## 1NC-Off

#### Our interpretation is that the resolution should define the division of affirmative and negative ground and offense. It was *negotiated* and *announced in advance*, providing both sides with a reasonable opportunity to prepare to engage one another’s arguments.

#### ‘Resolved’ preceding a colon indicates a legislative forum.

Blanche Ellsworth 81, English professor at SFSU and M.A. in English from UC Berkeley, 1/1/1981, *English Simplified*, 4th Edition, cc

A colon is also used to separate 3. THE SALUTATION OF A BUSINESS LETTER FROM THE BODY, Dear Sir Dear Ms. Weiner NOTE: In an informal letter, a comma follows the salutation: Dear Mary, Dear Uncle Jack 4. PARTS OF TITLES, REFERENCES, AND NUMERALS. TITLE: Principles of Mathematics: An Introduction REFERENCE: Luke 3:4—13 NUMERALS: 8:15 PM 5. PLACE OF PUBLICATION FROM PUBLISHER Indianapolis: Bobbs-Merrill 6. THE WORD RESOLVED FROM THE STATEMENT OF THE RESOLUTION. Resolved: That this committee go on record as favoring new legislation.

#### Ought means should

Merriam Webster, No Date – Merriam Webster’s Learner’s Dictionary, “ought”, <http://www.learnersdictionary.com/definition/ought>  
ought /ˈɑːt/ verb  
Learner's definition of OUGHT [modal verb] 1 ◊ Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to. — used to indicate what is expected They ought to be here by now. You ought to be able to read this book. There ought to be a gas station on the way. 2 — used to say or suggest what should be done You ought to get some rest. That leak ought to be fixed. You ought to do your homework.

#### Should requires legal effect

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record. [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### “Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Outer Space is considered anything that sits above the Earth’s atmosphere

Betz 21 [(Eric Betz, Science & tech writer for @Discovermag, @Astronomymag and others), “The Kármán Line: Where does space begin?”, Astronomy, https://astronomy.com/news/2021/03/the-krmn-line-where-does-space-begin, March 5, 2021] SS

These days, spacecraft are venturing into the final frontier at a record pace. And a deluge of paying space tourists should soon follow. But to earn their astronaut wings, high-flying civilians will have to make it past the so-called Kármán line. This boundary sits some 62 miles (100 kilometers) above Earth's surface, and it's generally accepted as the place where Earth ends and outer space begins.

#### Private entities are non-governmental corporations

UpCounsel ND [(UpCounsel is an interactive online service that makes it faster and easier for businesses to find and hire legal help solely based on their preferences. “Private Entity: Everything You Need to Know”, UpCounsel, https://www.upcounsel.com/private-entity#importance-of-private-entities, No Date] SS

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

#### Unjust means unfair or characterized by injustice

Merriam Webster ND [(Merriam-Webster, Merriam-Webster, Inc. is an American company that publishes reference books and is especially known for its dictionaries.),“unjust”, https://www.merriam-webster.com/dictionary/unjust, No Date] SS

Definition of unjust

1: characterized by injustice : UNFAIR

#### It is irrelevant if they are correct about everything that they said – allowing the aff to deviate from the resolution is a moral hazard, it justifies an infinite number of unpredictable arguments with thin ties to the resolution

#### This undermines deliberation – turns the aff because they will never be competent advocates for their position unless they have experience against a well-prepared opponent

#### A clear, well-defined resolution is critical to allow the neg to refute the aff in an in-depth fashion – this process of negation produces iterative testing and improvement, where we learn to improve our arguments based on our opponents’ arguments. This process does not proscribe particular styles or forms of argument but does require a common point of disagreement around which arguments can be organized

Ralf Poscher 16, director of the Institute for Staatswissenschaft & Philosophy of Law, Professor of Public Law and Legal Philosophy, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement,” in *Metaphilosophy of Law*, ed. Gizbert-Studnicki, Dyrda, Banas, 2/19/16, SSRN

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups 106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above.

2. The Semantics of Agonistic Disagreements

The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes.

