# Ethical Reciprocity AC

#### The role of the ballot is to use the flow to identify and vote for the debater who performativity decolonizes debates about medicinal patents. This means form-level offense comes first and precludes theory

Dunford 17 - Robin Dunford, University of Brighton, Journal of Global Ethics, September 21st 2017 “Toward a decolonial global ethics” [https://www.tandfonline.com/doi/full/10.1080/17449626.2017.1373140] Accessed 10/1/20 SAO

Decolonial ethics is not without its tensions, some of which I explore in this section. In principle, the above two aspects of pluriversality cut in different directions. The pluriversal as that which is formed through inter-cultural dialogue points in the direction of a dialogue in which positions are not excluded in advance (even if this dialogue may take place, initially at least, only amongst the oppressed), and in which no particular standard or value is valid in advance of dialogue.7 Taken alone, this form of pluriversality raises questions. Does inter-cultural dialogue have any limits or constraints? Are values justified solely by virtue of having emerged through inter-cultural dialogue, or is it possible for a value to be wrong, normatively speaking, despite emerging from this process? Are any and all views allowed to the table, or ought certain views be rejected? What about those views that reproduce colonial narratives or values that have done so much to silence, undermine and oppress those on the underside of the colonial matrix of power? Taken alone, this aspect of pluriversality cannot provide an account of whether there are views, practices and modes of engagement that should not be allowed in discussion. Nor can it rule out, as illegitimate, views, values, practices or policies that, despite emerging from discussion, may nonetheless go on to oppress others. It is here that pluriversality as a value enters**. Pluriversality** as a value suggests that practices, worldviews, values or policies are legitimate only if they remain compatible with the existence of other worlds. In this sense, pluriversality sets a standard of legitimacy that **would judge as morally wrong any** worldview, value or **practice that** does not accept the existence of, or that **works to shut down, other worlds.** That is not necessarily to say, though, that those holding such views ought to be excluded from dialogue. There is a tension, then, between the two aspects of pluriversality. Giving ultimate priority to one aspect cannot solve this tension. Without any reflection on its emergence from pluriversal dialogue, the substantive value of pluriversality would become a new abstract, already-universal design and would undermine all commitment to taking seriously as producers of knowledge those that are marginalised. Without the substantive value, there is no way of identifying why a dialogue that takes seriously multiple cosmovisions is a morally good thing. Nor would there be any way of casting any judgment on or identifying as morally wrong certain visions – racist visions, sexist visions, visions that advocate a form of modernity that inevitably reproduces coloniality. Both aspects of pluriversality must remain, and decolonial global ethics must find ways of navigating (if not resolving) any tension between them. It will be for pluriversal dialogue to find ways of navigating this potentially irresolvable tension. To offer some ideas to any such discussion, it is worth noting that the substantive value of pluriversality has emerged, in practice, through pluriversal exchanges in indigenous, peasant (Martínez-Torres and Rosset 2014), feminist (Leinius 2014) and World Social Forum praxis (Conway and Singh 2011). Having emerged as an abstract value through concrete, inter-cultural dialogue, it can, in turn, retrospectively account for why it is that such dialogue is, normatively speaking, a good thing. One might also note that the abstract value of a world in which other worlds are possible does not give rise immediately to concrete values, practices, policies and attitudes. Understanding what kind of practices, policies and modes of behaving and living enable other worlds to exist, and fostering the kind of respect for other worlds that such practices and ways of living may require, requires pluriversal dialogue, for it is through such exchanges that it will become apparent that certain demands and ways of living can and do result in the oppression of others. Both aspects of pluriversality can thus be mutually enriching in practice, despite the potential for tension between them. Whilst there is not room to introduce them in depth here, any readers inclined to think that this tension makes decolonial ethics unworkable, hopelessly idealistic and of no use **in the ‘real world’** would be advised to explore the practices of the social movements that navigate these tensions. Related to this difference between the two aspects of pluriversality are tensions between decoloniality as an option and decoloniality as an imperative. For Mignolo, there will be no place for one option to pretend to be the option. The decolonial option is not aiming to be the one. It is just an option that, beyond asserting itself as such, makes clear that all the rest are also options. (2011, 21) Similarly, what we put on the table is an option to be embraced by all those who find in the option(s) a response to his or her concern and who will actively engage, politically and epistemically, to advance projects of epistemic and subjective decolonisation and in building communal futures. (2011, xxvii) This weaker version of decoloniality appears not to rule out, as incompatible with decolonial global ethics, other visions. ‘Western civilization’ would then, Mignolo (2011, 176) suggests, ‘merely be one among many options, and not the one guide to rule the many.’ The decolonial option serves to add another option to the table. It does not necessarily reject Western modernity, liberal cosmopolitanism or other positions, provided that they, too, present themselves only as an option. When understanding pluriversality in terms of its procedural aspect, this makes perfect sense. It would be wrong to set out, in advance, one option as an imperative, as one we ought to follow, albeit in different ways. The worry with this weaker version, however, is that it risks ‘losing the ability for critique’ (Alcoff 2012, 6) and becoming a relativism of anything goes. For Grosfoguel (2012, 101), **by contrast, pluriversality is not ‘a relativism of anything goes’.** Similarly, for Dussel (2012, 19), a decolonial perspective does ‘not presuppose the illusion of a non-existent symmetry between cultures’. Instead, it acknowledges that some cultures, cosmovisions and livelihoods are systematically threatened by others and cannot survive in the face of cosmovisions and lifestyles that are inextricably tied to the ceaseless extraction of resources, the dispossession of people and poor working conditions. These perspectives follow when the substantive value of pluriversality is invoked. If the practices, institutions and lifestyles that we associate with modernity continue to depend upon and be constituted by coloniality, then these are not compatible with a world in which other worlds fit. It is for this reason that Dussel suggests that decolonial liberation is ‘impossible for capitalism’ and must not accept the colonial matrix of power ‘as a whole’ (Dussel 2013, 138). Though Mignolo primarily presents decoloniality as an option, at other times he suggests that ‘pluriversal futures … are only possible if the reign of economic capitalism ends’, on the basis that economic capitalism provides space only for practices that can be turned into, or do not obstruct, profits, and hence does not allow different worlds to exist on equal terms (Mignolo 2011, 292). This article is not the place to analyse the validity of Mignolo and Dussel’s accounts of capitalism. The point is to suggest that decoloniality should be considered an **imperative**, and not just an option to be placed on the table. So understood, decolonial global ethics **goes beyond a relativism of anything goes. Any option that inevitably depends upon the systematic destruction of other words would violate the principle of a world in which many worlds fit.** Decoloniality, and its central value – pluriversality – invoke stringent demands that rule out a number of worlds, practices and lifestyles. It identifies as wrong a world of economic capitalism if and insofar as it inevitably depends on, and cannot be reformed to prevent, the destruction of other worlds. It identifies as wrong practices of resource extraction, if and insofar as they destroy the livelihoods of peasant and indigenous peoples. It identifies as wrong highly polluting lifestyles, if and insofar as they lead to the destruction of the lives and cosmovisions of those who are dispossessed and displaced as a result of environmental change. **It means, finally, that Western civilization as we know it cannot be one legitimate option among many if and insofar as it is constituted through, and cannot be separated from, coloniality**. If decolonial global ethics is to unpick the colonial matrix of power and liberate people (s) from domination, it must be an imperative. It must be understood, as it is by Mignolo (2011, 23) in one of his stronger statements, as a project ‘which all contending options would have to accept’. **This does not mean that decoloniality and pluriversality offer a singular and rigid global design**. A pluriversal world is one in which multiple options are possible – a world in which many worlds can co-exist. Whilst other options would be circumscribed insofar as they would have to accept the decolonial imperative of working towards a pluriversal world, this still leaves room for many options, many possible lives, livelihoods and cosmovisions. Only those worlds that **involve, inextricably**, the continued domination of others are judged as wrong (though it may well be the case that such views should not be excluded from dialogue, given that dialogue itself may help enrich the kind of mutual respect that would lead to the abandonment of such views). Far from invoking a relativism of anything goes, this principle is a demanding one, with radical implications for global social structures and ways of living. The building of a pluriverse is and must be an open-ended project, fed by dialogues amongst actors from across the world. Moreover, the demand of a pluriverse may be impossible to meet fully; in an interconnected world, it may be impossible to ensure that it is not the case that the actions of some constrain the worlds of others. This does not mean, however, that some worlds, practices, livelihoods, lifestyles and institutional designs are not more compatible with a pluriverse than others. Recognising interconnectedness – and the long history of interconnectedness – only increases the importance of striving for a pluriversal world in an attempt to build a world free from the domination and destruction of the colonial matrix of power. Decolonial theory makes a distinctive and valuable contribution to global ethics. It begins with an analysis of coloniality as the inextricable darker side of modernity. In reflecting on what it would mean to decolonise, decolonial theory offers a fundamentally global ethics that is distinct from individualistic and universalistic cosmopolitan theory. It begins with those perspectives threatened by a colonial matrix of power, and proposes inter-cultural dialogue across diverse cosmovisions. In so doing, it refuses to specify, in advance, what is of fundamental moral significance. Finally, it embraces pluriversality. Plurversality refers, on the one hand, to a way of constructing values. A value is pluriversal if, rather than being set up as an abstract and already-universal value, it is constructed through dialogue across multiple cosmovisions. Pluriversality also refers to a value of a world in which many words fit. Pluriversality thus offers an account of both a global process through which global values can legitimately be formed, and a value that can be used to judge particular practices, policies, processes or social structures. Pluriversality as a value is demanding and judges as morally wrong practices and social structures that inevitably dispossess others. But it is not equivalent to those universal, global designs central to the colonial matrix of power. It is not equivalent, in part, because it embraces radical difference and **seeks to multiply options,** rather than close them down. It also differs in that it has emerged from, and can only be fleshed out through, a process of pluriversal exchange. Decolonial theory has been constructed alongside and through social movement practice. The above presentation of the value of pluriversality, and of the distinctive features of decolonial theory more broadly, has only been possible in light of the work of peasant, indigenous, feminist and World Social Forum activists contesting various aspects of the colonial matrix of power. Taking decolonial global ethics seriously opens avenues for further work judging whether, how, and why given practices, policies, processes and structures are compatible with pluriversality in both senses of the term. If this article encourages global ethicists to explore further these questions, then it would have played its small part in contributing to the construction of an ethical framework that can take seriously and challenge the legacy of colonial rule.

#### Prefer my Role of the ballot

#### [1] Representations and form first because our approach to the world determines our material actions which means it controls the IL to policy change. And additionally, it ensures reflexivity

Curbishley 15 - Liddy Scarlet Curbishley student Masters of Humanities in Gender Studies August 2015 “Destabilizing the Colonization of Indigenous Knowledge In the Case of Biopiracy” [https://dspace.library.uu.nl/bitstream/handle/1874/319612/Liddy%20Thesis.pdf] Accessed 8/13/21 SAO

Vital for the aims of this thesis is the ability to use reflexivity when discussing representation in/and research and to this end a postcolonial ecofeminist perspective is helpful as it allows for the analysis of Subject constructions, in this case those that are constructed over the lives of non-white, non-Western, colonized, or indigenous peoples. Simone de Beauvoir discusses how representations are created from partial perspectives that transcend into absolute truths when created by those with hegemonic power. “Representation of the world, like the world itself, is the work of men; they describe it from their own point of view, which they confuse with absolute truth” (de Beauvoir, 1972: 161). Those privileged within the hierarchy have the power to represent the Other. Representation is therefore an important focus of this thesis because we see that the power to re-present is concentrated in the hands of elites, in this case the Global North holds the power to re-present indigenous peoples. The ways in which the indigenous Other is re-presented through the Subject construction devised by the Global North creates the oppressive dualism necessary for the colonization of indigenous knowledges through acts of biopiracy. Said’s extensive exploration of the ways in which the Oriental Other is represented by the Occidental Subject in literature and academia is relevant here. In his important text, Orientalism, Said asserts that a “phenomenologically reduced status” is placed upon the Oriental that can only be accessed by a Western expert (1978: 283). Since Western re-presentations of the Orient began to arise, the Orient has been unable to represent itself as hegemonic Western representations engulf any attempt. Thus knowledge of the Orient can only be deemed credible once it had been refined by the Occidental’s work (283). This process of re-presenting through Western eyes that Said speaks of **is supported by institutions, vocabulary, scholarship, imagery and doctrines** (Said, 1978) hence representation’s power which is performed through discursive meaning which is both constructing of and constructed within social spheres. When representing the Other, their agency to represent their own experiences becomes obscured and removed. Taking up this issue in her seminal paper, “Can the Subaltern Speak?” Spivak (2010) met her question with the answer of a resounding no: a response that exemplifies the lack of ability one has to represent oneself as a hyper-oppressed individual or collectivity. Mohanty moves beyond Spivak’s assertions and invites us to consider the possibility of a shift in the politics of representation and states, “it is time to move beyond the Marx who found it possible to say: They cannot represent themselves; they must be represented” (Mohanty, 2003A: 354). Thus, as these arguments make clear, **it is imperative that whilst** conducting research and **theorizing one is attentive to representation** - the act of speaking about and for another. The use of a postcolonial standpoint can assist me in remaining sensitive to the forms of colonialist power relations that frequently shape knowledge production. In this way, postcolonialism can help me to interrogate my partial perspective and privileged standpoint (Haraway, 1988). It offers a reflexive approach that foregrounds the way one’s positionality influences what knowledge is produced in the research process, while drawing attention to the partial perspective (Haraway, 1988) that one necessarily inhabits in this process. This reflexive approach is also relevant to the political interests of this thesis. Perpetually interrogating the claims and assumptions one makes whilst theorizing from one’s own standpoint helps to reduce the prospect of reproducing hierarchies and perpetuating colonial re-presentations. I must critique my own gaze and be careful not to encode my own representations as truth, so as not to marginalize other alternative readings. In this way I can aim to avoid conducting research through imperial eyes (Smith, 2012). Through the analysis and discussion I will attend to the Global North’s behaviour and the effects this has on the lived experiences of indigenous peoples in postcolonial India with regards to resources, knowledge and the politics of representation. In doing so I do not wish to speak for indigenous peoples or perpetuate essentialist tropes of indigenous peoples as Mother Nature’s carer. I wish to destabilize this, to untwine the tangled woman-nature-nurturer knot that has been dreamt up. I wish to de-essentialize the image of indigenous peoples through showing that the reason why the homogenized scientific and modern Global North seeks the knowledges of indigenous peoples is due to the complexity, creativity and fruitfulness of these knowledges. Again, I must be aware of not glorifying sites of indigenous knowledges as green utopian paradises capable of offsetting global environmental degradation, but instead attend to them as an alternative modernity based on differing values that demonstrate alternative knowledge production and deserved recognition, protection and selfdetermination. Furthermore, despite the urgent need to pay attention to non-Western knowledge – knowledges that sit outside of the dominant knowledge paradigm -, it remains pertinent to remind oneself of the violence and oppression within the Global South and indigenous communities with regards to gender, sexuality, religion and class (Shome, 2012: 200). The idea is not to reverse the nature/culture binary or create an indigenous-centrism as opposed to a Global North-centrism but instead move beyond these dominating dualistic ways of perceiving the world (200).

