# 1AC

### 1AC---Plan

#### Text: The United States federal government should substantially increase prohibitions on anticompetitive business practices by the private sector by modifying the consumer welfare standard to prioritize environmental effects on society.

### 1AC---Climate Change

#### Modifying the consumer welfare standard makes fossil fuel companies anticompetitive and forces a transition to renewables

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“The loftiest of purported motivations do not excuse anti-competitive collusion among rivals. That’s long-standing antitrust law.”[1] So begins a USA Today opinion piece by Makan Delrahim, Assistant Attorney General and head of the Antitrust Division. Delrahim was defending a Department of Justice (DOJ) investigation into four major automakers who had recently announced they would continue to meet California’s fuel efficiency standards even as the Trump Administration moved to roll back higher efficiency standards at the federal level.[2] The agreement between the automakers will likely lead to higher prices for consumers, which—regardless of other positive benefits—could be illegal under antitrust law. But should it be? This debate about the goals of our antitrust laws emerges at a critical inflection point in competition law and corporation law generally. Corporations have emerged as powerful voices for social and political change, flexing lobbying muscle and changing their own behaviors to create policy impact on issues like gun control, anti-discrimination protection, and climate change. This increased action has led to formal acknowledgement that shareholder profit need not be the driving force of corporate decision making, reversing decades of focus on shareholder primacy.[3] At the same time, a growing body of literature critiques antitrust enforcement as being limited to too narrow a lens.[4] By focusing primarily on consumer welfare—as measured by prices—antitrust regulators ignore both broader, less tangible harms to society and also potential societal benefits that might flow from anticompetitive behavior. Our antitrust laws must evolve to reflect the changing nature of corporate purpose and corporate social activism. Courts should not so quickly disregard the beneficial goals of business coordination, especially when those goals align with global commitments to address climate change. If our antitrust framework does not change, two types of conduct could be chilled. First, companies could be discouraged from coordinating with competitors to meet sustainability goals, like carbon emissions targets. This type of corporate collaboration on sustainability could be considered either an illegal agreement to fix prices or output. Second, a group of competitors refusing to work with a more polluting competitor could be considered an illegal group boycott. Further, and beyond the scope of this Article, companies with monopoly power could be discouraged from adopting “greener” practices if those commitments have the end result of raising consumer prices or increasing the costs of market entry for competitors. This Article proceeds as follows. Part I gives a brief overview of corporate social activism and the changing role of the corporation in society. Part II assesses why the changing role of the corporation matters for antitrust enforcement, explaining how corporate coordination has traditionally been scrutinized under competition laws and how corporations have responded to the threat of antitrust regulation. Part III returns to the DOJ investigation into the four automakers as an example of the disconnect between the more recent role of corporate collaboration in society and traditional antitrust enforcement. Part III also highlights the urgency of addressing this conflict in order to successfully respond to the growing and existential threat of climate change. Part IV concludes with a brief proposal for an antitrust framework that could incorporate broader societal effects—both harms and benefits—as part of antitrust enforcement. I. Corporations as Voices for Change When President Trump announced his intentions to formally withdraw the United States from the Paris Climate Accord, dozens of major companies stepped into the breach, promising to still work toward meeting the Paris emissions targets.[5] Such a position—business leaders joining concerted international action in rebuke of a sitting President—was once unprecedented. Milton Friedman, the influential architect of free market economic theory, warned that business leaders should not act as “unwitting puppets of the intellectual forces” that promote desirable social ends, such as pollution reduction.[6] Corporate executives were supposed to ignore “the catchwords of the contemporary crop of reformers” and instead focus on “mak[ing] as much money as possible.”[7] This shareholder profit paradigm persisted for decades, fueling the conditions that led to the Great Recession[8] and even making for-profit companies liable for not putting shareholder profits above all else.[9] But now that obligation is changing, and not a moment too soon. By the time the Business Roundtable, an association of major company executives, formally acknowledged that corporate purpose needed to consider benefits to communities and employees in addition to shareholders,[10] the writing had been on the wall for quite some time. Corporations were speaking up in previously unexpected ways and focusing on more than just profit, encouraged by major voices in the business community.[11] For example, major tech companies leapt into action when Indiana passed a 2015 bill widely seen as discriminatory against LGBT persons, denouncing the law and threatening boycotts of the state.[12] The cloud-computing giant Salesforce, which had between 2,000 and 3,000 employees in Indiana,[13] exerted significant leverage in forcing an amendment to the law by cancelling all company programs in and travel to Indiana.[14] More corporate boycotts greeted North Carolina and Georgia when they passed similar anti-LGBT legislation.[15] Additionally, in the wake of recent mass shootings, Dick’s Sporting Goods[16] and Walmart[17] cut back sales of certain firearms and ammunition, arguably doing more in a single decision to address the gun violence epidemic than Congress has been able to do in decades.[18] The growth of corporate activism can be traced to broader societal changes, such as the increased connectivity of people and markets in the Internet age.[19] At the same time, governmental gridlock and increasing political polarization have undermined the capacity of government institutions to function efficiently and greatly weakened public trust in government.[20] Corporations are filling this gap as traditional government services become increasingly privatized.[21] The growing corporate role in society has fed on itself, with increased stakes and visibility of corporate activism resulting in outsized political power and legal rights. Corporate-associated spending on politics has reached unprecedented, jaw-dropping levels.[22] It is increasingly clear that America cannot address the existential reality of climate change without corporate buy-in, if not corporate leadership. It is beyond the scope of this Article to discuss the extent of the climate crisis or the necessary corporate response; it is enough to say that each passing week brings bad news about the extent of already irreversible damage from climate change.[23] While the future costs of climate change will be immense, the costs of acting now to limit warming to habitable levels are also significant, on the measure of $3.5 trillion a year.[24] While governments around the world are expected to lead the necessary spending, a large portion of those costs will inevitably fall on companies, either through direct taxes like a carbon tax or increased costs of compliance, such as ending reliance on coal.[25] Even as global governmental efforts falter,[26] corporations are committing to act, both together[27] and independently.[28] The high costs of corporate climate engagement, both to the companies themselves and to our society,[29] have to be worth the last best chance to mitigate catastrophic climate change.

II. Antitrust Scrutiny of Corporate Collaboration

As corporations pursue socially responsible strategies—whether on climate change or other social causes—the threat of antitrust enforcement looms. This threat discourages collaboration among competitors, even to meet goals that are objectively positive for society.[30] Much of this chilling effect comes from the inconsistent and evolving nature of antitrust enforcement and a general lack of bright-line rules. Section 1 of the Sherman Act, the 1890 seminal antitrust law, prohibits “every contract, combination, . . . or conspiracy in restraint of trade or commerce.”[31] Although every competitive action, and certainly every contract and agreement, restrains trade in some manner, courts have enforced section 1 to prevent “unreasonably restrictive” contracts, combinations, and conspiracies.[32] Unreasonable restraints on trade, in turn, include those that “reduce output, raise price, or diminish competition with respect to quality, innovation, or consumer choice.”[33] But how those various bad outcomes interact, or when to prioritize lower prices over other antitrust goals, is unsettled and subject to frequent debate.[34] Courts apply two different levels of analysis to challenged contracts, combinations, or conspiracies that restrain trade. The first type of analysis categorically rejects certain types of restraint as “per se unlawful” without a more searching inquiry into the economic context of the challenged conduct.[35] The second analysis is under the “rule of reason,” a more detailed burden-shifting framework that considers procompetitive benefits of the conduct alongside an economic analysis of the restraint’s harmful effects in a given market.[36] Over time, courts have moved towards applying the rule of reason.[37] Nevertheless, uncertainty over whether courts will consider an agreement per se unlawful has significant consequences for corporate collaboration for social good. Both price-fixing and group boycotts are often considered per se illegal, regardless of ethical merit. While unlawful price-fixing can be as blatant as competitors setting the price of a common good to increase profits, unlawful price-fixing also encompasses “agreements to artificially reduce output,” which will in turn raise consumer prices. [38] Professor Inara Scott uses the example of the volatile and scantly regulated coffee market, where coffee farmers could conceivably agree on environmental, labor, and price standards in order to reduce volatility and reduce retail prices.[39] But such agreement, even to reduce prices, is likely to be considered per se illegal price-fixing.[40] Similarly, conservation agreements to harvest fewer fish from a shared area—artificially reducing output—could be considered per se unlawful price-fixing because of the outcome on consumer price, regardless of the conservation goals.[41] Likewise, the laudable policy goals of a group boycott had no impact on its per se illegality in Federal Trade Commission v. Superior Court Trial Lawyers Association, where a legal group’s refusal to represent indigent defendants until their compensation increased was held unlawful.[42] The protest succeeded in forcing the city government to increase compensation, but they still lost in court: the Supreme Court held that though the rates had been “unreasonably low” and the boycott’s cause was “worthwhile,” it was nonetheless a classic restraint of trade.[43] In Professor Scott’s coffee market example, a cooperative of coffee roasters likely could not refuse to work with a certain roaster in protest of objectionable practices, whether using child labor or wasteful techniques;[44] this kind of group boycott to encourage a competitor to adopt “greener” practices risks per se illegal classification. Because courts cannot even consider the obviously beneficial goals of those types of agreements, corporations would be wise to avoid them entirely. Even under the rule of reason, corporations face uncertainty over whether courts will consider procompetitive justifications rooted in social benefit. In general, courts applying the rule of reason “have rejected calls for consideration of the social value or purpose of a collective agreement.”[45] The Supreme Court has explicitly stated that “good intention” will not “save an otherwise objectionable regulation.”[46] For example, though the Court did not reject a mandatory National Collegiate Athletic Association price and broadcast agreement as per se illegal price-fixing, it still refused to consider arguments that the agreement was necessary to benefit society by maintaining the “revered tradition of amateurism in college sports.”[47] Courts have also cautioned that industry standards enforced by trade associations must be voluntary and noncoercive in order to survive scrutiny.[48] For example, binding industry standards that punish noncompliance with exclusion would likely be considered an illegal group boycott, especially if the exclusion was for the purpose of punishing the noncomplying member for its unsustainable conduct (consider a trade association removing a label certifying the product as “eco-friendly” after the company’s water uses fell out of compliance).[49] Assistant Attorney General Delrahim, Antitrust Division head, squarely reiterates that a redeeming intention cannot justify “collusive means” of enforcing cooperation.[50] Under either type of antitrust analysis, corporate agreements that have a probable net effect of raising consumer prices or the appearance of a group boycott are likely to be met with substantial antitrust scrutiny, regardless of intent or even positive outcomes. As a result, corporations will likely refrain from socially beneficial cooperation that could raise consumer prices or exclude another competitor.[51]

III. Antitrust Scrutiny Frustrates Corporate Action on Climate Change, from Detergent to Cars

The chilling effect of looming antitrust scrutiny is especially concerning when it comes to climate change. Climate change is a unique problem, not only in that it requires uniform, ideally coordinated action, but the positive effects of addressing climate change are uniquely abstract, intangible, and distant. While the costs of climate change to business are not easily predicted,[52] the benefits of slowing or stopping climate change are most easily understood as mitigating expected losses, not generating positive economic gains. For example, limiting carbon emissions does not directly result in cheaper goods, in general.[53] This lack of clear consumer benefits leads to several distinct problems for corporate climate action. A 2011 European Commission case demonstrates the challenges facing firms that try to raise sustainability standards while still making a profit.[54] Competitors Procter & Gamble (P&G) and Unilever were fined over €300 million for agreeing on price and market share for new, more environmentally sustainable laundry detergent products.[55] The firms had launched a voluntary effort to reduce environmental impacts by reducing packaging material, size, and washing machine energy use by creating a concentrated detergent that worked well in cold water.[56] Worried about a “first mover disadvantage” in a market where consumers did not necessarily understand the benefits of concentrated detergent, the companies coordinated on the new product launches and agreed on ideal pricing.[57] Though reduced energy use and reduced packaging waste are facially beneficial for society, P&G and Unilever ran afoul of competition laws by trying to mitigate—not exploit for profit—the effects of the new products on the market.[58] This example questions the exhaustive focus on consumer price. The P&G and Unilever judgment is an increasingly relevant example as companies make investments and commitments—often with competitors—that raise their own costs even as they help the world address climate change. Will those companies be scrutinized for passing on some of those costs to consumers? Should they be? In 2019, four automakers—Ford, Volkswagen North America, Honda, and BMW—announced an agreement with California to continue to meet stringent fuel efficiency standards in the future, even as the Trump Administration mulled plans to roll back nationwide standards.[59] California, which can set its own auto emissions standards, has eagerly used its position as a large consumer market with progressive values to advance climate change goals.[60] According to the July 2019 deal, the automakers will produce fleets with an average fuel efficiency of fifty miles per gallon by 2026—nearly the target agreed to during the Obama Administration.[61] The Trump Administration had previously announced plans to freeze fuel efficiency requirements at a thirty-seven miles per gallon fleet average in 2020,[62] setting up a direct conflict. In September 2019, DOJ trumpeted an antitrust investigation into those four automakers, alleging that the agreement among rivals could violate competition law.[63] Letters from the DOJ asked the four companies to meet with the Antitrust Division regarding the “formation” of the deal.[64] Delrahim doubled down on the probe in congressional testimony[65] and in a USA Today op-ed, insisted that the “moral aspirations” of an agreement among competitors do not matter if there are anticompetitive effects.[66] Delrahim warned of consumer harm, via higher prices, that would result from the deal.[67] And higher prices certainly seem like the necessary result of meeting the stricter efficiency standards, regardless of cost savings to the planet or even to the consumer over the long term.[68] President Trump also focused on consumer price, asserting that the new standards would raise the cost of a car by more than $3,000.[69] The DOJ probe was widely denounced as political retribution, with no legitimate antitrust case to be made. Nevertheless, the mere threat of antitrust scrutiny can have dangerous effects. Antitrust scholar Herbert Hovenkamp noted that the automaker deal could still constitute an “agreement” under the Sherman Act, even though DOJ would face “significant hurdles” in establishing an antitrust violation.[70] If the automakers “had discussed the [fuel efficiency] standards with one another and then voted to implement them,” that would satisfy the first element of an antitrust offense.[71] There are strong arguments that such an agreement among competitors should be legal either as form of political advocacy [72] or by virtue of the state action doctrine, which permits anticompetitive conduct that has been authorized and is supervised by a state.[73] Hovenkamp argued that the automaker agreement would likely be legal because compliance would increase the costs for the firms to manufacture cars, but not increase consumer prices.[74] But if the automakers were to instead pass that increased cost on to consumers, that could result in a finding of liability. It is all too easy to imagine that the four automakers would choose not to internalize the costs of compliance with the fuel efficiency standards, but instead would choose to raise car prices to commensurate with the increased manufacturing costs.[75] And any agreement on car price—even to keep prices the same, as P&G and Unilever did—could easily be considered collusive price-fixing and per se illegal. The Supreme Court has been clear that the “reasonableness” of set prices cannot cure their illegality.[76] Further, the agreement could have the result of deterring a “low-cost, high-emissions entrant from entering the market,”[77] which could be considered a per se illegal exclusionary group boycott, even though the agreeing automakers lack market power to enforce a boycott.[78] And even if analyzed under rule of reason, there is no guarantee that the agreement could be successfully defended on the grounds that reducing emissions are good for society. In fact, as explained above, such abstract and distant benefits are exactly the type of justifications courts reject as being too divorced from the goals of antitrust policy. Even though DOJ quietly dropped the investigation in February 2020,[79] the market results of the probe itself were almost immediate and significant. In October 2019, just weeks after the antitrust investigation began, other major automakers joined the Trump Administration as parties in litigation over California’s right to set its own vehicle emissions standards,[80] even though automakers had once stood united behind the Obama Administration’s higher fuel efficiency standards.[81] DOJ’s abandoned investigation had sent a clear message to automakers: do not collude on car standards that will raise prices for consumers, or you will be investigated. With the threat of antitrust enforcement off the table for now, the Trump Administration finalized its dramatically lower fuel efficiency rule in March 2020.[82] Despite the naked political motive and the arguably weak legal argument for antitrust enforcement against the four automakers in this case, the specter of antitrust liability will not be limited to the auto industry. At a time when companies are making serious commitments to address climate change, even the most progressive companies are likely to think twice about making commitments with competitors on any industry standard that could lead to higher consumer prices. Companies could be discouraged from moving forward on climate, at a time when bold action is needed most. IV. Conclusion: An Antitrust Framework for the Twenty-First Century Economy The threatened antitrust enforcement against the four automakers highlights the disconnect between corporate law and climate reality. An antitrust framework that never permits price increases resulting from coordinated action ignores both the possibility of consumer benefits beyond price as well as the changing nature of corporations. As corporations wrestle with potential legal duties to take environmental outcomes into consideration in corporate decisions,[83] they need to be able to consider a broader definition of consumer welfare. Antitrust law’s focus on short-term prices has helped mask long-term consumer harms and broader negative effects on society.[84] At the same time, corporations have been unable to successfully justify agreements that raise prices in order to achieve some societal benefit. Those two blind spots in competition law keep our legal framework stuck in a bygone era, prompting the need for change in at least three ways. First, and at a minimum, courts need to revisit a jurisprudence that prizes low prices and market “efficiencies” as procompetitive justifications, but rejects justifications of social benefits. Courts must at least allow coordinating firms to offer cognizable counterarguments when their conduct is considered under the rule of reason. This realignment should accompany judicial acknowledgment that “consumer welfare” encompasses more than current or readily predictable price in an isolated market, and instead can include the long-term effects on things like consumer choice, consumer privacy, and local economic vitality.[85] Second, Congress should pass legislation immunizing corporate cooperation that reduces energy consumption and curtails greenhouse gas emissions.[86] Congress has provided similar exemptions before, permitting specific industries like railroads, insurance companies, and agricultural cooperatives to coordinate on prices and terms of service where regulation was preferable to competition.[87] Allowing companies in the transportation sector—responsible for over 25 percent of U.S. emissions in 2018[88]—to coordinate on environmental efforts would be a common sense step in line with past practice. Finally, and more broadly, the Securities and Exchange Commission could, on its own[89] or with congressional backing,[90] require companies to disclose progress on environmental efforts and benchmarks that could be set internally or externally.[91] Mandatory environmental reporting, alongside other key metrics on governance and financial issues, would have three important benefits. First, corporate performance could be measured by more than just quarterly earnings, incentivizing longer-term decision making and reflecting the broadening of corporate purpose to include societal and environmental benefits. Second, a government-required environmental disclosure—ideally translated into a comprehensible number or rank—would allow antitrust regulators and consumers alike to track corporate progress on green initiatives, ensuring that any increases in consumer price or exclusionary conduct is more than offset by tangible gains on addressing climate change and replacing the voluntary, often one-sided corporate environmental reports often derided as “greenwashing.”[92] Third, greater transparency and real environmental metrics that can be weighed alongside price and other standards could help ensure that corporations are not able to skirt competition laws to their profit, under the guise of fighting climate change. There is widespread discussion and progress on this type of mandatory reporting;[93] any new framework could easily be tailored to enforce antitrust rules for environmental coordination. Updating antitrust and corporate law in these three ways would encourage much-needed corporate collaboration on climate change, reflect the changing nature of corporate activism, and acknowledge that consumer welfare can and must mean more than low prices. Saving the world may well depend on legalizing and incentivizing this kind of corporate collusion.

#### Renewables adoption combined with emissions cuts solves climate change

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Renewable energy technologies, such as advanced biofuels for transportation, are key for U.S. efforts to mitigate climate change Climate change is bringing about rising temperatures, which have significant negative impacts on humans and the environment, and transitioning to renewable energy sources, such as biofuels, can help meet this challenge. One consequence of higher global temperatures is the increasing frequency of extreme weather events that cause massive amounts of harm and damage. As depicted in Figure 1, six of the 10 costliest extreme weather events in the U.S. have occurred in the last 10 years, amounting to over $411 billion in damages (in 2020 dollars and adjusted for inflation). The other four occurred between 2004 and 2008, and the costs of future extreme weather events are expected to keep climbing. Moreover, the World Health Organization estimates that, globally, climate change is responsible for over 150,000 deaths per year. This is because in addition to extreme weather events, climate change contributes to the spread of diseases, reduced food production, and many other problems. Transitioning to renewable energy, and reducing reliance on fossil fuels, is one way to help slow down the effects of climate change. While renewables used to be a more expensive option, new clean energy technologies are lowering costs and helping to move economies away from fossil fuels. For example, solar panel prices decreased 75 to 80 percent between 2009 and 2015. Due to similar trends in other renewables like wind and hydropower, renewable energy generation technology accounts for over half of all new power generation capacity brought online worldwide every year since 2011. More must be done to ensure that renewable energy technologies are key contributors to the mitigation of climate change. As of 2018, solar and wind accounted for less than 4% of all the energy used in the U.S. (Figure 2). The amount of energy generated by solar panels has increased almost 46-fold since 2008, but still only amounts to about 1% of the total energy generated in the country. Unfortunately, renewables currently provide only a small fraction of the total energy produced, and to counter climate change, this contribution must drastically increase. Nonrenewable sources are still frequently used because they are very dense in energy. In the transportation sector, for example, gas or diesel fuels have about 40 times more energy, pound for pound, than the leading electric battery technologies. In order for an electric car to travel 360 miles, which is the average distance traveled on a full 12.4 gallon tank of gas, the car would need a battery weighing over 1,300 pounds. To reduce reliance on petroleum-based fuels, particularly for heavy-duty vehicles and airplanes, one potential solution is biofuels. Biofuels are produced by breaking down plant material and converting it into usable fuels, such as ethanol or biodiesel. Corn ethanol is already added to gas to cut down on greenhouse gas emissions. However, creating ethanol is not a zero-carbon process, and supplementing with corn ethanol averages just under 40 percent lower carbon emissions than using only gasoline. Corn ethanol also relies on land which could be used for growing other food crops. Researchers are currently studying how to use invasive plants, as well as plants that require little water, fertilizer, or land to grow, to create the next generation of biofuels. Some promising plant feedstock options include hemp, switchgrass, carrizo cane, jatropha shrubs, and algae. New biotechnologies are also being studied to develop more efficient ways to break down biomass into sugars, which microbes then convert into biofuels. There is also ongoing research to create microbes that can directly convert plants to biofuels, and to enable microbes to produce long-chain, energy-dense hydrocarbons that could be used to fuel heavy-duty vehicles and airplanes. The Information Technology and Innovation Foundation developed several recommendations which could bolster the implementation of biofuels. These recommendations include: Increasing investments in bioenergy and biomanufacturing research and development by 150 percent by the next five years; Engaging the Department of Energy and the Department of Agriculture to support the development of biofuels for aviation, shipping, and “other hard-to-electrify transportation sectors;” and Expanding research into gene-editing tools that can be used to improve biomass processing, increasing the diversity of plant feedstocks that could be leveraged for lower-cost biofuel production. By improving the efficiency of renewable energy technologies like biofuels, wind, and solar, and further innovating in the renewables space, the U.S. science and technology community can help ensure that renewables are leveraged in the effort to counter the climate crisis.