In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements.

A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached.

The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics.

In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are talking about the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### These skills are tremendously valuable for movement building and challenging injustice but require engagement with a well-prepared opponent

Talisse 5 – Professor of Philosophy @ Vandy (Robert, Philosophy & Social Criticism, “Deliberativist responses to activist challenges,” 31(4) p. 429-431)

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. The deliberativist view I have sketched holds that reasonableness involves some degree of what we may call epistemic modesty. On this view, the reasonable citizen seeks to have her beliefs reﬂect the best available reasons, and so she enters into public discourse as a way of testing her views against the objections and questions of those who disagree; hence she implicitly holds that her present view is open to reasonable critique and that others who hold opposing views may be able to offer justiﬁcations for their views that are at least as strong as her reasons for her own. Thus any mode of politics that presumes that discourse is extraneous to questions of justice and justiﬁcation is unreasonable. The activist sees no reason to accept this. Reasonableness for the activist consists in the ability to act on reasons that upon due reﬂection seem adequate to underwrite action; discussion with those who disagree need not be involved. According to the activist, there are certain cases in which he does in fact know the truth about what justice requires and in which there is no room for reasoned objection. Under such conditions, the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational. It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001a: ch. 3; 2001b: ch. 1). To explain: consider that political activists cannot eschew deliberation altogether; they often engage in rallies, demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movements must be organized, hence those involved must decide upon targets, methods, and tactics; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists. Group polarization is a well-documented phenomenon that has ‘been found all over the world and in many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by the members’ predeliberation tendencies’ (Sunstein, 2003: 81–2). Importantly, in groups that ‘engage in repeated discussions’ over time, the polarization is even more pronounced (2003: 86 Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of any individual member before the series of deliberations began’ (ibid.) 17 The fact of group polarization is relevant to our discussion because the activist has proposed that he may reasonably decline to engage in discussion with those with whom he disagrees in cases in which the requirements of justice are so clear that he can be conﬁdent that he has the truth. Group polarization suggests that deliberatively confronting those with whom we disagree is essential even when we have the truth. For even if we have the truth, if we do not engage opposing views, but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth. In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggests that engagement with those with whom one disagrees is essential to the proper pursuit of justice. Insofar as the activist denies this, he is unreasonable.

#### Prefer our impact:

#### Skepticism – presume all their truth claims false because they have not been properly tested

#### Scope – the role of individual debate rounds on broader subject formation is white noise – *can you remember what happened round () of () your junior year?* – individual rounds don’t affect our subjectivity, but a model of debate that forefronts clash and rigorous negation can turn us into more competent advocates

#### Deliberative processes like debate rarely change latent preferences, but they can make us less vulnerable to political manipulation – that means our framework doesn’t create neocons but makes us better equipped to resist them

Simon Niemeyer - Centre for Deliberative Global Governance, The Australian National University - 2011,

The Emancipatory Effect of Deliberation: Empirical Lessons from Mini-Publics, Politics & Society, 39(1) 103–140, SAGE Publications