#### [2] Survival: Centering indigenous scholarship is an irreducible survival strategy

Reddy 18 - Sujani K. Reddy, Abolition: A Journal of Insurgent Politics (2018)“We Don’t Need No Education: Deschooling as an Abolitionist Practice” [ISSN 2642-9268 (Online) | ISSN 2642-925X (Print)] Accessed 8/17/19 SAO

My essay has, in some sense, now reached a point of no return. **Centering indigenous sovereignty undoes the project of capitalist imperialism** as it has taken shape through the white settler colonial nation-state. And yet it is at this very point that the project of undoing this unholy alliance begins to unravel in my mind. This unraveling has less to do with acquiescence to a system whose goal is to debt us to death, and more to do with being tired of focusing on already existing forms of dominant power in a way that reinforces them. This is again me butting my head up against a wall where critique can be a form of complicity. Lest this lead down a road of despair, I want to first recognize that for me, what we call Ethnic Studies did not actually start with the student led social movements at the dawn of what I have been calling the post–civil rights United States. To start there is to center educational institutions as the beginning and end of our horizon. Instead, I want to remember that inasmuch as Ethnic Studies bears a relationship to the long histories of our communities, our cultures, and our ways of knowing, it has its roots in practices that were and are antithetical to the institutions of capitalist imperialism. It is in the ongoing struggle to maintain indigenous epistemologies and cosmologies; it is with the enslaved who taught themselves to read against the master’s will; it is with the immigrants who were excluded and detained and who carved their voices into the walls of their holding cells; it is with the imprisoned whose quest for knowledge is self-led and oriented toward collective liberation; it is with the movements for migrant rights that work to link their struggle to ones for indigenous sovereignty. This list is obviously not exhaustive, but just a beginning**, a way to think about who we understand as having knowledge, and how we come to learn not simply skills that will lead to resources within a capitalist system but also ways of knowing that are inherently oppositional to that system.** The question of ways of knowing is critical. Following the insights of Leanne Betasamosake Simpson, while specifc to the context of Nishnaabeg intelligence, also allows me to see how the unraveling of my mind is perhaps also a way out of having been schooled in this system, and into new epistemologies.9 This, then, is an attempt to reframe what we can understand as resources, and re-vision ourselves as having access to an abundance. It is also to recognize that efforts to de-school, while not always going under this particular moniker, are and have been ongoing. But what about those of us who remain, in some way or other, working within the system as such? Here I want to turn to our capacity to practice small acts of marronage. In keeping with the proposition itself, I will proceed by being more suggestive than comprehensive or proscriptive as I refect on how the practice of Ethnic Studies evolved for me and a small group of students at my last job. These were young people whom I had worked with over multiple semesters and years, both inside the classroom and outside as an advisor and fellow activist in local struggles around migrant justice and against mass criminalization. We were in a setting where institutional resources were available for “service learning.” The college encouraged collaboration between faculty, students, and underserved communities who were not, until now, under its purview. It is important to recognize how this is a neoliberal manifestation of noblesse oblige for the ways in which it privatizes the distribution of resources and services that were once part of the purview of the state. Given this context, my student collaborators and I slowly but surely came to understand that the most meaningful forms of action for us came to be the ones that went under the radar—the ones that were sideways and slanted and drew upon the undercommons as so powerfully articulated by Harney and Moten. We found ways to be in the institution but not of it, to not subordinate ourselves to its forms of recognition but instead **to employ its resources in ways that were not legible or reducible to its designs** or demands. We were not poster children; we were poachers. Thus, I have already said too much and must leave the rest purposefully vague because publicity is precisely not the point. The question of whether or not we de-schooled Ethnic Studies is open. So too is the question of how the undercommons relates to visions of abolition. What I want to leave you with, at this juncture, is simply a practice of diversity that is not a demand for inclusion so much as it is a call to diversity our tactics—as a strategy for survival.

#### [3] Resolvability: Semantic representations of truth aren’t reliable.

Kienpointner 96 – M. Kienpointner in the Journal Argumentation, November 1996 “Whorf and Wittgenstein. Language, world view and argumentation” [https://link.springer.com/article/10.1007/BF00142980] Accessed 9/18/19 SAO

An extreme case of linguistic expressions which let premises appear as indubitable truths or norms are tautologies. In classical two-valued predicate and propositional logic, tautologies are defined as necessarily true statements which only convey redundant information (cf. e.g. 'A is A'/'As are As', 'If p, then p', 'Either p or not p' and their formal equivalents: 'Vx [P(x) -- P(x)]', 'p --> p', 'p v -,p'; note that the last tautology becomes a contingent proposition in logical systems with three or more truth values). Different from their purely formal logical counterparts, tautological utterances in natural languages do convey additional semantic information, while sharing the appearance of absolute necessity with formal tautologies. It is not surprising, then, that tautological sentences are used in everyday argumentation to convey a message like: 'My arguments are irrefutable'. In the remainder of this chapter, I will describe the function of tautologies in everyday argumentation and criticize the implicit ideological messages they often convey. But first, I will give a short review of the relevant literature. Tautologies and their communicative functions have been the subject of quite a number of contributions in recent linguistic literature (cf. Wierzbicka, 1987, 1988; Fraser, 1988; Ward/Hirschberg, 1991; Farghal, 1992; Okamoto, 1993). A main point of the controversial discussion has revolved around the question whether natural language tautologies are uninformative by themselves and only convey meanings via inferred Gricean implicatures or whether they do have language-specific meanings which are encoded by grammatical and semantic features of the linguistic system. The first alternative was favored by representatives of the 'radical pragmatics' approach. Following Grice (1975), Levinson (1983: 125) considered tautological utterances like 'Boys are boys' as meaningless if out of context. The actually existing **semantic** **information** conveyed by such utterances, which seem to violate the Quantity and Relevance maxims of Grice, is inferable only via implicatures (e.g.: 'That's the kind of unruly behavior you would expect from boys'). These implicatures depend on the particular context of the utterance. Ward/Hirschberg (1991: 511) tried to generalize this approach and to formulate explicit principles for the interpretation of tautological utterances as generalized Cricean implicatures. They see the main function of tautologies (e.g. 'War is war') in the implicit rejection of alternative utterances (e.g.: 'War is a crime', more generally: 'A is B' or 'If p, then q' etc.). The second alternative was supported by Wierzbicka (1987, 1988), who argued for a 'radical semantics' approach. According to this approach, tautologies cannot be considered as meaningless if out of context (1987: 96ff.): firstly, they **differ** considerably **across** **languages**. One and the same syntactic structure can have differing meanings in different languages and quite often, tautologies occurring in one particular language do not even exist in this form in another language (e.g. 'Boys are boys' does not exist in this form in French, German or Russian: compare \*'Les garqons sont les (des?) gargons', \*'Knaben sind Knaben', \*'Mal'iki mal'6iki'). Secondly, within one and the same language, a number of formally different types of tautological sentences can be systematically associated with different meanings. A third alternative has been suggested by Fraser (1988: 217f.) and refined by Farghal (1992) and Okamoto (1993). According to this approach, which I consider to be the most convincing one, both the 'radical pragmatics' and the 'radical semantics' approach have shortcomings: the first cannot explain that many tautological utterances do have conventional core meanings, even apart from specific contexts (and at least generalized implicatures come close to conventional meaning). Moreover, there are obvious formal and semantic differences between tautological utterance across languages. The latter cannot explain the full range of possible meanings associated with a particular tautological construction. Several counter examples have been given as to the suggested meanings of English tautologies as described by Wierzbicka (pointed out by Fraser, 1988: 218f.; Ward/ Hirschberg, 1991: 512f.) and a variety of contextual meanings of one and the same tautological construction cannot be explained without the use of pragmatic principles like the Grixean maxims (cf. Farghal, 1992: 226f.; Okamoto, 1993: 462f.). For instance, the Japanese tautology 'X wa X' (where 'wa' is a topic marker) can be assigned the core meaning of category immutability: no matter how marginal the particular instantiation of category X may be, it must be accepted as an instance of X (Okamoto, 1993: 439). But in addition, 'X wa X may plausibly be used to convey other meanings, in particular attitudinal meanings, such as resignation, tolerance, defiance, obligation, criticism, or soberness' (1993: 462). For example, the specific tautology 'Oya wa oya' ('A parent is a parent') can be used to call special attention to a parent even if he or she cannot be considered an ideal parent (obligation), to ask for understanding of the typical behavior of a parent (tolerance), to request gratitude for the efforts of a parent (appreciation) etc. Similarly, Farghal (1992: 232f.) points out that Jordanian Arabic tautologies like 'Hi:h hi:h' (lit. 'She she', that is, 'She is she' or 'She'll never change') can be used both for expressing admiration and condemnation. I will now return to the function of tautological expressions in everyday argumentation. In my opinion, the discussion of the status of tautologies and their functions in various natural languages (among them English, French, Russian, Polish, Arabic, Japanese) seems to have shown that many (if not all) varieties of tautological utterances can be used in argumentative discourse according to one and the same argument scheme. The tautologies themselves and the core meaning conventionally implied by many of them, namely, that they preclude the possibility of other alternatives and that this will remain so in the foreseeable future, belong to the premises of this argument scheme (cf. Wierzbicka, 1987: 109; Ward Hirschberg, 1991: 511): Tautological Argument (= TA): If A is A, A is not B. A is A This is the only possibility. This will not change (in the foreseeable future). Therefore: A is not B (not C, not D ... ).This scheme could easily be modified to include other types of tautological utterances (e.g.: If p, then p; or: Either p or not p etc.) and other types of conclusions (e.g.: Not q (not r, not s .. .)). Note that 'A is A' and other types of tautologies need not always express factual propositions ('Boys are boys'), but can also indirectly express **obligations and other types of** normative propositions **(**e.g.: 'A mother is a mother', meaning that one has certain obligations towards one's mother, which should be fulfilled). To illustrate this scheme and its applications in argumentative discourse, I will use some of the examples provided by Ward/Hirschberg (1991: 512ff.). They are all taken from authentic passages of spoken or written English. See for example (the abbreviations are Ward/Hirschberg's): 1. GW:Why would you want to hack in Paoli eight hours a day? DE: A job's a job. (6 March 1985) 2. Jim Gardner: The defense claimed White had asked him to kill her. The prosecution countered with the claim 'Murder is murder'. (Channel 6 Action News at 6, 8 June 1985) 3. But we do not believe there should be one set of scientific principles for the whole world, and a different set for experiments involving cigarettes. Science is science, Proof is proof. (New York Times Magazine, 14 April 1985) 4. Host: Either a ham has a bone or it doesn't have a bone. Where'd they get a name like 'semi-boneless' form? (WNSR radio, 10 December 1987) 5. MK: I really should learn how to find the other entrance [to the Holland Tunnel]. DL: What good will that do? If it's crowded, it's crowded. (2 February 1986) Example 1 to 3 illustrate the use of 'equative' tautologies ('A is A'), which are by far the most frequent type (67.5%) in a sample of 169 tautological utterances collected by Ward/Hirschberg (1991: 511). In example 1, DE reacts to the question of GW, who challenges DE's willingness to do a rather unattractive job. DE provides a tautological argument which leads to an implicit conclusion like: 'There is no alternative to the kind of job I'm doing' or 'There are no really nice jobs which would be available'. Similarly, in example 2, the prosecution counters the defense's attempt of finding mitigating circumstances with a tautology implying a conclusion like: 'There is no excusable type of murder' or 'There is no pardonable kind of intentional killing a person'. In example 3, the conclusion drawn from the two tautological arguments is spelled out explicitly ('But we do not believe . . .'): there are no alternative types of science nor are there alternative types of proof. Example 4 and 5 provide instances of 'disjunctive' and 'conditional' tautological utterances. In both cases, the conclusion is indirectly expressed with the help of incredulous (rhetorical) questions: 'Where'd they get a name like 'semi-boneless' from?' implies that there is just no possible source whatsoever from where one could get 'semi-boneless' ham because there are only two alternatives: 'either p or not p' (and no further alternatives q, r, . . .). 'What good will that do?' implies that it is useless looking for 'less crowded' or even 'uncrowded' entrances because there is no alternative q (or s, t, .. .) for p. All tautological arguments presented above invite a similar sort of criticism: despite the appearance of absolute certainty because of the alleged absolute identity between 'A' and 'A' or 'p' and 'p', in reality, no particular instances of entity A **(or state of affairs p)** are completely identical. After all, that is why people start to argue about particular instances of jobs, assassinations, scientific proofs etc.! Therefore, many tautological arguments following the TA-pattern can be criticized as instances of the fallacy called 'petitio principii' or 'begging the question' (cf. Perelman/Olbrechts-Tyteca, 1983: 290ff.; Walton, 1994; 1996: 54). Moreover, Okamoto (1993: 439) quite correctly observes that, by uttering 'equative' tautologies ('A is A'), 'all argument over categorization is refused, and category immutability is simply insisted on with no logical explanation'. Likewise, in the case of disjunctive tautologies ('Either p or not p') the danger of committing 'Black and White'-fallacies arises: only rarely are there only two contradictory alternatives. In most cases, at least a third **alternative q** has to be considered. Therefore, arguments according to the TA-pattern are only rationally acceptable if they are accompanied by additional evidence which justifies the assumption of only one existing possibility (cf. Mackenzie, 1994: 234f.; Colwell, 1994: 259 on similar requirements for apparently fallacious circular arguments). But in this case, the tautological utterances are merely used as stylistic strategies which support and reinforce the power of the independently formulated justification of the controversial standpoint. See the following example (Ward/ Hirschberg, 1991: 513), where a mother vehemently defends a liberal standpoint in education ('You should allow your children to go out in the evening') against possible counter arguments. Only in addition to her detailed arguments does she use a tautological utterance ('Kids are kids') to make them even stronger: 6. 'It was a normal, typical Saturday night,' said Catherine Belardo, an auburn-haired woman in a housecoat. 'They get dressed up, they go out together. I don't want people saying, 'Well where were her parents?' Her parents were here. Her mother was home her father was home. You can't keep your kids in a tube. They go out. Kids are kids. You have to show them you trust them. Then they go out the door and who knows, really, what can happen? You tell them to walk in groups. You tell them to walk where it's light. You tell them never to talk to strangers. And they did everything they were told.' (Philadelphia Inquirer, 15 February 1985) In this example, C. Belardo provides enough additional arguments to make the implicit conclusion of the tautological utterance 'Kids are kids' quite plausible, namely, that there is no possible alternative like, for instance,'Kids are adults' or 'Kids can be educated in a way that they behave like adults though still being kids'. That arguments according to the TA-scheme are far from being trivially true and convincing can also be shown ('ex contrario') with examples for self-contradictory, yet sensible utterances of the type 'A is not A'. Though apparently being necessarily false, these utterances can nevertheless be used as stylistic devices for stressing differences between seemingly identical tokens of category A. This should not be possible, if tautologies, like in formal logic, would be trivially true, and contradictions, like logical antinomies, would be trivially false by definition. However, in natural language, certain contradictory utterances, **which I prefer to call 'rhetorical paradoxes'**, are **frequently used as quite** acceptable stylistic devices of everyday argumentation. See the following three examples in German, taken from a TV talk show and advertisements (cf. Kienpointner, 1983: 95; 1992; 328): 7. Nenning: ... vielleicht ist des a Ant/ah eine Art Antwort, Herr Schroder, net, i mein, Arbeit und Arbeit is net unbedingt dasselbe. (Club II, 12 February 1980) 8. Tee ist nicht gleich Tee. Zum Beispiel Tee aus Kenia: Liebe und Sorgfalt lassen auf charaktervollem Boden unverwechselbare Qualitat gedeihen Stern, 7 April 1983) 9. Indien ist nicht gleich Indien. Und Indien-Rundreise nicht gleich IndienRundreise. Dazwischen k6nnen Welten liegen. Nicht etwa im Sinne von zurickgelegten Kilometem, was wir hier meinen, ist- Qualitat. (Profil, 21 October 1985) In all three passages, the apparently clear contradictions 'Arbeit und Arbeit is net unbedingt dasselbe' (lit.: 'Job and job isn't necessarily the same thing', that is, 'A job isn't a job'), 'Tee ist nicht gleich Tee' ('Tea is not tea'), 'Indien ist nicht gleich Indien. Und Indien-Rundreise nicht gleich Indien-Rundreise' (lit.: 'India is not the same as India. And tour of India is not the same as tour of India') make sense, given the context and the additional arguments provided in the context. In 7, the speaker defends a drug addict against the reproach that the latter does not want to work regularly. Using the paradoxical formula 'A job isn't a job', Nenning takes up previous remarks where he pointed out differences between more and less attractive opportunities for work. In 8 and 9, the respective enterprises try to point out differences in quality between their own products (tea, tours of India) via rhetorical paradoxes. All these examples show that in everyday argumentation, different from formal logic, contradictions can make sense. Generally speaking, it completely depends on the verbal context whether tautologies and contradictions are to be accepted or rejected. A final critical remark I would like to make brings us directly back to the link between language, world view, and argumentation. Tautologies often convey stereotyped assumptions about states of affairs, values, social groups etc., which belong to the stock of shared assumptions in a speech community (cf. 'Business is business', 'A job is a job', 'War is war', 'Boys will be boys', 'Girls will be girls' etc.). This is especially important if the tautologies are not newly created in a specific communicative interaction, but belong to the traditional norm of a language (in the sense of Coseriu, cf. ch. 3). Due to the apparently compelling logical form, these tautologies can effectively reinforce standard ideologies in a society because they seem to express unquestionable facts or values. The clear weaknesses of arguments according to the TA-scheme notwithstanding, powerful groups, which are often at the same time majority groups, can use them to immunize conservative or even fundamentalist standpoints (cf.: 'There will always be bad jobs, so there is no need to provide higher education for everybody'; 'There will always be natural differences between boys and girls, so there is no need for equal opportunities in the educational system').