#### Antitrust prohibitions destroy the fossil fuel industry

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The oil giants ExxonMobil and Chevron each have assets valued in the hundreds of billions of dollars. Last year, The Wall Street Journal recently revealed, the two companies considered what would have been among the largest corporate mergers in history—a deal that would have reunited parts of the Standard Oil empire that federal trustbusters broke apart in 1911. In the end, ExxonMobil and Chevron didn’t attempt the transaction. But had the companies insisted on it, today’s antitrust authorities probably would have permitted the tie-up. Mergers among the very largest corporations are rarely stopped. Our research found that, out of the 78 proposed mergers from 2015 to 2019 in which the smaller firm was valued at more than $10 billion, the federal government attempted to block a grand total of only five on antitrust grounds and successfully stopped just three of them. In February 2020, a district judge allowed T-Mobile (with a premerger equity valuation of more than $50 billion) to acquire Sprint for $30 billion and gave control of the national wireless market to just three carriers. As evidence mounts that corporate consolidation and concentration raise prices to consumers, eliminate jobs, depress wages, marginalize independent businesses, and breed economic and political inequality, Democrats in Congress, possibly in collaboration with some Republican colleagues, appear poised to crack down on monopoly and prevent further consolidation. At the top of this agenda should be a law that simply and unambiguously prevents all megamergers—which we would define as transactions in which the acquirer and the target each has more than $10 billion in assets. Such a rule would have stopped dozens of mergers that were completed in the second half of the 2010s, including the acquisitions of SABMiller by Anheuser-Busch InBev, Aetna by CVS, and Monsanto by Bayer. In general, corporate consolidation does not improve business productivity. Melissa Schilling, a business professor at New York University, has concluded that “most mergers do not create value for anyone, except perhaps the investment bankers who negotiated the deal.” Those findings make the government’s willingness to rubber-stamp so many recent mergers all the more remarkable. The Congresses that enacted the nation’s antitrust laws understood that unchecked corporate power makes a mockery of democratic norms. In 1890, Senator John Sherman, an Ohio Republican, helped develop the nation’s first federal antitrust act in response to the rise of corporate and financial titans such as J.P. Morgan. Sherman insisted that the country’s economic life should not be dominated by “a few men sitting at their council board in the city of New York.” In a 1958 decision, the Supreme Court echoed this theme, stating that “the Sherman Act was designed to be a comprehensive charter of economic liberty” that aimed to provide “an environment conducive to the preservation of our democratic political and social institutions.” Sadly, that tradition gave way in the 1970s and ’80s, as federal judges, the Justice Department’s antitrust division, and the Federal Trade Commission all came under the spell of dubious interpretations of history and economic theories strikingly tolerant of mergers and monopolistic practices. Without strong evidence that mergers will raise consumer prices and reduce economic output, federal antitrust agencies and courts hesitate to act even against companies that dominate their market. For the Justice Department, the FTC, and courts reviewing merger matters, considerations of political power, including the absolute size of the corporations involved, are irrelevant. The history of consolidation in the oil industry is revealing and suggests that an ExxonMobil-Chevron merger is not far-fetched. In the late 1990s and early 2000s, the FTC permitted very large oil and gas corporations to merge on the condition that they sold off gas stations, refineries, and other assets to “preserve competition” in markets where they were head-to-head competitors or in a position to exclude rivals. The tolerance of mergers has spread corporate concentration and its attendant inequality into virtually every corner of the economy: health care, airlines, cable TV, and now the internet, where Amazon, Facebook, and other sprawling new monopolists reign. A small clique of executives and financiers makes key decisions in our economy. Many figures across the political spectrum are now urging a return to the kind of antitrust enforcement that once helped preserve a variety of independent businesses in every community. Among these voices, for example, is Senator Elizabeth Warren, who called for tight merger restrictions for companies that have more than $40 billion in annual revenues. In a fall 2019 presidential-candidate debate, she said: “We need to enforce our antitrust laws, break up these giant companies that are dominating Big Tech, Big Pharma, Big Oil, all of them.” Earlier this month, Senator Amy Klobuchar, together with four co-sponsors, proposed including a corporation’s absolute size in merger analysis. In October 2018, Senator Bernie Sanders introduced a bill that would break up the largest financial institutions in the United States and establish a cap on size going forward. Although conservatives in the United States have generally supported Big Business interests, more voices on the right are grafting concerns about corporate power, particularly in digital markets, onto an otherwise standard right-wing agenda. Although former President Donald Trump’s administration had a poor antitrust record against large corporations and supported pro-monopoly reinterpretations of the law, it did file landmark suits against Google and Facebook in the closing months of 2020. Embracing some forms of economic populism, media outlets such as The American Conservative have also become supporters of renewed antitrust enforcement. Building on ideologically diverse opposition to corporate consolidation, Congress should pass legislation that strikes at mergers, a major contributor to the curse of corporate bigness. A ban on mergers involving companies that have more than $10 billion in assets might be a somewhat arbitrary line to draw—Congress could reasonably choose a higher or lower threshold—but the formulation and administration of law, which establishes the rules of a market, requires a degree of line-drawing. Anyway, the status quo, in which virtually every merger goes forward, almost regardless of the potential damage to customers, suppliers, rivals, workers, and even democracy, is arbitrary in its own way and runs contrary to the public interest. Under the legislation we propose, a future merger between Chevron and ExxonMobil would be plainly illegal. Even if they agreed to sell some assets to a third party—as many merging companies do—the two oil titans would not be able to get their transaction past the antitrust authorities. The companies probably would not even contemplate such a combination in the boardroom. By establishing a bright line, an outright ban on the largest mergers would reduce the role of contending lobbyists, lawyers, and rented economists in merger cases, thereby making the whole process clearer, faster, more predictable, less expensive, and less subjective, as we explain at greater length in a recent law-review article. A ban on megamergers would reduce the amount of money and human energy currently wasted in putting together unproductive consolidations. It would help end the arms race of consolidation, in which mergers beget mergers as firms try to keep up with ever larger and more powerful corporate rivals, suppliers, and customers. By potentially channeling these resources into new productive capacity and technologies, the law could result in a real increase in society’s overall wealth and pace of progress.

#### Climate action solves---deficits don’t assume structural reform

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In order to avert the most extreme harms of climate change, the world must reduce net carbon dioxide (CO2 ) emissions from all sources — especially fossil fuels — to zero by mid-century. The Intergovernmental Panel on Climate Change has explored this challenge in extraordinary detail (IPCC 2018; IPCC 2014), and the world’s countries have set zero net emissions as their collective goal in the Paris Agreement (UNFCCC 2015). As energy modelers have made clear, this transition must be led by a rapid and near-immediate decline in the use and production of fossil fuels (Rogelj et al. 2018; Riahi et al. 2017; IPCC 2018). As one of the world’s top fossil fuel producers, the United States is heavily implicated in this transition. And thankfully, some policy-makers in the U.S. have already anticipated the eventual wind-down of fossil fuels. Though the current Trump administration is not so inclined, its predecessor — the Obama administration — clearly signaled a move away from fossil fuels. In the name of meeting national and global climate goals, it not only developed a comprehensive plan for moving away from fossil fuel consumption (The White House 2016a) but also took preliminary steps toward an eventual transition away from fossil fuel extraction (DOI 2016; BLM 2017). In particular, the U.S. Department of the Interior initiated efforts to incorporate the realities of climate change into policies surrounding fossil fuel production on public lands, which account for nearly one-quarter of U.S. CO2 emissions (Merrill et al. 2018). Now, policy-makers in the 116th Congress are beginning to grapple with how a phase-out of fossil fuels might fit within a Green New Deal or other climate legislation (Barbier 2019; Natter and Dmitrieva 2019). How should the U.S. align fossil fuel production with climate limits? This paper articulates three principles that lend structure to this challenging, but vital, task. These are, in brief, to: (1) reduce fossil fuel production at a pace consistent with climate protection; (2) accelerate the phase-out in economies that are the most resilient; and (3) safeguard human rights, cultural resources and the local environment in the process. Together, these principles can inform debate on an equitable phase-out of U.S. fossil fuel extraction. The principles reflect not only the science and economics of how quickly global fossil fuels must be phased out, but also equity and other critical social dimensions. The phase-out of fossil fuel production will inevitably have substantial impacts on fossil-fuel-dependent local economies. Building a sufficiently robust political consensus demands that policy-makers take into account justice, equity and distributional fairness. A carefully planned phase-out of fossil fuel production that is grounded in equity not only helps ensure that the transition does not exacerbate inequality (Piggot et al. 2019); it may also stand a better chance of winning broad buy-in and, therefore, end up being more effective than a non-equitable approach (Fleurbaey et al. 2014; Green 2018). Federal policy-makers could use these principles to help fulfil a goal, much like former President Obama’s, of bringing the management of coal, oil and gas extraction in line with the U.S. government’s stated climate objectives as committed under the Paris Agreement. The federal government has substantial jurisdiction over fossil fuel extraction (Ratledge et al. 2019). In addition to overseeing fossil fuel production on public lands, it also influences extraction through fossil fuel subsidies and infrastructure permitting decisions. Subnational governments within the U.S. also shape patterns of fossil fuel extraction through land use and permitting; they can apply these principles immediately. In fact, there is already an active network of states and cities committed to climate action, and several states, including California and Colorado, that are debating how their oil and gas extraction futures may evolve under climate constraints. To begin, we provide a short primer on why climate limits imply a global decline of fossil fuel production and what this means for the overall pace of winding down U.S. fossil fuel extraction. Next, we articulate the three guiding principles we have developed for winding down fossil fuel production. After introducing the principles, we use the examples of U.S. coal and oil extraction to broadly illustrate how resource managers could operationalize the principles. Finally, we close with a call for leadership and an outline of the next steps.

#### Indicators demonstrate that catastrophic climate change can be averted. The momentum exists, but capitalizing on it is key.

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The change is much bigger than the turnover of American leadership. By the time the Biden presidency finds its footing in a vaccinated world, the bounds of climate possibility will have been remade. Just a half-decade ago, it was widely believed that a “business as usual” emissions path would bring the planet four or five degrees of warming — enough to make large parts of Earth effectively uninhabitable. Now, thanks to the rapid death of coal, the revolution in the price of renewable energy, and a global climate politics forged by a generational awakening, the [expectation](https://climateactiontracker.org/global/temperatures/) is for about three degrees. Recent pledges [could bring us closer to two](https://climateactiontracker.org/publications/global-update-paris-agreement-turning-point/). All of these projections sketch a hazardous and unequal future, and all are clouded with uncertainties — about the climate system, about technology, about the dexterity and intensity of human response, about how inequitably the most punishing impacts will be distributed. Yet if each half-degree of warming marks an entirely different level of suffering, we appear to have shaved a few of them off our likeliest end stage in not much time at all. The next half-degrees will be harder to shave off, and the most crucial increment — getting from two degrees to 1.5 — perhaps impossible, dashing the dream of avoiding what was long described as “catastrophic” change. But for a climate alarmist like me, seeing clearly the state of the planet’s future now requires a conspicuous kind of double vision, in which a guarded optimism seems perhaps as reasonable as panic. Given how long we’ve waited to move, what counts now as a best-case outcome remains grim. It also appears, miraculously, within reach. In December, a month after Biden was elected promising to return the U.S. to the Paris agreement, the U.N. celebrated five years since the signing of those accords. They were five of the six hottest on record. (The sixth was 2015, the year the agreement was signed.) They were also the years with the highest levels of carbon output in the history of humanity — with emissions equivalent to what was produced by all human and industrial activity from the speciation of Homo sapiens to the start of World War II. They have also been the five years in which the nations of the world — and cities and regions, individuals and institutions, corporations and central banks — have made the most ambitious pledges of future climate action. Most of them were made in the past 12 months, in the face of the pandemic. Or, perhaps, to some degree, because of it — because the pandemic demanded a full-body jolt to the global political economy, provoking much more aggressive government spending, a much more accommodating perspective on debt, and a much greater openness to large-scale actions and investments of the kind that might plausibly reshape the world. And because decarbonization has come to seem, even to those economists and policy-makers blinded for decades to the moral and humanitarian cases for reform, a rational investment. “When I think about climate change,” Biden is fond of saying, “the word I think of is jobs.” There are two ways of looking at these seemingly contradictory sets of facts. The first is that the distance between what is being done and what needs to be done is only growing. This is the finding of, among others, the U.N.’s comprehensive [“Emissions Gap” report](https://www.unenvironment.org/emissions-gap-report-2020), issued in December, which found that staying below two degrees of warming would require a tripling of stated ambitions. To bring the planet in reach of the 1.5-degree target — favored by activists, most scientists, and really anyone reading their work with open eyes — would require a quintupling. It is also the perspective of Greta Thunberg, who has spent the pandemic year castigating global leaders for paying mere lip service to far-off decarbonization targets and who called the E.U.’s new net-zero emissions law “surrender.” The second is that all of the relevant curves are bending — too slowly but nevertheless in the right direction. The International Energy Agency, a notoriously conservative forecaster, recently [called](https://www.carbonbrief.org/solar-is-now-cheapest-electricity-in-history-confirms-iea#:~:text=Source%3A%20IEA%20World%20Energy%20Outlook%202020.&text=Together%2C%20low%2Dcarbon%20sources%20would,up%20from%2019%25%20in%202019.) solar power “the cheapest electricity in history” and projected that India will build 86 percent less new coal power capacity than it thought just one year ago. Today, business as usual no longer means a fivefold increase of coal use this century, as was once expected. It means pretty rapid decarbonization, at least by the standards of history, in which hardly any has ever taken place before. Both of these perspectives are true. The gap is real, and the world risks tumbling into it, subjecting much of the global South to unconscionable punishments all the way down. But in the months since the pandemic wiped climate strikers off the streets, their concerns have seeped into not just public-opinion surveys but parliaments and presidencies, trade deals and the advertising business, finance and insurance — in short, all the citadels presiding over the ancien régime of fossil capital. This is not exactly a climate revolution; the strikers and their allies didn’t win in the way they wanted to, at least not yet. But they did win something. Environmental anxieties haven’t toppled neoliberalism. Instead, to an unprecedented degree, they infiltrated it. (Or perhaps they were appropriated by it. It’s an open question.) Climate change isn’t an issue just for die-hards anymore — it’s for normies, sellouts, and anyone with their finger in the wind. It will take time, of course, for voters to see empty rhetoric for what it is, and for consumers to learn to distinguish, say, between the claims of guiltless airline tickets, or between carbon-free foods in the supermarket aisle. Harder still will be sorting through the differences between real corporate commitments like Microsoft’s and more evasive ones, like BP’s. Already, there is considerable consternation among climate activists that the public doesn’t understand the tricky math of “net-zero” on which so many of these commitments have been made—it is not a promise of ending emissions, but of offsetting some amount of them, in the future, with “negative emissions,” sometimes called “carbon dioxide removal,” though no approach of that kind is ready to go at anything like the necessary scale. And while some amount of skepticism about those commitments is surely warranted, it is also the case that, according to [a recent Bloomberg review](https://www.bloomberg.com/graphics/2020-company-emissions-pledges/), of 187 corporate climate pledges made for 2020 in 2015, 138 will be met. (Many of those promises were quite modest, but it is a much better performance than has been managed by the 189 parties to the Paris agreement, of which only two — Morocco and Gambia — are today [judged](https://climateactiontracker.org/countries/) fully “compatible” with the 1.5-degree goal, and only six more with the 2-degree target). In the political sphere, the uneasy alliance between activists and those in power will be tested, producing new conflicts, or new equilibria, or both. Consider, though, that Varshini Prakash, whose [Sunrise Movement](https://www.sunrisemovement.org/) gave Biden’s primary candidacy an F, later helped write his climate plan along with Alexandria Ocasio-Cortez. Climate expertise has been distributed throughout the incoming administration, as was promised during a campaign that closed, remarkably, with a climate-focused advertising blitz. During the transition, Biden’s pick for director of the National Economic Council, Brian Deese, was targeted by the environmental left for his time with BlackRock, but even this purported stooge had been married by Bill McKibben, one of the godfathers of modern climate activism. Elsewhere in the world, where 85 percent of global emissions are produced, the great infiltration of climate concerns represents what the British environmental [writer](https://www.businessgreen.com/blog-post/4025199/2020-crisis-crossroads-alternative-histories) James Murray has called “an alternative history to 2020” and what the scientist turned journalist Akshat Rathi [has declared](https://www.bloomberg.com/news/articles/2021-01-05/climate-action-is-embedding-into-how-the-world-works) “a strong sign that climate action is starting to be ‘institutionalized’ — that is, getting deeply embedded into how the world works.” This is not about coronavirus lockdowns producing emissions drops or “nature healing.” It is instead about long-standing trajectories passing obvious tipping points in coal use and political salience; promises and posturing by powerful if compromised institutions; and policy progress almost smuggled into place, all over the world, under cover of pandemic night. In the U.S., in the second coronavirus stimulus, [$35 billion in clean-energy spending](https://nymag.com/intelligencer/2020/12/what-is-in-covid-stimulus-omnibus-climate-pell-grants-medical-billing.html) passed in the Senate 92-6 — an effective down payment, energy researcher Varun Sivaram has estimated, on the innovation spending needed for a full electrification of the country. Did you even notice? Biden’s climate plan now faces the challenge of a filibuster, a skeptical Supreme Court, and the mood of Senator Joe Manchin of West Virginia, which means American climate action over the next four years is probably more likely to be delivered piecemeal — through appropriations and stimulus, executive action, and regulation — than through a landmark Green New Deal–style piece of legislation. That does limit what can be achieved, but it also means avoiding a protracted battle over climate as a referendum on the identity of the nation. And at least nominally, having been pressured by activists to do so, Biden is promising to multiply the green spending in that recent stimulus by a factor of 60. The numbers are numbingly large — reminders that in the midst of pandemic turmoil, the rules of state spending have been dramatically revised and perhaps even suspended. Is this global free-spending binge the beginning of a new era or merely a crisis interregnum to be followed by a new new austerity? “We don’t know what the recovery packages of COVID are going to be,” Christiana Figueres, one of the central architects of the Paris accords, told me this summer. “And honestly, the depth of decarbonization is going to largely depend on the characteristics of those recovery packages more than on anything else, because of their scale. We’re already at $12 trillion; we could go up to $20 trillion over the next 18 months. We have never seen — the world has never seen — $20 trillion go into the economy over such a short period of time. That is going to determine the logic, the structures, and certainly the carbon intensity of the global economy at least for a decade, if not more.” For those dreaming of a climate recovery, the first round of spending was not so encouraging. The E.U. was the gold standard, promising that 30 percent of its stimulus would be earmarked for climate. The U.S. and China each pledged only a fraction of that (and in each case, there was fossil stimulus, too). But in October, a team of researchers including Joeri Rogelj of the Imperial College of London [calculated](https://www.reuters.com/article/climate-change-stimulus/tenth-of-pandemic-stimulus-spend-could-help-world-reach-climate-goals-study-idUSKBN271098) that just one-tenth of the COVID-19 stimulus spending already committed around the world, directed toward decarbonization during each of the next five years, would be sufficient to deliver the goals of the Paris agreement and stop global warming well below two degrees. That analysis may be a touch optimistic, but the level of spending seems, now, doable. When Donald Trump was elected, trashing Paris, climate hawks were left hoping that the world would hang on for the length of his administration — insisting that, in the long term, the crisis couldn’t be solved without America at the helm. But the past four years of missing leadership have produced astonishing gains. The price of solar energy has fallen ninefold over the past decade, as has the price of lithium batteries, critical to the growth of electric cars. The costs of utility-scale batteries, which could solve the “intermittency” (i.e., cloudy day) problem of renewables and help power whole cities in relatively short order, have fallen 70 percent since just 2015. Wind power is 40 percent cheaper than it was a decade ago, with offshore wind experiencing an even steeper decline. Overall, renewable energy is less expensive than dirty energy almost everywhere on the planet, and in many places it is simply cheaper to build new renewable capacity than to continue running the old fossil-fuel infrastructure. Oil demand and carbon emissions may both have peaked this year. Eighty percent of coal plants planned in Asia’s developing countries have been shelved. This summer, I heard the Australian scientist and entrepreneur Saul Griffith talk about what it would take to get the U.S. within range of a 1.5 degree world. He said it would mean that beginning in 2021, this year, every single person buying a new car would have to be buying an electric one. That seems unrealistic, I thought, making a note of it as a useful benchmark illustrating just how far we have to go. Then, in the fall, the U.K. pledged to ban nonelectrics by 2030—a once-unthinkable law coming both too slow and much more quickly than seemed possible not very long ago. Similar plans are now in place in 16 other countries, plus Massachusetts and California. Canada recently raised its tax on carbon sixfold. Italy cut its power-sector emissions 65 percent between 2012 and 2019, and Denmark is now aiming to reduce its overall emissions 70 percent by 2030. “We set ourselves challenges that on paper looked almost impossible,” the country’s minister for the environment, Dan Jørgensen, told me recently. “And I think experts in many countries said, when looking at Denmark, ‘This is going to be too expensive, this is going to lower their living standards, this is going to hurt their ability to compete.’ But actually I’m proud to say that the opposite has happened. Now, of course, we have set even higher standards.” In the midst of the pandemic, new net-zero pledges, far more ambitious than those offered at Paris, were independently made by Japan, South Korea, the E.U., and, most significant, China, the world’s biggest emitter, which promised to reach an emissions peak by 2030 and get all the way to zero by 2060. China’s promise is so ambitious it has inspired one wave of debate among experts about whether it is even feasible — given that it would require, for instance, roughly twice as much renewable power to be installed every year for the next decade as Germany has operating nationwide today — and another debate about whether it has revived the possibility of that 1.5-degree target, with economic historian Adam Tooze writing, just after Xi Jinping’s surprise announcement in September, that it single-handedly “redefined the future prospects for humanity.” Together, the new net-zero pledges may have subtracted a full half-degree from ultimate warming. Add Biden’s campaign pledge of net zero by 2050, and you’ve got about two-thirds of global emissions at least nominally committed to firm, aggressive timelines to zero. These are all just paper promises, of course, and the history of climate action is littered with the receipts of similar ones uncashed. Plot the growth of carbon concentration in the atmosphere against the sequence of climate-action conferences and a distressing pattern emerges: the World Meteorological Conference of 1979, the U.N. framework of 1992, the Kyoto protocol of 1997, the Copenhagen accord of 2009, and the 2015 Paris accords, all tracking an uninterrupted trajectory upward for carbon from a “safe” level under 350 parts per million, past 400, to 414 today, and pointing upward from there. Before the industrial revolution, humans had never known an atmosphere with even 300 parts per million. Inevitably now, within a few years, the concentration will reach levels not seen since 3.3 million years ago, when sea levels were 60 feet higher. For all their momentum, renewables still only make up 10 percent of global electricity production. But alarmists have to take the good news where they find it. And while mood affiliation is not always the best guide to the state of the world, in 2020, for me, there were three main sources of hope. The first is the fact that the age of climate denial is over thanks to extreme weather and the march of science and the historic labor of activists — climate strikers, Sunrise, Extinction Rebellion — whose success in raising alarm may have been so sudden that they brought an end to the age of climate Jeremiahs as well. Their voices now echo in some unlikely places. Exxon was booted from the S&P 500 within months of Tesla making Elon Musk the world’s richest man. The cultural cachet of oil companies is quickly approaching that of tobacco companies. Jair Bolsonaro of Brazil aside, practically every leader of every country and every major figure in every corporate and industrial sector now feels obligated — because of protest and social pressure, economic realities, and cultural expectation — to at least make a show of support for climate action. It would be nice not to have to count that as progress, but it is. The questions are: How much does it matter? And what will follow? Disinformation and human disregard are not the only instruments of delay, and the age of climate denial is likely to yield first not to an age of straightforward climate deliverance but to one characterized by climate hypocrisy, greenwashing, and gaslighting. But those things, ugly and maddening and even criminal as they are, have always been with us. It is the other thing that is new. The second source of good news is the arrival on the global stage of climate self-interest. By this I don’t mean the profiteering logic of BlackRock, which opportunistically announced some half-hearted climate commitments last year, but rather the growing consensus in almost every part of the globe, and at almost every level of society and governance, that the world will be made better through decarbonization. A decade ago, many of the more ruthless capitalists to analyze that project deemed it too expensive to undertake. Today, it suddenly appears almost too good a deal to pass up. (A recent McKinsey [report](https://www.mckinsey.com/business-functions/sustainability/our-insights/how-the-european-union-could-achieve-net-zero-emissions-at-net-zero-cost): “Net-Zero Emissions at Net-Zero Cost.”) The logic may be clearest in considering the effects of air pollution, which kills an estimated 9 million people per year. In India, where more than 8 percent of GDP is lost to pollution, poor air quality is also responsible for 350,000 miscarriages and stillbirths every year. Globally, coal kills one person for every thousand people it provides power to, and even in the U.S., with its enviably clean air, total decarbonization would be entirely paid for, Duke’s Drew Shindell [recently testified](https://www.vox.com/energy-and-environment/2020/8/12/21361498/climate-change-air-pollution-us-india-china-deaths) before Congress, just through the public-health benefits of cutting out fossil fuels. You don’t even have to calculate any of the other returns — more jobs, cheaper energy, new infrastructure. Of course, countries all around the world are incorporating those considerations too, turning the page on a generation of economic analysis that said decarbonization was too costly and its benefits too small to sell to the public as upside. A decade ago, capitalists deemed decarbonization too expensive. Suddenly, it appears too good a deal to pass up. What is perhaps most striking about all the new climate pledges is not just that they were made in the absence of American leadership but that they were made outside the boundaries of the Paris framework. They are not the result of geopolitical strong-arming or “Kumbaya” consensus. They are, instead, plans arrived at internally, in some cases secretly. This has been eye-opening for the many skeptics who worried for decades about climate’s collective-action problem — who warned that because the benefits of decarbonization were distributed globally while the costs were concentrated locally, nations would move only if all of their peers did too. But a [recent paper](https://www.mitpressjournals.org/doi/full/10.1162/glep_a_00578) by Matto Mildenberger and Michaël Alkin suggests this shouldn’t be a surprise. In their retrospective analysis, they found that, despite much consternation about designing climate policy to prevent countries from “cheating,” there was basically no evidence of any country ever pulling back from mitigation efforts to take a free ride on the good-faith efforts of others. There was, in other words, no collective-action problem on climate after all. For a generation, the argument for climate action was made on a moral basis. That case has only grown stronger. And now there are other powerful, more mercenary arguments to offer. The third cause for optimism is that, while the timelines to tolerably disruptive climate outcomes have already evaporated, the timelines to the next set of benchmarks is much more forgiving. This is why Glen Peters, the research director at the Cicero Center for International Climate Research, often jokes that while keeping warming below two degrees is very hard, perhaps even impossible, keeping it below 2.5 degrees now looks like a walk in the park. This isn’t to say we’re on a glide path to safety. At current emissions levels, the planet will entirely exhaust the carbon budget for 1.5 degrees in just seven years — stay merely level, in other words, and we’ll burn through the possibility of a relatively comfortable endgame within the decade. We could buy ourselves a little more time by starting to move quickly, but not that much more. To decarbonize fast enough to give the planet a decent chance of hitting that 1.5-degree target without any negative emissions would require getting all the way to net-zero emissions by around 2035. Simply running the cars and furnaces and fossil-fuel infrastructure that already exists to its expected retirement date would push the world past 1.5 degrees—without a single new gasoline SUV hitting the road, or a single new oil-heated home being built, or a single new coal plant opened. A two-degree target, by contrast, yields a much longer timeline, requiring the world to achieve net-zero by 2070 or 2080 — without even the help of negative emissions. We’d have to cut carbon production in half in about three decades, rather than one. That pathway will almost certainly prove harder than it looks. The good news is that we seem to be beginning, at least, to try.