The results of the two case studies in this article suggest that deliberation does not fundamentally change individuals or inculcate a sense of moral duty. The particular values that prevailed in both issues were always present (and measurable), even if they were latent in expressed preferences. Before deliberation, most participants believed they were acting in the public interest,69 but good intentions alone are not sufficient to formulate civic-minded preferences. Predeliberative preferences were more strongly influenced by discourses associated with symbolic politics. Following deliberation, symbolic cues reduced the “cost” of arriving at a decision,70 but the cognitive shortcut resulted in positions that did not properly reflect participants’ overall subjectivity. Before deliberation, symbolic politics—or at least the mere presence of potent symbols—distorted participants’ preferences. This process may be manipulative and overt, as in the case of the Bloomfield Track, or incidental, as in the case of the Fremantle Bridge. Deliberation successfully corrected the influence of symbolic politics because it provided both the incentive and the means to develop positions on an intersubjective set of recognized issues that extended beyond the narrow set of unhelpful symbolic ones. The mechanism whereby this occurred did not so much involve changing incentive structures, as predicted by institutional rational choice.71 Rather, it changed the decision pathway from a casual understanding of emotionally appealing content to a deeper understanding that allowed participants to better express their own subjectivity. The change was as much a function of stripping away the impact of symbolic arguments as it was due to participants’ increased ability and willingness to deal with issue complexity. This suggests that the transformative effect might be more easily replicated in the wider public sphere than is ordinarily supposed. The Potential for Deliberative Democracy In a sense, there is nothing particularly surprising in the results discussed here. It has been repeatedly demonstrated that, in contrast to the persisting Schumpeterian assertion regarding “primitive citizens,” citizens do have the right stuff to make democracy work.72 However, Schumpeter is at least partly correct—citizens often do become primitive when they enter the political field. But this is largely due to the nature of politics that they encounter, characterized by a parade of emotive issues and symbolic cues propagated by both elites and mass media in the public sphere. The evidence presented in this article suggests that politics as usual is the illness, and deliberative democracy can provide a cure.

## 1NC- Case

### ROB

#### The role of the ballot is to vote for the better debater. Anything else is arbitrary and self-serving. Their ROB was read to benefit the arguments they read. Our interp is better for equity and clash.

### Framing

#### Embracing futurity is necessary for liberation – even if they are right that disabled violence is an ontological phenomenon – it should not be treated as such b/c it denies agency and engenders violence

Kafer 13 - MA, PhD, Claremont Graduate University 2005, BA, Wake Forest University 1993 (Alison, 5/16/13, Indiana University press, “Feminist, Queer, Crip”, pages 45-46)EB

Thus my desire for crip futures is, as Heather Love puts it, “a hope inseparable from despair.”97 I feel this hope—and the hope has the fierce intensity that it does— because it is birthed out of and coexists with this despair about our impoverished imaginations. What I need is to follow some of these longings out, even if they put me in the realm of fantasy. Changing our imaginations, suggests Judith Butler, allows us to change our situations. Fantasy carries a “critical promise,” she argues, “allow[ing] us to imagine ourselves and others otherwise.”98 This intermingling of recognition and absence, of despair and hope, renders my desire quite queer. Queer in that my want, my longing, my pleasure intensifies with the queerness of these crip bodies, these crip futures. Queer, too, in that in imagining crip futures, I mean more than particular, identifiable bodies. I mean possibility, unpredictability, promise: the promise of recognizing crip where I did not expect to find it, the possibility of watching “crip” change meanings before my eyes.

I name this desire “queer” in part because of its ambiguity. Becoming more “visible”—by increasing and publicizing the presence of disabled people in public, perhaps—does not guarantee acceptance or inclusion, especially for those not already privileged by race and class.99 As feminists from Minnie Bruce Pratt to Bernice Johnson Reagon to Chandra Talpede Mohanty have cautioned, the desire for home, for familiarity, often leads to naïve evocations of community.100 Thus, in naming and experiencing this desire, I am likely misreading and misrecognizing the bodies and practices of others. I am, in other words, finding both disability and desire where they don’t necessarily belong—surely a potentially queer and crip move. This desire, these imaginings, cannot be separated from the crip pasts behind us or the crip presents surrounding us; indeed, these very pasts and presents are what make articulating a critical crip futurity so essential. To put it bluntly, I, we, need to imagine crip futures because disabled people are continually being written out of the future, rendered as the sign of the future no one wants. This erasure is not mere metaphor. Disabled people—particularly those with developmental and psychiatric impairments, those who are poor, gender-deviant, and/or people of color, those who need atypical forms of assistance to survive—have faced sterilization, segregation, and institutionalization; denial of equitable education, health care and social services; violence and abuse; and the withholding of the rights of citizenship. Too many of these practices continue, and each of them has greatly limited, and often literally shortened, the futures of disabled people. It is my loss, our loss, not to take care of, embrace, and desire all of us. We must begin to anticipate presents and to imagine futures that include all of us. We must explore disability in time