#### [4] Policymaking: Discursive practices shapes political action

Sunderland 3 - Naomi Sunderland, Centre for Social Change Research, Queensland University of Technology, July 2003 “BIOTECHNOLOGY AS MEDIA: A CRITICAL STUDY OF THE MOVEMENT OF MEANINGS ASSOCIATED WITH CONTEMPORARY BIOTECHNOLOGY” [https://eprints.qut.edu.au/16705/1/Naomi\_Sunderland\_Thesis.pdf] cdm/SAO Accessed 9/21/21

Fairclough (1992) states that discursive practice is ‘constitutive in both conventional and creative ways: it contributes to reproducing society…as it is, yet also contributes to transforming society’. He makes an example of education practice: ‘For example, the identities of teachers and pupils and the relationships between them which are at the heart of a system of education depend upon a consistency and durability of patterns of speech within and around those relationships for their reproduction. Yet they are open to transformations which may partly originate in discourse: in the speech of the classroom, the playground, the staffroom, educational debate, and so forth’ (p. 65). Most importantly, Fairclough’s example reinforces that the relationship between students and their teachers in this example is influenced by the way in which they are described. In a similar manner, critical awareness of the language of biotechnology research and commercialisation is urgently required in order to challenge the linearity of biotechnology mediation processes toward absorption. Transformation in biotechnology and its related practices will require critical language awareness in order to render visible the assumptions and values that underlay, produce and reproduce the practice (Gee and Lankshear, 1995). Critical language awareness requires: ‘teasing out the possible meanings of socially contested terms can give rise to sets of questions and issues for debate and dialogue among Discourses, as well as deeper understanding of the values and ideological loadings that are at stake’ (Gee and Lankshear, 1995, p. 12). Consonant with Gee and Lankshear’s notion of critical language awareness, Isaacs (1996, p. 39) and Gilbert (1987, p. 52) advocate the need for critical practice. Critical practice requires a condition of anti-hegemonic formal and informal practice ‘if it is to produce policies and political action’ (Gilbert, 1987, p. 52). Essentially, anti-hegemonic practice requires that alternatives to the current conception of the purpose, means and culture of the dominant discourses are made available through the everyday lived experiences on offer. Critical discourse awareness, as opposed to critical language awareness, incorporates a more overt focus on the relationships between ways of using language, ways of seeing, being, valuing, and acting. As members of an engaged community of scholars, researchers, and activists that seeks to practice and facilitate open and authentic discussion surrounding biotechnology developments, it is important that we name, discuss, critique, and seek to transform the technologies of silence at work in biotechnology related debates and other areas of social contestation. In many ways this is a personal challenge as much as it is a social or an institutional one: we ourselves may need to overcome any number of personal and institutional limitations that would in many other circumstances, and for many quite legitimate reasons, function to silence or intimidate us. I do not want to pretend that this is an easy task

#### [5] Subversion: We manipulate the academy into making space for minoritarian thought

Paperson 17 - la paperson, June 1, 2017 also known as K. Wayne Yang, an associate professor of ethnic studies at the University of California, San Diego “A Third University is Possible” [https://manifold.umn.edu/read/a-third-university-is-possible/section/884701be-04f4-4564-939d-d9905d0e80d9#cvi] Accessed 3/8/18 SAO

It is in Ferguson’s frame of queer desiring machines that I consider the scyborg (by associating with and deviating a bit from Donna Haraway’s formulation of the cyborg) as the agentive body within the institutional machinery. If we think of the university as a machine that **is the composite of many other machines, these machines** are never perfect loyalists to colonialism —in fact, they are quite **disloyal**. They break down and produce and travel in unexpected lines of flight—flights that are at once enabled by the university yet irreverent of that mothership of a machine. This same disloyalty applies to the machined people, you. And thus there’s some hope, the hope of the scyborg. Organisms in the machinery are scyborgian: as students, staff, faculty, alumni, and college escapees, technologies of the university have been grafted onto you. Your witch’s flight pulls bits of the assemblage with you and sprays technology throughout its path. The agency of the scyborg is precisely that it is a reorganizer of institutional machinery; it subverts machinery against the master code of its makers; it rewires machinery to its own intentions. It’s that elliptical gear that makes the machine work (for freedom sometimes) by helping the machine (of unfreedom) break down. The lopsided bot, the scyborg, the queer gear with a g-limp—if there is anything to fear and to hope for in the university, it could be you, and it could be me. Scyborgs have made a third university. The scyborg is essential in producing the third world university. The scyborg is machined person, technologically enhanced by legitimated knowledge and stamped with the university’s brand. S-he is the perfect masculine expression of education: an autonomous individual who will reproduce the logics of the university without being told. The scyborg is the university’s colonial hope. Albert Memmi describes being a Tunisian Jew at the Sorbonne in the 1950s, wondering whether he would be allowed to take his exams. “It is not a right,” said the president of the exams jury. “It is a hope. . . . Let us say that it is a colonial hope.”[2] Scyborgs are creatures of colonial desire: please be successful, be pretty, be human. The scyborg’s privilege is a manifestation of the first world university’s noblesse oblige. Thus a successful scyborg proves that the university is ethical. However, on the flip side, the scyborg is a source of colonial anxiety: please do not fail us, reject us, betray us. The scyborg has hir desires too. Hirs is a decolonial hope. S-he is never a completely loyal colonialist and can often be caught in the basement library, building the third world university. To recognize the scyborg, I return to the three examples of colonial schools in Kenya, North America, and the Philippines. I do so to ask that we recognize the nineteenth- and twentieth-century scyborgs that Christian missions, the U.S. Army, and other colonial machines might have created by accident. I opened this book with Ngũgĩ wa Thiong’o’s memoirs of Alliance High School and wartime Kenya. The importance of starting with a Black example, and an African example, is to choose a starting point that does not disaggregate Indigeneity and Blackness in the conversations about colonialism, even though the modes of operation of colonialism upon the Black and the Indigenous are very divergent. At Alliance High School, wa Thiong’o was inspired by Oliver Twist, in part out of identification with the story boy’s hunger; in part, perhaps, he aspired to be Charles Dickens. If so, I believe he accomplished it. However, what the Dickens he became is not something that missionary schools could have recognized. He published his first novel in English while at the University of Leeds in 1964. Returning to Kenya, he organized the highly successful but politically explicit theater production of his 1977 play Ngaahika Ndeenda (I will marry when I want), which was shut down by the Kenyatta regime. Wa Thiong’o was imprisoned for a year in the Kamiti Maximum Security Prison. There he wrote the first modern novel in the Gĩkũyũ language, Caitaani mũtharaba-Inĩ (Devil on the cross), on prison-issued toilet paper. Luther Standing Bear was one of the first students at Carlisle Industrial School for Indians when it opened in 1879 and, indeed, a model student who looked up to the founder, Captain “kill-the-Indian-save-the-man” Pratt. He even became a recruiter for the school. However, he went on to oppose the Dawes Act that privatized Indian land held in common; to argue for bilingual education for Native children; and to challenge the paradigms of property, Eurocentric history, and assimilation—arguments and alliances that successfully brought about the Indian Reorganization Act of 1934, which officially reversed the Dawes Act and assimilationist schooling and provided pathways for tribes to reestablish sovereignty and tribal government. Troy Richardson, drawing from Gerald Vizenor, writes that Standing Bear’s thoughts and deeds suggest a “shadow curriculum” of a deep sovereignty beyond their immediate referents in the (English) world. “Shadows are possibilities, neither empty nor over-determined by words or referents but instances of possibilities.”[3] For such aviators of Indigenous futurity, “consciousness is a rush of shadows in the distance.”[4] As a third example, the U.S. Army began educating Filipino schoolchildren in 1900 as a strategy of conquest in the Philippine–American War. Officers served as school superintendents, enlisted men as teachers, enrolling fifty thousand students in 1904 and more than one million in 1935. Colonial schools were considered part of military operations, serving a strategic purpose in quelling resistance. In The Miseducation of the Filipino, Renato Constantino asserts, “Education, therefore, serves as a weapon in wars of colonial conquest.”[5] But like the graduates of the boarding schools of Kenya, many of the graduates of these colonial schools **defied the schools’ intended purpose** of making colonial middle management by coming to the United States— exploiting the unintended loophole that colonized Filipinos were U.S. nationals. As Veta Schlimgen explains, the desires and ambitions cultivated in the “culture of education” created a new—and unanticipated—(im)migration dynamic when, during the 1920s, Filipino students retraced the steps of American colonizers. They migrated to the mainland states, and they sought college degrees. Filipino student migration during the 1920s increased remarkably. In 1919, about 450 Filipino students studied in the states. Five years later, nearly 2000 did and, in 1930, the number of enrolled students hovered around 3000. These numbers might seem small to us now but in the context of student migration during the interwar years, they are significant. During the 1920s, Filipino students constituted about twenty percent of non-native born students.[6] Furthermore, “during the first half of the 1920s, students (rather than laborers) made up the majority of Filipino migrants to the mainland U.S.” This unexpected product of the colonial desiring machine ultimately helped to mobilize history on the side of **brown labor unionists in West Coast farms** and canneries. Notable organizers within the Cannery Workers’ and Farm Laborers’ Union were first accomplished students. Victorio Velasco, after earning a degree in journalism, was shunted into cannery work and farm labor in Seattle. He went on to edit Filipino community newspapers that were critical to creating a collective Filipino workers’ political voice. Chris Mensalvas quit law school because, as a U.S. “noncitizen national” from the Philippines, he was prohibited from practicing law. “I spent three years in college and then I went to organize our people on the farms.”[7] Trinidad Rojo, who completed his PhD in sociology at Stanford University, became president of the Cannery Workers’ and Farm Laborers’ Union in 1939. Their work became one root of the United Farm Worker movement best associated with Dolores Huerta and Cesar Chavez. The technological fact of the matter is that Rojo, Mensalves, Standing Bear, and wa Thiong’o are scyborg, and their flights through the colonial assemblages reveal a warp in the patterning of power. Scyborgs are possible “men” fit for assimilation—the colonial hope is that the whiteness of the normative human can be extended to the very people who were premised as non-human, gender-deviant savages. Thus I have selected these male examples to bring attention to how, upon entry into schooling, they were all already premised as not men. Natives must get haircuts and Western suits; African boys need to be converted into Christian men; even with suits and Christian names, Filipino men were feared as sexual contagions in white working-class society. You can infer how these same masculinizing technologies are appended onto those of you who are not cis-men and how, despite your colonial equipment, you will never become a complete colonialist stud. The first world university wants you to become masculine in the most disciplined sense of the word and will provide you with the necessary prosthesis and will cut off your tail. But you, as scyborg, might use these technologies to bend the fabric of power to suit your decolonial desires.

#### [6] Solidarity: Our advocacy solves battle fatigue

Brady 17 - Janelle Brady, University of Toronto, Canadian Journal for New Scholars in Education, May 29th, 2017 “Education for whom? Exploring systems of oppression and domination” [https://journalhosting.ucalgary.ca/index.php/cjnse/article/view/30801] Accessed 8/28/19 SAO brackets in original text

Knowledge systems and ways of knowing are rooted in people’s social locatedness and help them to understand certain phenomena. Alcoff (2007), again drawing on Code’s work, asserted that there are epistemic advantages and disadvantages to ways of knowing and knowledge systems. In relation to the epistemology of ignorance of objectivity, those whose knowledges are validated and legitimized are part of the dominant group, whereas those whose knowledges are disenfranchised are part of the oppressed group. According to Dei (2014), knowledge is based on its historical, as well as ancestral and spiritual underpinnings, and cannot be pinpointed to one contextual moment. Epistemological advantages or disadvantages may play out in education when educators or students become ascribed knowers in particular contexts. One might be the “South Asian Food expert” or the “Indigenous history expert,” and they may experience some level of epistemological advantage in knowing; however, **their knowledge is still Othered and compartmentalized** into particular moments in time and removed from history. In an educational context, Othering people’s knowledges, histories, and identities to become stagnant points in history or single stories takes the onus away from school administrators and curriculum developers whose responsibility is to delve into South Asian history beyond samosas and Indigenous history beyond Pow wows. This is because the epistemologically advantaged become responsible for sharing their knowledge in educational contexts. However, their knowledge is not solely contextualized to that particular moment in time, but deeply entrenched in history and implicated by the history of others. Questions in the educational context can be asked about why South Asians were denied entry into Canada through racist immigration policies (Ralston, 1999; Thobani, 2007) or why and how Indigenous residential schooling, forced assimilation, the building of pipelines and the like continue to affect Indigenous communities to this very day (Coulthard, 2014). The contextual experts carry the burden for the ignorant who dominate, thus reinforcing the idea of “sharing their subjective experiences.” As Lorde (1984) stated, People [of colour] are expected to educate white people as to our humanity. Women are expected to educate men. Lesbians and gay men are expected to educate the heterosexual world. The **oppressors** maintain their position and **evade responsibility** for their own actions. (p. 115) Thus, it becomes the work of the oppressed to become educators to share their stories and their subjective histories and realities for the dominant group, when the dominant group deems it appropriate to do so. The **oppressed become the bearers of the oppressor’s ignorance** while also living through their own oppression. It is important to be critical of such dynamics so that people of colour do not bear all of the responsibility for the privileged to learn and unlearn about their privilege.

#### [7] Performativity: They presuppose that their epistemology will be valued which means contestation proves our role of the ballot is a prerequisite to all evaluation

#### -[8] Epistemology: Our role of the ballot answers a metaethical question that precedes normative framing. Refusing all epistemic hegemony is a prerequisite to cognitive deliberation and a lack of hierarchies across normative structures means I get permutations.