#### Saying “warming inevitable” is wrong

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Is the biggest hurdle on climate change outright denial? Or is it the sense that of being overwhelmed and too late, that there’s nothing we can do? As K.C. Golden writes in an excerpt from my newly updated political hope anthology The Impossible Will Take a Little While, defeat is certain only if we accept it as such. What we often call preordained only becomes so through our resignation. So the only way to discover what’s achievable is by taking action, trying new approaches, expanding the bounds of the possible. Golden’s group, Climate Solutions, does exactly that, mixing environmental advocacy on issues like coal exports with climate-change consulting for Pacific Northwest corporations, small businesses, and local governments. In a hopeful sign, sponsors of the group’s annual breakfast recently included Boeing and Alaska Airlines, with which Climate Solutions is working to develop algae-based and other sustainable bio-fuels — a partnership that would have been nearly unimaginable a short while ago. It’s time to rally around an embattled concept: free will. Having aligned myself against a battalion of seemingly irresistible forces over the years, I’ve become a student of “inevitability.” How do environmentally destructive choices become inevitable? Near as I can tell, it starts when the people who will benefit from these choices simply begin to assert their inevitability. We’re especially receptive to inevitability right now. We’re comforted by the notion that amid all the uncertainty and confusion, from the economy to climate disruption — some larger forces are at work toward pre-determined outcomes. We’re sort of relieved to hear that something’s inevitable, even if it’s not necessarily something we like. It clarifies things. It’s more pragmatic to be resigned to the inevitable than to chart a new course through the chaos. Plus, it spares us the disappointment of pinning false hopes on dysfunctional democratic institutions—or working to change them. So the myth of inevitability spreads and the prophecy fulfills itself. If the proponents of a particular course can get a critical mass of folks to believe that it’s a foregone conclusion, pretty soon it will be. Those who assert that conservation and renewables will never replace fossil fuels are using the only strategy available to them. They propound the myth of inevitability because they know that few of us would actually choose more waste, and eternal dependence on coal, oil, and gas extracted in ever-more risky and destructive ways. Having little chance of convincing people that these outcomes are desirable, they tell us we have no choice in the matter. Think about the arguments that have blocked serious U.S. action on climate change. First, it wasn’t happening. Then it was happening but it wasn’t human-caused. (Damn those sun spots.) Now maybe it is human-caused but there’s nothing we can do because China and India’s emissions will swamp us anyway—never mind the American corporations whose manufacturing facilities get counted in their carbon impact. So we might as well shovel and ship their coal because otherwise they’ll just burn someone else’s. Responsibility is no one’s. Resistance is futile. But inevitably we do have choices to make. Failing to make them consciously isn’t failing to make them at all; it’s just falling for the inevitability trap. It’s just giving ourselves an excuse for allowing the wrong choices to be made, and a feeble excuse at that. Among all the reasons for continuing to choose the path of evading responsibility for climate disruption, I think the least satisfying, the least noble, the hardest one to forgive ourselves for is: “It wasn’t up to me.” Well, it’s up to somebody. Who’s it gonna be?

#### Using economics is key to challenge warming

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The environmental sciences have documented large and worrisome changes in earth systems, from climate change and loss of biodiversity, to changes in hydrological and nutrient cycles and depletion of natural resources (12). These global environmental changes have potentially large negative consequences for future human well-being, and raise questions about whether global civilization is on a sustainable path or is “consuming too much” by depleting vital natural capital (13). The increased scale of economic activity and the consequent increasing impacts on a finite Earth arises from both major demographic changes—including population growth, shifts in age structure, urbanization, and spatial redistributions through migration (14-18)—and rising per capita income and shifts in consumption patterns, such as increases in meat consumption with rising income (19, 20). At the same time, many people are consuming too little. In 2015, ∼10% of the world’s population (736 million) lived in extreme poverty with incomes of less than $1.90 per day (21). In 2017, 821 million people were malnourished, an increase in the number reported malnourished compared with 2016 (22). There is an urgent need for further economic development to lift people out of poverty. In addition, rising inequality resulting in increasing polarization of society is itself a threat to achieving sustainable development. Eliminating poverty (goal 1) and hunger (goal 2), achieving gender equality (goal 6), and reducing inequality (goal 10) feature prominently in the United Nation’s Sustainable Development Goals (23). A recent special issue in PNAS on natural capital framed the challenge of sustainable development as one of developing “economic, social, and governance systems capable of ending poverty and achieving sustainable levels of population and consumption while securing the life-support systems underpinning current and future human well-being” (24). The discipline of economics arguably should play a central role in meeting the sustainable development challenge. The core question at the heart of sustainable development is how to allocate the finite resources of the planet to meet “the needs of the present, without compromising the ability of future generations to meet their own needs” (25). A central focus of economics is how to allocate scarce resources to meet desired goals; indeed, a standard definition of economics is the study of allocation under scarcity. More specifically, economics studies the production, distribution, and consumption of goods and services, which are both a key driver of development (increasing standards of living through providing food, housing, and other basic human requirements) and a main cause of current changes in earth systems. Economics, combined with earth system sciences, is crucial for understanding both positive and negative impacts of alternatives and the trade-offs involved. Economics, combined with other social and behavioral sciences, is crucial for understanding how it might be possible to shift human behavior toward achieving sustainable development. Economics has well-developed fields in development economics, ecological economics, environmental economics, and natural resource economics, with large bodies of research relevant to the sustainable development challenge. The application of economic principles and empirical findings should be a central component in the quest to meet the aspirations of humanity for a good life given the finite resources of the earth. Indeed, an extensive body of work by economists provides key insights into aspects of sustainable development. At its best, this work integrates work by other natural and social sciences into a policy-relevant framework and demonstrates the rich potential for collaborations among economists, natural scientists, and other social scientists on sustainable development challenges. For example, economists have developed integrated economic and climate models to address important climate change policy questions, such as how much and how fast greenhouse gas emissions should be reduced (26-31). In 2018, William Nordhaus shared the Nobel Prize in economics, in large part for his seminal work on such models. These models have sparked large debates within economics over fundamental issues such as the proper discount rate (32–35), and with the natural sciences over the likely scale of damages from climate change (36, 37). Another Nobel Prize winner in economics, Elinor Ostrom, used economic models to highlight the importance of governance and institutions for sustainable use of common property resources (38–40). Another important area of work by economists directly relevant to sustainable development defines and measures inclusive wealth (13, 41–49). Ken Arrow, yet another Nobel Prize winner in economics, was a leader in this field. It is also notable that the intellectual roots of inclusive wealth trace to work in the 1970s of two Nobel Prize winners in economics, William Nordhaus and James Tobin (50). Inclusive wealth is a measure of the aggregate wealth of society, including the value of natural capital along with the values of human capital, manufactured capital, and social capital. Inclusive wealth is a sufficient statistic for showing whether or not global society is on a sustainable trajectory. For the past two decades, the Beijer Institute of Ecological Economics, part of the Royal Swedish Academy of Sciences, has held annual meetings bringing together leading economists and ecologists to discuss issues at the intersection of ecology and economics, which have resulted in a number of high-impact papers (51). The idea for a forum to highlight work in economics on environment and sustainable development originated at one of these meetings. Despite these examples and many others, the center of gravity in the analysis of sustainable development remains in the natural sciences, and the center of gravity in economics remains far removed from the challenge of sustainable development. The natural sciences that form the core of earth systems science, including ecology, geology, climatology, hydrology, and oceanography, are a logical place to start to build understanding of the current state and the evolution of earth systems. Natural scientists have taken the lead in prominent analyses of pathways to achieve sustainable development. For example, Pacala and Socolow (52) outline feasible methods using existing technology to reduce greenhouse gas emissions to secure a livable climate. Foley et al. (53) analyze how to meet growing food demand without expanding the footprint of agriculture. Costello et al. (54) suggest how extensive fishery reform could result in improved productivity and ecosystem health. Tallis et al. (55) analyze how to improve material standard of living for a growing population in ways that simultaneously sustain biodiversity, reduce greenhouse gas emissions, and reduce water use and air pollution. These works show that it is feasible to achieve multiple sustainable development goals with existing technology. The harder challenge is combining what is feasible in a biophysical sense with the difficult economic, political, and social hurdles that prevent society from getting to sustainable outcomes (55). In other words, natural science understanding is necessary but not sufficient to achieve sustainable development. While natural science understanding is insufficient on its own to achieve sustainable development, the same is true of economics. Economists alone do not have the knowledge base supplied by the natural sciences necessary to understand the complex ecological systems within which the economic system operates and on which economic activity causes impacts. Progress in sustainable development requires collaboration between social scientists, including economists and natural scientists. Of course, achieving sustainable development requires institutions and political alignment that go well beyond assembling the science knowledge arising from integrated scientific knowledge. Numerous examples show the incomplete nature of collaboration between economists and other disciplines engaged in the analysis of sustainable development. To take one recent example, there were no economists involved in a special section on “Ecosystem Earth” published in Science in April 2017 that contained discussions of population, consumption, agricultural production, land use, human behavior, collective action, and policy (56). The lack of involvement by economists in ongoing discussions of sustainable development leads to gaps in understanding production and consumption decisions, the resulting market outcomes that drive global environmental change, and how to regulate or reduce negative environmental impacts from economic activities. The incomplete engagement of economists mirrors the structure of the economics discipline. The fields of ecological, environmental, and resource economics are not core fields within economics. There are few ecological, environmental, or resource economics publications in flagship journals within economics. For example, in 2018 only two papers published in the American Economic Review listed classification codes for renewable resources and conservation, nonrenewable resources and conservation, energy economics, or environmental economics (57, 58). Only a small minority of the top economics departments have fields in ecological, environmental, or resource economics. In contrast, virtually every top economics program offers fields in labor economics, industrial organization, and international trade. Ecological, environmental, and resource economics programs often are in schools of the environment or natural resources, schools of public policy, or in departments of agricultural economics. In addition, economics is notable among academic disciplines for its relative isolation: “Though all disciplines are in some way insular…this trait peculiarly characterizes economics” (59). Compared with other social scientists, economists have far lower citation rates for work in other disciplines. Jacobs (60) found that the percentage of within-field citations in economics was 81%, versus 59% for political science, 53% for anthropology, and 52% for sociology. In addition, the core of the economics discipline is relatively isolated from the natural sciences that have played a large role in sustainability science to date, ecology, geology, climatology, hydrology, and marine biology. Network maps of disciplines using citations patterns often show economics and fields, such as ecology and geosciences, at opposite ends of the spectrum (figure 3 in ref. 61). Given the large role of economic activity in causing rapid change in earth systems, and the scale of the sustainable development challenge, there is an urgent need for more rapid integration of economics into the core of sustainable development, and for more rapid integration of sustainable development into the core of economics.

#### Default to consequentialism

Sikkink 8, Professor of political science at the University of Minnesota (Kathryn Sikkink, 2008, “The Role of Consequences, Comparison, and Counterfactuals in Constructivist Ethical Thought,” <http://www.polisci.umn.edu/centers/theory/pdf/sikkink.pdf)>

Ethical arguments of these different types are ubiquitous and necessary. But because they are also slippery and open to manipulation and misuse, we also need to be very careful and precise about how we go about using them. I would recommend that first we distinguish very carefully between the comparison to ideals and historical empirical comparison. I believe that many critical constructivist accounts rely on the comparison to the ideal or to the conditions of possibility counterfactual argument. In almost every critical constructivist work there is an implicit ideal ethical argument. This argument is implicit because it is rarely clearly stated, but it is found in the nature of the 36 critique. So, for example, in her discussion of U.S. human rights policy, Roxanne Doty critiques a human rights policy carried out by actors who sometimes use it for their own self aggrandizement and to denigrate others. 42 The implicit ideal this presents is a human rights policy that is not used for denigration or surveillance or othering those it criticizes or conversely, of elevating those who advocate it. What would be examples of such a policy? The book does not provide examples. We do not know if examples exist in the world. So the implicit comparison is a comparison to an ideal – a never fully stated ideal, but one present in the critique of what is wrong with the policies discussed. Nicolas Guilhot makes a similar argument in his recent book. The promotion of democracy and human rights, he argues, are increasingly used in order to extend the power they were meant to limit. “The promotion of democracy and human rights defines new forms of administration on a global scale and generates a new political science.” He historically examines how progressive movements for democracy and human rights have become hegemonic because they “systematically managed to integrate emancipatory and progressive forces in the construction of imperial policies.” But once again, the book offers no alternative political scenario. In the final sentence of the book, the author clarifies that “this book has no other ambition than to contribute to the democratic critique of democracy.” 43 In the introduction, he clarifies, “This book does not provide answers to these dilemmas. At most, its only ambition is to highlight them, in the hope that a proper understanding constitutes a first step toward the invention of new courses of action.”44 Ethically, I believe this is a cop-out. Politically and intellectually, I find it too comfortable and too easy. This critique has a crucial role to play in pointing to hypocrisy (as Price highlights in the introduction). It could also serve as a catalyst for policy change in the direction of policy that would include less surveillance or less cooptation of human rights discourse. But it is unlikely to serve as a catalyst for new action or policy change unless it ventures something more than pure critique, unless it risks a political or ethical proposal. Without that, it has the impact of delegitimizing any human rights policy without suggesting any alternative. Any policy to promote human rights of democracy policy is shown to be deeply flawed or even pernicious. It is portrayed as part of the problem, certainly not as offering any kind of solution. Human rights policy appears to make the situation worse, not better. The critique has the effect of telling us clearly what we do not want, what we can not support—human rights policies by imperfect and hypocritical actors like the U.S. In its historical comparisons, it also lumps human rights policy together with colonialism and does not provide any elements to distinguish between one policy of surveillance and other. All are equally flawed. The ethical effect is to remove normative support from existing policies without producing any alternatives. This is similar to what Price means when he says that “critical accounts which do not in fact offer constructive normative theorizing to follow critique ironically lend themselves to being complicit with the conservative agenda opposing erstwhile progressive change in world politics.” Neither Doty nor Guilhot, for example, contrast two human rights policies to give examples of policies that are more of less hypocritical or where there has been more or 44 Guilhot, p. 14. 38 less surveillance. They don’t contrast human rights policies or democracy promotion policies to previous policies that were also hypocritical and self aggrandizing, but more pernicious – e.g. national security ideology and support for authoritarian regimes in the third world. By presenting no contrasts, the critique would appear to say that there is no ethical or political difference between a policy that supports coups and funds repressive military regimes and a policy that critiques coups and cuts military aid to repressive regimes. These policies would appear to be ethically indistinguishable. Indeed, by these standards, a realist policy (a la Kissinger) might be preferable. Kissinger didn’t denigrate his authoritarianism allies. He took regimes as they were. He treated them as valuable allies. He didn’t lecture them on how they should change. He also, in doing so, encouraged, in some cases, coups and mass murder. But at least he didn’t “Other”. Doty and Guilhot give me no ethical criteria to distinguish between the policies of the Kissinger administration, the Carter administration, and current Bush administration policy. Because the comparison is an implicit ideal, never an empirical real world example, the critique is very telling and can delegitimize the critiqued policy. But nothing is put in its place. So, it demobilizes any support we might have for any human rights policy. It puts the analyst in an ethically comfortable position, but by not proposing any explicit comparison, it demobilizes the reader. We learn what to oppose, to critique, but we don’t learn explicitly what to support in its stead. The result can be political paralysis. One finds it difficult to act.

#### Rejoining the 1ac is key to clash, education, and bridging scholarship gaps between debate and global movements

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Introduction

In the summer of 2020, the murder of George Floyd by police officers in Minneapolis sparked a new wave of Black Lives Matter protests, escalating into what would become the largest protest movement of modern American history.1 The protests put at the forefront of reform debates long-standing demands to “defund the police” and calls for abolition of the prison industrial complex.2 While many policy commentators recoiled at the demand to defund the police, offering more modest and less disruptive alternatives to mitigate the problem of police violence,3 longtime advocates for abolition responded by asserting that the demand was in fact intended to be taken literally and seriously: that police departments and prisons should be defunded and abolished, and that those resources be reallocated to different institutions committed to securing public safety and well-being. The central insight, for abolitionists, is that the problem of police violence against Black residents is a structural problem, a product of the institutionalized biases, cultures, and profit motives embedded in policing as an institution. Given the structural roots of the problem, many well-intentioned reformist proposals for more transparency, stricter rules of police conduct, or other anti-bias measures would simply not succeed4 in reducing the incidence of violence against Black and brown Americans.5 A similar dynamic played out the same summer in a very different policy domain. In July, Congress convened a historic first: a hearing featuring a tough grilling of the CEOs of the big four tech companies, Apple, Google, Amazon, and Facebook.6 After years of increasing public scrutiny over the business practices of these firms and concerns about their market power, 7 policymakers are now for the first time in decades seriously entertaining questions about amped up antitrust enforcement and policy. But at the same time, some have raised cautionary notes, warning that greater antitrust efforts might be problematic, misleading, or ill-conceived.8 Even as concern over “fake news,” disinformation, and media polarization on online platforms like Facebook and YouTube proliferate,9 and as the COVID-19 pandemic accentuates the market dominance of these platform firms, 10 a similar clash is emerging among policymakers, between those seeking structural constraints on the platform business models of information platforms, and those who see such interventions as too draconian, preferring instead case-by-case management of conduct and content on these platforms.11 Or take one more example of this tension between structural and case-by-case regulation in the ongoing debates over the problem of financial malfeasance, too-big-to-fail financial firms, and the risk of financial crises. After the 2008 financial crisis, one set of policy responses has emphasized largely entity-by-entity and case-by-case responses: macroprudential regulation by federal officials overseeing the risk profiles and approaches of systemically risky financial firms, or greater corporate compliance mechanisms promoting “ethical” financial conduct.12 Another set of policy proposals are more structural, seeking to alter the very business models and market dynamics of finance more broadly, whether by converting financial firms into de facto public utilities13 or by breaking up systemically risky banks to prevent the risk of financial collapse in the first place.14 These debates, most prevalent a decade ago, have started to reemerge as the country enters another historic economic collapse, and commentators raise questions about how to structurally remake the financial sector in response. 15 This paper is not about abolition or antitrust or financial reform per se. But it is about an underlying conceptual and analytical debate that lies beneath each of these policy fights—and a wide range of other similar battles playing out in legal and policy circles. Whether it is in context of policing, tech, finance, or in other areas, we can see a similar pattern to the policy debate. Structuralist solutions are proposed in each of these debates, each time provoking a similar set of counterclaims and anxieties. Often, structuralist claims—like defunding the police, breaking up tech platforms, or the sharp restriction of too-big-to-fail banks—are seen as overly costly, dangerous, or simply naïve and ill-informed. Alternatives are proposed that seek to manage or mitigate the problematic conduct of firms or state actors; but these counter proposals are in turn critiqued for being too minimalist or incremental. The problem, however, is that for many policymakers the unease with structural solutions can be habitual and under-explained. When structuralist policies are offered, they are read in terms of a simple spectrum of “more” versus “less” regulation, with more regulation facing a higher burden of justification against default market and private orderings. The problem with this response is that, while structuralist proposals do have their limitations and risks, they are also often apt and well-tailored to the problems they seek to address. That value, however, is easily overlooked insofar as structuralist proposals are too-readily caricatured as naïve or overly costly. This paper attempts to fill this gap, providing a first cut at articulating and theorizing structuralist regulation as a distinct regulatory strategy.16 This paper is an attempt to theorize the concept of structuralist regulation, what makes it unique, what assumptions and under what conditions it should be preferred to more conventional solutions. While structuralist proposals like “breaking up the banks” are often criticized in the frame of being “too much” regulation in contrast to minimalist alternatives, as I will suggest in this paper, structuralist regulation is not necessarily “more”; but it is different, and those differences are sometimes warranted. The idea of structuralist regulation is related to but distinct from other familiar regulatory strategy distinctions: rules versus standards;17 adjudication versus rulemaking;18 command-and-control regulation versus decentralized and “new governance” models of regulation.19 In this paper, I define structuralist regulation as a regulatory approach that attempts to mitigate problematic conduct not through direct enforcement on individual actors, but rather by altering the background social, economic, political structures to prophylactically prevent or reduce the incentives for and likelihood of those incidents. Readers should note that I use the term “regulation” in this paper loosely to refer to various kinds of policymaking; as we shall see, structuralist policies can be effectuated through legislative or administrative means, often both. Structuralist regulation contrasts with more individualized, entity- or conduct-based regulations that depend on case-by-case enforcement, and instead focuses on limiting or altering the capacities and powers of those actors in the first place. Another way to understand structuralist policy is that it operates “upstream” of conventional policy debates: rather than attempting to manage particular instances of problematic conduct by firms or state actors, structuralist solutions preemptively seek to shape the powers and capacities of those actors as a way to prophylactically limit the likelihood of problematic conduct in the first place. Structuralist policy is not a sharp binary contrast with non-structural approaches. But it is a different, distinctive way of thinking about public policy and regulation, resting on different assumptions about the likelihood of harms, about administrative capacities, and also on different causal understandings of the problems it seeks to solve. Structuralist regulations may in some sense be costly: it is likely that some relatively benign conduct will also be swept up or eliminated in a structuralist regime. But these costs come with accompanying benefits: reduced costs of detection and enforcement for regulators; a better economizing of scarce regulatory capacity and autonomy; a precautionary limiting of potentially devastating outcomes; and a more direct addressing of problematic patterns that might otherwise defy remedial efforts. This conceptual clarification generates a number of useful payoffs. First, it offers a language and framework to understand structuralist regulation as a distinct way of thinking about public policy. This is critical to disentangle some of the fuzziness around policy debates in areas like finance, tech, and racial justice. It is also a necessary precondition to having more productive policy debates and opening up more room for research. As I will argue below, often there are good reasons to prefer some kind of structuralist regulation, but plenty of disagreement or lack of clarity on what specific structuralist tool to deploy. Should we break up Facebook via antitrust, or impose public utility / common carriage regulations on the platform, or both? These are arguably both structuralist tools, and there is a debate to be had between them. But that debate can be obscured by unease with structuralist approaches to begin with, making it harder to have an apples-to-apples comparison and analysis of what policy lever to deploy. Second, this concept of structuralist regulation helps provide a policy framework for understanding and engaging some of the structuralist claims made by grassroots reform movements especially in this moment. We are in a unique moment of resurgent grassroots activism, and as scholars of social movements have argued, many of these movements are advancing structural, transformative visions of public policy and legal-institutional change.20 But these claims are often seen as outside the scope of more traditional modes of policy debate and analysis. Building a conceptual framework of what we mean by ‘structural’ reform can help bridge the reform ideas being generated by grassroots movements on the one hand, and those arising from policymakers and academics on the other. More broadly, we might even say we are on the cusp of a revival of interest in structuralist policy solutions in response to the deeper problems of economic inequality,21 racial subordination,22 power in public law,23 and political economy approaches to law and public policy.24 A clearer understanding of structuralist policy design will be important to inform the kind of inclusionary policy agenda needed to remedy these inequities. The rest of the paper proceeds as follows. Part I provides a conceptualization of ‘structuralist’ policymaking, identifying the underlying assumptions that animate structuralism as a regulatory strategy. This Part also notes that this concept of regulatory strategy (or what I call “regulatory logic”, as defined below) should be understood as a distinct way of unpacking and analyzing the patterns of policymaking judgment distinct from other modes of analysis like cost-benefit analysis or the rules-versus-standards debate. Part II then looks at examples of structuralist policy proposals in recent economic policy debates: the debate over tech platforms, the debate over too-big-to-fail financial firms and systemic risk, and the renewed interest in anti-trust and anti-monopoly law. These examples help illustrate structuralist regulatory logics in action, and their distinctive assumptions and potential benefits over more conventional regulatory approaches. The purpose of this Part is not to offer a full-throated defense of structuralist policies in each of these sectors (although I am perhaps unsurprisingly sympathetic to the arguments on the merits); rather the purpose here is simply to illustrate structuralism as a distinct mode of thinking about policymaking. Part III articulates some broader implications for how to implement and institutionalize structuralist policies. Part IV concludes with some closing thoughts on how structuralism as a way of thinking about regulation connects to this broader moment of intense political and scholarly interest in inequality and racial (in)justice.

#### Antitrust debates are valuable

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IV. Antitrust in Civil Society

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

Conclusion

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

#### The plan’s structuralist approach avoids critiques of reform

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C. The anti-monopoly revival as a structuralist turn

Both the platforms and financial regulation debates are manifestations of a broader shift in policy thought: the growing and renewed interest in antitrust and anti-monopoly regulatory approaches. 100 For these scholars antitrust law encompasses a broad toolkit of regulatory strategies to deal with concentrated corporate power and market dominance in sectors ranging from agriculture to pharmaceuticals to ‘big tech’ firms to finance. The toolkit involves not just the familiar strategies of limiting mergers and breaking up large firms, but also ‘functional’ separations, public utility regulations, and more. While there many design questions and intramural debates among these different tools and which tools apply best to which sectors, what this antitrust revival shares is an underlying orientation towards structuralist solutions. First, these antitrust scholars generally offer an empirical analysis of contemporary markets that shift the focus away from individual firm conduct to the linkages between conduct of firms and the larger structure of the market, its relative concentration, and the ways in which the market setting enables or incentivizes problematic firm behavior.101 While some critics have framed this renewed interest as naïve, it is very much rooted in empirical assessments of the current state of particular markets and sectors, which in turn motivates a return to structural solutions like breakup or common carriage obligations.102 Second, these antitrust proposals reflect a reassessment of conventional views of the costs and benefits of structural solutions like breakup. Since the 1970s, antitrust enforcement came under fire, as breakups were viewed as net harmful for the economy, and the goals of antitrust shifted to emphasize consumer welfare as the dominant focal point. But as more recent studies suggest, the fears of the costs of breakup may be overstated—and the assessment of the social and economic benefits of market concentration also overstated in ways that tip the scales back in favor of structural solutions.103 Finally, the new antitrust moment also reflects a different assessment of administrative capacities. As Rory Van Loo suggests in a recent paper, breakups are, despite their conventional image, administrable and effective, and where there are challenging details to be worked out, those particulars are no more difficult to manage than many familiar thorny problems in complex regulatory policy.104 Nonstructural alternatives, meanwhile, are more complex in practice than these critiques suggest.105 III. Applications and Implications The examples of structuralist policymaking in Part II above are illustrative of a broader pattern of structuralist policymaking and structuralist regulatory strategy. The underlying assumptions—focusing on structure and system as the target of regulation rather than individual instances of conduct; the reassessing of costs and benefits of these interventions, especially to prevent especially problematic risks or outcomes; and the reimagining of administrability and efficacy questions—can shape how we approach a range of other policy debates as well. This Part identifies some examples of how this approach to conceptualizing policymaking might apply in other cases, as well as some general implications of structuralist approaches.