**Policy analysis good –makes disability studies relevant**

Dodd ‘16 (Steven, Division of Health Research, Lancaster University, “Orientating disability studies to disablist austerity: applying Fraser’s insights,” March 2016, *Disability & Society*)

Issues like this might seem distant from the concerns of disability studies, but one of the lessons of disablist austerity has been that **disabled people’s political struggle can be swept up in much broader processes of crisis and political-economy.** **If a greater number of disability studies scholars were concerned with the detail of policy along with the broader economic imperatives** driving disability policy, **the field would be a more formidable opponent of disablist austerity, better able to criticise its underlying rationale and the logic behind particular reforms, as well as formulate alternative policy proposals.** **At present, disability studies often neglects analysis of policy detail** (with notable exceptions such as Roulstone [2015]), **while the majority of research into the impacts of austerity is left to lay experts, charities, pressure groups, activists and disabled people’s organisations** (see earlier Introduction to this article).

Taking my cue from Fraser’s analysis of feminism, I argue that disability studies requires a means of responding to the significance of capitalist crisis without returning to economistic approaches that subsume non-economic factors within accounts built upon the assumed deterministic power of economic forces. To develop an understanding of the crisis of capitalism that conceptualises crisis as a social process, involving a wealth of non-economic factors, Fraser turns to the work of Polanyi (1944). Polanyi’s theory of crisis is ‘less about economic breakdown in the narrow sense than about disintegrated communities, ruptured solidarities and despoiled nature’ (Fraser 2013, 228).

**Exclusion isn’t inevitable—other countries and fluid identities prove it’s contingent—reform is empirically effective but we need more of it to combat discrimination**

**Malhotra 14**

Ravi Malhotra, Law & Society 48.4 (2014): 986-989, Review of Righting Educational Wrongs: Disability Studies in Law and Education, http://search.proquest.com.proxy.library.georgetown.edu/docview/1660170810?pq-origsite=summon&accountid=11091

The volume opens with an engaging and powerful essay by Arlene Kanter on the relationship between law and disability studies. She effectively communicates for the uninitiated differences between a medical approach to disablement and a social model approach, as well as the various nuances in social model theory. Citing the seminal work of Robert Cover (1986), she also capably illustrates the importance of using appropriate language when writing and speaking about disability to dismantle discriminatory attitudes toward people with disabilities (p. 14). She provides three compelling reasons why disability studies ought to be of value to legal scholars. First, disability is an **open-ended category** that can affect anyone at any time. As Kanter correctly notes, people with disabilities are the fastest growing minority group in the world (p. 28). Second, disability is too often omitted from policy discussions on diversity, on university campuses and elsewhere (p. 31). While Kanter is undoubtedly accurate in describing the **American** legal and political context, I should note that some countries, such as Canada, have included disability as a long established legal criterion for what is known as affirmative action in the United States and it is **very much** part of the conversations around diversity and inclusion in universities and employment. Finally, she suggests that disability studies **shed light** on the values of our legal system through narratives and **jurisprudence**. From veterans to circus freaks to grassroots advocates for accessibility, the stories of people with disabilities **require retelling**

. The role of the long forgotten League of the Physically Handicapped in **challenging exclusion from government relief** during the Great Depression is just one illustration (p. 32). Kanter might have added that the analysis of narratives of people with disabilities, and its relationship to identity and law has become a pivotal focus of some legal scholars (Engel and Munger 2002; Malhotra and Rowe 2014). She is right, however, to note that disability law extends to a surprisingly broad range of fields, **forcing scholars to reconsider their perspectives** on issues ranging from criminal law to guardianship law to the constitutional legal issues that have bitterly divided the Supreme Court in its consideration of the applicability of the Americans with Disabilities Act (ADA) to the States.