Poppe 16 - R.C Poppe, Utrecht University Repository, 2016 “APPLYING DECOLONIAL PERSPECTIVES TO CLIMATE ETHICS” [https://dspace.library.uu.nl/handle/1874/334548] Accessed 10/9/19 SAO

Relation and contribution to climate ethics As stated in the beginning of the previous chapter, moral epistemology is a branch of metaethics that concerns itself with the justification for moral statements. Moral epistemology, however, must also be a branch of epistemology, because if justification **for moral statements** is **to be evaluated, there needs to be a justification for** the (type of) **knowledge employed to execute such evaluation.** Therefore, moral epistemology needs to account for both ethical and epistemic considerations. As Timmons argued, there is no neat separation between normative ethics and metaethics: they are intertwined. So, if one were to engage in an inquiry to normative (applied) ethics, at least some attention has be given to moral epistemology. It matters greatly, however, what epistemologies one employs as basis for that inquiry. The way decolonial thinking thus relates to climate ethics is that it can be used to address epistemological issues in the current climate ethical debate. The argument that will be explained below is going to say that there can be no global social justice without global cognitive justice (Santos 2008, p. 258). In a nutshell, this means that an **ethical** form of mitigation **policy cannot be achieved if the epistemology**(-ies) **employed to justify the evaluation of justification of moral statements** (moral epistemology) **is in conflict with epistemologies** and relations to nature **of the people affected** by that policy. Management approaches interfere with global cognitive justice Different relations to nature The argument regarding global cognitive justice draws upon indigenous relations to nature. According to Enrique Salmon, indigenous ways of relating to nature should be understood as a kincentric ecology (Salmon, p. 1328). This means that indigenous people regard themselves and nature as part of the same family. Salmon argues that the best way to understand such a relation to nature is through the Rarámuri (an indigenous community in eastern Mexico; the Sieraa Madres) concept of iwígara, which he explains as the following: Poppe 35 “Iwígara is the total interconnectedness and integration of all life in the Sierra Madres, physical and spiritual”…”Iwí also makes reference to the Rarámuri concept of soul. It is understood that the soul, or iwí, sustains the body with the breath of life. Everything that breaths has a soul. Plants, animals, humans, stones, the land, all share the same breath. When humans and animals die, their souls become butterflies that visit the living. The butterflies also travel to the Milky Way, where past souls of the ancestors reside. Iwí is also the word used to identify a caterpillar that weaves its cocoons on the madrone tree (Arbutus sp.). The implication is that there is a whole morphophysiological process of change, death, birth, and rebirth associated with the concept of iwí. Iwí is the soul or essence of life everywhere. Iwígara then channels the idea that all life, spiritual and physical, is interconnected in a continual cycle. Iwí is the prefix to iwígara. Iwígara expresses the belief that all life shares the same breath. We are all related to, and play a role in, the complexity of life. Iwígara most closely resembles the concept of kincentric ecology.” (Salmon, p. 1328) The concept of kincentric ecology, iwígara, is at the heart of the Rarámuri land management philosophy (Salmon, p. 1329). It is a reciprocal relationship in which the Rarámuri are one of the relatives of the family of the land, of which they regard themselves as guardians (Salmon, p. 1329). The Rarámuri conception of nature and their relation to it is quite different from Western conceptions. Singer, for example, argues that the atmosphere (which is a part of nature) is to be perceived as a resource and that for the sake of justice in mitigation policy, the entitlements to this resource need to be allocated fairly. Similarly, Escobar argues that the conception of capital in political economy is undergoing a significant change with regards to nature. He calls this the ecological phase. Nature, he says, is no longer exploitable and external to capital, but rather it has become internal to capital (Escobar 1996, p. 326). “No longer does nature denote an entity with its own agency, a source of life and discourse, as was the case in many traditional societies, with European Romantic literature and art of the 19th century. For those committed to the world as resource, the ‘environment’ becomes an indispensable construct. As the term is used today, environment includes a view of nature according to the urban-industrial system.” Poppe 36 (Escobar 1996, p. 331) As mentioned in Singer’s section, the UNFCCC (United Nations Framework Convention on Climate Change) recognizes a right to sustainable development, because of the assumption that economic progress is essential for combatting climate change. According to Escobar, however, this is counterintuitive, because economic growth and capital accumulation are largely the source of environmental degradation (Escobar 1996, p. 329). Therefore, the ability of sustainable development to preserve nature is questionable and the question should be asked whether this is even the main aim of the project. Referring back to the reflection on Singer, the preservation of nature seems to be subject to the preservation of political and economic systems. “The sustainable development strategy, after all, focuses not so much on the negative consequences of economic growth on the environment, as on the effects of environmental degradation on growth and potential for growth. It is growth (ie capitalist market expansion), and not the environment, that has to be sustained. Since poverty is believed to be a cause, as well as an effect, of environmental problems, growth is needed with the purpose of eliminating poverty and with the purpose, in turn, of protecting the environment.” (Escobar 1996, p. 330) Escobar says this is perhaps most visible in discussions regarding the biodiversity in rainforests. Their preservation through sustainable development is not to save the rainforest for the sake of saving the rainforest. Rather it is to save the rainforest as a resource; the resource being the genes of the species living in this environment that can be used for bioengineering (Escobar 1996, p. 334-335). “Nature and local people themselves are seen as the source and creators of value-not merely as labour or raw material. The discourse of biodiversity in particular achieves this effect. Species of microorganisms, flora and fauna are valuable not so much as ‘resources’, but as reservoirs of value-this value residing in their very genes-that scientific research, along with biotechnology, can release for capital and communities. This is one of the reasons why communities-particularly ethnic and peasant communities in the tropical rainforest areas of the world-are finally recognized as the owners of their territories (or what is left of them), but only to the extent that they Poppe 37 accept viewing and treating territory and themselves as reservoirs of capital. Communities in various parts of the world are then enticed by biodiversity projects to become ‘stewards of the social and natural “capitals” whose sustainable management is, henceforth, both their responsibility and the business of the world economy’.” (Escobar 1996, p. 334-335) These ethnic and peasant communities are the indigenous peoples that inhabit these territories (Escobar 1996, p. 334). Key to the argument of global cognitive and social justice here is that, as Escobar says above, these peoples are expected to view and treat these territories and themselves as reservoirs of capital. According to Lohmann, however, “a resource is something whose value lies in being a ‘source’ of something else”…”a commodity is something whose value lies in what it can be swapped for or what price it can fetch” (Lohmann et al, p. 55). Therefore, it seems that Escobar’s use of the term resource can perhaps better be swapped for commodity. Although this makes little difference for the argument to come, it means that what Escobar calls reservoirs of value can be interpreted as resources. What this means for indigenous peoples, on the one hand, is that they have to abide the ideology of efficiency that is central to modern economics (Lohmann et al, p. 54). For example, as Lohmann says, this means that indigenous peoples might be forced to divide their land into permanent forest areas and permanent agricultural areas, even though many indigenous communities use areas periodically (they use a piece of rainforest as agricultural land for some time, then move on to another area to let nature run its course on the previously used area) (Lohmann et al, p. 54). On the other, it means that they consequently have to redefine themselves, their relation to nature, and their everyday practices. No global social justice without global cognitive justice Before it is possible to construct a sound argument, it is important to define social justice and cognitive justice. Michael Novak claims social justice is social in two ways: 1) it is social in the sense that it requires cooperation to attain justice; and 2) it is social in the sense that it aims at all members of a community (whether it be local or global), not at a single individual only (Novak, p. 12). The second claim can be understood as an entitlement to an equal notion of justice: justice applies to everyone equally. Cognitive justice, as Santos argues, should be understood as a “just relationship among different kinds of knowledge” (Santos 2008, p. 258). This means that **no a priori supremacy should be granted to any** kind of **knowledge** (Santos 2008, p. 258). Poppe 38 Justice is in itself a challenging philosophical concept. Referring back to Timmons, normative questions about how to attain justice are inevitably subject to metaethical questions of what justice is and how a concept of justice can be justified. Even though decolonial thinking regards universalist tendencies as problematic, there is need for a common ground in the understanding of the concept in order to have a normative discussion about global justice. Therefore, perhaps the Universal Declaration of Human Rights is the best model to work with, since it expresses that the “…recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (UDHR, preamble). In the making of the social and cognitive justice argument, I will draw upon Article 18 of the Declaration: Article 18: “**Everyone has the right to freedom of thought,** conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” (UDHR, 1948) Santos’ argument, as previously mentioned, is that there can be no global social justice without global cognitive justice. So what exactly in climate ethics interferes with global cognitive justice? As mentioned in the previous chapter, Singer’s principles of fairness are aimed at allocating the burden of mitigation fairly. This burden, however, is expressed in economic terms: the monetary cost of reducing emissions. For indigenous peoples such as the Rarámuri, however, it is not so much a material problem as it is an epistemic one. As illustrated above, their knowledge and beliefs do not fit in the epistemic framework of rationality and scientific thought; they employ a spiritual epistemology. Their philosophy of land management is directly related to their spirituality. Their use of land, such as a periodical use, is not arbitrary or random, but it is a manifestation of their spiritual beliefs. The Rarámuri, for example, only harvest plans in areas where their Iwígara (their life breath) is strong, so that the plants with a weak Iwígara may strengthen (Salmon, p. 1330). This way they believe to maintain a balance in the interconnectedness of life (Salmon, p. 1330). By demanding that indigenous peoples view and treat nature and themselves as resources (reservoirs of value) to preserve biodiversity, they need to adjust their practices in Poppe 39 order to secure such preservation (like setting permanent forest and permanent agricultural areas). The problem, therefore, is that mitigation policy through management approaches interferes with the manifestation of indigenous beliefs in practice, which is a violation of Article 18 of the UDHR. Assuming that the UDHR is indeed an adequate standard for what is just, this means that management approaches (and therefore climate ethics operating under a management framework) fail to bring about social justice. Having established this, why is there need to discuss cognitive justice as a prerequisite for social justice? Is it not possible to simple adjust policy in such a way that it does not interfere with social justice? As mentioned in the introduction, policy-decisions regarding climate change come predominantly from Western countries. The Intergovernmental Panel on Climate Change (IPCC), created by the United Nations Environment Program and the World Meteorological Office in 1988 (Singer, p. 184), includes no representatives of indigenous peoples (Lohmann et al, p. 38). Yet, as discussed above, the policies constructed affect and disrupt these peoples way of living. It seems, then, that the construction of policy is paternalist in nature; indigenous peoples have no say in the construction of policy, even though they are affected by it. This implies that the policy-makers know better what is best for indigenous peoples than themselves. Consequently, this can be interpreted as a rearticulation of coloniality through the rhetoric of development: the Western policy-makers being the developed and the indigenous peoples the undeveloped. According to Giovanna Di Chiro, this is exactly the claim of the People of Color Environmental Leadership Summit. They claim that conventional environmental organizations and policy-makers employ a managerial top-down approach with a technocratic rationality that is “disempowering, paternalistic, and exclusive” (Di Chiro, p. 306). As Escobar argued, however, people living in what are now labeled as developing countries did not use to define themselves in terms of development, even though billions of these people now do. Indigenous peoples, however, even though they often live in these developing countries, still do not define themselves in terms of development. Mark Plotkin, an Amazonian ethnobotanist, argues that the reason why indigenous peoples often live isolated should be regarded as a form of resistance, precisely because they do not want to comply with Western thinking and way of life (Plotkin, 2014). This resistance can thus be understood as the previously mentioned epistemic disobedience; indigenous peoples **reject the epistemic hegemony** of rational and scientific thought. Consequently, following decolonial Poppe 40 reasoning, qualitative statements regarding indigenous ways of life in terms of development or rationalism are inappropriate, because indigenous peoples do not employ a rationalist epistemology nor regard development as the meaning and direction of history (see Santos’ monoculture of time). As mentioned in the introduction, policy-decisions regarding mitigation policy come from the global actors empowered to make such decisions and conventional policy takes a management approach towards mitigation policy. These are the developed (Western) countries, because they have a stronger economic and political position than developing countries. Important to keep in mind is that mitigation policy is an international endeavor; the developed countries do not construct policy on their own and enforce them nationally, but this is managed globally by intergovernmental organizations such as the IPCC. Since the Western epistemic framework assumes an epistemic supremacy of rationality and scientific knowledge, according to decolonial thinking, policy-decisions reflect this assumption. Therefore, the construction of mitigation policy reflects the rhetoric of development, because policy-makers would consider Western knowledge to be more sophisticated and thus believe the employment of such knowledge to be capable of benefitting everyone, including indigenous peoples, more than other knowledges. Management approaches in policy show the same paternalistic tendency, because they globally impose the assumption that nature is a resource to be managed and preserved as to sustain capital (Escobar, p. 328). As has been illustrated above, however, such reasoning leads to the interference with indigenous ways of life and even their fundamental human rights. Therefore, from a decolonial perspective, there can be no global social justice without global cognitive justice in the construction of mitigation policy. Consequently, climate ethical theory or principles that operate in a management framework cannot achieve social justice, because the employment of a management framework in international policy-making implies the epistemic hegemony of one knowledge over others (a lack of cognitive justice). Therefore, cognitive justice is a prerequisite of social justice.

#### [9] Magnitude: Extractive colonial relations cause extinction

Helland and Lindgren 16 - Leonardo E. Figueroa Helland and Tim Lindgren Westminster College in the JOURNAL OF WORLD-SYSTEMS RESEARCH, 2016 “What Goes Around Comes Around: From The Coloniality of Power to the Crisis of Civilization” [http://jwsr.pitt.edu/ojs/index.php/jwsr/article/view/631/831] Accessed 8/28/19 SAO

Today we face a **planetary crisis**. Environmental, energy, food, financial, and social reproduction crises are disrupting the world-system (Ahmed 2010; McMichael 2011; Chase-Dunn 2013; Houtart 2010; Kallis, Martinez-Alier and Norgaard 2009; Foster, Clark, York 2010; Goodman and Salleh 2015; Peterson 2010; Rockstrom et.al. 2009, 2009b; Salleh 2012; Smith 2014; Steffen et.al. 2007). This planetary crisis, we argue, has been triggered by a globalizing mode of civilization that has become hegemonic.2 This mode of civilization is constituted and underpinned by anthropocentric, androcentric, hetero-patriarchal, Euro/Western-centric, modern/colonial and capitalist systems of power. Building on world-systems, decolonial, eco-feminist and posthuman theories, we contend that the “coloniality of power” (Quijano 1991; Grosfoguel 2009; Mignolo 2008; Lugones 2007; Maese-Cohen 2010; Dastile and Ndlovu-Gastheni 2013) has worked to globalize a civilization that **exhausts the planet** and exploits most of its people, thus unleashing a socioecological blowback that is turning this civilization into its own worst enemy. By “coloniality” we refer to the complex and multidimensional legacy of divisive, exploitative, stratifying and hierarchical forms of power (e.g., Eurocentric/Western-centric hegemony), forms of knowledge (e.g., technoscientific instrumental rationality), forms of (inter)subjectivity (e.g., possessive individualism), forms of human interrelations (e.g., racism, classism, heteropatriarchalism, etc.), and forms of human dominion over land and mastery of “nature” (e.g., anthropocentric property/dominion/sovereignty) that have become entrenched and continue to be reproduced throughout the world as an ongoing consequence of colonization. Coloniality thus entails that the hegemony of colonial forms persists to this day as a legacy that structurally constitutes modernity, even into supposedly “postcolonial” times. Coloniality is the underside of modernity: the historical and structural foundation that has enabled—e.g., through conquest, imperialism, **slavery, resource extraction and Western dominance**—the rise, hegemony, and globalization of a world-system dominated by modern civilization. This civilization has sought to globalize a political-economic model bent on endless accumulation, consumption and growth on a finite planet (Ahmed 2010; Foster, Clark, York 2010; Goodman and Salleh 2013; McMichael 2011; Steffen et.al. 2007; WPCCC 2010). Now in its “neoliberal” stage, this model reinforces a historically-ongoing coloniality of power premised on linear discourses of “progress,” “modernization,” “development,” and “evolution,” altogether constituting a hegemonic “standard of civilization.” Globalized through (neo)colonialism and (neo)imperialism, this “standard of civilization” has subjugated the global South under the North, and the rural under the urban, thereby stratifying the world into multiple overlapping hierarchies structured along core-periphery asymmetries. The globalization of this mode of civilization wouldn’t be possible without the coloniality of power which has assimilated semi-peripheral and peripheral elites into a Western-centric civilizational obsession with endless accumulation based on the “mastery of nature” (Plumwood 2002; Adelman 2015) and geared towards the aggressive pursuit of “high modernism” 3 (Scott 1998)—and its “late modern(ist)” continuation. While settler-colonial elites have been instrumental to the expansion of hegemonic civilization, the colonial deindigenization and cultural assimilation of Southern elites through centuries of Western domination has increasingly entrenched dominant worldviews and practices throughout the globe. Gonzalez notes; “[i]n the post-colonial period, Southern elites, deeply influenced by Eurocentric ideologies, subjugated their own indigenous and minority populations in order to “modernize” and “develop” them” (2015: 13). Most “postcolonial” elites haven’t broken with this coloniality of power (Dastile and Ndlovu-Gastheni 2013); instead, they often reproduce governmentalities aimed at “catching-up” with, emulating, imitating, “cloning” or conforming to hegemonic models enacted in the North’s metropolitan cores (Sheppard et.al. 2009; McMichael 2011; Grosfoguel 2009; Mignolo 2008). In seeking to emulate the North’s unsustainable “imperial mode of living” (Brand and Wissen 2012), many Southern elites have replicated the North’s “ecodestructive, consumerist-centric, over-financialized, [and] climate-frying maldevelopment model” (Bond 2012). This coloniality of power has often consumed the creativity, energy, and “resources” of (semi)peripheries in aspirational attempts to emulate and/or conform to hegemonic models by, for example, aggressively pursuing accelerated modernization, developmentalism, urbanization, industrialization, and massified commodity/consumerist cultures at almost any cost, human or ecological. Playing catch-up with the North inevitably requires the present-day rehearsal, in accelerated, compressed manner, of structurally violent practices that have underpinned the North’s “rise” to planetary dominance—like the transformation of nature (including humans) into exploitable “resources” (Apffel-Marglin 2011) and the systematic reliance on coercive statecraft, ecological imperialism, and (neo)colonialism. Comparable practices, now rehearsed in “updated” forms by elites/regimes of semi-peripheral “emerging economies,” seek to replicate expansive core-like metropolitan centers of accumulation, consumption, and growth, like the grossly unequal BRICS (Brazil, Russia, India, China, and South Africa) megalopolises. To achieve this, emerging economies must resort to internal colonialism and “subimperialism” or “second degree imperialism” (Bond 2014) so as to compel into subservience their “own” peripheries as sources of exploitable natural and human “resources.” Yet in striving to emulate a patently unsustainable Northern “way of life” built on centuries of dispossession, emerging economies face two obstacles: First, the hegemonic barriers imposed by the dominant regime of accumulation controlled by the North which resists any challenges to its hegemony. Second, the planetary boundaries (Rockström et.al. 2009) imposed by the Earth’s finite carrying capacity which is already responding to breaches with destabilizing consequences (Foster, Clark, York 2010). Seduced by the coloniality of power, large “emerging economies”—like BRICS—are on a crash course against entrenched “old” Northern cores—as the latter try to preserve their unsustainable privileges at any cost. Brand and Wissen (2012) note: [G]eopolitical and geo-economic shifts will…increasingly be…ecological conflicts…[Facing] increasing competition for the earth’s resources and sinks, national and supranational state apparatuses seem…willing to support ‘their’ respective capitals…to strengthen their competitive position and…secure the resource base of their…economies…Thus, the hegemony of the imperial mode of living…, [spreading from]…the global North…to the South…explains…an imperialist rearticulation…in the context of multiple crises (555). Increasingly volatile tensions are resulting from the clash between the hegemonic system of accumulation and the planetary boundaries. Geopolitical/geoeconomic conflicts, and grabs and scrambles over “resources” strategic for “development(alism),” are proliferating globally. Such complications can often be traced to the hegemonization of an ecologically unsustainable, socially stratifying and politically volatile model of civilization bent on endless accumulation, consumption and growth on a finite planet. Ironically, the very success in globalizing this civilizational model through the coloniality of power may lead to its autophagous self-destruction through a planetary crisis. Overcoming this crisis requires not only a critique of modernity in its neoliberal capitalist guise, but a transformation beyond the systems of power underpinning the hegemonic civilization. In solidarity with movements for systemic change and drawing on decolonial dialogues we conclude with a blueprint for a just and sustainable transition inspired on indigenous, eco-feminist, and posthuman alternatives.