A. Structuralism: other potential applications

The distinction between structuralist and non-structuralist regulatory logics helps explain and inform a range of other policy debates beyond the ones profiled in Part II above. As suggested in the Introduction, one way to read the debates over criminal justice reform and policing reform right now is in terms of this same distinction between structural and nonstructural logics. There are a range of proposals for combating the problem of police brutality and police violence, particularly as it affects Black and brown communities in the United States. Many of these proposals revolve around attempts to improve police officer conduct: through anti-bias training, changes to use-of-force principles, body cameras to provide ex post accountability and surveillance of police officer conduct, and the like. But for abolitionists and racial justice movements, these proposals have largely been met with skepticism. For these movement activists, the problem of police violence is endemic to a system of policing where racial bias and where the ethic of violent disciplining of communities of color is baked in so deeply that these kinds of conduct-focused measures will not be sufficient to address the problem of police violence. Alternative proposals of abolition, “defunding the police” or “invest-divest” rest on a different logic: that the problem of police violence can be better addressed by intervening upstream from individual instances of police conduct, and instead redirecting resources away from police departments, into alternative institutions focused on community stability and security. This shift is animated by the structuralist presumptions explored above. First, there is an empirical and causal claim about the systemic origins of police violence. Second, there is a different assessment of the social value of current policing institutions as net-negative, and worth restructuring rather than preserving. Third, there is an implicit view about administrability: the resources and level of information and efficacy needed for technocratic solutions to have impact reflect an overly-rosy view of what training or body cameras can accomplish; by contrast the simple redirecting of public funds would create such a sea change in the nature of public authority that it is in many ways more efficacious an intervention. Or take antidiscrimination law as another example. From employment to housing, legal scholars have suggested a range of structural solutions to endemic problems of discrimination in employment and housing contexts, as a way to remedy the deeper root drivers of discrimination and move beyond individualized, case-by-case modes of enforcement. In the employment context, for example, Susan Sturm has suggested that the problem of systemic biases requires a move beyond individualized enforcement measures to “structural” ones that seek to alter the underlying culture and organizational structure of firms, in particular by embedding systems within firms to monitor and respond to transgressions, and affirmatively prevent more subtle forms of bias in the workplace. 106 On this approach, employers could be held liable for institutional practices and systems that conduce to instances of discrimination.107 Sam Bagenstos has similarly argued for more systemic approaches to antidiscrimination laws, such as the reasonable accommodation standard established in the Americans with Disabilities Act as offering a way to affirmatively promote systemic inclusion and combat patterns of subordination.108 In the housing context, Olati Johnson has argued for a move away from private enforcement of individual claims to instead using affirmative “equality directives” that through administrative measures like the “Affirmatively Furthering Fair Housing” rule, prods local governments to pro-actively design different approaches to zoning, housing policy, and urban infrastructure to promote desegregation.109 These approaches to antidiscrimination share a few common features that echo the structuralist moves identified above. They all shift focus from individualized instances or conduct to underlying firm or geographic systems, designing regulatory interventions to alter those background systems as a way of changing the incidences and patterns of discrimination. Second, these alternative approaches reflect a very different set of presumptions, a greater willingness to exert more dramatic costs and changes on private ordering, in service of public values of non-discrimination. And third, they reflect a boldness and faith in regulatory capacity to induce these changes to the system—and in some ways also reflect a humility, a realization that individualized private enforcement is unlikely to diagnose and respond to the number of instances of problems that will arise.

B. Conceptual implications of structuralist approaches

Stepping back from particular applications of structuralist approaches, there are a number of broader implications of deploying structuralist strategies that are worth naming explicitly. First, structuralism as a way of thinking about public policy operates in some ways as a flipping of presumptions, from a default orientation to market and private ordering in which policy interventions are to be judicious, minimalist, and face higher burdens of justification, to a focus on public goals and needs, where the presumption operates in favor of state action designed to constitute the terrain of economic or social activity. Consider for example proposals for regulating financial activities and money-like products along the lines proposed by Ricks. As Ricks suggests, a range of modern financial firms create moneylike financial instruments, from money market mutual funds to repo markets. These activities, to Ricks, should be regulated strictly in ways analogous to the strict restrictions imposed on cash depositories.110 Money, for Ricks, is a kind of economic infrastructure that should be subjected to public utility style regulations on market entry, rate regulations, and obligations to serve all comers.111 This infrastructural approach is rooted in a conceptual shift: “rather than seeing bank money creation as a legitimate private activity that is regulated, it sees money creation as an intrinsically public activity that is outsourced.”112 By shifting the “institutional baseline” to “public provisioning,” this alters in a fundamental way how risks and costs are assessed. Ricks’ example is indicative of a common feature across applications of structuralist policymaking. Other structural-oriented financial regulation proposals share a similar burdenshifting quality. Yesha Yadav has proposed stricter liability on exchanges for failing to prevent instances of fraud, for example, placing the burden on the exchanges, not on regulators, to be pro-active.113 Saule Omarova proposes a financial product approval process, which would place the burden of justification and safety design on firms, not on regulators.114 These examples show a shifting of baseline presumptions away from markets and private ordering as a default. This in turn places structuralist regulation in the company of policy strategies and concepts that may be of particular value in overcoming market fundamentalist and market-oriented presumptions that for many scholars and critics have characterized the last few decades of “neoliberal” and market-oriented policy imagination.115 Like the precautionary principle, this burden-shifting can also manifest in the other direction, as a greater willingness to deploy strict regulatory restrictions in the face of uncertainty, rather than requiring a greater burden of proof for regulators seeking to intervene. 116 Second, this flipping of the baseline is partly a result of an empirical and sociological understanding. Structural regulation depends partially on analysis that can diagnose the “upstream” causes and identifying levers to change the background socioeconomic conditions that would lower the incidence of problematic conduct “downstream.” The idea that breakups could prevent problematic conduct by market dominant actors turns in part on new empirical findings about how firms have achieved concentration and how that shapes their business models and day-to-day practices. Similarly, the turn to structuralist financial regulations rests on the causal and empirical analyses that identified the structural dimensions of the 2008 financial collapse. This idea of “upstream” causes is not without controversies of its own. There are likely to be significant empirical, causal, and sociological disagreements about whether and which structural features lie at the “root” of the goods or practices that regulation targets. In the financial regulation or antitrust contexts, empirical study has been key to highlighting the underlying features of market structure that conduces to problematic conduct or systemic risks. In the antidiscrimination context, we could understand familiar legal concepts like disparate impact as offering legal justification for shifting from a focus on individualized intent or proof of harm to longer causal chains less tethered to discrete individual actors.117 We may disagree about these causal claims in ways that make aligning on structural solutions difficult. But it is also worth distinguishing where there are genuine factual or causal disagreements about which structural causes are central, from instances where instead we have an anti-structural skepticism of regulatory intervention as noted in Part I above. Third, it is worth noting that structuralist interventions themselves can operate at different levels. For some scholars who have explicitly employed structuralist frames in their work, the structural turn is about shifting the organizational culture and norms within a firm, as a way of institutionalizing more systemic changes in conduct rather than focusing on individual transgressions. Coates frames the Volcker rule in this way.118 As noted earlier, Sturm similarly defines “structural” approaches to anti-discrimination as a way to shift the culture of the workplace itself to prevent or blunt more hidden and implicit forms of bias. 119 Similarly, some corporate law and financial regulation scholars emphasize compliance culture.120 Other structuralist interventions operate even further upstream from the culture of the firm: antitrust concepts or limits on financial firm size or GDPR-style restrictions on the use of data in Facebook’s business model for example alter the very nature of the market and system in which these firms operate, above and beyond any impact on firm cultures of compliance. This suggests a fourth implication: while this paper has largely treated ‘structural’ interventions as distinct from non-structural ones, one could imagine circumstances where structural and non-structural solutions might coexist and even complement one another. Some structuralist strategies might operate by targeting specific firms in ways designed to induce a broader change in business models, practices, and conduct in the sector more broadly. In the financial regulation context, one way to read the impact of the FSOC’s power to designate firms as ‘systemically risky’ is as a highly costly threat that forces firms to alter their business models and cultures to avoid running afoul of the designation authority—what some scholars have called “regulation by threat”.121 Although this intervention in a sense targets individual firms, it does so in a way that induces wider shifts in the sector writ large. Similarly, Rory Van Loo has highlighted the role of “gatekeeper” firms who themselves can be deputized as enforcers and regulators of whole sectors, by well-designed regulatory interventions that leverage the oversight and systemic power of key firms like platforms or infrastructural firms like banks.122 In the policing context, we might consider the revocation of qualified immunity in a similar light: while this shift would operate by imposing costs on individual state actors, it could shift incentives so dramatically as to induce a wider shift in policing culture and practice.

C. Institutionalizing structural policies

A structuralist lens on regulation and public policy raises a number of further implications for the structure of policymaking bodies themselves. First, structuralism can apply just as readily in context of legislation as it can in context of administrative policymaking. This paper has used the term “regulation” loosely, at times referring to statutory interventions, at other points highlighting administrative rules. The point is that when we look at the underlying strategy informing a policy intervention, we can see important differences in how policymakers conceptualize the problem and their tools that shapes the content of those policy interventions—independent of the institutional setting through which the policy is implemented. Second, insofar as structural regulations do involve administrative actions, it is likely that some of our prevailing conceptions about regulatory policymaking will also have to shift to better align with these strategies. In particular, as scholars in the financial regulation arena have noted, structuralist approaches to financial regulation seem to require a more expansive view of conventional understandings of cost-benefit analysis. When rules are themselves constitutive of markets, and upstream of individual firm or entity actions, any cost-benefit analysis is likely to be highly speculative—and easily misapplied. In this context, cost-benefit requirements whether doctrinal (as in the case of arbitrary and capricious review) or administrative could be misapplied, or even weaponized by industry to oppose structural solutions.123 Third, structuralist regulations will still require administrative agencies to be implemented and enforced—and this type of regulatory strategy might require different types of agency structures, capacities, or designs. The implementation and then quick dismantling of structural financial regulations like the Volcker Rule and the systemic risk designations by the Financial Stability Oversight Council for example suggests that precisely because of their significant impacts on industry, structuralist rules might be more likely to generate tougher pushback and lobbying from industry—which in turn suggests the need for greater attention to agency designs that prevent capture, empower other stakeholder groups, and promote democratic accountability.124 Structuralist anti-discrimination law, as Bagenstos notes, depends on alert, active, and engaged enforcement agencies to get off the ground.125 In the tech platforms and big data debate, some scholars have proposed various administrative law mechanisms to promote greater regulation, from review boards to disparate impact statements to the creation of dedicated regulatory bodies focused on the problems of big data.126 The efficacy of these administrative structures, however, depend on the degree to which they are deployed in service of more structurally transformative policies.

IV. Conclusion: Structuralism and the inequality crisis

Across a range of debates in economic policy, racial justice, and public law, we see a renewed interest among scholars and policymakers in what this paper has called “structuralist” policymaking strategies. Structural strategies are animated by three underlying conceptual shifts: first a focus on the structure and system as the target of regulation rather than individualized conduct or entities; second, a reassessment of costs and benefits that favors more prophylactic and “upstream” interventions; and third, a reassessment of the relative administrability and efficacy of structural approaches in contrast with more conventional regulatory models such as direct conduct supervision or disclosure regimes. This focus on structuralist strategies arises particularly in context of the broader current crisis of economic, social, and political inequality affecting American democracy. The renewed interest in more structural, transformative, and durable policy interventions in these different policy domains from finance to tech to antitrust to racial justice reflects in part a broader political moment of deeper concern in and attention to structural inequities. In recent years, the problem of economic inequality has taken center stage in law and policy discussions, and in the last few years we have also seen a greater public attention to questions of racial justice and structural questions of power.127 Structural regulations seem especially critical for overcoming deeply entrenched inequities of wealth, power, influence, and control over the economic and social realities of American democracy. The urgency of these inequities is reflected in the surge of social movement organizing in recent years, and it is telling that many of these movements for economic and racial justice themselves deploy a specifically structural language and frame for diagnosing the root causes of inequality and in the solutions they are offering.128 The stakes of this structuralist turn in policymaking strategy, then, is about more than simply rediscovering a different way to approach public policy; it is also fundamentally about developing the kind of policy language and a legal architecture needed to meet the urgent needs of egalitarian and democratic social change in this moment.

# 2AC

## ADV---Warming

### 2AC---!---Warming

#### Warming causes suffering, environmental degradation, and extinction through biodiversity collapse, food shortages, and excess emissions.

Climate action needs to be rapid and targeted---US emissions policy is modeled globally which makes the plan a locust point for action---that’s Koski.

#### That outweighs the criticism because human life is an intrinsic good, and voting aligns with fossil fuel industry propaganda that climate change is a non-issue. Fossil fuel companies inflict disparate violence on low income communities of color stripping communities of the social, cultural, and political capital necessary to stimulate activist movements---that’s Funes.

Funes is an activist advocating for holding the fossil fuel industry accountable for decades of prioritizing profits over public good. The plan is a radical approach to decimate fossil fuel companies and stimulate a rapid transition to renewable energy.

### 2AC---!---Turns Colonialism

#### Warming magnifies settler impositions

Whyte 16. Kyle Powys Whyte, Michigan State University Timnick Chair in the Humanities, Associate Professor of Philosophy and Community Sustainability In Press. “Is it Colonial Déjà Vu? Indigenous Peoples and Climate Injustice” November 2016. . Humanities for the Environment: Integrating Knowledges, Forging New Constellations of Practice. Edited by Joni Adamson, Michael Davis, and Hsinya Huang. Earthscan Publications. Pages 88-104. ckm-eg.

Climate change fits succinctly within this pattern. For this reason, many contemporary Indigenous peoples are concerned about their vulnerability, or susceptibility to be harmed, by impacts associated with the observed rise of global average temperature, or climate change. That is, they are concerned about climate risks as they are increasingly confronted by change stemming from the carbon intensive economic activities of settler and other colonial societies. Climate change impacts can be seen through the lens of forms of containment (among other forms of domination), this time arising from settler contributions to increasing the concentration of greenhouse gases in the atmosphere. Warming waters and receding glaciers affect the fish habitats in Indigenous territories all over the world, such as on the Pacific coast of North America where many Tribal nations harvest salmon for economic and cultural purposes (Bennett et al.). Sea level rise is pushing people living in the Village of Kivalina in Alaska, the Isle de St. Charles in the Gulf of Mexico, and the Carteret Atoll in Papua New Guinea to relocate (Maldonado et al.). In these cases we see 8 both shrinking habitats and relocation occurring again. The Loita Maasai peoples in Africa face droughts that affect the rain conditions required for performing many of their ceremonies (Saitabu). Indigenous women, girls and two spirit persons in the Arctic and Great Plains regions are subject to greater sexual violence, abuse and trafficking as work camps for oil and gas extraction, such as ‘fracking,’ bring in male contractors to profit from the resources found within Indigenous territories (Sweet). Climate change impacts and drivers represent another form of inflicted anthropogenic environmental change. Scientific reports confirm many of the threats just described. In 2014, the U.S. National Climate Assessment states that Indigenous peoples face the ‘loss of traditional knowledge in the face of rapidly changing ecological conditions, increased food insecurity… changing water availability, Arctic sea ice loss, permafrost thaw, and relocation from historic homeland’ (Bennett et al. 2). The Intergovernmental Panel on Climate Change’s Fifth Assessment Report claims Indigenous peoples face ‘challenges to post-colonial power relations, cultural practices, their knowledge systems, and adaptive strategies’ (Adger et al.). Indigenous peoples’ own descriptions of climate risk indicate that settler and other colonial societies are imposing rapid environmental change that generates otherwise preventable harms. The Mandaluyong Declaration quotes Miskito women in the Americas who say, in response to changing environmental conditions, that “We now live in a hurry and daughters do not cook as grandmothers… We do not catch fish as before, do not cook as before; we cannot store food and seeds as before; the land no longer produces the same; small rivers are drying up… I think that along with the death of our rivers, our culture dies also.” (300-01). For many Indigenous peoples, these rapid changes are experienced as a continuation of settler colonialism and other forms of colonialism that they have endured for many years. For we have experienced these types of environmentally-related impacts before— from dietary change to relocation to sexual violence—though caused by different factors, such as multiple settler institutions of containment. Though institutions of containment represent just one limited example of a much more complex history with settler colonialism. Anthropogenic climate change is of a piece with forms of nonconsensual and harmful environmental change inflicted on our societies in the past. Some Indigenous peoples look at futures of 9 rampant climate injustice as looking to the cyclical history of settler and other colonial inflictions of anthropogenic environmental change on Indigenous peoples in order to instantiate erasure. Yet what is more insidious about climate injustice against Indigenous peoples is that the settler institutions such as those of containment, that inflicted environmental change in the past, are the same institutions that fostered carbon-intensive economic activities on Indigenous territories. That is, containment strategies, such as removal of Indigenous peoples to reservations or the forced adoption of corporate government structures, all facilitated extractive industries, deforestation and large-scale agriculture. What is more, and as I will discuss in more detail in later sections, these are the same institutions that today make it hard for many Indigenous peoples to effectively cope with climate change impacts. In this way, climate injustice against Indigenous peoples refers to the vulnerability caused by ongoing, cyclical colonialism both because institutions facilitate carbon-intensive economic activities that produce adverse impacts while at the same time interfering with Indigenous people’s capacity to adapt to the adverse impacts

#### Biodiversity is lost due to contingent and political practices---“being” can’t explain policy choices, AND challenging modern settlerist ontologies can’t unsettle destructive practice.

--“Moderns,” “Us,” etc. is referring to the Western, masculine, heteronormative subject---not like modern vs savage

Clive **Hamilton 17**. Professor of Public Ethics at Charles Sturt University in Canberra. 06/26/2017. Defiant Earth: The Fate of Humans in the Anthropocene. 1 edition, Polity.

The ontological wrong turn For all its “materialism” post-humanism moves in a world of knowledge, or rather knowledges and perspectives. It is a reaction against modernity’s claim that the only legitimate way to understand the world is through a single universal kind of reason, one that emerged from the foundational distinction between the subject who knows and the object that is known. The “ontological turn” goes beyond post-humanism’s defense of different knowledges to defend the truth of a variety of ways of being, a plurality of ontologies. The turn has been lent empirical force from anthropology in the observation that other cultures did not separate and elevate the human in the way the Moderns did. Of course this has been known for a long time. The novel move is to understand these cultures not as alternative ways of seeing the world – perspectives interpreted as anything from primitive to respect-worthy to the only means of saving the Earth – but of different worlds, that is, different ways of being. The most systematic, powerful and scholarly statement of this position is by Philippe Descola in Beyond Nature and Culture, which systematizes ontologies with various combinations of modes of interiority and physicality. He posits four: naturalism (the modern Western way of being), animism (among Amazonian Indians, for example), totemism (Australian Aborigines), and analogism (Chinese geomancy or Europe in the Middle Ages). In this way the Western mode of being is merely one among others, and Descola is not afraid to point to its faults, while maintaining a respectful neutrality toward the other three. In considering the (Western naturalist) opposition between nature and culture, the non-human and the human, Descola asks which unique feature could separate humans from nature. He concedes that children learn early to distinguish between entities endowed with intentionality and those without it, and that intentionality is only one of a range of obvious differences between oneself and natural objects. Yet, he asks, why draw the frontier between human and object at intentionality or language or the ability to make things? Why not draw the frontier at independence of movement, or at life, or even at material solidity? We Moderns would do better to go to pre-modern ontologies to understand the world around us rather than rely on “the tiny quantum by which we distinguish ourselves” from other objects. 31 Well, that tiny quantum was enough to shift the Earth’s geological arc and to do so more or less consciously. It was the place at which Moderns stood to move the Earth, and where the lever they used to do it, modern technology wielded by the force of capital accumulation, was manufactured. And the truth is that preventing the Earth from moving a great deal further from its Holocene homeliness cannot be achieved by standing somewhere else, and certainly not in the Amazon rainforest. Or, more accurately, the place to stand must be a step forward from the modern one rather than a step backwards. Descola observes, quite rightly, that nowadays it is hard to refer to any difference between “Us and Others” without being accused of incipient racism (in the case of the bad guys) or “impenitent nostalgia for the past” (in the case of the well-meaning ones). 32 He defends himself from the latter accusation with the argument of his book – that Western cosmology is only one among several ways of being and those immersed in it cannot use it to judge the others (although he in fact does, in a positive way). How am I to defend myself against the accusation of incipient racism when I underscore the difference between modern Us and pre-modern Others? The immediate response is to remind ourselves that Others did not make the Anthropocene; that was done by Us. The implication is, as I have been arguing throughout, that the Moderns are responsible for immense accomplishments by building a system of astonishing dynamism, transforming the conditions of life in ways at once magnificent and ruinous. A second defense is that, notwithstanding all their merits, pre-modern ontologies cannot help us now. While acknowledging the unheralded sophistication of their cosmologies and deep relationships with the natural world, they could not provide the ontological grounding for the vast technological achievements of modernity nor its world-ruining effects. At the very end of his volume Descola writes that it would be mistaken to think that pre-modern cultures “can bring us a deeper wisdom for the present time than the shaky naturalism of late modernity.” 33 Elsewhere he tells us we should not “cling to” our way of seeing the world when there are better ways “still very much alive.” 34 But not even the inheritors of those other ways believe that. If we accept the validity of the division of the world into various ways of being and corresponding ontologies, it nevertheless remains true that one of those ontologies, Western naturalism, has become utterly dominant and continues to drive the others from the face of the Earth. This “ontocide” may not succeed completely because Indigenous people, while negotiating their existences in the modern world, are finding means of retaining elements of their cosmologies and ways of being, creating modern-traditional hybrids. At the risk of speaking on their behalf, most Indigenous people understand that old worlds cannot be preserved except by rearticulating them in a dialogue with the modern world. Social scientists who call for a return to non-dualistic pre-modern ways of being – Descola even suggests we might find dead ones on library shelves and make them “come to life once more’ 35 – propose a political strategy that Indigenous people themselves typically do not entertain. So ontological anthropology risks freezing Indigenous people in purified ways of being, whereas they are daily negotiating blends and compromises between modern and non-modern ontologies, not least when engaged in practices such as the production of “traditional” artworks. The new ontological divisions of the avantgarde anthropologists are not worlds that Indigenous people themselves feel obliged to occupy. There are bridges to cross from the modern to the nonmodern and back again, and many do it several times a day. It is true that the grounding of certain Indigenous ontologies holds something that ought to be recovered in a new Anthropocene way of being beyond modernity, and that is their cosmological sensibility. It is the very “primitivity” of these cosmo-ontologies that separates them from more “sophisticated” premodern traditions like Christianity, city religions that turned inwards to become preoccupied with the self and its salvation. As the Anthropocene consumes the world, it’s hard to listen to earnest words spoken in prayer halls or meditation rooms about how to know God or to achieve emptiness without being struck by the thought that the inwardness of all such journeys of the self serves as a distraction from what is happening outside the window, and that the absence of separation of the traditional Indigenous self from its natural world may hold a powerful message for how to live in the Anthropocene. Nevertheless, it is not patronizing to say that Indigenous people do not have the solutions to the Anthropocene. The Anthropocene is as much a shock to them as it is to everyone else. To turn to them for answers shoulders them with an impossible burden. We made the mess and “going native” ontologically is no answer. Looking upon Indigenous cultures with awe and regarding them as having magical potency is to fetishize them, a tendency now taken so far by some as to attribute to them the power to fix the climate and reverse the geological destabilization of the planet. There is no need to reject the historical truth of modernity and go looking among pre-modern ontologies for an alternative. The only way forward is to begin from where we are, in modernity, and from there work toward a “beyond-modernity” way of being, a fifth ontology to add to Descola’s four. Even if we set all this aside there is a much more compelling reason why it is futile to look to Indigenous ontologies for an answer to the Anthropocene. The vast majority of non-Western people live not in the Amazon rainforests, the Arctic Circle, or the central deserts of Australia; they live in the sprawling cities of China, Nigeria, Brazil, and Indonesia. For the most part, they are quite willing to leave behind the remnants of non-naturalist ontologies – which typically they see anyway as the preserve of primitive tribes within their own territories – and seek to adopt Western ways as quickly as they can. The largest populations of Asia, Latin America, and Africa are attempting, many with extraordinary success, to emulate the growth mania, technological practices, consumer lifestyles, and personal identity formation of the Euro-American way of being. Introducing Beyond Nature and Culture, Marshall Sahlins writes that Descola’s claim is that “other people’s worlds do not revolve around ours.” But the hard truth is that in practice they do and, like ours, their worlds are being sucked into the whirlwind of the Anthropocene. The new great power, China, strives to ensure its best and brightest are steeped in modernity’s subject–object ontology by sending them to be shaped by the universities of the North, the cathedral schools of naturalism. If Europe made the transition from the analogism of astrology and alchemy to the naturalism of science across the seventeenth and eighteenth centuries, China has done it in 30 years of industrial growth, albeit on cultural grounds thoroughly tilled, fertilized, and cultivated over the previous four decades by that other great agent of Western naturalism – Marxism. It’s too late to exhume the corpse of Confucius. Neither comparative ontology nor science studies provides a firm basis for social analysis. The preoccupation with objectivity and the “subject–object split” has never extended to the other domains of modernization – business, technology, the state, politics, law, and colonial conquest. Modernity, in the words of Lucas Bessire and David Bond, “has never been organized around any single binary.” 36 A mistaken understanding of nature by scientists in their labs was no guide to the messy historical world outside that gave rise to the actual practices of modernity. And against the excessive power attributed to the modern philosophy of culture versus nature, Bessire and Bond remind us that climate change is not due to modernity but to the burning of fossil fuels, and we are better off going to actual history and recent politics to find a way to counter it. One interrogates the nature–culture split in vain for an explanation of why France decided to generate its electricity from zero-emissions nuclear power while Britain took the coal option. It is a stretch of logic to go from modern science’s claim to objectivity to the chauvinism of the anthropologist studying “the savage mind” of the non-Westerner. Those immersed in Western naturalist ontology were not alone in viewing the Other through eyes of racial superiority, as every black person or Korean arriving in nineteenth-century Japan discovered. Cultural chauvinism knows no ontological boundaries. The step from the Moderns seen through science studies to the modernization worldview of the anthropologist – let alone the colonial conqueror – is in fact a large leap. “The Modern” risks becoming a portmanteau into which is stuffed every attitude, practice, and ideology that might be called “Western,” one that can be opened up for an answer to any question. Ostensibly, ontological pluralism has emerged to release us from “the crushing division between Object and Subject.” 37 Such a pluralism means we no longer judge other ways of seeing the world through Western eyes, scorning them as superstitious or backward cultures while basking in the light of modernity. But isn’t there a third option, other than dismissing pre-modern ontologies as superstition or giving them equal or higher ontological status? It is one that maintains a respectful distance, standing aside and saying “we cannot know, and will not judge,” and then acknowledges that Western naturalism emerged supreme, even if it did so merely as the philosophical enabler of European military-technological power and colonial conquest. Recovering the cosmological sense? When Indigenous people found white invaders on their shores they did not see the occasion as a meaningless accident that “just happened”; they went looking in their cosmologies for an understanding of where the episode fits in their world. Are these white visitors old spirits returning? The sense of grand events embedded in an unfolding order rather than arriving accidentally is characteristic of non-modern cosmologies, and of course to religious traditions in the West. Yet, like humanists, post-humanists understand world history as a series of accidents. A world history purged of all inner meaning is the ontological heart of modern cosmology, one captured in the shift in the meaning of the word – from a life-governing set of beliefs about the creation of the world, its meaning, and the place of the tribe within it, to that of theories of the origins and physical structure of the universe. So a view of modernity as a meaningful unfolding within a larger world or cosmic order is more deeply non-modern than the ontological pluralists’ view that it was a historical misfortune to be rectified by going to the ontologies of the non-Moderns to learn how we might merge nature and culture once again or recognize that they never really split. Yet I’m suggesting that, for those who sense some larger meaning in the Anthropocene’s arrival and what it may be telling us about the role of humans on Earth, there is no going back to pre- modern ontologies for an understanding; we must look ahead to the evolution of modernity itself, driven by its own endogenous forces and contradictions within a larger order. Recasting agency is at the center of this rethinking. For post-humanists, the human claim to exclusive agency is an illusion. If we are so deeply embedded in networks that the division between humans and non-humans is dissolved and our agency is barely distinguishable from that of an ant or a robot, then intentionality and freedom become mirages. They are suspicious of all categories of early modern philosophy used to define humans as unique creatures – freedom, consciousness, will, Reason. Yet turbo-charged agency was the essence of modernity, combining freedom from oppression with power over nature, using science and technology and the institutions that mobilized them. Yes, post-humanism has taught us to blur the hard-and-fast division between subject and object by accepting our inescapable physical entanglements. It has made us understand, thanks to ecology and Whitehead, that nothing exists outside of its relationships. And it has demolished the idea of capital-S Science rising above the actual world of scientific practice. Yet if humans can exist only within networks that does not mean we are nothing more than nodes in the tangled web of worldly processes. Modernity was not an illusion but the arrival of the time of greatest promise and greatest danger, each represented by real social forces and movements that have fought out the great political and social battles. Only when we accept the greatness of the human project and the extreme danger that goes with it can we pose the epoch-defining question: how are we to use our power to pacify and protect the Earth rather than destroy it?