Thomas M. Skirtic and J. Robert Kent provide an interesting and compelling meditation on Martha Nussbaum's capabilities approach in the context of IDEA (Nussbaum 2006). Nussbaum developed the capabilities approach as an intervention in the debates surrounding Rawlsian liberal theory. Skirtic and Kent persuasively argue, however, that she fails to fully appreciate how individualized education programs (IEPs) mandated by IDEA have become largely symbolic, while there has been a far greater emphasis on ensuring that school boards conform to standardized testing regimes imposed by legislatures through the No Child Left Behind Act. They also rightly suggest that Nussbaum does not adequately support principles of inclusion for students with disabilities (pp. 76-80). Other chapters are equally stimulating. Mark Weber makes a valuable contribution in analyzing the role of parents of children with disabilities in **education litigation**. He suggests that parents, who most often do not share a disability with their children, sometimes favor segregated settings in an attempt to avoid harassment or because the local school board provides no other option. While a greater role for children with disabilities is recognized in the context of transition to adulthood, Weber suggests this could be **applied more widely** in the IEP process to **give a greater voice to disabled youth** (p. 212). A chapter by Alicia Broderick on the ethics of expert testimony in inclusion litigation under the IDEA is especially challenging for readers new to disability politics, as she raises philosophical questions about the meaning of what constitutes an expert and wades into the debates surrounding facilitated communication. Space constraints preclude a summary of every chapter but I found the volume consistently erudite and enjoyable.

Overall, Kanter and Ferri have produced a highly readable and thoughtful anthology which will be of **great use** to legal scholars. One area that I think warrants future attention is the role played by teachers' unions in the accommodation process. There is a rich and controversial history on the questionable role played by many American trade unions during the long struggle against Jim Crow (Flill 1998). It stands to reason that teachers' unions, often overwhelmed with their own struggles, did not necessarily always enthusiastically support inclusion of students with disabilities. Scholars working at the intersection of **disability studies, law, and education** are **ideally placed** to analyze this history. The editors might have also divided the book into sections. Nonetheless, this volume poses many questions for future generations of scholars to answer and deserves to be read widely.

#### Legal reforms for people with disabilities are good---the alt is unlimited deference to discriminatory state statutes that lock in the aff’s impact

Michael E. Waterstone, Ziemann Fellow and Professor of Law, Associate Dean of Research and Academic Centers, Loyola Law School Los Angeles, “DISABILITY CONSTITUTIONAL LAW,” ‘14 Emory Law Journal 63 Emory L.J. 527