#### And: Theory is violent and should be rejected.

#### [1] Appeals to a neutral educational meritocracy buy into a universalist fiction that sanctions racialized violence

Brady 2 - Janelle Brady, University of Toronto, Canadian Journal for New Scholars in Education, May 29th, 2017 “Education for whom? Exploring systems of oppression and domination” [https://journalhosting.ucalgary.ca/index.php/cjnse/article/view/30801] Accessed 8/28/19 SAO

On the matter of objectivity, Code (as cited in Alcoff, 2007) stated, “objectivity requires taking subjectivity into account” (p. 41), and within a guise of objectivity, ignorance prevails and is produced and reproduced. An implication of objectivity within education is that it is presented as the ideal-truth and something one ought to strive for, thus subjectively located realities are assumed to be weak in nature and not scientific in assumptions and arguments. For example, the reproduction of objectivity is presented in educational curricula as students strive to follow **a scientific model in order to seek a supposed truth**, but this misses the significant situatedness of knowers, group identities, and an analysis of systemic foundations of oppression (Alcoff, 2007, p. 40). As such, students who are the knowers of their own realities become silenced and disenfranchised from the dominant perspectives presented in Canadian curricula. Students’ experiences and knowledge should be centered in the classroom to create multicentric ways of knowing (Dei, 1996), which involves multiple epistemologies and debunks universality, as opposed to unicentric ways of knowing. The epistemological ignorance of objectivity is rarely raised in education, thus reproducing systems of oppression which become ontological reality. Dei (2016) posited that “objectivity is the dominant’s subjectivity” (G. J. S. Dei, personal communication). Without this epistemological bias being called into question**, objectivity is presented as the ultimate truth**. King (2015) highlighted the need for liberation from “ideological myths, masquerading as objective scientific or academic knowledge, that rationalize and obscure dominating power relations” (p. 180). In Kindergarten to grade 12, students are rarely encouraged to question the philosophical canons and all-knowing mathematicians and scientists (Abawi, 2016-2017)—the keepers of knowledge—who are white men. Thus, non-white students are unlikely to find people who represent their lived experiences or look like them as part of their normal encounters with subject material (Smith, 2010). Furthermore, according to Smith, educators have a difficult time in providing multiple sites of teaching and learning within the classroom, because identities, which do not fall under a white, patriarchal supremacist ordering, are deemed as Others and are only provided in juxtaposition to or as additives on the normative base. In an effort to achieve objectivity in education, the focus on **essentializing difference** through liberal democratic **discursive practices of** tolerance, respect, and **fairness depicts racialized minorities and Indigenous peoples through a deficit perspective** (Abawi & Brady, 2017; Dei, 1996). Therefore, Alcoff’s (2007) epistemology of ignorance of objectivity demonstrated how the subjugated are questioned: their values, experiences, and lived realities are labelled as subjective and henceforth weak, non-encompassing ways of knowing. This leads to Alcoff’s discussion of the third epistemology of ignorance, which highlights the epistemic advantages and disadvantages to knowledge and ways of knowing. Knowledge systems and ways of knowing are rooted in people’s social locatedness and help them to understand certain phenomena. Alcoff (2007), again drawing on Code’s work, asserted that there are epistemic advantages and disadvantages to ways of knowing and knowledge systems. In relation to the epistemology of ignorance of objectivity, those whose knowledges are validated and legitimized are part of the dominant group, whereas those whose knowledges are disenfranchised are part of the oppressed group. According to Dei (2014), knowledge is based on its historical, as well as ancestral and spiritual underpinnings, and cannot be pinpointed to one contextual moment. Epistemological advantages or disadvantages may play out in education when educators or students become ascribed knowers in particular contexts. One might be the “South Asian Food expert” or the “Indigenous history expert,” and they may experience some level of epistemological advantage in knowing; however, their knowledge is still Othered and compartmentalized into particular moments in time and removed from history. In an educational context, Othering people’s knowledges, histories, and identities to become stagnant points in history or single stories takes the onus away from school administrators and curriculum developers whose responsibility is to delve into South Asian history beyond samosas and Indigenous history beyond Pow wows. This is because the epistemologically advantaged become responsible for sharing their knowledge in educational contexts. However, their knowledge is not solely contextualized to that particular moment in time, but deeply entrenched in history and implicated by the history of others. Questions in the educational context can be asked about why South Asians were denied entry into Canada through racist immigration policies (Ralston, 1999; Thobani, 2007) or why and how Indigenous residential schooling, forced assimilation, the building of pipelines and the like continue to affect Indigenous communities to this very day (Coulthard, 2014). The contextual experts carry the burden for the ignorant who dominate, thus reinforcing the idea of “sharing their subjective experiences.” As Lorde (1984) stated, People [of colour] are expected to educate white people as to our humanity. Women are expected to educate men. Lesbians and gay men are expected to educate the heterosexual world. The oppressors maintain their position and evade responsibility for their own actions. (p. 115) Thus, it becomes the work of the oppressed to become educators to share their stories and their subjective histories and realities for the dominant group, when the dominant group deems it appropriate to do so. The oppressed become the bearers of the oppressor’s ignorance while also living through their own oppression. It is important to be critical of such dynamics so that people of colour do not bear all of the responsibility for the privileged to learn and unlearn about their privilege. The idea of knowing and the relentless pursuit of knowledge is another issue that comes into play when addressing the ignorance of objective epistemologies and ontologies. Objectivity, falling under a moderncolonial logic, is presented as all-knowing and truth-seeking. However, this is counter to Indigenous knowledges—which anticolonial scholars (e.g., Dei, 2008; Simpson, 2004) believe should be centered in curricula—with one of the major tenets of Indigenous knowledges being the humility of knowing (Shields, 2005). The humility of knowing—where the learner does not seek mastery of knowledge, but instead knowledge is gained through sharing, learning, and unlearning—is in contrast to what becomes sought after in colonial education, which is rooted in individualism and the ultimate quest for **knowledge, meritocracy, and excellence.** Students who are from non-dominant groups are **forced to attempt scholarly excellence** in institutions **based on individualism** while their very ancestral, family, and community settings are contradictorily based in holistic and community-based ways of knowing and organizing. Therefore, the consumption of knowledge does not become a sharing process, but a process based on individual ownership of knowledge, and **those with access to such value systems succeed** while those who come with humility are pushed out of schools (Dei et al., 1997). This focus on individualism is further exacerbated through neo-liberalist education. In this context, while education promotes group work, academic success advantages individuals (Giroux, 2003). The danger here is that **students begin to believe their academic success is based on their own merit** rather than the systems which afford them privilege. This results in mantras of equality falling under the veil of liberalism, sameness, and meritocracy. This individualism also creates chants like “All lives matter,” which is critical of the Black Lives Matter movement and supports the belief, **built on an epistemology of ignorance, that all lives are subjected to the same trials**. This perpetuates ignorance and objective knowledge systems, while negating and furthering the expendable nature of Blackness, Indigenousness, and Black and Brown bodies. Hence, scholars have explored the dangerous nature of claiming that “All lives matter” (Adjei, 2016; Carney, 2016; Orbe, 2015; Yancy & Butler, 2015), believing it upholds white supremacy and denies the police brutality of Black people, the Missing and Murdered Indigenous Women, and Islamophobic attacks. Such a claim to innocence becomes key to upholding systems of oppression, which are often silenced and denied by the dominant group. Therefore, **educators**, students, community members, and parents/families **need to trouble the ideal of** equality and **claims to fairness for all** in reimagining new possibilities for hope and change.

#### [2] Notions of fairness in agonistic games are hopelessly vague and ideologically reinforce conquest

Lee 17 - Jonathan Rey Lee, Analog Game Studies, March 20th, 2017 “CAPITALISM AND UNFAIRNESS IN CATAN: OIL SPRINGS” [http://analoggamestudies.org/2017/03/capitalism-and-unfairness-in-catan-oil-springs/] Accessed 9/14/20 SAO