## AT: K---Settler Colonialism

### 2AC---K---Framework

#### Clash turns the K

Sium et al. 12, Ontario Institute for Studies in Education, University of Toronto, Canada (Aman Sium; Chandni Desai; Eric Ritskes, 2012, “Towards the ‘tangible unknown’: Decolonization and the Indigenous future,” Decolonization: Indigeneity, Education & Society, Vol. 1, No. 1, pp. I-XIII)

Continuance

Theory and action are interlocking - one does not exist without the other. Theory must inform action, and action must inform theory. Those who are quick to act must be willing to integrate the theory that is derived from the communities they live in; this makes action sustainable, it gives support networks, and recognizes that actions have consequences beyond the immediate context. Those who are quick to theorize must be willing to act on what they believe in; this deepens and contextualizes theory, teaches humility and cooperation, and brings a sense of immediacy and materiality to theoretical work. Mariolga Reyes Cruz (this issue) speaks of living in these contestations when she describes navigating her role as a ‘reluctant academic’, living “neither with god nor the devil,” in a space of contradiction and contestation. We must recognize that theory is created on a daily basis in our communities, at the kitchen tables of our houses, in the forests, and on the fields of the land. Jeff Corntassel (this issue) speaks about the ‘everyday acts of Indigenous resurgence’ and this is the ‘our way’ that Taiaiake Alfred gestures to when he states, “We must do it [decolonize] our way, or risk being transformed by the fight into that (and those) which we are struggling against” (2009a, p. 131). Indigenous knowledges have sustained communities since the beginning, have been the anchor against the roaring storm of colonialism, and have regenerated and restored power, spirit and humility to individuals. There is much to be learned here. Mariolga Reyes Cruz (this issue) writes about how she is synthesizing knowledge and life in academia through her work on the land, learning new forms of work and knowledge, and contesting coloniality in new ways. It is in these daily and often intimate acts that decolonization resides, exploring and living with the contrasting claims of oppression and privilege, complicity and resistance. There is theory, sustenance, and power in these daily acts of resistance. We must also recognize that, in this struggle for decolonization, that alliances and solidarity are not a given; it takes hard work to ensure that the tentative connections between Indigenous communities, between non-Indigenous peoples and Indigenous peoples, etc. exist and thrive (Gaztambide-Fernández, this issue; Smith, 2008). Community must be built, not assumed. This is especially true in the face of a neoliberal colonial force that emphasizes individuality, individual rights, and competition for destruction. Community is not easy, it is always threatened, and it requires embracing complexity and contradiction (Gaztambide-Fernández, this issue). Gaztambide-Fernández suggests that imaginatively we can construct new ways of entering into relationships with others, while recognizing this work will take more than imagination. At the heart of it, he articulates a pedagogy of solidarity as the possibility of recasting human relations as well as what it means to be human. Since the production of a “better” human was premised upon European Enlightenment and modernity (Wynter, 2003), central to the project of decolonization is the reformulation of the genre of the human through a multiplicity of epistemologies, ontologies and axiologies that remake the very way in which the human has come to be known and classified. This remaking may offer new directions and possibilities for decolonization. What remains, for us, are questions; it takes humility to ask questions that do not have easy answers. There is power in questions and questioning, in being able to live in the understanding that not everything is known or knowable. Nakata (this issue) emphasizes the importance of questioning, even within already critical Indigenist spaces, and advocates a constant pushing of analysis to reveal holes in theory and practice. This questioning is necessary because, as stated earlier, decolonization is not interested in simply turning the colonial world upside down, but requires the courage and imagination to envision and construct a new future. Indigeneity responds to the demands of contesting colonialism; it is creative and creates new solutions to new problems. This requires humility because, as Mariolga Reyes Cruz points out to us, decolonization is “moving towards a different and tangible place, somewhere out there, where no one has really ever been” (this issue, p. 153). There are others on this journey, each struggling and reaching for that tangible unknown of decolonization. Decolonization as a tangible unknown leaves room for dialogue and for dissent, as well as for coming together to each contribute to one another’s shared visions and goals. We don’t write this as a conclusion because the end of the story has not been written and, in truth, the story isn’t even linear in that way. Indigenous stories circle back, are performed and re-performed, and, with each telling and re-telling a new layer is added, a new truth revealed (Little Bear, 2005). We hope Decolonization: Indigeneity, Education & Society is able to be part of this cycle, to support those who are telling and re-telling stories of Indigenous knowledge, power, community, and resurgence

### 2AC---K---Permutations

#### Perm do both---racial and environmental progress must be combined

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Black Lives Matter. The global movement in support of the rights of Black people highlights the systemic and institutionalised racism that has resulted in the murders of Black people as a result of police brutality and the suppression of economic and social development of Black communities in America. The many videos and accounts of horrific incidents of police violence have spurred protests from diverse groups around the world. People of all ethnicities are joining together to demand an end to these appalling acts of violence, including cries to defund the police and allocate resources to community development, education, and other programs that would uplift Black communities. But, what does Black Lives Matter have to do with climate change? Everything. In any crisis it is the poorest and most vulnerable that suffer the greatest impacts. This has been most recently demonstrated by the telling statistics of deaths caused by COVID-19, in particular in the United States where Black and Native American people are dying at disproportionately higher rates. The impacts of the pandemic have laid bare the striking inequality in the US and its racist dimensions. As summed up by Patrisse Cullors and Nyeusi Nguvu, members of the Black Lives Matter movement, “Racism is endemic to global inequality. This means that those most affected – and killed – by climate change are Black and poor people”. It is for this reason that calls are now being made to centre racial equity and justice in seeking meaningful solutions for the climate crisis. The direct linkages between environmental justice and racial justice have long been areas of research and activism, and the relationship between climate justice and racial justice builds on these connections. Long-standing racist policies and practices – such as residential segregation, unequal educational opportunities, and limited prospects for economic advancement – have led to increased vulnerability of Black people to climate change impacts and by extension other global crises that may emerge. In the United States, disproportionate percentages of people of colour live in places that are polluted with toxic waste, leading to negative health effects such as cancer, asthma, degraded cardiac function and high blood pressure. Research has also highlighted that race has a stronger influence on exposure to pollutants than poverty. This means it is likely that polluters not only site their activities in low income areas, but in some cases are actively selecting locations where there are high percentages of Black people in particular. Climate change intensifies the health impacts of pollution in these communities. For example, higher air temperatures due to global warming traps air pollutants close to the ground, further reducing air quality and exacerbating existing health issues. A recent study of 32 million US births found that women exposed to high temperatures or air pollution are more likely to have premature, underweight or stillborn babies and that Black mothers are most affected. Black communities are also disproportionately located in areas that are physically vulnerable to climate hazards, such as hurricanes and flooding. Moreover, they are often afforded unequal levels of protection from the government as compared to protection provided for other groups. For example, Hurricane Katrina highlighted the legacy of unequal flood protection in New Orleans, where racially biased distribution of government funding resulted in subpar levee protection for Black neighborhoods. Over 80% of the homes that were lost belonged to Black people and Black people made up over half of total fatalities. Even after Black people bore the brunt of impacts of Katrina, initial plans for redevelopment of New Orleans privileged white communities. Subsequent hurricanes have exemplified the racial disparity in disaster recovery aid issuance and prioritisation, with Black people being significantly less likely to have access to assistance for household or business recovery. Climate justice and racial justice are global issues. Just as the Black Lives Matter movement is not solely about police brutality, it’s not just in America where these climate and racial injustices play out. The linkages between racial and climate justice can be seen around the world. In the climate change sphere, it is well understood that those who will suffer the most from climate change impacts (Small Island Developing States and Least Developed Countries) have contributed the least to the global crisis. But just as in developed countries, for developing countries this inequality in distribution of impacts is also relevant at the community level. For example, in Latin America, the most unequal region in the world, it is clear that environmental justice is certainly also a racial justice issue. Issues concerning Indigenous land, the rights of rural landowners, and expansion of energy, agribusiness and other industries are central to racial and environmental justice struggles. Globally, the linkages between climate and racial justice have not gained the recognition they should in the broader climate change movement. At the level of international climate negotiations, the rate of progress on these fronts is still too slow. The human rights lens on climate change in the global discussion has only gained limited traction with some minor progress on the gender and climate change front. In addition to this, systemic racism in the climate movement also results in the marginalisation of Black expertise including scientists and practitioners, as European perspectives are generally supported, prioritised and magnified. Black climate experts face the additional burdens of operating within racist structures while also trying to address climate change. The climate movement simply does not have a good track record of handling issues of equity or understanding climate change in dimensions beyond strictly environmental. However, the Black Lives Matter movement is bringing much needed attention to these issues and will hopefully continue to spur positive change. Due to the movement, climate activists around the world are increasing their support for climate justice and racial justice. These are complex issues and there are no simple fixes. The task of dismantling systemic and institutionalised racism requires more than superficial gestures, but instead entails assessing, changing and even eliminating long-standing systems that lead to inequality. Supporting organisations committed to racial and climate justice and eradicating policies that marginalise Black people and communities of colour are just a few of the widespread changes that must happen. The time has come for the climate change community to recognise and act upon the racial injustices that increase the risks of climate change for Black people and other communities of colour.

### 2AC---K---AT: 1NC 1

#### Warming causes violence and essential to seek solutions for because it affects everyone---emissions, ocean acidification, extreme weather, and food shortages

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Scientists have a moral obligation to clearly warn humanity of any catastrophic threat and to “tell it like it is.” On the basis of this obligation and the graphical indicators presented below, we declare, with more than 11,000 scientist signatories from around the world, clearly and unequivocally that planet Earth is facing a climate emergency. Exactly 40 years ago, scientists from 50 nations met at the First World Climate Conference (in Geneva 1979) and agreed that alarming trends for climate change made it urgently necessary to act. Since then, similar alarms have been made through the 1992 Rio Summit, the 1997 Kyoto Protocol, and the 2015 Paris Agreement, as well as scores of other global assemblies and scientists’ explicit warnings of insufficient progress (Ripple et al. 2017). Yet greenhouse gas (GHG) emissions are still rapidly rising, with increasingly damaging effects on the Earth's climate. An immense increase of scale in endeavors to conserve our biosphere is needed to avoid untold suffering due to the climate crisis (IPCC 2018). Most public discussions on climate change are based on global surface temperature only, an inadequate measure to capture the breadth of human activities and the real dangers stemming from a warming planet (Briggs et al. 2015). Policymakers and the public now urgently need access to a set of indicators that convey the effects of human activities on GHG emissions and the consequent impacts on climate, our environment, and society. Building on prior work (see supplemental file S2), we present a suite of graphical vital signs of climate change over the last 40 years for human activities that can affect GHG emissions and change the climate (figure 1), as well as actual climatic impacts (figure 2). We use only relevant data sets that are clear, understandable, systematically collected for at least the last 5 years, and updated at least annually.

[Graphs Excluded]

The climate crisis is closely linked to excessive consumption of the wealthy lifestyle. The most affluent countries are mainly responsible for the historical GHG emissions and generally have the greatest per capita emissions (table S1). In the present article, we show general patterns, mostly at the global scale, because there are many climate efforts that involve individual regions and countries. Our vital signs are designed to be useful to the public, policymakers, the business community, and those working to implement the Paris climate agreement, the United Nations’ Sustainable Development Goals, and the Aichi Biodiversity Targets. Profoundly troubling signs from human activities include sustained increases in both human and ruminant livestock populations, per capita meat production, world gross domestic product, global tree cover loss, fossil fuel consumption, the number of air passengers carried, carbon dioxide (CO2) emissions, and per capita CO2 emissions since 2000 (figure 1, supplemental file S2). Encouraging signs include decreases in global fertility (birth) rates (figure 1b), decelerated forest loss in the Brazilian Amazon (figure 1g), increases in the consumption of solar and wind power (figure 1h), institutional fossil fuel divestment of more than US$7 trillion (figure 1j), and the proportion of GHG emissions covered by carbon pricing (figure 1m). However, the decline in human fertility rates has substantially slowed during the last 20 years (figure 1b), and the pace of forest loss in Brazil's Amazon has now started to increase again (figure 1g). Consumption of solar and wind energy has increased 373% per decade, but in 2018, it was still 28 times smaller than fossil fuel consumption (combined gas, coal, oil; figure 1h). As of 2018, approximately 14.0% of global GHG emissions were covered by carbon pricing (figure 1m), but the global emissions-weighted average price per tonne of carbon dioxide was only around US$15.25 (figure 1n). A much higher carbon fee price is needed (IPCC 2018, section 2.5.2.1). Annual fossil fuel subsidies to energy companies have been fluctuating, and because of a recent spike, they were greater than US$400 billion in 2018 (figure 1o). Especially disturbing are concurrent trends in the vital signs of climatic impacts (figure 2, supplemental file S2). Three abundant atmospheric GHGs (CO2, methane, and nitrous oxide) continue to increase (see figure S1 for ominous 2019 spike in CO2), as does global surface temperature (figure 2a–2d). Globally, ice has been rapidly disappearing, evidenced by declining trends in minimum summer Arctic sea ice, Greenland and Antarctic ice sheets, and glacier thickness worldwide (figure 2e–2h). Ocean heat content, ocean acidity, sea level, area burned in the United States, and extreme weather and associated damage costs have all been trending upward (figure 2i–2n). Climate change is predicted to greatly affect marine, freshwater, and terrestrial life, from plankton and corals to fishes and forests (IPCC 2018, 2019). These issues highlight the urgent need for action. Despite 40 years of global climate negotiations, with few exceptions, we have generally conducted business as usual and have largely failed to address this predicament (figure 1). The climate crisis has arrived and is accelerating faster than most scientists expected (figure 2, IPCC 2018). It is more severe than anticipated, threatening natural ecosystems and the fate of humanity (IPCC 2019). Especially worrisome are potential irreversible climate tipping points and nature's reinforcing feedbacks (atmospheric, marine, and terrestrial) that could lead to a catastrophic “hothouse Earth,” well beyond the control of humans (Steffen et al. 2018). These climate chain reactions could cause significant disruptions to ecosystems, society, and economies, potentially making large areas of Earth uninhabitable. To secure a sustainable future, we must change how we live, in ways that improve the vital signs summarized by our graphs. Economic and population growth are among the most important drivers of increases in CO2 emissions from fossil fuel combustion (Pachauri et al. 2014, Bongaarts and O’Neill 2018); therefore, we need bold and drastic transformations regarding economic and population policies. We suggest six critical and interrelated steps (in no particular order) that governments, businesses, and the rest of humanity can take to lessen the worst effects of climate change. These are important steps but are not the only actions needed or possible (Pachauri et al. 2014, IPCC 2018, 2019). Energy The world must quickly implement massive energy efficiency and conservation practices and must replace fossil fuels with low-carbon renewables (figure 1h) and other cleaner sources of energy if safe for people and the environment (figure S2). We should leave remaining stocks of fossil fuels in the ground (see the timelines in IPCC 2018) and should carefully pursue effective negative emissions using technology such as carbon extraction from the source and capture from the air and especially by enhancing natural systems (see “Nature” section). Wealthier countries need to support poorer nations in transitioning away from fossil fuels. We must swiftly eliminate subsidies for fossil fuels (figure 1o) and use effective and fair policies for steadily escalating carbon prices to restrain their use. Short-lived pollutants We need to promptly reduce the emissions of short-lived climate pollutants, including methane (figure 2b), black carbon (soot), and hydrofluorocarbons (HFCs). Doing this could slow climate feedback loops and potentially reduce the short-term warming trend by more than 50% over the next few decades while saving millions of lives and increasing crop yields due to reduced air pollution (Shindell et al. 2017). The 2016 Kigali amendment to phase down HFCs is welcomed. Nature We must protect and restore Earth's ecosystems. Phytoplankton, coral reefs, forests, savannas, grasslands, wetlands, peatlands, soils, mangroves, and sea grasses contribute greatly to sequestration of atmospheric CO2. Marine and terrestrial plants, animals, and microorganisms play significant roles in carbon and nutrient cycling and storage. We need to quickly curtail habitat and biodiversity loss (figure 1f–1g), protecting the remaining primary and intact forests, especially those with high carbon stores and other forests with the capacity to rapidly sequester carbon (proforestation), while increasing reforestation and afforestation where appropriate at enormous scales. Although available land may be limiting in places, up to a third of emissions reductions needed by 2030 for the Paris agreement (less than 2°C) could be obtained with these natural climate solutions (Griscom et al. 2017). Food Eating mostly plant-based foods while reducing the global consumption of animal products (figure 1c–d), especially ruminant livestock (Ripple et al. 2014), can improve human health and significantly lower GHG emissions (including methane in the “Short-lived pollutants” step). Moreover, this will free up croplands for growing much-needed human plant food instead of livestock feed, while releasing some grazing land to support natural climate solutions (see “Nature” section). Cropping practices such as minimum tillage that increase soil carbon are vitally important. We need to drastically reduce the enormous amount of food waste around the world. Economy Excessive extraction of materials and overexploitation of ecosystems, driven by economic growth, must be quickly curtailed to maintain long-term sustainability of the biosphere. We need a carbon-free economy that explicitly addresses human dependence on the biosphere and policies that guide economic decisions accordingly. Our goals need to shift from GDP growth and the pursuit of affluence toward sustaining ecosystems and improving human well-being by prioritizing basic needs and reducing inequality. Population Still increasing by roughly 80 million people per year, or more than 200,000 per day (figure 1a–b), the world population must be stabilized—and, ideally, gradually reduced—within a framework that ensures social integrity. There are proven and effective policies that strengthen human rights while lowering fertility rates and lessening the impacts of population growth on GHG emissions and biodiversity loss. These policies make family-planning services available to all people, remove barriers to their access and achieve full gender equity, including primary and secondary education as a global norm for all, especially girls and young women (Bongaarts and O’Neill 2018). Conclusions Mitigating and adapting to climate change while honoring the diversity of humans entails major transformations in the ways our global society functions and interacts with natural ecosystems. We are encouraged by a recent surge of concern. Governmental bodies are making climate emergency declarations. Schoolchildren are striking. Ecocide lawsuits are proceeding in the courts. Grassroots citizen movements are demanding change, and many countries, states and provinces, cities, and businesses are responding. As the Alliance of World Scientists, we stand ready to assist decision-makers in a just transition to a sustainable and equitable future. We urge widespread use of vital signs, which will better allow policymakers, the private sector, and the public to understand the magnitude of this crisis, track progress, and realign priorities for alleviating climate change. The good news is that such transformative change, with social and economic justice for all, promises far greater human well-being than does business as usual. We believe that the prospects will be greatest if decision-makers and all of humanity promptly respond to this warning and declaration of a climate emergency and act to sustain life on planet Earth, our only home.