Despite (and perhaps because of) constitutional setbacks, and as result of fierce advocacy and legislative prowess, modern advocates for the disability cause have a **highly effective** **statutory scheme,** which in many ways outpaces that of other groups. Title I of the ADA prohibits discrimination against people with disabilities in employment and provides that employers need to make reasonable accommodations, at their own expense, to facilitate the inclusion of people with disabilities in the workplace. n114 Section 504 of the Rehabilitation Act prohibited discrimination against people with disabilities in programs that received federal financial assistance, n115 and Title II of the ADA effectively extended these provisions to all state and local government programs, services, and activities. n116 Title III of the ADA is an analogue to Title II of the Civil Rights Act of 1964, n117 requiring that privately owned places of public accommodation not discriminate against people with disabilities, which includes making reasonable modifications to facilities and practices when doing so would not constitute an undue burden. n118 The Individuals with Disabilities Education Act gives parents a broad range of procedural and substantive rights with the goals of including students with disabilities in the educational system and getting them appropriate services to facilitate this [\*547] inclusion. n119 The Fair Housing Act, as amended, requires that certain residential dwellings be constructed and designed in an accessible manner. n120 And the Help America Vote Act, amongst other things, requires that each polling place have one polling machine that enables people with disabilities to vote secretly and independently. n121 These statutes go beyond what **any heightened constitutional protection could provide because they extend deep into the private employment and accommodations spheres.** Advocates have the challenging work of making sure these civil rights protections are **enforced** and implemented, which, as I have examined elsewhere, is a monumental task. n122 And the historic disinclination of public enforcement officials to take the lead in many areas of these laws both complicates this task and makes it more pressing. n123 This being the case, and given the disinclination of the current Supreme Court to expand heightened equal protection status to any new groups, is any discussion of disability constitutional law really worth having? In this Part, I suggest why **disability constitutional law should be part of the strategy to advance the rights of people with disabilities.** This position has both a pragmatic and normative basis. Accepting and working within the constitutional framework established by Cleburne ultimately carries costs in the political and legislative arena. The ADA has **already been challenged** as exceeding its constitutional bases, n124 and such attacks will continue and intensify. **Not gaining constitutional ground is** tantamount to losing it, n125 **and will ultimately** undermine the success of anylegislativestrategy. And there are areas where Cleburne still operates to disadvantage categories of people with disabilities - particularly those with mental disabilities - in their interactions with the state. This happens in areas like **family law, commitment proceedings**, the **provision of state benefits** **and** licensing**, and** voting**, amongst other**s. [\*548] Reviewing recent constitutional litigation in both state and federal courts demonstrates that the more contextualized vision of equal protection, which some hoped Cleburne might stand for, is beginning to appear, just not for people with disabilities. More normatively, progressive theorizing about the Constitution **is already happening**, and the disability cause is **diminished** by not being a part of this conversation. Framing rights in constitutional ways carries a certain permanence and gravitas, and engages courts differently in the process of constitutional culture than bringing claims that a particular statutory right has been infringed. A. Doctrinally, Cleburne Still Matters Cleburne still casts a large shadow. n126 States still have laws that are facially discriminatory against people with disabilities, usually on the basis of mental disability. These exist in areas like family law, voting, commitment proceedings, and the provision of benefits. Within family law, some states require consideration of mental disability in determinations of parental fitness or otherwise link mental disability to a termination of parental rights. n127 For example, California has a statute that authorizes the superior court to set aside a decree of adoption within five years of its entry where the adopted child manifests a developmental disability or mental illness as a result of conditions that existed prior to the adoption and of which the adoptive parents had neither knowledge nor notice. n128 A different California statute requires reunification services for parents and children but denies them to mentally disabled parents. n129 Similar statutes exist in other states. n130 States also restrict the right [\*549] of people with mental disabilities to get married. For example, Tennessee law provides that "no [marriage] license shall be issued when it appears that the applicants or either of them is at the time drunk, insane or an imbecile." n131 Kentucky law provides that "any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a ... misdemeanor." n132 Based on laws like this, parents with disabilities face state proceedings to remove children from their care. n133 The National Council on Disability recently issued a report, Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children, concluding that "clearly, the legal system is not protecting the rights of parents with disabilities and their children." n134 [\*550] Some of these statutes have been challenged under the federal Equal Protection Clause. In most instances, courts cite Cleburne for the proposition that people with disabilities are not a protected class, and exercise **almost unlimited deference** to the state's purported justifications as rational. For example, in Adoption of Kay C., plaintiffs challenged California's statute authorizing a court to set aside an adoption for a child with an undisclosed mental disability. n135 After noting that people with disabilities were not entitled to heightened scrutiny under Cleburne, California offered the justification of promoting the state's interest in adoption. n136 In response to the plaintiff's argument that there was no evidence the statute actually functioned to this end, in upholding the statute the court reasoned

#### Disengagement makes every impact worse and only robust academic scrutiny paired with a push for increased access to health care solves the case

**Block and Friedner 2017** (Pamela, Professor and Director of the Concentration in Disability Studies for the Ph.D. Program in Health and Rehabilitation Sciences, a former President of the Society for Disability Studies (2009-2010), and a Fellow of the Society for Applied Anthropology and Michele, PhD and Assistant Professor of Health and Rehabilitaion Sciences, Anthropology and Disability Studies at Stony Brook University, "Teaching Disability Studies in the Era of Trump," <http://somatosphere.net/2017/08/teaching-disability-studies-in-the-era-of-trump.html>, August 23, 2017)spaldlose