Before the first turn was over, I knew I had won—a circumstance typically only achievable through overwhelming skill, prognostication, or cheating. In this case, however, the game itself gave me an insurmountable advantage via my starting position. It’s tempting to label this as poor game design1 since it certainly violates the principle of fairness almost universally assumed in competitive gaming. Yet in a world where the myth of a ‘level playing field’ obscures and authorizes ongoing social inequalities, problematizing the notion of ‘fairness’ in gameplay may provide unique insight into the ‘fairness’ of capitalist culture. This insight is possible because contemporary games are cultural phenomena that have also become media phenomena. Games, that is, need not merely reflect culture, but have critical potential for reflecting on culture. The following reflections work toward developing such a critical paradigm by showing how the Oil Springs scenario for The Settlers of Catan plays out ethical dilemmas raised by the emergent and systemic inequalities generated by capitalist systems. In order to analyze these inequalities, this paper first explores game balance as the interplay between emergent inequality (how games determine winners and losers through the inputs of skill and chance) and systemic inequality (how an asymmetrical game state may privilege certain players).2 This paper then analyzes how the Oil Springs scenario for Catan links resource generation to land ownership, the runaway leader problem to the tendency of capital to accrue capital, and industrialization to market destabilization and ecological catastrophe. Finally, I reflect on the experience of enacting inequality within an unbalanced game system. Throughout, I suggest that while competitive games are typically designed to produce emergent inequality from within a level playing field (systemic equality), the rules that govern such emergent inequality are systemic in ways that allow for critically engaging systemic inequality. Fair and Balanced While not all games are competitive,3 the history of games is thoroughly intertwined with agon (or ‘**contestation’) as an organizing principle of Western culture**. According to French sociologist Roger Caillois, agonistic games play out agonistic culture “like a combat in which equality of chances is artificially created, in order that adversaries should confront each other under ideal conditions, susceptible of giving precise and incontestable value to the winner’s triumph.”4 With mathematical precision, agonistic games create balanced contests that reflect the ideal of agonistic culture: a perfectly level playing field that produces a genuine meritocracy. Yet, even while reflecting this agonistic ideal, the complicated balancing act performed by actual games demonstrates the limits of this ideal. Recognizing that fairness is problematic even within the carefully-controlled medium of games should also call into question the very possibility of a level playing field in arenas as complex as global capitalism. Fairness, like beauty, is left to the eye of the beholder. What standards determine which is most fair: that everyone gets the same amount of pie (equality), that everyone gets pie according to their need for pie (equity),5 or that everyone gets pie in proportion to how much money or labor they invested in the pie (meritocracy)? There are similarly divergent ways of considering fairness in games. Caillois is adamant about the fundamentality of fairness, arguing that games of both skill and chance (agon and alea) “require absolute equity, an equality of mathematical chances of most absolute precision. Admirably precise rules, meticulous measures, and scientific calculations are evident.”6 Taken together, however, skill and chance presuppose contradictory paradigms of equality, making it difficult to determine what counts as fair for games that incorporate both (as most contemporary tabletop games do). Similarly, although Caillois argues that “The search for equality is so obviously essential to the rivalry that it is re-established by a handicap for players of different classes,”7 notion of fairness behind the handicap does not reinforce but rather undermines the agonistic ideal. Such contradictory messages suggest that fairness is a highly subjective notion. That is: standards of fairness vary not only according to individual preferences, but also by context (casual gaming vs. tournaments), game genre (wargames vs. party games), and even circumstance (games are generally only ‘unfair’ when one is losing). Unsurprisingly, this variability amongst subjective standards yields a spectrum of paradigms for promoting balance, a somewhat vague negative term that presents fairness as ‘not unbalanced.’ Most commonly, games that tend towards symmetry tolerate emergent inequality but very little systemic inequality: symmetrical games allow skill and chance to separate players as the game progresses, but provide roughly parallel pathways to victory. In such games, the inevitable asymmetries are typically either minimized (playing first often confers an advantage, but usually a minimal one) or counterbalanced by other asymmetries of relatively equal value (the komi in Go compensates black’s advantage in going first with a point bonus given to the white player). Asymmetrical games extend this latter technique by counterbalancing different ways of playing (via differing pieces, abilities, rules, goals, etc.) to create a more or less equal game balance. Thus, asymmetrical game design provides two possibilities for exploring systemic inequalities. Balanced asymmetrical games can explore themes of inequity while maintaining an environment of fair play that adopts a perspective of critical distance—the player observes the interplay of differences that contribute to inequity without being immersed in the experience of inequity itself. By contrast, deliberately unbalanced asymmetrical games can explore inequity both thematically and procedurally, immersing players in a fundamentally inequitable world. To advocate critical play with and against capitalist systems, there are good reasons to challenge any standard of competitive balance that supports the myth of capitalism as a level playing field. **Insisting on perfectly balanced games is not just an impossible ideal; it** is a problematic one. Balanced games imagine idealized worlds that **may reinforce the deep cultural assumption that contestation is a** practical and **ethical way of organizing society**. Yet, there is a substantial disconnect between the fair and balanced worlds of gameplay and the many systemic inequalities that emerge in everyday societies. In practice, major genres of competitive game design—such as wargames, race games, betting games, and economic strategy games—often uncritically invoke and thereby reinforce broader forms of cultural contestation. Strategic wargames, for example, may intellectualize war tactics while glossing over the cost of violence. Similarly, economic strategy games may glamorize profiteering while failing to represent exploitation. For instance, Monopoly depicts rents as an arena for capitalist competition but ignores the consequences for tenants, worker placement games often reinforce the dehumanizing representation of laborers as human resources,8 and Catan fails to represent the violence of settler colonialism.9 And even as these games ignore disenfranchised populations, they ask players to become complicit in the systems that produce such disenfranchisement: the participatory medium of games often entangles player agency with the logic of capitalism by promoting a particularly capitalist model of agency—a self-interested agonistic impulse that plays out within a quantifiable, rule-governed system of exchange. Monopoly board There is perhaps no clearer example of the intersection of games and capitalism than Monopoly, of which Caillois writes, “The game of Monopoly does not follow but rather reproduces the function of Capitalism.”[ref]Caillois, p. 61.[/ref] Ironically, the game industry appropriated Monopoly from a game explicitly designed to demonstrate social inequality—The Landlord’s Game (patented 1904; this image from 1906) by Elizabeth Magie. Originally designed to demonstrate Henry George’s notion that the infrastructure of renting properties consolidated wealth in the hands of landowners at the expense of their tenants, The Landlord’s Game has resonances with the issue of land ownership discussed in the next section. (CC Wikimedia Commons) Although the way that games are more generally implicated in capitalism10 (and vice versa)11 deserves more critique, this parallelism may also provide games like Catan with a special critical potential to expose systemic inequality. For instance, in The First Nations of Catan, game designer and scholar Greg Loring-Albright describes how he developed “a balanced, asymmetrical strategy game” that “creates a narrative for Catan wherein indigenous peoples exist, interact with settlers, and have a fair chance of surviving the encounter by winning the game.”12 As discussed above, this type of game represents a critical intervention into historical inequalities while minimizing systemic gameplay inequalities, such as ones that might give the indigenous peoples a less than “fair chance.” By contrast, Catan and its Oil Springs scenario are mostly symmetrical and, if not actually unbalanced, certainly balanced unstably. With respect to Catan, Oil Springs makes more explicit the thematic connection to capitalism and, in a related move, makes the game balance even less stable “to draw attention to important challenges humanity faces, in relation to the resources that modern society depends on.”13 It accomplishes this by adding to the five original pastoral resources in Catan the modern resource of Oil, which is simultaneously more powerful (it counts as two standard resources), more flexible (it can be used as two of any resource), and more dangerous (its use triggers ecological catastrophes). By raising the stakes in these ways, Oil Springs further unbalances Catan to make a point about emergent social inequality tied to the unequal distribution of resources. Playing Capitalism Capitalism is far too multifaceted for any game—even one with as many variants and expansions as Catan—to model fully. Yet, games can indeed critically play with capitalism by condensing capitalist principles into their game systems through the systemic constraints and affordances that structure game interactions. Rather than describing capitalism, many agonistic games are themselves simple capitalist systems in which self-interested players engage in more or less free market competition with each other. Certain game designs, therefore, are not only tied to the agonistic logic behind capitalism, but are unique microcosmic economies that can represent specific facets of capitalism. The abstraction of Catan, for instance, obscures the history of settler colonialism and the exploitation of labor to focus instead on portraying land ownership as a lynchpin of modern capitalism, both in relation to resource generation and the tendency of capital to accrue capital. Similarly, the mechanics in Oil Springs focus on the role of the natural resource of oil as fuel for industrial capitalism by showing how industrialization accelerates resource production and exploits the environment. For Karl Marx, ownership of private property14 precludes fair compensation of workers by granting the capitalist (the holder of capital[refMarx defines capital thusly: “Capital consists of raw materials, instruments of labor and means of subsistence of all kinds, which are utilized in order to produce new raw materials, new instruments of labor and new means of subsistence. All these component parts of capital are creation of labor, products of labor, accumulated labor. Accumulated labor which serves as a means of new production is capital.” See Robert C. Tucker, ed. The Marx-Engels Reader. 2nd ed. New York: W.W. Norton & Company, 1978, p. 207.[/ref]]) legal ‘rights’ the value generated by production without requiring that they contribute any labor towards generating that value. Land in Catan reflects this model by automatically generating resources which are given directly to the player/landowner, completely bypassing the question of labor. Instead, the emergent inequality is between rival capitalists played by the game participants. Although class differences are not represented, these emergent inequalities are structurally linked with class differentiation. Indeed, private property is problematic for Marx primarily because it forms the conditions for emergent inequalities to become systemic inequalities through wealth consolidation. Thus, private property parallels an emergent asymmetry known in game design as the runaway leader problem, in which it becomes increasingly difficult to catch the lead player as the game progresses. This occurs in any game design—such as Catan—that links point accumulation and resource generation, creating a feedback loop such that the further one is towards achieving victory the more resources one gains to reinvest in that progress. In contrast to a game like Dominion, in which accumulating victory points can actually reduce the effectiveness of one’s resource-generating engine, in Catan the closer one is to victory the faster one should move toward victory.15 The idiom it takes money to make money captures this fact about capitalism, which Marx describes as “the necessary result of competition” being “the accumulation of capital in a few hands, and thus the restoration of monopoly in a more terrible form” (70). In fact, emergent and systemic inequalities often do synergize in this way as the material consequences of emergent inequalities become concretized as systemic as they are passed down from generation to generation, maintaining fairly resilient wealth disparities between different social and ethnic groups. Catan For Marx, these problems with land ownership are only intensified in industrial capitalism, in which ownership over the machinery of production further disenfranchises the industrial worker. This is precisely the shift in emphasis behind Oil Springs, which introduces Oil not just as one more roughly equivalent commodity, but one which radically unbalances Catan’s market economy. Representing the increasing pace of production from pre-industrial to industrial societies, one unit of Oil is worth two resources. In fact, it is worth two of any resource, which means that the strategic value of a single Oil resource ranges from two to eight resources (since it can take up to 4 resources to trade for a resource of one’s choice), making Oil so much more valuable than other resources that it seriously unbalances the game. In addition, Oil is required for building a Metropolis, the most powerful building in the game. Depicting how new industrial processes destabilize existing economic relationships, Oil Springs shows how the problems of capitalist land ownership are compounded when such land contains scarce resource reserves that are essential to industry. Such resources encourage relationships of dependence not only over renters and laborers (who are nowhere represented in Catan), but also over other industrialists who require these resources. Thus, the game makes the inequality between different starting positions more dramatic to depict a shift in modern geopolitics away from territory being valued primarily for it land, population, and location to being valued primarily for its strategic resources. While Oil Springs does have mechanisms that restore some balance, such as keeping Oil off the highest-probability hexes and capping the amount of Oil a player may hold at one time,16 its primary mechanisms for balancing Oil ironically further unbalance the game. By making Oil use precipitate ecological disasters, Oil Springs highlights the costs of industrial capitalism and makes an implicit ecocritical statement about how environmental consequences affect us all. They affect us, that is, randomly but not equally. Demonstrating that even negative consequences can be exploited by the industrial capitalist, the game’s two forms of environmental disaster turned out to be less damaging to me than to other players. The first environmental disaster, in which rising water levels destroy coastal settlements, played in my favor because I planned to exploit Oil and therefore avoided building coastal settlements.17 The second disaster, representing ‘industrial pollution,’ randomly strikes individual hexes, causing them to permanently cease to produce resources. More precisely, it does this to the ‘natural’ resources—affecting all hexes except for Oil Springs, which continue to produce after a reduction in the shared Oil reserves. Thus, because I was disproportionally less accountable for the consequences of my actions, I was able to safely initiate risky behavior that the risk-averse players suffered from. As risk and accountability can become unhinged in a free-market society that pushes for deregulation, Oil Springs speaks to the fact that those most responsible for climate change—be they individuals, corporations, or nations—do not generally bear the brunt of the consequences.18 Oil Springs The Disaster Track from the Oil Springs Scenario. Every time an Oil resources is used, it moves a marker along this track, triggering an ecological disaster if it reaches the final space (this takes 5 Oil in the 3-4 player game and 8 Oil in the 5-6 player game). If this occurs 5 times in total, the game immediately ends and no one wins. Image used for purposes of critique. In all the aforementioned ways, the game systems of Catan and Oil Springs use emergent inequalities to reflect on various systemic inequalities. This conflation, however, raises another question of fairness, namely how systemic inequalities emerge. In the case of Catan, this question becomes how to distribute land that has such intrinsically unequal value that it is sometimes possible to accurately predict the winner based on the starting positions (as in my case). The game attempts to solve this by using a snake draft to organize how players select their starting positions. Fairness is achieved not by creating equal spaces, but by assigning fundamentally unequal spaces using the mechanisms of emergent inequality: skill and chance (agon and alea). There is a fundamental difference, however, in the role these two forms of emergent inequality play in the deep interpenetration of games and culture. For Caillois, whereas agonistic games reflect the meritocratic ideal of cultural contestation, aleatory games play with the fundamental uncertainty of life—they are ludic, even carnivalesque experiments in fatalism. Unlike the triumphalism of agon, therefore, the aleatory elements of games explore consequentiality beyond the limits of human agency. This explains, for Caillois, how aleatory social institutions such as gambling and lotteries counterbalance the fundamentally agonistic structure of society by providing a faint hope that any individual may leap out of a condition of systemic inequality through an emergent (but rare) inequality. This demonstrates how capitalism balances itself by using the possibility of upward mobility to obscure its systemic conditions for economic immobility. This also reveals a way in which game design struggles to represent systemic social inequality: games often achieve balance by using aleatory elements to subsume systemic inequality within emergent inequality, sacrificing the critical experience of systemic inequality in order to maintain the ideal of balance. Thus, the emergent inequalities in Catan fail to represent how historical inequalities are invariably systemic as race, gender, class, and nationality play prominent roles—how in America, for example, the original occupants were dispossessed by force of arms and land was redistributed according to explicitly discriminatory laws.19 It also fails to represent how even after more recent legislation has eroded many of these practices, their legacy20 necessarily lingers within a capitalist system where ownership is passed down from generation to generation. There are limitations, therefore, to representing social inequality exclusively through emergent mechanisms—when games create a genuinely level playing field, they become incompatible with capitalism, which perpetuates the myth of a level playing field while in fact perpetuating systemic inequalities. Playing with Privilege It was only upon further reflection that I began to tie my play experiences to the preceding forms of social inequality. In the moment, however, my focus was more narrowly focused on executing my strategy—or, to put it bluntly, on winning. At the same time, this was tinged with a growing sense of discomfort that can only be described by an even more uncomfortable word: privilege. Certainly, my ability to win the way I did was due to a privileged starting position, which tilted the balance of power in my favor. Yet, privilege is an attitude as well as a condition: **being able to focus exclusively on strategy and winning is itself** a form of **privilege**. Games (even so-called serious games) are not theories of social inequality—as embodied, performative spaces, games express a procedural rhetoric21 in which players develop perspectives by exploring the consequences of their decisions and actions as they play out within the game system. To play certain games in certain ways, therefore, is to play as capitalists and play out capitalism. Games like Acquire encourage us to play as capitalists. As mentioned above, the procedural rhetoric of Oil Springs is paradoxically predicated on privileging the very strategies of industrial capitalism that this ecocritical game otherwise censures. This presents players with a dilemma, in which **playing to win may require performing actions that are** thematically represented as **ethically problematic**. Thus, the primary reason I received such advantageous placement in my case study is that I ruthlessly pursued Oil from the start, whereas several of my opponents hesitated to do so (possibly due to their ecological consciousness). Sometimes gamers attempt to justify a win-at-all-costs mentality by claiming they are merely following the dictates of the game (indirectly valorizing the cultural ideology of agon), or that they are merely solving an abstract puzzle without regard to thematic considerations. While these are valid ways to play a game, **they** nonetheless **represent an active choice** on the part of the player **rather than some** ‘objective’ or **‘default’ position.** Indeed, the phrase “win at all costs” itself admits that such play necessitates a cost. While I can understand why some players would choose to play in this way, **this position is not viable for game scholarship**. To properly study a game, one must account for the interplay of its many facets. Theme, which can evoke representational content and complex psychological and affective22 responses, is an essential facet of a game as text. When players respond to a game’s theme, they are performing a genuine textual engagement worthy of analysis. Thus, this section draws on my own play experience to reflect on possible consequences of systemically privileging certain positions. If I had to sum up my experience, I would say that playing and subsequently winning this particular game was no fun at all. And, although I cannot speak for the other players, I imagine it was not much fun them either. Working from an advantaged position altered the game experience in ways that counteracted much of the enjoyment I typically derive from gameplay. I say ‘working from’ rather than ‘playing from’ because rather than playfully exploring new strategies, I found myself merely implementing the most obviously advantageous strategy. My narrow focus on winning imposed an inappropriately results-driven framework on play, something I typically value more for the experience than the results. This focus was driven, moreover, less by the rewards of victory than by the fear of failure23—even while my privileged position robbed winning of much of its merit, losing would have been still worse. Although the game was unbalanced in my favor, an increased probability of winning did not, in my case, lead to an enriched game experience. This is because **the value of a game experience cannot be reduced to winning,** which is why games—even agonistic ones—are distinct from non-playful tests or contests. This is surprisingly analogous to Marx’s argument that capitalism not only inequitably distributes resources, but also reduces human experience to something instrumental and transactional. Indeed, Marx suggests that even while the capitalist is materially advantaged over the laborer, both are equally alienated by being reduced to their respective roles within the capitalist system. Systemic inequality, that is, is dehumanizing for all its participants—whether privileged or marginalized. Systemic inequality in games is, of course, less consequential and more voluntary than social inequalities,24 but it can alienate players in similar ways. In fact, most games eschew systemic inequality because it tends to be unpleasant for everyone involved. Players in privileged positions may find their roles overdetermined by the game structure, resulting in a narrowing of strategic, exploratory, or playful possibilities (for example, I had no reason to trade with other players when I could acquire all the resources I needed on my own). Similarly, players in less privileged positions may find their choices narrowed by their limited resources as the runaway leader problem renders their choices increasingly inconsequential. Systemically unequal game design, that is, looks like a lose-lose situation. Yet, it is not that inequality deprives play of choice, but rather that it overdetermines the consequences or relative viability of various choices. In the right conditions, therefore, such unbalanced play may add a unique dimension to the play experience. Rather than playing as an industrial capitalist, for instance, I could have chosen to play as an environmentalist. Instead of using Oil, I could have chosen to ‘Sequester’ Oil by permanently removing one of my Oil resources from the game each turn, gaining 1 Victory Point (VP) for every three Sequestered Oil, and an additional VP for sequestering the most Oil. Simple mathematics suggests that this is a terrible strategy: 1 VP is a paltry reward for the relative value of three Oil.25 This discrepancy underlies a model in which industrial capitalism is systematically more viable than environmentalism. Yet, what counts ‘viable’ can be called into question. Precisely because sequestering is ‘bad’ strategy, it offers an interesting thematic possibility: role-playing as an environmentalist knowing that one is not likely to win. From a thematic perspective, this strategy could be quite rewarding. Whereas my privileged play would lead either to failure or a victory deprived of merit, pursuing sequestering could offer either an impressive victory or a loss offset by the satisfaction of maintaining a moral position. These benefits, however, are psychological rather than ethical. While environmentalism is certainly much needed, playing environmentalism in a game is no more intrinsically beneficial than playing industrial capitalism. Critical gameplay requires more than importing real-world values into games; it requires interrogating the assumptions players bring to the game and the positions they adopt within the game. To sequester Oil solely for the sake of feeling morally superior is not a critical position (although it could certainly be an attractive one). Precisely because environmentalism matters, it deserves critical attention and critical gameplay. After all, activism can be problematic in, for example, replicating colonial attitudes towards the developing world or performing a kind of ‘conscience laundering.’26 Critical play,27 that is, is not an outcome but a method. Or, as Marx puts it, “I am therefore not in favor of setting up any dogmatic flag. On the contrary, we must try to help the dogmatics to clarify themselves the meaning of their own positions” (13). The potential consequences of such reflection are not just two, but many. Beyond simply stating that one way of playing (environmentalism) is superior to another (industrial capitalism), critical play provides an opportunity for players to self-reflectively engage the decisions and feelings of occupying different subject positions within inequitable systems. Critical play encourages reflection. Coda Games have not historically been on the forefront of discussions on social inequality.28 This is partially because the fundamentality of agon in games reinforces certain cultural logics, partially because the carnivalesque nature of play tends not to revolutionize prevailing systems,29 and partially because social inequality presents a special challenge for game design. To reverse this trend will require a critical perspective that pushes the limits of the game medium, such as the imperative toward balance at the heart of competitive game design—especially in a world where ‘fairness’ alternatively means ‘light-skinned,’ and the myth of a level playing field is used to justify a clearly uneven one. As Oil Springs demonstrates, experimenting with the interplay between emergent and systemic inequality is one way games can explore capitalism as similarly rule-governed, self-interested systems. In deconstructing the myth of the level playing field, it becomes clear that emergent inequalities in capitalism are develop systemic qualities. As a rule-governed agonistic system, capitalism legally positions the capitalist to leverage the rights of ownership to exploit the worker’s labor. Similarly, capitalism promotes the runaway leader problem by passing down capital via inheritance rather than need or merit. Furthermore, despite all claims to neutrality, economic hierarchies in capitalism are historically intertwined with other social hierarchies, such as race and gender. The problems of social inequality, therefore, are necessarily multiple and intersectional. Games have historically also lacked nuance with respect to intersectional analysis.30 If they represent categories like race and gender at all, most games do so either via problematic stereotypes or via visual and narrative means that bypass the procedural rhetoric that makes games so distinctive. I suspect that most game design avoids systemic unfairness at the level of identity politics to avoid alienating players who identify in diverse ways. At least on the surface, class—an extrinsic marker of social identity—seems easier to dissociate from sensitive identity politics and, thereby, more implementable in games like Catan.31 However, critical play must resist the ways that games by their nature simplify and abstract what they represent. Instead, critical play draws upon but moves beyond such simplification and abstraction to respond to complex social realities. And the reality of capitalism, as discussed above, is that class is intertwined with race and gender. Indeed, an intersectional perspective on critical play may provide a way of exploring the paradoxical unity and disunity of player and role that complicates the gameplay experience. After all, despite the common association between criticism and distance, critical play is still an experience—an embodied calling into question of certain social systems. –