### 2AC---K---AT: 1NC 2

#### Deploying psychoanalysis reproduces colonialism, regardless if it’s to retool it for decolonial means

Frosh 17, Department of Psychosocial Studies, School of Social Sciences, History and Philosophy, Birkbeck College, London, UK. Journal of Theoretical and Philosophical Psychology (Stephen Frosh, 2017, Primitivity and violence: Traces of the unconscious in psychoanalysis,” Journal of Theoretical and Philosophical Psychology, 37(1), pp. 9-11. doi:10.1037/teo0000049)

Primitive Remains

To return to the main argument, there is something else to consider in relation to psychoanalysis, understood as a theory that is infected by violence, yet positions itself as an approach of enlightenment. This concerns how the theorizing of violence is underpinned by certain assumptions that “unconsciously” reproduce the terms of a colonial imagination. For Freud, psychoanalysis was an emancipatory practice that would bring illumination and reveal the infantilism at the source of so much individual and social behavior; this revelation would be a way of taming the unconscious and using its energy in the pursuit of a more creative, more civilized world. This has barely happened, of course, and in Freud’s lifetime it became clear that the European world was slipping into barbarism—with Freud himself associated with the victims. The traces of this in psychoanalytic theory are very pronounced, and none of it should really have been a surprise. Indeed, they are theorized explicitly in Civilisation and its Discontents (Freud, 1930/2001k): society is hypocritical, the unconscious is at loggerheads with it; there is little likelihood of dramatic change; violence is the source and origin of the social; death comes to dominate us all. If barbarism breaks down the “garrison” of civilization, it can hardly come as a shock to those who devote their intellectual and professional energy to tracing the impossibility of coming to terms with the unconscious. But let us go a little further too, in thinking through Freud’s and psychoanalysis’ positioning of the space of violence and savagery. For this word— “savage”—is quite a key one in the formation of psychoanalysis. Freud’s (1913/2001b) adoption of a binary differentiation between savage and “primitive” on the one side, and civilized on the other, has been discussed extensively in many places, as has the way in which this “colonial” discourse is disrupted by the Freudian assertion of the presence of “primitivity” within every subject, however ostensibly civilized they may be, in the form of an unconscious that does not obey the dictates of rationality (e.g., Frosh, 2013b). The issue here is the way in which this imagery of savagery and primitivism is reproduced in accounts of violence, with the effect of running together the ideas of the primitive “other” of colonialism and the violent elements in all human subjects. That is to say, where destructiveness is observed, it is commonly interpreted as a reflection of primitive elements of the subject, and accretes around it associations and fantasies of the “uncivilized” other, to which the colonial mentality is well attuned. Thus, the opposition between “civilization” and “the individual’s dangerous desire for aggression” holds in the example given earlier (Freud, 1930/2001k, p. 124), as does the notion of the death drive as something that returns as a primordial situation, associated with primitive fantasies about dissolution. Hence Freud’s (1919/2001f) gloss on death: Since almost all of us still think as savages do on this topic, it is no matter for surprise that the primitive fear of the dead is still so strong within us and always ready to come to the surface on any provocation. (pp. 241–242) This “regressive” framework, assuming a kind of “descent” into savagery, is present too in the Kleinian fascination with destructiveness, which is made consequent upon an inbuilt death drive that produces envy as a primitive affect linked with attacks on the maternal object. (Notably, Klein uses the notion of primitive freely to describe early, passionate affects and desires; but she also uses it in the same way as does Freud, as in opposition to civilized, e.g., “Another question applies to the effect of late weaning, as is customary with primitive peoples and also in certain sections of civilized communities”; Klein, 1952/1975, p. 119.) The positive move in Kleinian theory through the depressive position and into reparation retains a sense of needing to overcome impulsivity through managing more complex (one might call them civilized) thought patterns that tolerate uncertainty and ambivalence in a way assumed to be difficult for children to manage. Under the conditions that prevailed in these great moments of formation of seminal psychoanalytic theories— and that still exert significant influence today— the idea of primitive thinking and emotion slips easily into the figure of the primitive, who by virtue of precisely this primitivity (irrationality, impulsivity, etc.) becomes other to the civilized. Only certain colonized individuals—“elite natives” with complex and conflicted psyches that could be subjected to psychoanalysis (Anderson et al., 2011)—are potential citizens; the others are infantilized in their childlike consciousness, justifying European dominance in everyone’s interests. There are many ways to defend psychoanalysis against the charge of simple colonialism, and as mentioned above these are supported by the adoption of psychoanalysis by many postcolonial thinkers (Frosh, 2013b; Khanna, 2004, 2011). Nevertheless, something disturbing recurs here. Anderson et al. (2011), whose edited book is an eloquent testimony to ways in which psychoanalysis has been used as part of the decolonizing movement, also point out how it sustains an understanding of primitivity that faces both ways—it carries forward what is effectively a racist account of the colonized but also shows that the genuine “heart of darkness” lies on the side of the colonizer. Tracing the complex manner in which this happens, Anderson et al. note how psychoanalysis expresses some of the patterns of post-World War One destructiveness in terms familiar from colonialism. If a central project of psychoanalysis was to demonstrate the universality of its central tenets, then finding vestigial traces of such ‘primitive’ characteristics as the incest taboo, filial ambivalence, fetishism, and the tension between the indulgence and repression of the drives in modern Westerners provided an explanatory logic for the evolution of the ‘family of man.’ The irruption of savagery among the civilized was less pathology than it was atavism . . . Psychoanalysis, as practiced and elaborated in colonial settings and, particularly, as adopted and adapted in the emergent postcolony, became reconfigured as a powerful critique of colonialism. (Anderson et al., 2011, p. 11) However, it only seems to do this by carrying forward the previous vision of otherness in terms of the primitive and savage—which has to do with the norms of a colonial society in which black and brown others were seen as undeveloped and infantile. In an associated way the unconscious was understood as passionate, wishful, uncontained, and immature; and violence as a form of atavism was linked with primitive remains. While other psychoanalytic schools not discussed here (e.g., intersubjectivists and possibly Lacanians) show less dependence on the primitive-civilized binary, the point is that psychoanalysis carries over the traces of this binary as it moves forward into the postcolonial era. Unconsciously, it reproduces them even when used in the decolonizing movement—this being part of the ambiguity of Fanon’s (1952/1986) account and perhaps also why every postcolonial psychoanalyst seems to be drawn back to him as a point of origin and fascination. In relation to the spread of psychoanalysis beyond its original European and North American heartlands, the continuing pull of colonial assumptions can also be found. For example, in one of the most densely psychoanalytic cultures in the world, Brazil, there is a clear history of psychoanalysis as a civilizing force that reinforces colonialism as well as providing tools for resistance—in much the way that Anderson et al. (2011) describe in the quotation immediately above. Early Brazilian psychoanalysis was embedded in a vision of nationbuilding that tackled questions of racial mix and sexuality as primary concerns of a society emerging from slavery and supposed primitivism (Russo, 2012a). This early history of Brazilian psychoanalysis was reshaped through encounters with authoritarianism and social control during the 20th century, resulting in a set of theoretical and practical concerns that were characteristically split between a conservative, “conforming” psychoanalysis tied to normalizing visions of “race” and sexuality (that is, psychoanalysis as a tool for social control) and a more critical psychoanalysis offering support for resistance to authoritarian dictatorship. One consequence was a tension that arose during the Brazilian dictatorship of 1964–1985 between the official institutions of psychoanalysis and much of its clientele. Russo (2012b), for example, noting the contrast between the psychoanalytic promise of individual “liberation” and the conformism of the psychoanalytic societies, comments: The silence or even the connivance of the “official” societies with regard to the military dictatorship was a hallmark of psychoanalysis in Brazil . . . “official” psychoanalysis . . . became a symbol of political conservatism at a time when psychoanalysis—at its height—was regarded as an instrument of liberation by a good number of its clients. (p. 174) Similar tensions occurred in Argentina (Plotkin, 2012), although the specific history there showed different colonialist dynamics, as psychoanalysis was deployed to reinforce the idea of a “European” dominant class. Conclusion The idea that psychoanalysis has its own unconscious is no more and no less metaphorical than the idea that any individual person has an unconscious. We cannot see this thing, the unconscious, in any way; we know, in fact, that it does not actually exist as a physical entity. Instead, it is evident from what people say and do, in their guarded as well as their unguarded moments, that stuff happens, it seeps through and the process of understanding it is always retrospective. The claim here is that we can see such “seeping through” in the theory of psychoanalysis, and no doubt elsewhere too (e.g., in institutional practices and clinical work) if we take the time to look for it. This seeping through takes a number of forms, but the one emphasized here is the link psychoanalysis makes between violence and primitivity, a link that has its origins in Freud’s thought and in the social forces of his day, but is reproduced in later psychoanalysis and continues to freight contemporary discussions.

### 2AC---K---AT: 1NC 3

#### Dalley is about the “end of empires,” which is the extinction of the settler state---that’s distinct from climate change’s disparate impact.

#### Preventing extinction counters the core of the modern colonial mission

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What has this day been for, if its future is only now? What kinds of pedagogies might we enact under the threat and fact of erasure? How can we teach a pedagogy of extinction that remains firmly political, hopeful, committed to ever-widening communal formations? By “pedagogy of extinction” I mean to signal a tentacular pedagogy — to borrow from Donna Haraway (2016) — that will not separate the teaching-learning of histories of extinction produced through the systemic force of colonization and its ecological legacies from all those who are becoming extinct in the wake of the Anthropocene and the irreversibility of our collective end. At the end of The TimeEaters, the pedagogical errand is confronted by the extinction of its target. In response to this jam, the pedagogue determines to teach his alien friend the art of protest (in the form of letter writing, which feels touchingly retro as it aims toward the future). The errand here is an insistence, an unrelenting pedagogy of hopeful protest in the now, regardless of what gets scheduled for us tomorrow. Humanimal Projects If the future in The Time-Eaters is precarious for the alien friend, what is the future of the human child who is also (always) animal? For Kathryn Bond Stockton (2009: 5), the figure of the child is “precisely who we are not and, in fact, never were. It is the act of adults looking back. It is a ghostly, unreachable fancy, making us wonder.” In the poetic prose collection Humanimal: A Project for Future Children, Bhanu Kapil (2009) undertakes her “project” for and through the queer historical animal-child, one for whom the future ultimately comes through other bodies. As she undertakes this project, Kapil is accompanied by a French filmmaking crew to West Bengal to research the alleged true story of two “wolf girls,” Amala and Kamala, found living in the wild in 1921 by the Reverend Joseph Singh. Humanimal upturns history for a future that has already passed; Kapil’s errand into this wild past unfolds the missionary logic of a wildness that must be forcibly converted. As the bodies of the wolf girls emerge through this text, they are tangled up with other bodies — those of the missionary and Kapil herself — who are likewise becoming animal through their accounts of their fantastical engagements with the wild girls. Humanimal opens with an explicative passage about the Reverend Singh, the missionary who claimed to have discovered and captured the wolf girls and later wrote about his work to civilize them: In the jungle, on a Mission to convert the tribal population, Singh had heard stories of “two white ghosts” roaming with a mother wolf and her pack of cubs. He decided to track them. Upon discovering the “terrible creatures” to be human, he killed the wolves and brought the children back to his churchrun orphanage, the Home, in Midnapure. For the next decade, he documented his attempt to teach the girls language, upright movement, and a moral life. Despite his e¦orts, Amala died within a year of capture, of nephritis. Kamala lived to be about sixteen, when she died of TB. (Kapil 2009: x) I’m fascinated here by Kapil’s elucidation of a relay of errands — a mission within Singh’s mission, that is, the movement from an errand to convert tribal communities into another adjacent errand that dispels the logic of the ghost to capture and civilize the wild girls. This second pursuit is a “sidetrack,” an errand that strays from but remains staunchly within the logic of the first. They are crucially linked by conversion, by a logic of capture that is at the heart of the colonial mission. Taking up the missionary’s voice, Kapil writes that Singh killed the wolf pack before capturing one of the girls in a bedsheet: “I cut a hole,” Singh states, “and removed her from the cave” (14). So begins Singh’s pedagogy of conversion, a pedagogy that is also a civilizing cut. And his engagement with this civilizing errand, this pedagogy of cut, is one that continuously mimics the very thing it seeks so willfully to convert: “Accused by an orphan of biting, Kamala is called into Joseph’s study where he bites her back. Beats her with a bamboo wand, then pricks her in the palm with its tip” (41). Kapil emphasizes the savagery of civility in capture and its attempt to tame, questioning the line that separates civility from the wild it so relentlessly desires to control. Singh’s own errand-pursuing body becomes itself errant. Even before he captures and cuts the girls into civilization, his own body is already animal, a being whose “hide shivers” as he encroaches on the gendered bodies of the wolf girls to civilize them (22). My interest is in how one colonial errand gives rise to the advent of another and in how this relay might be perverted and redirected toward the decolonial wild. Kapil’s poetic decolonial errand is trans-temporally tentacular: into Bengal, into history, into the wilderness where the wolf girls may once have lived, she begins to uproot the grand colonial errand. In Humanimal, the future child for whom she writes is the wolf child of the past, a girl whose “new, animal mother” will come (has already come, will come again) to cross over with her “into the green” (18). And Kapil herself is as much this wolf girl as she is the one of the past and the one of the future. She embodies her errand: “To write this, the memoir of your body, I slip my arms into the sleeves of your shirt. I slip my arms into yours, to become four-limbed” (15). Constructing memory becomes a requisite labor of intimacy, a mission against the Mission, a strategy for messing with time — reversing and bringing forward the acts of becoming animal, becoming human, becoming civilized, becoming hybrid with, as, and for the other. Kapil writes herself into the body of the historic wolf child and, in so doing, takes on the violence of an intimate history that has sought forcibly to convert the wild. This is yet another kind of pedagogy operating in the text that stands fiercely against the pedagogy of the colonial cut. Kapil’s is a self-rendering pedagogy, a willingness to becoming other-animal, a recognition of the mythical but no less embodied trace of the animal girl who is in you. Who is you. Whose own tortured body has also been and is still becoming yours. Through her journey to Bengal and the writing of her collection, Kapil undertakes missions against the Mission. Errands against colonial force. Errands of wild embrace. Wild errands. From within the colonial errand that we are all living out, Dodge and Kapil point us — from very different locations and through divergent forms — toward how we might dispatch resistant errand-acts that create static in the delivery of the almighty colonial message. If we can conceive of the colonial errand as a kind of permeating noise, we might also follow Michel Serres (2007: 69) in beginning to attune ourselves to other forms of resistant noise that are also always sounding: “There are always multiple systems at play, making noise, even while we live in a world in which it appears that there is only one system, one dominant form of noise we have been socialized into hearing.” Dodge and Kapil take up errands that make noise within and against the false sense of a dominant and dominating sound track. Theirs are errands that bloom through bodyminds in ways that disrupt the cut and capture of the grand colonial message. Errands that set out not to deliver already prescribed messages from on high, but to dispatch and receive messages from the past and the future, from this world and others, through errands that do not lay claim to globalizing authority and civilizing modes of forced obedience.

Wild Extinction

I am summoning an embodied embrace of strange errand making, of transmissions that have no precise destination and no claims to authority, that take up force but refuse its controlled propagation. Against mastery, I am calling for a wild proliferation of texts and/as bodies that are radically hybrid, whose lives — our lives, whoever and whatever we are — might be lived in collective friction against the errands upon which we are founded. I am wandering toward this wild, with ghosts haunting alongside me, gathering messages from friends and strangers and running with them as we move with disorientation not into some wilderness out there, but into and for our own bewildering surround. I am led back to pedagogies of extinction, toward Halberstam’s sanctuary in the wild and the intimate commitment to staying lost. The wild errand sutures these possibilities, aiming for a lost sanctuary — gathering and distributing messages as we head toward a place we cannot (yet? ever?) reach. Perhaps it seems ridiculous to point out that some of us have never been extinct before. The trajectory of the colonial errand has delivered us to this breaking point, to a practice of consumption so enormous that it now devours itself. Our wild errands will spring from the disorientations we feel and sanctuaries we build in the shadows of this colonial force and will not be acts of shelter from the fact of extinction but will be shelters that foster a politics of living into and through our messages of refusal. Into the kind of world we won’t stop dreaming up and stitching together. The errand is act, is place, is temporality, is politics, is an unmapped trail that is being invented and navigated as it is being anarchically sounded and overgrown. The colonial errand, so crucial to the logic of modernity, has run us into our own impending extinction. The misfit craft of the wild errand pops up to confront this end without surrender. It does so without giving up on the work of justice, on forms of redress for those capitalist errands that keep being made and delivered against life. The wild errand is an act of teaching ourselves how to live under and against erasure. What I am calling wild extinction is, counterintuitively, a profoundly hopeful politics even while it pronounces its grounded sense that ours is a perishing life-form. While the colonial errand into the wilderness has driven some to extinction, and is still delivering others closer to it, wild errands bloom through the cracks and fissures of a seemingly impermeable concrete colonialism. The wild errand is a politics that mushrooms against those historically rooted forms of insidious erranding from above. In Anna Lowenhaupt Tsing’s (2015: 2) beautiful account of mushrooms that grow in and because of capitalist ruin, she tells us that “the uncontrolled lives of mushrooms are a gift — and a guide — when the controlled world we thought we had fails.” She reminds us that the mushroom’s willingness to emerge in and through devastation “allows us to explore the ruin that has become our collective home” (3). The wild errand is a style of living together into this blasted landscape — into the settler colony we keep calling home.

#### Our reps identified a shared threat stemming from the settler present, which opens plural futures

— CHN: Council of the Haida Nation, government of the peoples of the Haida Gwaii, an archipelago claimed by Canada

Weiss 15, Ph.D. candidate, Anthropology, University of Chicago (Joseph J.Z. Weiss, December 2015, “Unsettling Futures: Haida Future-Making, Politics and Mobility in the Settler Colonial Present,” Ph.D. thesis, pages 216-232, https://knowledge.uchicago.edu/bitstream/handle/11417/1121/Weiss\_uchicago\_0330D\_13139.pdf?sequence=1&isAllowed=y)