Countless hundreds of thousands in the US – and millions worldwide suffered and died at the hands of eugenics ideologies and practices (Kevles 1998, Lifton 1986). There is potential for suffering in the current practices of making inconvenient populations disappear, in incarcerating and ejecting on a grand scale, in determining who is and is not entitled to what kinds of health, education and social supports, and in the gutting of the already-thin social safety net. We know that already vulnerable people will die. We know many disabled people are vulnerable. We are already seeing it unfold. Although disabled people are not specifically targeted (at this point anyway) – disability is used as a justification to contain other populations, immigrant populations who are represented as criminals, unstable, and violent. Both targeted immigrant groups, Muslims and those from Central and Latin America, have a history of being pathologized and dehumanized in ways that incorporate disability (Block, Balcazar and Keys 2001, Patel 2014). We can also see a familiar way that gender, sexuality, addiction, mental illness and criminality are brought into play to identify urban black populations as threatening (Ben Moshe et al. 2014). A consistent similarity between eugenics and the Trump era is this deployment of intersectional characteristics and the mobilization of disability as a means of making broader claims to discredit other kinds of differences. Disability functions as what Snyder and Mitchell (2013) call narrative prosthesis – in other words as a prop with no real engagement with material conditions or experiences of disability and disablement. While we saw forms of able-nationalism (Snyder and Mitchell 2010) before, there is something distinct happening under Trump whereby it does not even seem that there is a mask of benevolence: disability has been discredited starting from Trump’s actions mocking a disabled reporter on the campaign trail to Jeff Sessions’ and Betsy DeVos’ comments about disabled children in schools. However, it is possible that the lack of benevolence will provide an opportunity for politics to emerge. Indeed, we have seen the mobilization of disabled voters with #cripthevote #Iamapreexistingcondition and the January 2017 Women’s March, which planners argued was the largest gathering of disabled people in the United States, an interesting claim to consider. There appears to be a great deal of grass roots activism as well, in school district meetings, in local disability groups forming to lobby local representatives, and on college campuses. We know that we are in for some hard times; we know that people will die and indeed are already dying from the ever-growing holes in the US health system. The largest provider of mental health services in the country is the US prison system and the already active school-to-prison pipeline and for-profit incarceration centers for prisoners of all sorts have ample opportunity for growth in this era (Ben Moshe et al. 2014). We grew up in the age of deinstitutionalization but we are living in a time now in which there are both vocal calls and quiet structural changes that entrap disabled people in institutions of various sorts. Thus it is our (sad) responsibility as anthropologists and disability studies scholars to direct our students to study these trends and as activists to prepare to resist them.

#### Legislative advocacy changes disability policy and attitudes – empirics prove

Landmark et al 17 (Leena Landmark, Professor at Ohio University. Dalun Zhang, Professor at Texas A&M University. Song Ju, Professor at the University of Cincinnati. Melissa Yi, MS from Texas A&M University. Timothy C. McVey, BA from Ohio University. “Experiences of Disability Advocates and Self-Advocates in Texas”. Journal of Disability Policy Studies 2017, Vol. 27(4) 203–211) swap