#### [3] We can cross apply the aff to theory. Solves ideological dogmatism and content exploration and turns every standard

Koh 13 - Ben Koh, NSD Update, October 1st, 2013 “Breaking Down Borders: Rethinking the Interaction Between Theory and Ethics” [http://nsdupdate.com/2013/breaking-down-borders-rethinking-the-interaction-between-theory-and-ethics/] Accessed 8/14/20 SAO

First: **Fairness is** at its basis is **an ethical concept**. For instance at its basis, fairness as Rawls explains is, “a number of persons engage in a mutually advantageous cooperative venture according to certain rules and thus voluntarily restrict their liberty, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission.” That is to say, the basis of fairness rises from benefiting from cooperation. In the debate context, the “benefit” as Rawls refers to could be the actual ability to debate, or speaking without interference etc. In the same way that it’s considered immoral under most ethical systems to take without recompense, fairness is relevant due to it being the “recompense.” Additionally, equality’s importance is as a moral concept. The utterance that we ought to both start with the same amount of speaking time is morally relevant for it guides or at least constrains our actions, or the rightness and wrongness thereof (i.e. if I go a minute longer in the NR, I would usually be dropped or at least penalized due to its wrongness). Second, Fairness is normative: A) The idea that there is a consequence to a certain unfair act implies its relevance to our action. Debaters generally don’t read theory just because they wanted to point out something interesting or amusing, they do so to win or to rid the round of the problematic argument. B) The voluntary concession of the basic rules for the round renders fairness as being “obligatory.” Loland explains, “the obligation of fairness does not arise unconditionally. One basic premise is that the parties are voluntarily engaged. They have chosen participation in favor of nonparticipation and have thus more or less tacitly agreed to follow the commonly accepted rules and norms of the practice play the game. Loland further explains that “in sporting games, the predominant distributive norm is meritocratic. The norm on equal tratemnt, then, becomes a necessary condition for a game to take place. To be able to evaluate the relevant inequalities satisfactorily, participants have to compete on the same terms. All competitors ought to be given equal opportunity to perform.” The implication is that an argument that questions ethical assumptions (or even more basically assumptions at all) needs to be open to criticism. In the same way debaters now take into account the theoretical implications of their frameworks (i.e. the line of arguments centered around whether or not “ought is defined as maximizing well-being” is a fair interpretation), **debaters should take into account the ethical implications of their theory arguments**. Analyzing the way we debate theory further exposes these assumptions. Theory is debated typically in a very **utilitarian** **fashion**. Debaters tend to weigh between theory standards under assumed criterions of “what would a policy maker do,” how easy the calculation is, etc. They answer the question of drop the debater vs. drop the argument commonly in terms of solvency, whether or not there is a deterrent effect, etc. It’s no surprise in my mind that most “LARPers” are generally as proficient on the LARP as they are on the theory debate due to the reproduction of skill. To keep theory argumentation at a standstill in its variation is to deny the basic value in LD in the first place. There’s no reason why we should not question the assumption of how we debate or think about theory in the same way we question the assumptions of right and wrong in LD. A question that follows then is what occurs if we debate theory in a more Kantian sense? Or a more Nietzschean one? Etc. I’m not persuaded by the idea that ethical arguments cannot apply to the context of theory debate. Examples: 1) If the argument against consequentalism is true that there are infinite consequences, is norm setting ever possible? 2) If an intention based framework is true, and the violation was not made intentionally, should the one violating still be held culpable for the violation 3) A polls framework would outline why community consensus is most ethically relevant. If a certain practice is common, would that implicate its moral permission? Beyond the voter, concepts like competing interpretations, which in some variations claims that only one interpretation is objectively/ absolutely true, could easily be criticized with postmodern arguments. Massumi (a Deleuzian contemporary) would probably argue that the attempt to instill a certain worldview of the round is indicative of state philosophy, where “The end product would be ‘a fully legitimated subject of knowledge and society’ – each mind an analogously organized mini-State morally unified in the supermind of the State. Prussian mind-meld.” Security K type arguments that criticize the idea of deterrence claiming that mindset is the root cause of the threats it attempts to be prevented can easily apply to drop the debater justifications about norm setting. Apprehension to introduce this type of argumentation into the debate sphere can be tracked most likely to the tendency of judges to either a) paradigmatically assume fairness is important to avoid annoying and assumptive debates about whether or not fairness is a voter or b) judges not voting on these arguments frequently in the past. However, this line of thought I present does not attempt to claim that fairness is absolutely not a voter. This type of argument generally does not contest if theory itself is unfair or resolvable in a theoretical way, i.e. in the fashion most “fairness not a voter” arguments are made. The goal rather is to reframe the lens of which we analyze theory debates, or analyze “fairness not a voter arguments.” The application fosters discussion about what fairness ethically should imply, not in attempt to create more “frivolous theory debates” or figure out ways to make theory irresolvable. In fact, this mindset would produce **better philosophical discussion**. By examining the full implication of an ethical argument, debaters could more fully understand what it means to argue X or Y is the correct moral framework beyond just the resolution at hand. Whereas debate about animal rights or compulsory voting does allow for that form of philosophical analysis, this viewpoint allows for full education of ethics to even more frequent, real world concerns of fairness and education. Additionally, most of the historical unwillingness is probably rooted in tendency for debaters to use this avenue of argumentation in a **blippy fashion**. However in the same way that arguments that are more fleshed out or have definitive warrants are given priority over others, debaters ought to argue this similarly. Rather than treating ethical arguments against theory as a “back up strategy,” this should become a more full, centralized approach. The purpose of this article is that fairness as an ethical idea, with the same ethical discussion, etc., should not be absent from questioning. The implementation, function, correctness of a conception of fairness, etc., should all be open for debate in the same way that we try to figure out if death is really morally bad after all. The even broader implication is that LD debate should continue to foster questioning**. To take a firm stance on basic assumptions is to deny the role of philosophical questioning in the first place**. To quote Rebar Niemi, “the notion that any one of us could set some determinate standard for what debate should be is preposterous, uneducational, sanctimonious, and arrogant. I think that the notion that we should teach the already privileged population of debate to be inflexible, dogmatic, and exclusive in their belief sets **creates** worse citizens, **worse people,** and ultimately a worse world.”

### Offense

#### Advocacy text: Ill defend that the member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. I am not role playing the state, just stating the current state of affairs is unethical.

#### That affirms

#### [1] Patents on medicine create a hierarchy of cultural practices

Curbishley 15 - Liddy Scarlet Curbishley student Masters of Humanities in Gender Studies August 2015 “Destabilizing the Colonization of Indigenous Knowledge In the Case of Biopiracy” [https://dspace.library.uu.nl/bitstream/handle/1874/319612/Liddy%20Thesis.pdf] Accessed 8/13/21 SAO

The production of scientific and technological knowledge has a history of hierarchical oppression. From the inception of scientific experimentation those deemed suitable to produce knowledge and in which way was clearly defined. And so the modest witness (Haraway, 1997: 24) was born. For Donna Haraway, this Subject was able to sediment its position as the only self-invisible, objective knower by normalizing the idea that “his subjectivity is his objectivity” (24). Through performing an air of legitimate agency and distancing himself from any form of knowledge viewed as ‘feminine’ (anything subjective, embodied or alchemical, but not necessarily originating in a or from a female biological body) and excluding women, people of lower class and people of different ethnicities from the space of knowledge production, therefore making their voices dissident and eventually invisible, the modest witness claims the space of knowledge production (27-32). Haraway sees this evolution of the experimental life as responsible for marginalizing various groups from the scientific world and also permeating these oppressive views out into society. She states, “racial formation, gender-in-the-making, the forging of class, and the discursive production of sexuality [are created] through the constitutive practices of [knowledge production] themselves” (35). Discursive practice of knowledge production forge these same marginalized Subjectivites through constructing, re-presenting and positioning as less capable due to these categorizations. An intersectional (Crenshaw, 1989) indigenous identity, whereby an indigenous person suffers oppression along multiple lines; gender, race, ethnicity and class, leads to the entire marginalization and trivialization of knowledges produced by the indigenous Subject. Knowledges produced outside of the dominant paradigm becomes subjugated as they are: “either hidden behind more dominant knowledges but can be revealed by critique or have been explicitly disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity” (Foucault, 1980: 82). Positivist accounts of Eurocentric masculinist knowledges are often in direct opposition to knowledges produced by subordinate groups, such as indigenous peoples, who have developed alternative standpoints and validation processes (Collins, 1991: 202). The former account is dominant and therefore subordinate knowledge is rarely recognized and those producing it even more rarely acknowledged (Smith, 2012: 121). This self-stated omnipotent embodied Subject defines its own reality as concrete experience (Spivak, 2010: 27) prioritizing its own in relation to all other experience. Knowledge and power intertwine to become a nexus of considerable force, continually constructing one another, capable of defining discourse. Foucault argues that knowledge and power cannot stand-alone, they are in a perpetual reliant construction of one another, “knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true. All knowledge, once applied in the real world, has effects, and in that sense at least, 'becomes true.' Knowledge, once used to regulate the conduct of others, entails constraint, regulation and the disciplining of practice. Thus, there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations” (Foucault, 1977: 27). This formidable force of power/knowledge constructs a referent figure for itself whilst simultaneously constructing the Other in opposition. The dominating power/knowledge nexus generates inequalities in the way knowledge is structured by legitimizing itself and delegitimizing alternatives (Shiva, 1993: 9). This is what leads Shiva to argue that modern knowledge systems, emerging from a colonizing culture, are themselves colonizing (9). As discussed previously, the concept of biopiracy has its epistemological roots in the colonial period. Otherwise framed as bioprospecting but termed biopiracy in this thesis due to its politically loaded associations with theft (Bender, 2003), biopiracy is “the practice of commercially exploiting naturally occurring biochemical or genetic material, especially by obtaining patents that restrict its future use, while failing to pay fair compensation to the community from which it originates” (Taylor, 2014). Ethnopharmacological studies have enticed many researchers and anthropologists to biodiverse areas of the Global South in search of ancient wisdom for contemporary healing (Lee and Balik, 2001).15 This type of ecoethno research is highly problematic for various reasons as has been discussed previously. When multinational pharmaceutical and agrichemical companies fund research with invested interests in exploiting indigenous knowledges for the exclusive economic enrichment of the Global North (Tamale, 2001: 28) the central knowledge producing role of the indigenous Other is obscured in Western discourse and the economic relation between indigenous peoples, resources and the Global North is denied or presented in a paternalistic frame (Plumwood, 1993: 49). Through the framing of indigenous peoples as devoid of scientific knowledge the role of indigenous peoples is constructed as being unrelated to the knowledge production process. Beyond these problematic issues also lies environmental degradation, habitat destruction and resource exploitation. Thus, in cases of biopiracy the appropriation of knowledge can be witnessed, and this denies the indigenous Subject the right to present and preserve one’s own scientific creativity, and the right to expression and self-determination. This theft can be viewed as double layered; first, it is the theft of intellectual and creative property nurtured by indigenous communities for generations, and second, the theft of potentially economically viable and life sustaining resources (Shiva cited in Shah, 2002). Shiva further comments on the central role racism has in the hierarchy of knowledge production and how this applies to biopiracy, “The knowledge of our ancestors […] is being claimed as an invention of US corporations and US scientists and being patented by them. The only reason something like that can work is because underlying it all is a racist framework that says the knowledge of the Third World and the knowledge of people of colour is not knowledge. When that knowledge is taken by white men who have capital, suddenly creativity begins… **Patents are a replay of colonialism**, which is now called globalization and free trade” (Shiva, cited in Mohanty, 2003: 232- 233, emphasis added). Indigenous knowledges are discounted when they emanate from a racialized indigenous Subject, yet that same knowledge is venerated when it emanates from a Global North Subject. Biopiracy operates as another mechanism of silencing the indigenous Subject, Those who do not fit within the neo-liberal capitalist regime and Global North’s narrow concept of modernity are disqualified, therefore reifying the Global North’s supremacy. **This act is authorized by** the subtle nuances of **international legislation** on the rights of indigenous peoples and trade and patent related laws that circumvent obstacles to the misappropriation of indigenous knowledges. Subject construction of the natural, inferior indigenous Other is created and sustained through these documents, as will be analysed in chapter four, enabling this discourse of exploitation. In the following chapter the postcolonial ecofeminist perspective used to frame this exploration will be detailed, accompanied by the critical discourse methodology that will be used to analyse the international legislation.