Conclusion: “What’s next? Just guess.” Signs of the Future One of the more recent additions to the socio-landscape of Old Massett, which I noticed on a return visit in 2014, was a series of blue signs that had appeared in many of the lawns on reserve and a good few uptown. The sign was a good two feet high and emblazoned with capitalized text: UNITED AGAINST ENBRIDGE. Below the text was a picture of a salmon. The salmon and the first word, “UNITED,” were in stark, attention-grabbing white, while the other text was in black. The signs, I later discovered, were distributed for five dollars each by the “Friends of Wild Salmon,” a coalition of northern British Columbia residents – including both First Nations and non-First Nations members – working together to oppose the Enbridge Gateway Pipeline Project.1 Perhaps appropriately, then, I noticed the sign on the lawns of both Haida and non-Haida, in Old Massett, (New) Masset, and out by Towtown. The signs may have been new, but their message is one that should have become familiar to us at this point: The people of Haida Gwaii oppose “Enbridge;” that is, The Enbridge Northern Gateway Pipelines Project. The project, first proposed in the mid-2000s, seeks to construct two pipelines to transport crude oil and condensate from northern Alberta to Kitimat on the coast of British Columbia.2 The oil would then be transported via “super-tanker” from the coast, through the Hecate Straight that passes between the west coast and the islands of Haida Gwaii before being exported to other nations (particularly China). Enbridge has received heavy support for the project from Canada’s current Conservative government, headed by Prime Minister Stephen Harper, and in 2013 the Enbridge Joint-Review Panel – despite the words of hippies and Haida alike, alongside fierce opposition from all over the northwest coast - approved the pipelines, albeit with 209 required conditions.3 As a partnership between Canadian federal and corporate interests, the Enbridge Pipelines Project promises a future horizon of economic prosperity, one that unequivocally justifies any environmental risk in the present. On Haida Gwaii, Enbridge presages a rather different future, one in which the unpredictable waters of the Hecade Straight all but guarantee a tanker spill. Such a spill would devastate the waters and lands of the islands and the neighbouring coastline of British Columbia, destroying the fish and poisoning the plants that currently draw on ocean waters and the animals that feed thereon. Neither eagles nor ravens could survive, living as they do on a diet that consists primarily of marine life, a fact which all but guarantees the disappearance of Eagles and Ravens, the Haida people whose lifeways as such are so fundamentally tied to the islands of Haida Gwaii. Haida Gwaii could no longer be home. A song recorded in protest again Enbridge by Aboriginal artist Kinnie Starr and animated as a music video by Haidawood, a team of Haida and non-Haida stop-motion artists and animators, makes this threat explicit, asking in its opening lines “Who will save these waters, save them for our great granddaughters, save them for our great grand-daughter’s sons, […] save them before all is dead and gone?”4 This nightmare future, this future that is no future, is one that looms large over the whole of this dissertation. It is familiar because it is a reiteration of the horror of ecological cataclysm that the CHN formed itself in opposition against, that the “hippies” risk metonymically bringing about by taking from the lands and waters without respect. But it is also familiar because in a broader sense it is the future that settler colonialism attempted to give to Native peoples; indeed, to render as their already given destiny. This is the future of indigenous erasure, of ultimate disappearance, of a closed temporality which can only end in “all dead and gone.” As I have also hopefully shown in each of my chapters, however, the future of “no future” is never taken as inevitable or already determined by Haida people. The work of future-making instead always acts to ward off the nightmare future of Haida erasure, always puts in its place instead multiple possible futures in which Haida people continue. Take the blue signs on the lawns of the Masset(t)s, Old and New, implicitly answering Kinnie Starr’s question with the bold declaration that the islands (will) stand “UNITED” against Enbridge. But the social significances of these futures are never encompassed solely by the ways in which they respond to the threat of nightmare futures. As we saw in Chapter 3, for instance, the production of a future of Haida and non-Haida unity is considerably more complicated than the declaration of shared solidarity, speaking back to a particular history of Haida and settler relations and fantasy schemas, looking forward towards finding productive ways in which non-Haida can be integrated into Haida systems of sociality and responsibility. To speak of a future united against Enbridge is thus necessarily to speak of many other things, just as it is the case when speaking of a future of Haida return, a future of care-full leadership, or a future of traditional authority. Larger social worlds unfold out of the constitution of particular futures. This is why, more than anything, I want to make clear in the final, concluding chapter of this dissertation that the political (if not the existential) significance of Haida future-making does not lie simply in the specific ways in which individual futures respond to particular dilemmas of the settler colonial present. Rather, what is most crucial about future-making as a way of thinking out from within the temporal brackets of settler colonialism’s deferred erasure is simply the fact of future-making itself. What matters the most is the capacity to say, as Haida rapper Ja$e ElNino does in a guest appearance in Starr’s song, “Now expect the best from the northwest/ What’s next? Just guess.” ElNino asserts the openness of the future, challenging his listeners to even attempt to predict the field of possibilities still to come. This does not mean, though, that this openness is unmoored. Quite the opposite, ElNino asks us to “expect the best of the northwest,” in response to the threat of Enbridge and, I think, more generally. In this spirit, in what follows I highlight the significance of location to indigenous futurity, exploring how Old Massett, its neighbouring communities along Masset Inlet, and the lands and waters of Haida Gwaii act as locations around which the very openness of Haida futures can be articulated. My discussion will be largely synthetic, reading together my previous chapters to attempt to arrive at a few conclusions for this dissertation at a whole. I begin with a discussion of Haida Gwaii, once again, as “home,” asking what it means to consider the islands as a Haida homeland (and one that requires “care” as such) in the light of the futures I have sketched out. I then draw on this to pose a few suggestions for the political anthropology of indigenous peoples and its abiding contemporary concern with sovereign rights and territoriality. Finally, I conclude by drawing out the multiple meanings of my titular phrase, “unsettling futures,” in the context of Haida futuremaking. Homeland Haida Gwaii is in at least some sense at the center of each of the futures I have discussed in this dissertation. It is the home to which Haida are expected (and expect) to return, the “cornucopia” of off-the-grid fantasy, the ongoing historical space of complex social and material relations that these fantasies elide, the perpetually at risk ecological landscape which demands (and authorizes) the CHN’s care and respect. And, as we have seen, these various futures for the islands are not isolated from one another. Quite the opposite, futures proliferate in response to each other. The potential for non-Haida homing necessitates strategic forms of future-oriented social integration to bring these new arrivals into respectful relations with the Haida world, the nightmare non-future of ecological collapse is warded off by the attempt to constitute care-full futures under Haida control. What all these Haida futures have in common – at least as they relate to the islands - is that they work to preserve Haida Gwaii, and the community of Old Massett in particular, as spaces in which Haida futures remain possible. This fact, as I have already begun to suggest in Chapter 2, might help us to resolve some of James Clifford’s dilemmas in relation to indigenous mobility. As I pointed towards then, the notion that “place” is significant to indigenous peoples – politically, socially, affectively, culturally – has become one of the essential components of how “indigeneity” is understood as a global phenomenon and a strategic identity from which rights claims can be advanced. Take Article 25 of the Universal Declaration of the Rights of Indigenous Peoples: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard (Assembly 2007:10, emphasis mine). But what precisely does it mean to have a “distinctive, spiritual relationship” to a place, and who determines what might constitute that relationship? Here one of the perils of Povinelli’s “cunning of recognition,” as indigenous rights to territory become conflated with - and evaluated against - essentialized settler notions of Native ecological spirituality and/or emplacedness (cf: Raibmon 2005; Nadasdy 2003). If indigeneity thereby takes on the significance of being “rooted” in a particular place, of having certain identifiably “distinctive” cultural relationships to that place that others might lack, then the fact of indigenous mobility would indeed pose a profound dilemma for the category of indigeneity on the one hand and the capacity to make claims to territorial rights qua one’s indigeneity on the other. But there is a remarkable temporal shallowness to all this. To give a representative example, the Australian state criteria for what constitutes “cultural rights to territory” that Povinelli interrogates function solely in the past and the present, mandating that Aboriginal people show continuity of occupation and of the cultural practices associated with “Aboriginal occupation” in the mind of the court in order to be recognized as possessing a rightful claim to their home territories (Povinelli 2002). Erased in this is the possibility that a territory could be the site of departure and return, that it could have a future horizon that is flexible, subject to transformation alongside the transformations of the people(s) who call it home, without thereby necessarily losing its integrity as a rightful space of indigenous occupation. Such a possibility is not controversial for my Haida interlocutors. Rather, it has the status of an already-given certainty, community common sense - though there is without doubt much social work that goes into the production of that certainty. What makes indigenous mobility fraught, then, might have rather more to do with the constitution of settler polities than it does with the actual practices of indigenous peoples. Consider the various ways in which we have already seen colonial authorities attempt to control Haida movement, from the forced expulsions of 19th century Victoria to the removal of Haida children from the islands for residential schools less than a century later. Consider too the manufacture of the reserves themselves, the fixing of two Haida “Bands” with their own federally determined territories, beyond which Haida people could claim no rights over land, waters, or resources (cf: Harris 2002). This is a logic of containment, of isolation. In leaving their assigned spaces, Native peoples were assumed by colonial authorities to be leaving the space of their Nativeness behind, assimilating into settler society on its terms. Indeed, this was the motivating logic of the residential schools program, which took as its premise the idea that “Indians” could always “backslide” into “savage customs” as long as they remained in their homes and with their families. Aboriginal children thus had to be brought somewhere else to learn how to join “civilized,” that is, white Christian, society (Miller 1996). Reserves could thus be rendered as the last bastions of a “weird and waning race,” to quote Scott, their inhabitants temporally foreclosed and spatially fixed. The notion that indigenous people could move without ceasing to be (or ceasing to fight for their rights to self-determination and Title to their lands) unsettles this narrative, just as does the intertwined possibility of indigenous futurity. The relationship to Haida Gwaii that we’ve seen sketched out by the Haida futures explored in this dissertation does not preclude the possibility of “distinctive spiritual relationships” between Haida and their home territories. Quite the opposite, the ineffable quality of homing alone suggests that many of my interlocutors feel a connection to their home that goes beyond the kinds of practices that are only possible on the islands, their beauty or their history. Indeed, when considered as home, when considered as a site that requires care, there is little doubt that Haida Gwaii can encompass a wide range of phenomenological, affective, social, and cultural ways of relating to its lands and waters by Haida people (and their neighbours, at times for good, at times for ill). But it is not these relations as such that encompass the totality of Haida Gwaii’s significance. Rather, what is of greatest concern to my interlocutors is the continuing future possibility that relations like that could be formed, that people could continue to be called home to Haida Gwaii once they’ve fully explored the world off-island, that the qualities that precisely make Haida Gwaii home could be preserved. This is what it means, I think, to “take care” of Haida Gwaii, to allow it to continue as a homeland for uncounted future generations. Though they certainly emphasize the need for Haida Gwaii to be maintained as a location for Haida futurity, this does not mean that the futures we have seen expend all the possible ways in which such future forms of Haida social, material, ecological, and relational life could be formed. Recall Ja$e ElNino’s challenge of a future so open that its possible contents can only be guessed at. What Haida future-making demonstrates is that there are a set of potentialities which are worth protecting so that Haida people can continue to access them, to come home to them, even as continuing forms of mobility and political processes can also shape and reshape Haida social and cultural life on and off the islands. Homeland is not a regimented place where Haida people must always live in order to be authentically Haida. Rather, it is a location where they should always be able to, in their own (necessarily multiple, often contested, sometimes even contradictory) terms. Sovereignty At the same time, there is an inescapably political dimension to the attempt to render Haida Gwaii as the homeland of a still open Haida future. The assertion of the (located) openness of the future does not necessarily make it so. As I noted in the first part of this dissertation, the flow of Haida departures and returns unfold in the broader context of the settler, capitalist state; indeed, they are made necessary in part by the current absence of economic opportunity on island, just as the arrival of potentially threatening strangers is a result of their privileged position in the very capitalist economy they seek to escape. Constituting futures in which Haida people have the freedom to engage with that economy (and settler society more generally) as they see fit while retaining the capacity to come home (complicated as that process might be) also reiterates the inescapability of some form of engagement with that socio-economy. Likewise, the notion of Haida Gwaii as Haida homeland cannot be separated from current Haida struggles to assert their rights to the lands and waters of Haida Gwaii, the resources found therein, and their sovereign capacity to govern themselves and the islands in the ways they find appropriate. This is, recall, the very crux of the CHN’s own commitment to the assurance of futurity, as it is only by positioning itself as the rightful, sovereign government of the Haida Nation and its homeland of Haida Gwaii that it can adequately care for the islands and protect them from external threat. And the continuing advance of the Enbridge project despite fierce opposition from CHN, the Old Massett Village Council, their Haida constituents, and the non-Haida actors with whom they are “united against Enbridge” (and this alongside protest all over the northwest coast) gives the nightmare futures of environmental collapse – pushed through by corporate interests and Canadian politicians - a frightening immanence. The assertion of the openness of the future is made, in short, in (and against) a context in which closures remain endemic. And yet, something has changed in this landscape from the initial erasures of Native futurity we drew out in the first chapter. In the narratives of colonial actors like Duncan Campbell Scott, it was absolutely clear that “Indians” were disappearing because their social worlds were being superseded by more “civilized” ways of living and being, ones that these Native subjects would also, inevitably, in the end, adopt (or failing that, perish outright). There was a future. It was simply a settler one. But the nightmare futures of that my Haida interlocutors ward against in their own future-making reach beyond Haida life alone. Environmental collapse, most dramatically, threatens the sustainability of all life; toxins in the land and the waters threaten human lives regardless of their relative indigeneity, race, or gender (e.g. Choy 2011; Crate 2011). Put another way, the impetus for non-Haida (and non-First Nations subjects more generally) to be “united against Enbridge” with their indigenous neighbours comes in no small part because an oil spill also profoundly threatens the lives and livelihoods of non-Aboriginal coastal residents, a fact which Masa Takei, among others, made clear in Chapter 3. Nor is the anxiety that young people might abandon their small town to pursue economic and educational advantage in an urban context limited to reserve communities. Instead, the compulsions of capitalist economic life compel such migrations throughout the globe. The nightmare futures that Haida people constitute alternative futures to ward against are not just future of indigenous erasure under settler colonialism. They are erasures of settler society itself. There is thus an extraordinary political claim embedded in Haida future-making, a claim which gains its power precisely because Haida future-making as we have seen it does not (perhaps cannot) escape from the larger field of settler-colonial determination. Instead, in Haida future-making we find the implicit assertion that Haida people can make futures that address the dilemmas of Haida and settler life alike, ones that can at least “navigate,” to borrow Appadurai’s phrasing, towards possible futures that do not end in absolute erasure. If Povinelli and Byrd are correct and settler liberal governance makes itself possible and legitimate through a perpetual deferral of the problems of the present, then part of the power of Haida future-making is to expose the threatening non-futures that might emerge out of this bracketed present, to expose as lie the liberal promise of a good life always yet to come and to attempt to constitute alternatives. It is no coincidence that we find this in the midst of a struggle over sovereignty. And this not just in the sense of the Council of the Haida Nation’s ongoing assertion of its sovereign right to govern the lands and waters of Haida Gwaii on behalf of all Haida people, as we saw in Chapter 5. Rather, as Joanne Barker has argued, over the course of the latter half of the twentieth century sovereignty has emerged as a: particularly valued term within indigenous scholarship and social movements and through the media of cultural production. It [is] a term around which analyses of indigenous histories and cultures were organized and whereby indigenous activists articulate their agendas for social change (Barker 2005:18). Through the assertion of sovereignty, indigenous political leaders, activists and scholars refute “the dominant notion that indigenous people [are] merely one among many ‘minority groups’ under the administration of state social service and welfare programs.” Instead, “sovereignty defines indigenous people with concrete rights to self-government, territorial integrity, and cultural autonomy under international law” (18). The trouble is, of course, that indigenous claims to sovereignty are always made within the context of colonial nation-states, ones whose own legitimacy is put at considerably risk both by the prospect of self-determining indigenous Nations (re)-emerging within their boundaries and the troubling of their own historical narratives of sovereign rights (cf: Comaroff and Comaroff 2003b). (One of these narratives, which reinterpreted indigenous lands as terra nullius and thus open to occupation, we’ve encountered already in Chapter 3). Thus, while sovereignty might indeed “define” indigenous peoples with concrete rights to territorial Title and self-determination, in theory equal under international law to the states who also lay claim to their territories, that definition does not in and of itself make possible the practice of this sovereignty. In this regard settler states such as Canada have shifted in their response to First Peoples’ sovereignty claims from outright rejection to a set of policies of selective recognition,5 but even the latter still positions Native nations as being subject to the authority and oversight (if not the structural forms) of the state. This means, as we have seen in Chapter 5, that indigenous governments such as the Council of the Haida Nation are in a precarious position, attempting to constitute their own sovereign authority without access to many of the conventional means of sovereignty in Western political thought – e.g., the monopoly on legitimate violence (Weber 1946), decisive authority to make and enact law (Schmitt 2005), or exclusive territorial control (Brown 2010; cf: Hobbes 1994). Alongside this precarity is the equally anxious question of whether or not sovereignty is even an appropriate analytical to center indigenous rights around precisely because it is historically a Western concept, one that had been drawn on to dispossess indigenous peoples over the course of settler colonial history (Barker 2005:18–19). (Indeed, the very next essay in Barker’s edited volume, by Mohawk scholar Taiake Alfred, categorically rejects sovereignty as an inappropriate tool for indigenous political assertions for these reasons and, also, because it draws attention away from developing and furthering “genuinely” Aboriginal political modes of thought (Alfred 2005; cf: Alfred 2009). The fact that sovereignty remains such a preeminent concept in the struggle for indigenous rights even though it is both epistemologically problematic and politically constrained has meant that there has been a recent push in both anthropology and indigenous studies to “widen” the definition of sovereignty, so that it might encompass multiple forms of indigenous social, political and legal practice outside of the conventional purview of “sovereign power” (e.g. Cattelino 2008; Richland 2011; Simpson 2000; Simpson 2014). Or, as Joanne Barker puts it: There is no fixed meaning for what sovereignty is – what it means by definition, what it implies in public debate, or how it has been conceptualized in international, nation, or indigenous law. Sovereignty – and its related histories, perspectives, and identities – is embedded within the specific social relations in which it is invoked and given meaning. How and when it emerges and functions are determined by the “located” political agendas and cultural perspectives of those who rearticulate it into public debate or political document to do a specific work of opposition, invitation, or accommodation. It is no more possible to stabilize what sovereignty means and how it matters to those who invoke it than it is to forget the historical and cultural embeddedness of indigenous peoples’ multiple and contradictory political perspectives and agendas for empowerment, decolonization, and social justice (Barker 2005:21, emphasis original). The opening up of sovereignty as flexible, multiple, and subject to all manner of diverse rearticulations carries particular weight (and, perhaps, ambiguity) since, as a historical concept in Western political theory, sovereignty was overwhelmingly concerned with closure. As Wendy Brown argues in her Walled States, Waning Sovereignty, the classic vision of sovereign power rests in the capacity to divide the inside from the outside, to make borders around a people – a “nation” – and separate that people from those outside it. Thus Schmitt’s “friend-enemy” distinction, for instance, or even John Locke’s consistent preoccupation with fences as a way of marking the existence of territory (Brown 2010; cf: Schmitt 1996; Locke 1988). The historical conditions of indigenous sovereignty claims in the context of settler colonialism make such absolute closures impossible for indigenous peoples. We might add, though, that their persistent presence also challenges the closure of the settler nation-state. Indeed, this is part of Brown’s point. The very fact that we see ever more spectacular performances of sovereign power on the part of contemporary nation-states – e.g., the titular “walls” that are being constructed along the borders of an increasing number of states - is a sign of the very insecurity of their political authority (Brown 2010).6 The conditions of settler colonial sovereignty, in other words, may be rather more “open,” and thus closer to those of indigenous “nation-within-nations,” then they may at first appear. If this means, in turn, that the future of settler political life is becoming as uncertain as the future for indigenous life has always been since the advent of settlement, then this means only what we have already begun to see: the dilemmas that Haida people confront in their future-making practices are also the dilemmas facing settler society. Take Chapter 4, in which the absence of any “one” definitive governing entity compels the constitution of an aspirational framework of accountability which could, were it realized, render navigable Haida relations to the many governments that claim their loyalties. As I hinted at there, such dilemmas are not restricted to the Haida sociopolitical world; rather, they may in fact be endemic to contemporary democratic societies and the multiple forms of governance (licit and otherwise) that emerge therein. In suggesting that there are Haida ways of refiguring a shared Haida-settler set of contemporary problematics, we might think of Haida future-making as simultaneously an instantiation of the multiple, flexible and always contingently located practices of sovereignty to which Barker points and a different way of thinking about indigenous political potentiality. In the former sense, Haida future-making is without doubt concerned with carving out spaces in which Haida existence can continue, expand, and change without losing the capacity to reproduce itself as, precisely, Haida existence. Thus the processes of homecoming we explored in Chapter 2, or Chapter 5’s explicitly political attempts to establish control over the islands for future generations. If the absence of indigenous sovereignty is the absence of the capacity of an indigenous people to (self)-determine their own futures, then the constitution of Haida futures can be seen exactly as sovereign work, whether in the overt sense of the Council of the Haida Nation’s assertions or the somewhat more implicit mode of Alice Stevens’ proposed mass adoptions. Significant here, though, is the fact that these acts of future-making carry meanings beyond their status as “responses” to the social and political dilemmas of contemporary Haida life. Thus Alice Stevens’ adoptions bring “hippie” children into the framework of Haida kinship relations, in one sense neutralizing their potential threat, but also constituting a complex new network of social relations between Haida and non-Haida whose potential significances go well beyond the protection of Haida territory and resources; thus the Council of the Haida Nation emerges as a “state-like” governing entity through its authorizing promise to “take care” of the islands, but in so doing takes on a series of new roles in Haida political life whose full consequences remain to be seen. If it is a sovereign action to envision an opening of possible futures for Haida people, then this very openness might also exceed the boundaries of sovereignty as a problematic for indigenous people even as it responds to them. Which is also, perhaps, why Haida futures seem so consistently to sketch out social, ecological, and political fields that encompass non-Haida; more, that are futures for Canada as well as for the Haida people living within the nation-state’s borders. Or, at least, futures that have the capacity to be so. What would it mean to figure an indigenous sovereignty that speaks beyond itself, one that promises to invert the order of settler domination through reconfiguring the shared futures of indigenous and settler peoples? This would not be a sovereignty premised on territorial closure, or even absolute political autonomy. It would, however, decisively overturn any settler colonial anticipations of the inevitable erasure of Native peoples. Quite the opposite, it would position indigenous practices of anticipation, aspiration, certainty, and anxiety at the forefront of contemporary modes of political imagination. Unsettling Futures A question remains, however. Could such a refiguring of the temporal and political horizon of settler and indigenous relationships remain possible even if the futures that indigenous people work to constitute remain unrealized in the settler colonial present? Or, put another way, we must always be careful not to conflate a capacity to form new futures for settler nation-states with the actual materializations of these futures. The Haida futures that I have discussed, even as they promise possible ways of navigating – of restructuring, even – the settler-Haida present, remain firmly bound by the colonial constraints of this present. But perhaps the stakes here have never been about overthrowing the Canadian colonial order outright. Rather, what I hope this dissertation has shown is that Haida future-making has the capacity to unsettle the settler colonial present, to challenge its received categories and demonstrate how, slowly, gradually, Haida people are reconfiguring its terms through the work of producing the future. Certainly, the sheer fact of Haida futurity should put to the lie any further notion that Haida people exist only to replicate their past or live only in the deferral of their eventual disappearance. The future is alive and well in Old Massett, although this does not meant that it is not also a site of profound anxieties. In working to ward off those anxieties through the juxtaposition of nightmare futures against their more desirable alternatives, then, Haida people unsettle the epistemological foundations of the forms of settler colonialism and liberalism against which Byrd and Povinelli write. At the same time (if you’ll pardon the pun), I think we can see the social work that futuremaking does iteratively, as a gradual reshaping of the actual conditions of Canadian society. Here I borrow Judith Butler’s suggestion, following Foucault, that the regulatory norms of society function only through their consistent and unstable reiteration (and materialization) in everyday social life.7 From this perspective, the ways in which Haida people work within and even reiterate the constraints and demands of Canadian settler mainstream society can also slowly and strategically shift those very constraints and demands, materializing a HaidaCanadian future that might in fact be quite different from the present even as it does not ever fully “escape” from its dilemmas. Perhaps the most unsettling potential of all here lies simply in the ways in which Haida people incorporate the conditions of the settler colonial present as being paths towards Haida futures. Not vanished, or vanquished. Ongoing.

### 2AC---K---AT: 1NC 4

### 2AC---K---AT: 1NC 5

#### Their K of managerialism cites post-politics and Swyngedouw---here is highlighting for proof

Chaturvedi and Doyle, 15 (Sanjay Chaturvedi is a Professor of Political Science at Panjab University in India, and Timothy Doyle is a Professor of Politics and International Studies at the University of Adelaide; a Distinguished Research Fellow of Indian Ocean Futures at Curtin University; and Chair of Politics and International Relations at Keele University. “Climate Terror”, Pages 69-70)

It is our claim that ‘sustainable development’ is part of a broader process of ‘post-politicalization’. Before examining what is considered to be ‘post-political’ about the present condition, it is first necessary to consider ‘the political’. ‘Politics’ is often used as a term to denote the institutional sphere of the state and the organized competition for votes and governing that takes place within its boundaries. For Gamble (2000: 1), by contrast, the political opens up a realm where human societies can ‘seek answers to fundamental questions of politics – who we are, what we should get, how we should live.’ It is the space where there is a ‘constant clash of interests, ideologies and values, generating rival parties and movements, alternative principles of social and economic order, and competition to realize them’ (Gamble 2000: 1). This conception of the political emphasizes the importance of the clash of alternative visions of future societal trajectories. The development of such a political space requires the ‘public encounter of heterogeneous groups and individuals’ with often radically different perspectives on what future direction society should take (Swyngedouw 2008: 4). As Marchart (2007: 42) perceptively observes, distinguishing between ‘politics’ as a noun and ‘the political’ as an adjective is by no means unproblematic but it is analytically useful in de-territorializing our understanding of the political, uncoupling the tight bond between political phenomena and institutional configurations. As with all uses of the prefix ‘post’, misunderstandings can arise. The ‘post-political’ is not used to connote the end of politics per se; the formal institutions of government (particularly in the global North) remain important sites of power, political parties continue to be active and elections are held at regular intervals. Post-political theorists (Valentine 2005) argue that the space of the political is contracting in the face of the hegemonic grip that neo-liberal ideas have over public affairs (Catney and Doyle 2011b). The political realm is increasingly limited to managerial concerns over ‘what works’ (as if these decisions were not themselves ‘political’) than with the clash of competing alternative principles of social and economic order. Post-political theorists claim that ‘consensus’ is promoted as a means of closing down debate about larger issues relating to political economy or existing societal power relations (Paddison 2009: 5). As Swyngedouw (2007: 24) observes, post-politics is ‘about the administration of social or ecological matters, and they remain of course fully within the realm of the possible, of existing socioeconomic relations.’ Authors such as Žižek (1999a) Ranciere (2007), Dikec (2005), Swyngedouw (2008; 2009) and others, argue that a key factor behind the rise of a post-political order is the accelerated ‘policing’ of politics and policy processes by ‘bureaucrats’ and ‘experts’ who seek to naturalize particular governance arrangements and privilege certain ideas and interests. Governing becomes a matter of reducing disagreement and promoting consensus over the parameters of discussion so that politics becomes, as Valentine (2005: 55) argues, ‘a matter of maintaining a minimum level of cybernetic equilibrium within circumstances which it does not authorize and disagreement is reduced to the status of a practical problem in search of a solution.’ At the heart of post-political governance is the need to displace dissent and manufacture consent to prevent the politicization of policy (Swyngedouw 2008: 10). It is argued that such an approach promotes ‘good governance’ – a term readily recognizable in the discourse of institutions such as the World Bank (Harrison 2005) – because important issues are not drawn into political disputes that reduce the scope for reasoned reflection on the optimal policy solution. For critics of post-politics, participatory mechanisms are not a supplement to democracy, enhancing the opportunities for outside voices to be heard in the policy process, or a way of improving the rationality of policy processes, but are merely a way of manufacturing consensus and thereby limiting dissent. Swyngedouw (2007: 27) argues that the discourse of sustainability seeks to evacuate the potential for radically alternative socioeconomic and socio-environmental orders by placing limits on ‘the possible’, by marginalizing or seeking to silence radical antagonisms. In short, Swyngedouw (ibid.: 27) views climate change as representing the negation of the political and the promotion of post-politics. For Swyngedouw (2007: 26–27) the construction of post-political environmental consensuses is one that is radically reactionary, one that forestalls the articulation of divergent, conflicting, and alternative trajectories of future socio-environmental possibilities and of human-human and human-nature articulations and assemblages. It holds on to a harmonious view of nature that can be recaptured while reproducing if not solidifying a liberal capitalist order for which there seems to be no alternative. We argue that a particular global North (post-materialist, inter-generational) conception of sustainability has come to dominate conceptions of welfare and even the governance of the state in the global South, marginalizing more immediate welfare concerns in these states. Climate change is a key discursive site where this post-politics takes place; it is, on many occasions, a depoliticizing clutch of green ideas and actions.

#### There is no alternative because the post-political inevitably relies on dominant systems ⁠— their author

Swyngedouw 9, (Erik Swyngedouw, 10-6-2009, "The Antinomies of the Postpolitical City: In Search of a Democratic Politics of Environmental Production," International Journal of Urban and Regional Research, https://doi.org/10.1111/j.1468-2427.2009.00859.)

There is indeed a widespread consensus that the (urban) environmental condition needs to be taken seriously and that appropriate managerial‐technological apparatuses can and should be negotiated to avoid the urban maelstrom sinking into catastrophe, socio‐environmental degradation and possibly disintegration. At the same time, of course, there is hegemonic consensus that no alternative to liberal‐global hegemony is possible. This postpolitical constitution, which we have elsewhere defined as embodying new forms of autocratic governance‐beyond‐the‐state (Swyngedouw, 2005), reconfigures the act of governing to a stakeholder‐based arrangement of governance in which the traditional state forms (national, regional or local government) partake together with experts, non‐governmental organizations and other ‘responsible’ partners (see Crouch, 2004) in the pursuit of environmentally sustainable socio‐ecological practices. Not only is the political arena evacuated of radical dissent, critique and fundamental conflict, but the parameters of democratic governing itself are being shifted, announcing new forms of governmentality, in which traditional disciplinary society is transfigured into a society of control through disembedded networks of governance. These new forms of ‘governance’, operative at a range of articulated spatial scales, are expressive of the postpolitical configuration (Mouffe, 2005: 103; Swyngedouw, 2007b; 2008): Governance entails an explicit reference to ‘mechanisms’ or ‘organized’ and coordinated activities appropriate to the solution of some specific problems. Unlike government, governance refers to ‘policies’ rather than ‘politics’ because it is not a binding decision‐making structure. Its recipients are not ‘the people’ as collective political subject, but ‘the population’ that can be affected by global issues such as the environment, migration, or the use of natural resources (Urbinati, 2003: 80). In this sense, environmental and other politics are reduced to the sphere of the police, to the domain of governing and polic(y)ing through allegedly participatory deliberative procedures, with a given distribution of places and functions. Consensual policymaking, in which the stakeholders (i.e. those with recognized speech) are known in advance and where disruption or dissent is reduced to debates over the institutional modalities of governing, the accountancy calculus of risk and the technologies of expert administration or management, announces the end of politics, annuls dissent from the consultative spaces of policymaking and evacuates the proper political from the public sphere. Slavoj Žižek and Chantal Mouffe, among others, define the postpolitical as a political formation that actually forecloses the political, that prevents the politicization of particulars (Žižek, 1999a: 35; Mouffe, 2005; Žižek, 2006b): ‘post‐politics mobilizes the vast apparatus of experts, social workers, and so on, to reduce the overall demand (complaint) of a particular group to just this demand, with its particular content — no wonder that this suffocating closure gives birth to “irrational” outbursts of violence as the only way to give expression to the dimension beyond particularity’ (Žižek, 1999b: 204). In Europe and the US, in particular, such postpolitical arrangements are largely in place. Postpolitics rejects ideological divisions and the explicit universalization of particular political demands. It disavows the constitutive lack or excess that splits the social and prevents saturation, as it insists on the ‘democratic’ inclusion of all, thereby suturing the totality of the social and precluding the rise of the political moment. Such configuration succumbs to the ‘totalitarian’ temptation of democratic institutions (Lefort, 1994). Particular demands are exactly seen as such — as particular/identitarian — thereby precluding the possibility of their universalization, that is, of the particular demands becoming the stand‐in for a universalizing egalibertarian politics. Instead, the postpolitical condition is one in which a consensus has been built around the inevitability of neoliberal capitalism as an economic system, parliamentary democracy as the political ideal, humanitarianism and inclusive cosmopolitanism as a moral foundation. As Žižek puts it: In post‐politics, the conflict of global ideological visions embodied in different parties which compete for power is replaced by the collaboration of enlightened technocrats (economists, public opinion specialists . . .) and liberal multiculturalists; via the process of negotiation of interests, a compromise is reached in the guise of a more or less universal consensus. Post‐politics thus emphasizes the need to leave old ideological visions behind and confront new issues, armed with the necessary expert knowledge and free deliberation that takes people's concrete needs and demands into account (Žižek, 1999b: 198). Postpolitics is thus about the administration (policing) of environmental, social, economic or other domains and they remain, of course, fully within the realm of the possible, of existing social relations; they are ‘the partition of the sensible’. ‘The ultimate sign of postpolitics in all Western countries,’Žižek (2002: 303) argues, ‘is the growth of a managerial approach to government: government is reconceived as a managerial function, deprived of its proper political dimension’. Postpolitics refuses politicization in the classical Greek sense; that is, politics as the metaphorical universalization of particular demands, which aims at ‘more’ than the negotiation of interests. The consensual times we are currently living in have thus eliminated a genuine political space of disagreement. However, consensus does not equal peace or absence of contestation (Rancière, 2005: 8). Under a postpolitical condition: ‘Everything is politicized, can be discussed, but only in a non‐committal way and as a non‐conflict. Absolute and irreversible choices are kept away; politics becomes something one can do without making decisions that divide and separate. When pluralism becomes an end in itself, real politics is pushed to other arenas’ (Diken and Laustsen, 2004: 7). Difficulties and problems, such as re‐ordering the urban or re‐shaping the environment that are generally staged and accepted as problematic need to be dealt with through compromise, managerial and technical arrangement and the production of consensus: Consensus refers to that which is censored… Consensus means that whatever your personal commitments, interests and values may be, you perceive the same things, you give them the same name. But there is no contest on what appears, on what is given in a situation and as a situation. Consensus means that the only point of contest lies on what has to be done as a response to a given situation. Correspondingly, dissensus and disagreement don't only mean conflict of interests, ideas and so on. They mean that there is a debate on the sensible givens of a situation, a debate on that which you see and feel, on how it can be told and discussed, who is able to name it and argue about it … It is about the visibilities of the places and abilities of the body in those places, about the partition of private and public spaces, about the very configuration of the visible and the relation of the visible to what can be said about it… Consensus is the dismissal of politics as a polemical configuration of the common world (Rancière, 2003b: 4–6). The key feature of consensus is ‘the annulment of dissensus… the “end of politics” ’ (Rancière, 2001: 32). Of course, this postpolitical world eludes choice and freedom (other than those tolerated by the consensus) and, in the absence of real politicization of particulars, the only position of real dissent is that of either the traditionalist (those stuck in the past and who refuse to accept the inevitability of the new global neoliberal order) or the fundamentalist. The only way to deal with them is by sheer violence, by suspending their ‘humanitarian’ and ‘democratic’ rights. The postpolitical relies on either including all in a consensual pluralist order and on excluding radically those who posit themselves outside the consensus. For them, as Agamben (2005) argues, the law is suspended; they are literally put outside the law and treated as extremists and terrorists. Late capitalist urban environmental governance and debates over the arrangement of the city are not only perfect expressions of such a postpolitical order, but, in fact, the debate over the policing of sustainable urban environments, or, more generally, the environmental debate, is one of the key arenas through which this postpolitical consensus becomes constructed, when ‘politics proper is progressively replaced by expert social administration’ (Žižek, 2005a: 117). The postpolitical environmental consensus, therefore, is one that is radically reactionary, one that forestalls the articulation of divergent, conflicting and alternative trajectories of future (urban) environmental possibilities and assemblages. There is no contestation over the givens of the situation, over the partition of the sensible; there is only debate over the technologies of management, the arrangements of policing and the configuration of those who already have a stake, whose voice is already recognized as legitimate. There is, of course, a close relationship between the postpolitical condition and the functioning of the political system. In particular, the postpolitical threatens the very foundation upon which a democratic polity rests. Indeed, Jacques Rancière insists that this kind of consensual postpolitics is paralleled by the rise of a postdemocratic institutional configuration (see also Crouch, 2000; 2004; Rorty, 2004), one that erodes the very foundation of equalitarian democratic politics: Postdemocracy is the government practice and conceptual legitimation of a democracy after the demos, a democracy that has eliminated the appearance, miscount, and dispute of the people and is thereby reducible to the sole interplay of state mechanisms and combinations of social energies and interests… It is the practice and theory of what is appropriate with no gap left between the forms of the State and the state of social relations (Rancière, 1995: 142–3; also in Mouffe, 2005: 29). In this postdemocratic postpolitical era, adversarial politics (of the left/right variety or of radically divergent struggles over imagining and naming different socio‐environmental futures, for example) are considered hopelessly out of date. Although disagreement and debate are, of course, still possible, they operate within an overall model of elite consensus and agreement (Crouch, 2004), subordinated to a managerial‐technocratic regime (see also Jörke, 2005; Blühdorn, 2006). Through the technocratic management of environmental concerns — in the form of the search for local sustainability, the quest for a more equitable distribution of ecological goods or bads, or the management of the climate — the properly political as defined above becomes evacuated from the disembedded police/policy configurations through which these concerns become articulated. The barrage of apocalyptic warnings of the pending catastrophes wreaked by climate change and environmental degradation and the need to take urgent remedial action to engineer a retro‐fitted ‘balanced’ climate and ‘sustainable’ environment are perfect examples of the tactics and configurations associated with the present postpolitical and postdemocratic condition.

