actually live) and unable to organize themselves into a nation, remain “out of place.”

Placing people into separated categories of National-Natives and Migrants is no trifling matter. People’s relationship to nation-states, to national political bodies, and to one another are organized by the rights associated with the category people find themselves in. Across the world system of nation-states, a further contraction of the already limited criteria of national belonging has taken place around the figure of the National-Native. At the same time, an expansion of the term “colonizer” has occurred, one that encompasses all those seen to be Migrants. Borrowing the imperial meaning of Natives as colonized people, National-Natives see themselves as “colonized” by Migrants. In turn, Migrants’ own experience of colonization is seen as unimportant—and unpolitical. Instead Migrants are demonized as destroyers of nations.

Today, national autochthony is increasingly important to nationalist projects, both from above and from below. Most troubling, the legal and/or social separation of National-Natives and Migrants animates deadly conflicts around the world. A particularly stark example of this is taking place in Myanmar (formerly Burma), where the separation of National-Natives and Migrants is the basis for what has been termed the world’s most recent genocide, this time against Rohingya people (International State Crime Initiative, Queen Mary University of London, 2015). Nation-state officials and popular Buddhist monks categorize (mostly) Muslim Rohingya people as “illegal Bengali migrants” and argue that expelling them from both the nation and its sovereign territory is necessary for the defense of national society (see Foucault 1978, 137; Foucault 2003). Over the past four decades, Rohingya people have had their homes and property destroyed; they have been tortured, killed, and placed in camps; their citizenship has been removed; and a growing number have been forced to flee. Having already been socially constituted as Migrants, many have been made Migrants both in national law and in everyday life.

Treating Rohingya people as deportable people without rights, Myanmar has constructed approximately sixty-seven camps and moved about 140,000 Rohingya people into them since 2012. Many observers regard these camps as nothing less than concentration camps (Motlagh 2014; Fortify Rights 2015; Kristof 2016). Since 2015, violence against Rohingya people has intensified further. From late August 2017 to January 2018, two-thirds of all Rohingya people in Myanmar—an estimated 688,000 people—fled to Bangladesh to escape attacks from Myanmar’s military (see Ibrahim 2018; unhcr 2018). Bangladesh, meanwhile, is trying to force them “home.” Rohingya people are thus simultaneously victims of both the hardening criteria for national citizenship in Myanmar and the intensification of national immigration controls in Bangladesh and other nation-states, which try to deny them a new life elsewhere. Made stateless, Rohingya people have thus been made subject to the coercive power of all nation-states.

Another stark example of the political work done by separating NationalNatives from Migrants is the popular “Save Darfur” movement, which has successfully reframed the economic, political, and ecological legacies of European imperialism in the Darfur region of Sudan as a racialized conflict between “Black African” National-Natives and “light-skinned Arab” Migrants. Playing directly into the hands of oil companies, this division has further fueled the Islamophobic U.S.-led war on terror in the region. Probably the best-studied example of the violence ensuing from the separation of National-Natives and Migrants is the 1994 Rwandan Genocide, when those acting in the name of Hutus killed approximately 800,000 Tutsis and those Hutus who opposed this mass murder. Such state-organized killings were evident at least as far back as the first murderous attacks against Tutsis by Hutus in the lead-up to Rwanda’s 1961 declaration of national independence. From that time on, the self-identification of Hutus as the National-Natives of Rwanda and the categorization of Tutsis as colonizing Migrants was consistently used to violently expunge Tutsis from the national political body.

A not dissimilar process took place in the 1991–2002 Yugoslav Wars. Ideas of National-Native belonging fueled the claims to Serbian, Croatian, Slovenian, and Bosnian homelands. In each national territory, people targeted for “ethnic cleansing” were said to be Migrants and thus foreign elements in the national homelands of others. A total of 140,000 people were killed, with another two million people displaced. In Myanmar, Sudan, Rwanda, the former Yugoslavia, and elsewhere, women’s bodies were abstracted as national symbols. Consequently, rape was a major weapon of war used to define national populations (Chinkin 1994; Agamben 1998; Kesic 2002). No one was spared. Combatants on all sides targeted women for either being Native to the enemy or being the Migrant enemy.

These are only some of the better reported—and most murderous— events where the politics of separating National-Natives from Migrants has been central. Organized through a politics of autochthony, each has employed the politics of home rule to exclude, expel, and even to systematically exterminate those constituted as Migrants. However, autochthonous politics have also been the prime basis for the indigenization of numerous African states, such as Idi Amin’s forced expulsion of “Asians” from Uganda in 1972; they are also fundamental to military coup d’états unseating democratically elected “Asian” parliamentary leaders in Fiji; and they are at the core of moral panics over “Migrant invasions” across Europe.

### \*\*\*1NC---Bradford

#### 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.