#### [2] Patents on medicine are a part of a reductionist epistemology that treats life-forms as commodities and machines

Shiva 14 - Vandana Shiva, in her book the Vandana Shiva Reader, published by The University Press of Kentucky Scholarly publisher for the Commonwealth in 2014 “ISBN 978-0-8131-4560-0” [Pgs 193-200] Accessed 8/13/21 SAO

Patenting living organisms encourages two forms of violence. First, life-forms are treated as if they are mere machines, thus denying their self-organizing capacity. Second, by allowing the patenting of future generations of plants and animals, the self-reproducing capacity of living organisms is denied. Living organisms, unlike machines, organize themselves. Because of this capacity, they cannot be treated as simply "biotechnological inventions," "gene constructs," or "products of the mind" that need to be protected as "intellectual property." The engineering paradigm of biotechnology is based on the assumption that life can be made. Patents on life are based on the assumption that life can be owned because it can been constructed. Genetic engineering and patents on life are the ultimate expression of the commercialization of science and the commodification of nature that began the scientific and industrial revolutions. As Carolyn Merchant has analyzed in The Death of Nature, the rise of reductionist science allowed nature to be declared dead, inert, and valueless. Hence, it allowed for the exploitation and domination of nature, in total dis- regard of the social and ecological consequences.' The rise of reductionism science was linked with the commercialization of science, and resulted in the domination of women and non-Western peoples. Their diverse knowledge systems were not treated as legitimate ways of knowing, with commercialization as the objective, reductionism became the criterion of scientific validity. Nonreductionist and ecological ways of knowing, and nonreductionist and ecological systems of knowledge, were pushed out and marginalized. The genetic engineering paradigm is now pushing out the last remains of ecological paradigms by redefining living organisms and biodiversity as "man-made" phenomena. The rise of the reductionist paradigm of biology to serve the commercial interests of the genetic engineering, biotechnology industry was itself engineered. This was done through funding as well as rewards and recognition. Reductionism in biology is multifaceted. At the species level, this reductionism puts value on only one species humans-and generates an instrumental value for all others. It therefore displaces and pushes to extinction all species that have no or low instrumental value to humans. Monocultures of species and biodiversity erosion are the inevitable consequences of reductionist thought in biology, especially when applied to forestry, agriculture, and fisheries. We call this first- order reductionism. Reductionist biology is increasingly characterized by a second- order reductionism-genetic reductionism-the reduction of all behavior of biological organisms, including humans, to genes. Second-order reductionism amplifies the ecological risks offirst-order reductionism, while introducing new issues, like the patenting of life-forms. Reductionist biology is also an expression of cultural reductionism, since it devalues many forms of knowledge and ethical systems. This includes all non-Western systems of agriculture and medicine as well as all disciplines in Western biology that do not lend themselves to genetic and molecular reductionism, but are necessary for dealing sustainably with the living world. Reductionism was promoted strongly by August Weisinann, who nearly a century ago postulated the complete separation of the reproductive cells-the germ line-from the functional body, or soma. According to Weismann, reproductive cells are already set apart in the early embryo and continue their segregated existence into maturity, when they contribute to the formation of the next generation. This sup- ported the idea that acquired traits with no direct feedback from the environment were noninheritable. The mostly nonexistent "Weismann barrier" is still the paradigm used to discuss biodiversity conservation as "germ plasm" conservation. The germ plasm, Weismann had earlier contended, was divorced from the outside world. Evolutionary changes toward greater fitness-meaning greater capacity to reproduce-were the result of fortuitous mistakes that happened to prosper in the com- petition of life." Weismann's classic experiment a century ago was taken as proof of the noninheritability of acquired characteristics. He cut the tails off twenty-two generations of mice and found that the next generation was still born with normal tails. The sacrifice of hundreds of mouse tails only proved that this type of mutilation was not inherited." The proposition that information only goes from genes to the body was reinforced by molecular biology and the discovery in the l950s of the role of nucleic acid, placing Mendelian genetics on a solid material basis. Molecular biology showed a means of transferal of information from genes to proteins, but gave no indication-until recently-of any transfer in the opposite direction. The inference that there could be none became what Francis Crick called the central dogma of molecular biology: "Once 'information' has passed into proteins, it cannot get out again." Isolating the gene as a "master molecule" is part of biological determinism. The "central dogma" that genes as DNA make proteins is another aspect of this determinism. This dogma is preserved even though it is known that genes "make" nothing. As Richard Lewontin states in 71w Doctrine of DNA: DNA is a dead molecule, among the most non-reactive, chemically inert molecules in the world. It has no power to reproduce itself. Rather, it is produced out of elementary materials by a complex cellular machinery of proteins. While it is often said that DNA produces proteins, in fact proteins (enzymes) produce DNA. When we refer to genes as self-replicating, we endow them with a mysterious autonomous power that seems to place them above the more ordinary materials of the body. Yet if anything in the world can be said to be self-replicating, it is not the gene, but the entire organism as a complex system." Genetic engineering is taking us into a second-order reduction- ism not only because organisms are perceived in isolation of their environment, but because genes are perceived in isolation of the organism as a whole. The doctrine of molecular biology is modeled on classical mechanics. The central dogma is the ultimate in reductionist thought. At the very same time that Max Planck, Niels Bohr, Albert Ein- stein, Erwin Schrodinger, and their brilliant colleagues were revising the Newtonian view of the physical universe, biology was becoming more reductionist." Reductionism in biology was not an accident but a carefully planned paradigm. As Lily E. Kay records in The Molecular Vision of Life, the Rockefeller Foundation served as a principal patron of molecular biology from the 19305 to the |950s. The term molecular biology was coined in 1938 by Warren Weaver, the director of the Rockefeller Foundation's Natural Science Division. The term was intended to capture the essence of the foundation's program-its emphasis on the ultimate minuteness of biological entities. The cognitive and structural reconfigurations of biology into a reductionist paradigm were greatly facilitated through the economically powerful Rockefeller Foundation. During the years 1932-1959, the foundation poured about $25 million into molecular biology programs in the United States, more than one- fourth of the foundation's total spending for the biological sciences out- side of medicine (including, from the early 1940s on, enormous sums for agriculture)!-' The force of the foundation's funding set the trends in molecular biology. During the dozen years following 1953 (the elucidation of the structure of DNA). Nobel Prizes were awarded to scholars for research into the molecular biology of the gene, and all but one had been either fully or partially sponsored by the Rockefeller Foundation under Weaver's guidance." The motivation behind the enormous investment in the new agenda was to develop the human sciences as a comprehensive explanatory and applied framework of social control grounded in the natural, medical, and social sciences. (Zonceived during the late 1920s, the new agenda was articulated in terms of the contemporary technocratic discourse of human engineering, aiming toward restructuring human relations in congruence with the social framework of industrial capitalism. Within that agenda, the new biology (originally named "psycl1obiology") was erected on 'the bedrock of the physical sciences in order to rigorously explain and eventually control the fundamental mechanisms governing human behavior, placing a particularly strong emphasis on heredity. Hierarchy and inequality were thus "naturalized." As Lewontin states in TI-it-2 Doctrine of DNA: "The naturalistic explanation is to say that not only do we differ in our innate capacities but that these innate capacities are themselves transmitted from generation to generation biologically. That is to say they are in our genes. The original social and economic notion of inheritance has been turned into biological inheritance.""' The conjunction of cognitive and social goals in reductionist biology had a strong historical connection to eugenics. As of 1930, the Rockefeller Foundation had supported a number of eugenically directed projects. By the time the "new science of man" was inaugurated, how- ever, the goal of social control through selective breeding was no longer socially legitimate. Precisely because the old eugenics had lost its scientific validity, a space was created for a new program that promised to place the study of human heredity and behavior on vigorous grounds. A concerted physicochemical attack on the gene was initiated at the moment in his- tory when it became unacceptable to advocate social control based on crude eugenic principles and outmoded racial theories. The molecular biology program, through the study of simple biological systems and the analyses of protein structure, promised a surer, albeit much slower, way toward social planning based on sounder principles of eugenic selection."' Reductionism was chosen as the preferred paradigm for economic and political control of diversity in nature and society. Genetic determinism and genetic reductionism go hand in hand. But to say that genes are primary is more ideology than science. Genes are not independent entities but dependent parts of an entirety that gives them effect. All parts of the cell interact, and the combinations of genes are at least as important as their individual effects in the making of an organism. More broadly, an organism cannot be treated simply as the product of a number of proteins, each produced by the corresponding gene. Genes have multiple effects, and most traits depend on multiple genes. Yet the linear and reductionist causality of genetic determinism is held on to, even though the very processes that make genetic engineering possible run counter to the concepts of "master molecules" and the "central dogma." As Roger Lewin has stressed: "Restriction sites, promoters, operators, operons, and enhancers play their part. Not only does DNA make RNA, but RNA, aided by an enzyme suitably called reverse transcriptase, makes DNA."" The weakness of the explanatory and theoretical power of reductionism is made up for by its ideological power as well as its economic and political backing. Some biologists have gone far in exalting the gene over the organism and demoting the organism itself to a mere machine. The sole purpose of this machine is its own survival and reproduction or, perhaps more accurately put, the survival and reproduction of the DNA that is said both to program and to "dictate" its operation, in Richard Dawkins's terms, an organism is a "survival machine"-a "lumbering robot" constructed to house its genes, those "engines of self-preservation" that have as their primary property inherent "selfishness." They are sealed off from the outside world, communicating with it by tortuously indirect routes, manipulating it by remote control. They are in you and in me; they created us, body and mind. And their preservation is the ultimate rationale for our existence." This reductionism has epistemological, ethical, ecological, and socioeconomic implications. Epistemologically, it leads to a machine view of the world and its rich diversity of life-forms. It makes us forget that living organisms organize themselves. It robs us of our capacity for the reverence for life-and without that capacity, protection of the diverse species on this planet is impossible.

#### -[3] Monocultures lead to extinction

Feliciano 11 - Meghan Marrinan Feliciano, University of St. Thomas Law Journal, 2011“We Are What We Eat: Securing our Food Supply By Amending Intellectual Property Rights for Plant Genetic Resources” [https://ir.stthomas.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1265&amp;context=ustlj] Accessed 9/14/21 SAO

While many may ponder the consequences of global warming, perhapsthe biggest single environmental catastrophe in human history isunfolding in the garden. While all are rightly concerned about the possibility of nuclear war, an equally devastating time bomb is ticking away in the fields of farmers all over the world. Loss of genetic diversity in agriculture – silent, rapid, inexorable – is leading us to a rendezvous with extinction – to the doorstep of hunger on a scale we refuse to imagine. . . . Reducing the diversity of life, we narrow our options for the future and render our own survival more precarious**.**1Around the world, an amazing array of plants have been cultivated and developed over many thousands of years, adapting to diverse climates and evolving to withstand various diseases and pests**.** The genetic resources found in the germplasm of these plants are invaluable, as these diverse traits offer the means for plants to survive and thrive under a multitude of conditions. Today, crop genetic diversity is at great risk, and its diminishing existence threatens the sustainability of the world’s food supply. The danger is real: between 1903 and 1983, more than 95% of U.S. tomato varieties were lost. If we want tomatoes, as well as other crops, to remain on the table, we must act to preserve the diverse genetic resources found in agriculture around the globe.

#### [4] Prior Informed Consent initiatives are failing now

McCulloch 21 - Emily. M McCulloch, Public Land and Resources Law Review, Volume 44 Article 5, June 2021 “Free, Prior, and Informed Consent: A Struggling International Principle” [https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=1744&context=plrlr] Accessed 08/18/21 AHS PG

Despite the FPIC going into effect over ten years ago, companies and **nations still commit atrocities against indigenous populations**.59 **In 2018, there were 164 documented killings** of individuals trying to protect their land.60 Latin America has the highest rate of violence against activists, with little government protection, as well as suffering from international companies extracting resources on indigenous land.61 This data leads to some key concerns about the FPIC among the international community, including implementation and lack of enforcement. A. Lack of Clarity in Implementation Fundamental issues remain with implementing the FPIC including isolation, internal participation, and overlap.62 Isolation is detrimental to the FPIC’s goals because some indigenous populations desire to live secluded.63 Because of their isolation, public participation and consultation are difficult.64 Scholars argue the “desire to be left alone” shows they do not give consent to projects because of their intention to secure their land from the outside communities.65 This reluctance and mistrust lend itself to difficulties when implementing the FPIC. Another issue with the FPIC implementation is internal participation.66 Some **indigenous groups** contain marginalized populations like women and children, but **do not allow all community members to participate**—a concept the FPIC requires.67 For example, in some indigenous groups, women and children are not consulted on issues that affect the internal community.68 Because overall participation by affected indigenous groups is a key part of the FPIC implementation, participation from “illiberal” communities is challenging.69 A third major issue with implementation is overlap between other indigenous communities or entities.70 A “dichotomized” view of indigenous groups leads to “arbitrarily fixating indigenous peoples’ consensus, while disregarding the multiple and fragmented nature of the member subject positions.”71 By recognizing the cultural overlaps and differing interests among groups, developers face challenges to achieve one common plan and gain all groups’ consent.72 Another key issue involves private actors like the World Bank and extractive resource industries’ interpretation of the FPIC.73 Because UNDRIP applies to governments and not private companies, 74 the World Bank has implemented less stringent guidelines called Free, Prior, and Informed Consultation, except for in special circumstances where it advises use of the FPIC.75 As noted, the ICMM has an even lesser standard, which directs that development programs should engage and consult with indigenous peoples in a “fair, timely and culturally appropriate way throughout the project cycle.”76 This standard could “lead to breaches of international human rights standards, as companies might only do the minimum necessary to meet the requirements of local legislation, potentially failing to recognize the right to the FPIC, and thus infringing [on] the Indigenous right to self-determination.”77 While the ICMM is taking steps to follow the FPIC, ultimately, it can still decide to move forward with projects, even if there is opposition or a lack of consensus. 78 Finally, **it remains unclear if the “consent” part of the FPIC includes veto power**.79 Without veto power, the FPIC loses strength because projects can continue to move forward. As of now, the international community recognizes tribal consultation as the customary norm.80 For instance, the United States has a “long-standing executive branch policy to incorporate special [tribal] status into regulatory processes,” but it does not include tribal veto power on projects.81 Similarly, Canada has a duty to consult with indigenous communities during the Environmental Impact Assessment phase which includes “good-faith consultation” and willingness to make changes based on information obtained during assessments.82 Canada’s policy, however, does not include tribal consultation as determinative of whether the project moves forward, even if indigenous communities are opposed. 83 Unfortunately, as shown in Canada’s and the United States’ policies, the question of whether nation states need to obtain consent from indigenous communities is usually answered in the negative because governments can weigh economic benefit to regulate resources for all citizens, not just its indigenous groups. Along with implementation issues, the **FPIC faces a lack of enforcement in countries that have adopted it**, which non-compliant countries would have to resolve if the FPIC was considered hard law. Some of the biggest breaches of the FPIC stem primarily from Latin American countries, 85 even though Latin American countries comprise the majority of countries that signed ILO 169.86 This issue is referred to as the “governance gap,” which means a nation state fails to protect populations because of lack of mechanisms to ensure compliance.87 Additionally, there is no legal entity or instrument to enforce compliance because UNDRIP is nonbinding unless it is carried out in domestic law.88 Further, a government’s right to develop and the FPIC often conflict, particularly in developing countries.89 State versus tribal sovereignty and ownership of national resources are often still debated.90 Because nation states argue these resources “are the benefit for all,” courts often side with nations on ownership issues.91 Issues over rights to develop and resource ownership are further conflated due to large inconsistencies between an international, national, and domestic regulation, known as the “implementation gap.”92 The Philippines exemplifies the implementation gap in a conflict with Dole Asia, one of the largest producers of bananas, which is backed by companies like JP Morgan Chase.93 The Philippines is a signatory to UNDRIP, 94 and it also holds its own national policies surrounding indigenous rights such as the Indigenous Peoples’ Rights Act.95 Despite the international and national policies, the Philippines has inconsistently implemented indigenous protection policies. For example, in the Bukidon region, the indigenous KADIMADC community stated a wealthy landowner, who owns the largest gun-making factory in the country, was illegally sub-leasing indigenous land for a Dole plantation without their consent.96 Dole failed to take steps in reviewing this land lease to determine if the land was disputed and if the FPIC was granted.97 Because of Dole’s lack of due diligence, the community’s indigenous peoples turned to local government to investigate allegations.98 Reportedly, instead of investigating, government officials tried to bribe indigenous members to sign consent forms.99 The KADIMADC people remained on their land, but the wealthy landowner’s security personnel in the area have threatened the community with loss of homes and life. 100 The Philippines government is failing to implement the FPIC on a national and local level, and it has failed to implement the UNDRIP policies it agreed to at an international level.