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#### Schotten adheres to high theory and anti-futurity, which means the alt fails; she endorses political engagement

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C. Heike Schotten’s Queer Terror: Life, Death, and Desire in the Settler Colony brings together conversations in political theory, native studies, queer theory, and biopolitics to offer a stunningly original theory of the temporality of settler sovereignty. Trenchant, polemical, and committed to a revolutionary politics against settler sovereignty, Queer Terror nonetheless seeks to conscript its reader to a seemingly untenable position. Schotten closes the book with the memorable and apparently indefensible declaration, ‘We choose to stand on the side of ‘‘terrorism’’’ (168). Queer Terror builds a solid theoretical armature for why standing on the side of ‘terrorism’ is a queer and decolonial position. The core of the book is chapter 2, in which Schotten conducts a highly original reading of Hobbes’s Leviathan in order to theorize settler sovereignty as driven by futural, expansionist desire. For Hobbes, what is desired is possession, and possession is a temporal affair. In the state of nature, there is no hope of securing the object of one’s desire from all those who would seek to take it from you. Hence, there can be no temporal continuity of desire into a future of guaranteed satisfaction. Thus, the state of nature is characterized by hopelessness and emotional stasis. The stable order of the commonwealth, by contrast, is supposed to guarantee a future of satisfied and protected possession. But in Hobbes’s theory of desire, possession is never enough, as desire seeks to constantly renew itself, as well as the experience of satisfaction, by turning from one object to another. For Schotten, the expansionist character of desire within the settler commonwealth is one driving engine of imperialism. The disavowed violence of settler sovereignty – in actual settler states as in Hobbes’s myth of the founding of the commonwealth out of the state of nature – is its other engine. Because the violence of native dispossession and would-be genocide cannot be acknowledged by the settler state, and because the continuing existence of native peoples threatens this disavowal, imperialism emerges with deadly force: ‘Empire functions as a kind of substitutive satisfaction to compensate for the failure of settler sovereignty to finally and fully exterminate indigenous peoples’ (59). Schotten’s critique of the temporality of settler colonial desire in chapter 2 thus offers shared ground for native studies and (post)colonial studies – two fields that are often seen as in tension with one another. The second pillar of Schotten’s argument is an astonishing reading of Lee Edelman’s No Future: Queer Theory and the Death Drive as a politically revolutionary text in favor of native life and native resistance. This flies in the face of the well-established reading of No Future as an a- or even anti-political text. Indeed, Edelman famously critiques all politics as based on a futural temporality that must repudiate the meaninglessness and a-temporality of the death drive, which, for Edelman, is socially represented by queers. In Schotten’s reading, however, No Future’s project of saying no to the futurism of politics ‘is not equivalent to abolishing politics as such and could only mean as much if every modernity were European modernity, if every politics were a sovereign biopolitics, and if every temporality were futurist’ (109). Instead, she reframes Edelman as an advocate of the opposition to the futurism of settler sovereignty developed in chapter 2 – a settler sovereignty that, much like the death drive itself, posits all resistance to it as irrational (‘terrorism’) and/or a-temporal (‘savage’). Hence, in Schotten’s rereading, Edelman’s project is ‘wedded to life, albeit a life that is unlivable as life, which is the status of native life within settler colonial regimes’ (110). To be sure, Schotten concedes that Edelman universalizes the futurism of the settler state as the futurism of all politics, just as he universalizes the heteroreproductive futurity symbolized by the white child as that of all children. Hers is therefore less a reading of Edelman than an adventurous and compelling appropriation – for the most part, that is. For to say that native life is not recognized as life, that native futures are not recognized as futures, and thus that native life occupies the structural position of the queer, of death, and of antifuturity, is to concede the symbolic order – the order of representation and meaning – to settler sovereignty. As Schotten acknowledges, ‘it seems particularly cruel and benighted to dismiss futurist movements and political struggles when they are so often waged precisely by those who were never meant to survive’ (112). Edelman would surely respond that indigenous political movements, like all political movements, are versions of futurism that queers must oppose, because every futural politics, even that of the most disenfranchised, necessarily repudiates the a-temporality of the drives. Beyond the Edelmanian frame, we might wonder whether a truly decolonial politics and theory would decolonize futurity, rather than conceding it to the settler state, while refuting the meanings of death, a-temporality, and structural queerness that settler sovereignty assigns to native resistance. But Schotten’s faithfulness to the Edelmanian frame – and to ‘high’ theory itself – prevents her from articulating the alternative terms of native and decolonial futurity. Though she helps us to see how settler sovereignty falsely universalizes its own futurity, ultimately, like Edelman, she concedes the terms of political discourse to settler sovereignty, granting it an absolute chokehold on representation itself. In the final chapter, Schotten constructs an illuminating genealogy of ‘terrorism’ that will not only be highly teachable but also useful to scholars of the Global War on Terror, Palestinian resistance, and contemporary anti-Muslim sentiment. Throughout the chapter, Schotten puts ‘terrorism’ in scare quotes to signal that the term, on her view, functions as a moral epithet rather than a description of any particular form of political violence. ‘Terrorism’s’ sole function is to designate a political threat as evil, making outraged condemnation and military violence the only possible responses to it. Schotten demonstrates how, during the Cold War, Western states sought to use the language of ‘terrorism’ to delegitimate ‘totalitarianism,’ whether it be Nazi fascism or Soviet Stalinism. During the same period, the Soviets sided with anti-colonial movements to brand colonial violence as ‘terrorism.’ The Global War on Terror effectively wrested the term ‘terrorism’ away from its anti-colonial usage, while adding Islam to its existing genealogies. Schotten tracks how U.S. and Israeli architects of contemporary ‘terrorism’ discourse conflated radical Islam, Nazism, Marxism, and fascism in order to delegitimate ‘terrorism’ as a threat to civilization and democracy. ‘Emptying oppositional politics of any content whatsoever,’ Schotten writes, ‘‘‘terrorism’’ becomes another word for savagery and nihilism, for the negation of the West and everything it ostensibly stands for: freedom, democracy, and the American way’ (141). In a reading of two scenes in which right-wing conservative pundits face off with defenders of Palestinian resistance, Schotten demonstrates how ‘terrorism’ discourse leaves no room for dialogue or retort. Rhetorically, defenders of Palestinian resistance, particularly when they are Muslim, cannot respond to ‘terrorism’ discourse without either condemning Palestinians as ‘terrorists’ or being themselves branded as ‘terrorists.’ For those in solidarity with Palestinian resistance, the choice, in fact, is no choice at all. In a compelling use of the Edelmanian model, Schotten concludes: ‘Let’s declare that we, too, are queers, bent on the annihilation of the social order and its ceaseless reproduction of specters of nihilism and death. We choose not to choose empire or the endless futurism of colonial domination. We choose to stand on the side of ‘‘terrorism’’’ (168). Queer Terror is a polemical must-read for scholars of biopolitics, native studies, queer theory, and the Global War on Terror. Few readers will agree with all of Schotten’s claims, but the work of a polemic is to generate disagreement, controversy, and conversation as much as it is to convince its readers. Queer Terror is sure to do all of the above. Structurally, Queer Terror is built around a series of highly original, illuminating, and, at times, counterintuitive readings of canonical political and queer theorists. This means that, paradoxically, Queer Terror seeks to contribute to native studies by building an original theory of the temporality of settler desire from the works of canonical, white settler theorists. Queer Terror is thus not a book about decolonial tactics or imaginaries, and it does not engage the alternative temporalities, futurities, or cosmologies of native life. Readers interested in concrete political praxis and modes of native resistance will therefore be left with questions that go beyond the book’s abstract theoretical framing. What does the praxis of resistance to settler sovereignty consist of, beyond performatively declaring oneself to stand on the side of ‘terrorists’? Is the choice to declare oneself on the side of ‘terrorists’ as available to Muslims, Palestinians, and indigenous water protectors, who are already likely to be targeted as ‘terrorists,’ as is it to white settler queers? Is there a danger in taking ‘queer’ and ‘terrorist’ to be structural markers of everything that settler sovereignty deems threatening, given the way these terms bundle together vastly divergent peoples, politics, practices, imaginaries, and yes, uses of violence? These and other questions of concrete praxis are the stuff of another project. Queer Terror is best read as an anatomy of the settler symbolic order and the impossible position in which it places native and decolonial resistance – a position, as Schotten compellingly if controversially argues, of death, ‘terrorism,’ and queerness.

#### Refusal is an overarching solution that shuts down Indigenous futures and reifies settler dominance

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The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to Israel-Palestine, 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 [construction] ~~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. In his defense of settler colonial studies against criticisms that it is unable to account for political action, Veracini (2014: 312) has maintained that settler colonialism is an interpretive paradigm, not a transformative one: ‘settler colonial studies’, he writes, ‘is only ultimately accountable for the way it is effective in explaining things’. Yet, as I have already noted, this is not precisely the case in the context of Israel-Palestine. Not only is the settler colonial paradigm increasingly associated with particular normative projects, namely a critique of the two-state solution and advocacy for a single democratic state (e.g. Collins, 2011), but both Veracini and Wolfe have ventured into the question of ‘solutions’ in their respective accounts of the dynamics of Zionist settler colonialism. While they are quite divergent in their readings of what it would mean to decolonise Israel-Palestine, I suggest that they are nevertheless indicative of the limitations of the settler colonial paradigm’s structural perspective, which flattens manifestations of settler colonialism and lends itself to certain parameters. These parameters neglect important differences between Israel-Palestine and its typical sites of comparison—not least of which is the relative ‘completeness’ of settler ethnic cleansing efforts and the political geographies and modes of legal governance they produce (Gordon & Ram, 2016)—, which have important implications for any project of decolonisation. After all, if there is there is no one-size-fits-all model of colonialism, there is no route to decolonisation appropriate to all contexts (see Kohn & McBride, 2011). In this last section, I want to engage Veracini and Wolfe’s accounts as a means to trace some of these areas of neglect, and, in so doing, gesture towards issues in need of serious reckoning in the settler-colonial paradigm’s prescription for decolonisation. For Veracini (2013: 26), the conflict is best understood in terms of how the Zionist settler colonial project to establish a Jewish-majority state in historic Palestine is complicated and compromised by the ongoing occupation. If success is a matter of perceived legitimacy, Veracini takes 1967 as marking a decline in the success of Israeli settler colonial practice and suggests that the occupation itself is an instance of failed settler colonialism, insofar as Israel has largely failed in having its West Bank settlements recognised as part of the settler colonial state (p. 30). When settler colonialism fails in its attempt to extinguish the colonial relation, he asserts, it reverts to colonialism where the colonial relation is underscored. This explains both the permanency of the occupation—if ‘the Occupation was established as a means to enable permanent settlements, now it is the settlements that perpetuate the need for permanent occupation’—and the radical turn to the Right inside Israel, which has seen ‘the integration of Israeli Arabs… progressively reversed’ and the ‘autonomy of the settler colonial project eroded’ by an increasing reliance on external support from international allies and the Jewish diaspora (pp. 32-3). This ‘simultaneous coexistence of successful and failed settler colonialisms’ (p. 39) means that ‘approaching the conflict would probably require a suite of solutions’ (p. 27). Nevertheless, Veracini is rather coy about what these may be. On the one hand, he emphasises that the ‘decolonisation paradigm’ is only really available to the West Bank and Gaza Strip, and that other frameworks must be made available to Palestinians inside Israel and those in the diaspora who, by virtue of the success of the Israeli settler project inside Israel, have effectively had decolonisation taken off the table (p. 40). On the other hand, he seems to suggest that any solution will nonetheless be unable to escape the colonial conditions that have shaped it. If two-states is a ‘colonial solution’, because ‘internationally sanctioned Palestinian independence (and associated forms of neo-colonial dependency)… should be seen as the colonial occupation’s logical outcome, not its demise’, onestate ‘turns out to be the settler colonial solution’ because it signals the permanency of the settler polity (p. 33, 39). Wolfe (2012), in contrast, is far more direct about his preference for a single democratic and secular state in Israel-Palestine. The two-state solution, he suggests, is not only ‘liberal subterfuge’, but an oxymoron, because of its inability to reckon with the ways in which the ‘New Jew’ Zionism has sought to construct needs the contrapuntal presence of the Palestinians to come into being—without the Palestinians, Israel would fracture under the weight of its own internal diversity (pp. 319-20). Wolfe is especially troubled by the religious/secular division that plagues Zionism as an ostensibly secular national movement framed around the notion of Jewish return, and which has become more politically salient with the religious-national settlement movement that has taken hold in Israeli politics since the late 1970s. The ‘ascendancy of [this] religious element’ is of particular concern, loading the settler will to eliminate the native with an additional theological dimension; should Israel ‘be finally cleansed of its Natives’, he warns, it would only be ‘left with a choice between theocracy and implosion’ (p. 318). Thus the appeal of a single state solution: not only does it deal with the tricky questions of territory and sovereignty in one fell swoop, but it also does away with this risk of theocracy. Additionally, it dissolves the ‘irreducible contradictions between Zionism’s twin goals of territorial expansion and ethno-racial exclusiveness’: ‘in a secular state… that exists for its citizens rather than co-religionists this intractable problem disappears’ (p. 321). The desire for ethnic purity that has characterised Zionism to date becomes its greatest asset in this regard, namely because it does not allow for the assimilation of Palestinians. Thus, for Wolfe, [r]ather than absorbing the colonised population into the ranks of the colonisers, and thereby eliminating that population, a secular democracy does not require the elimination of either—or, better, any— of its constituent ethnicities. That is the whole point (p. 321). In this sense, ‘a unified state not only dismantles Zionism. In the process, it dismantles settler colonialism’ (p. 321). If Veracini offers a seemingly impossible vision of decolonisation in IsraelPalestine, where any solution would be compromised by the colonial conditions preceding it, Wolfe’s vision seems in comparison impossibly easy: not only can Zionism be dismantled, but so too can settler colonialism. This is in stark (and surprising) contrast to his generally fatalistic take on structural transformation in settler colonial societies. It is, however, particularly revealing of the tendency in settler colonial scholarship to regard Zionism as purely settler colonial and the conflict akin to any other settler colonial context (e.g. Collins, 2011). Both Veracini and Wolfe are guilty of this, even as they are otherwise attentive to many of the particularities of the conflict. Wolfe (2013b: 9), for instance, identifies ‘Zionism as settler colonialism pure and simple’, if not a particularly voracious form stuck at the frontier stage. Likewise, Veracini (2015: 1-2) suggests that the ‘settlement, nothing else, [is] the absolute core of Zionist practice’, going so far as to claim that ‘what is in front of us is not a conflict situation, it is actually a postconflict’ (‘postconflicts’, he notes, ‘are rarely peaceful’). Tim Rowse (2014) has argued the tendency towards ahistorical and decontextualised analysis in settler colonial studies means that it misses much about the variety of geographical and regional forms settler colonialism takes. It is equally important, however, to recognise that the settler colonial frame itself is by no means ahistorical or decontextualised. To the contrary, settler colonial studies is very much an Antipodean perspective, having emerged primarily within an Australian context, and it is fair to say that this is evidenced in its main preoccupation with white settler societies. While all transnational frames have to be developed somewhere, the structural emphasis of the settler colonial paradigm not only obfuscates this local heritage but means that its vernacularisation is often replication, which is where the ‘imported institution remains largely unchanged from its transnational prototype [and] the adaptation is superficial and primarily decorative’ (Merry, 2006: 44). This can be evidenced in Wolfe and Veracini’s respective accounts of decolonising Israel-Palestine, which leave the national dimensions of the conflict under-examined and fail to address the unique affective and socio-political resonances of the native/settler distinction in the Israeli-Palestinian context. As Wolfe (2012: 287) points out, the circumstances and intentions of settler colonisers is inconsequential from a Native point of view, and both he and Veracini perhaps quite rightly prioritise the historical outcomes of Zionism (namely, the displacement of the Palestinians) over all other meanings attached to it. Nevertheless, it is important to recognise that there is a strong nationalist aspect to Zionism, which is after all a national movement geared towards Jewish self-determination. This marks it as a particularly unique— although not singular—form of settler colonialism. In contrast to settler colonies like Australia where the drive for a settler identity separate from the metropole only emerged much later, the impetus towards an exclusive form of settler self-determination has shaped almost all aspects of the conflict in Israel-Palestine since at least the second aliyah that reached Palestine between 1904 and 1914 (see Shafir, 1989). Of course, Zionism is not the only colonialist project to be carried out in the name of ostensibly nationalist ideals—the French colonisation of Algeria is widely cited as a case in point (Pappe, 2008: 612-3). Yet, it does mean that understanding Zionism’s nationalist impulse is crucial to understandings its political strengths and continued affective resonance; ‘a simple dismissal of Zionism’, Jacqueline Rose (2005: 13) appeals, ‘fatally undermines the case it is intended to promote’. Moreover, as Pappe (2008: 613) stresses, ‘labelling Zionism as nationalist or national [by no means] absolve[s] it from the accusations of dispossession and occupation’ (my emphasis). Nor does it lessen its crimes against the Palestinian people. While the Palestinian anti-colonialism has historically been entangled with a broader pan-Arabism, it is similarly impossible to understand it outside of a nationalist vocabulary and the struggle for national self-determination (Said, 1979). Given that the settler paradigm is nominally able to incorporate the Palestinian struggle for national self-determination under the rubric of decolonisation, it is striking that neither Wolfe nor Veracini reckon in any rigorous way with implications of Palestinian nationalism in their respective accounts.5 Wolfe’s (2012: 231) one-state, for instance, ‘does not require the elimination of its constituent ethnicities’, neglecting not only that the affirmation of those ethnicities is also a powerful political driver in the ongoing conflict, but that the affirmation of identity for colonised peoples has been a defining feature of decolonising projects in general (Fanon, 1967). Veracini’s (2013) efforts at disentangling the colonial from the settler colonial would similarly seem to reinforce the Green Line’s fragmentation of the Palestinian polity into those in the ‘territories’ and those inside ‘Israel proper’, thus undermining the paradigm’s potential to aid Palestinian nation-building efforts. The lack of attention paid to the Jewish drive for ethno-national selfdetermination, however, is not surprising. From the perspective of settler colonial studies, the question of settler self-determination is an especially fraught one: not only is it seen as a particular historical relic (loosening ties to the ‘motherland’), but settler colonial scholarship has concerned itself precisely with critiquing how the notion of settler self-determination legitimises continued dominance over Indigenous peoples. Additionally, in the context of contemporary white settler societies like Australia, Canada and the United States, the claim for ethno-national self-determination simply does not make sense (save for a few at the very periphery of politics) given that the shape of the polity is more civic than ethnic. Indeed, it is the settler colonial polity’s ability to subsume Indigenous alterity that is regarded as most troubling in the settler colonial paradigm; assimilation is, after all, the final stage in the logic of elimination (Wolfe, 1994). It is from this perspective that we can make sense of Veracini’s insistence that the one-state is the settler colonial solution. Yet, as Wolfe makes clear, Zionism has little capacity to assimilate Palestinians: the lines of identity, driven as they are by a dichotomy of Jew/non-Jew determined by a tribal notion of maternal blood-lineage, are simply too firm for serious parallels to be made between Israel and the white settler societies with which it is typically compared. While Wolfe’s (2012: 320) account is more sensitive to these dynamics, his vision of a secular, civic, inclusive and plural united state (which he interestingly addresses to European Ashkenazi Jews) would nevertheless seem to leave aside the ways in which such plurality is fiercely charged in the Israeli-Palestinian context—and is, most certainly, also characterised by a religious dimension for Israelis and Palestinians alike. In this regard, Wolfe replicates much debate on the one-state solution, which presumes that Jews would be incorporated into a single state as a neutral and repentant collectivity (Farsakh, 2011: 70). If even a one-state solution would have to reckon with the reality that the very presence of Israeli Jews as a settler collective is grounded on a history of dispossession and occupation, then surely dismantling Zionism—as per Wolfe’s wish—is not enough to dismantle settler colonialism. Perhaps the question is less one of dismantling Zionism than it is of decolonising Jewish Israeli identity and its settler colonial privileges, which, as Theodora Todorova (2015) argues, are most powerfully connected to the Jewish right to return—a right in turn denied to the Palestinians. This is something missed by Veracini, who takes the intimate connections between Israel and the Jewish diaspora as a sign of weakness in the settler colonial project, when this complicated entanglement with diaspora is in fact constitutive of Zionist settler colonialism. If Wolfe and Veracini fail to fully engage the conflict’s nationalist dimensions, they are also strangely silent on the resonances and implications of the settler/native distinction in the Israeli-Palestinian context. Indeed, one of the weaknesses of the settler colonial paradigm as a whole is its inability to fully reckon with Indigenous and settler identities as interactive, mutable and contingent processes of social signification. For Wolfe, the native/settler distinction is only socially constructed insofar as it is forged at the moment the settler decides she wants to stay; yet, as Francesca Merlan (2009) has argued, ‘Indigeneity’ as a transnational category cannot be understood outside of the historical processes

#### Their understanding of the state as unified, immutable, and inevitably dangerous to Indigenous actors creates a pessimism trap that stifles Indigenous agency and activism

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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 unifed 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 ‘misrecognition’ 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 frst 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 deemphasises 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 refective 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 confgurations of power that we initially sought…to challenge’.39 He therefore advocates expressly for ‘critical self-refection, skepticism, and caution’ in a ‘resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically nonexploitative 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 fnds 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-imagine and re-formulate their current relationship into one that could be transformative and post-colonial, as envisioned by the UN Declaration on the Rights of Indigenous Peoples. The pessimism traps together work to foreclose any possibility that there could be credible openings of opportunity to negotiate a fairer and just relationship of co-existence with even the most progressive state government. This pessimistic approach is not innocuous. By overemphasising structure and granting the state an enormous degree of agency as a unitary actor, this pessimistic approach does a remarkable disservice to Indigenous resistance movements by proscribing, from academia, an extremely narrow view of what Indigenous self-determination can and should mean in practice. By overlooking and/or discounting Indigenous agency and not even considering the possibility that Indigenous peoples could themselves be calculating, strategic political actors in their own right, and vis-à-vis states, the pessimistic lens of the resurgence school unnecessarily, unproductively and unjustly limits the 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 signifcant 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.

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