Legislative advocacy is a prime channel for disability advocates to affect civil rights and disability-related legislation and policy that leads to improved quality of life for individuals with disabilities. To highlight the current status of disability legislative advocacy, this study examined advocacy experiences based on recent data from one state that involved 113 disability advocates and self-advocates. Analyses were conducted to examine the characteristics of advocates, the causes advocated, leadership positions, level of engagement, and frequency of engagement in the legislative advocacy process. Relations among advocates’ characteristics and advocacy experiences were also examined. Results revealed that individuals with disabilities mostly relied on their peers in the advocacy process, and the type of disability was associated with the causes advocated. In addition, holding a leadership position was associated with engagement in the legislative advocacy process. Quality of life is an important goal for all people. For individuals who have disabilities, the degree to which they are satisfied with their lives may have increased importance because they have not always been afforded the opportunity to live according to their desires (Francis, Blue-Banning, & Turnbull, 2014; Verdugo, Navas, Gomez, & Schalock, 2012). Self-determination, one of the comprising domains of the quality-of-life construct, has been linked to positive adult outcomes for individuals with disabilities. Individuals who possess self-determination tend to achieve greater independent living and employment outcomes than individuals who are not as self-determined (Wehmeyer & Palmer, 2003). As a component element of self-determination, self advocacy is essential for improving quality-of-life outcomes. Self-advocacy (including parent advocacy) and leadership skills have played important roles in the history of special education and disability rights. As early as the 1930s, local groups of parents banded together to obtain educational services for their children with disabilities (Yell, Rogers, & Rogers, 1998). By the 1970s, individuals with developmental disabilities announced they were people first, and the self-advocacy movement was spawned in the United States (Longhurst, 1994). An early victory in the effort to gain services required for independent living was the passage of Section 504 of the Rehabilitation Act of 1973, which prohibited establishments receiving federal funding from discrimination against people with disabilities. One of the greatest victories was the passage of the Americans with Disabilities Act of 1990, a civil rights law prohibiting discrimination against people with disabilities. The advocacy movement has allowed people with disabilities the opportunity to explore their group identity, gain a sense of empowerment, and learn how to stand up for equal rights (Browning, Thorin, & Rhoades, 1984). Landmark legislation such as Section 504 of the Rehabilitation Act of 1973, the Education for All Handicapped Children Act of 1975 (renamed the Individuals With Disabilities Education Act in 1990), and the Americans with Disabilities Act of 1990 would not have been enacted without the advocacy efforts of individuals with disabilities and their families. Through legislative advocacy, Americans with disabilities have shaped public policy and made their lives better.

### Impact

#### Growth is sustainable – yes absolute decoupling

Hausfather 4/6 [(Zeke, climate scientist and energy systems analyst whose research focuses on observational temperature records, climate models, and mitigation technologies, PhD in climate science from the University of California, Berkeley, former research scientist with Berkeley Earth, senior climate analyst at Project Drawdown, and US analyst for Carbon Brief) “Absolute Decoupling of Economic Growth and Emissions in 32 Countries,” Breakthrough Institute, 4/6/2021] JL

The past 30 years have seen immense progress in improving the quality of life for much of humanity. Extreme poverty — the number of people living on less than $1.90 per day — has fallen by nearly two-thirds, from 1.9 billion to around 650 million. Life expectancy has risen in most of the world, along with literacy and access to education, while infant mortality has fallen. Despite perceptions to the contrary, the average person born today is likely to have access to more opportunities and have a better quality of life than at any other point in human history. Much of this increase in human wellbeing has been propelled by rapid economic growth driven largely by state-led industrial policy, particularly in poor-to-middle income countries.

However, this growth has come at a cost: between 1990 and 2019, global emissions of CO2 increased by 56%. Historically, economic growth has been closely linked to increased energy consumption — and increased CO2 emissions in particular — leading some to argue that a more prosperous world is one that necessarily has more impacts on our natural environment and climate. There is a lively academic debate about our ability to “absolutely decouple” emissions and growth — that is, the extent to which the adoption of clean energy technology can allow emissions to decline while economic growth continues.

Over the past 15 years, however, something has begun to change. Rather than a 21st century dominated by coal that energy modelers foresaw, global coal use peaked in 2013 and is now in structural decline. We have succeeded in making clean energy cheap, with solar power and battery storage costs falling 10-fold since 2009. The world produced more electricity from clean energy — solar, wind, hydro, and nuclear — than from coal over the past two years. And, according to some major oil companies, peak oil is upon us — not because we have run out of cheap oil to produce, but because demand is falling and companies expect further decline as consumers increasingly shift to electric vehicles.

The world has long been experiencing a relative decoupling between economic growth and CO2 emissions, with the emissions per unit of GDP falling for the past 60 years. This is the case even in countries like India and China that have been undergoing rapid economic growth. But relative decoupling alone is inadequate in a world where global CO2emissions need to peak and decline in the next decade to give us any chance at limiting warming to well below 2℃, in line with Paris Agreement targets.

Thankfully, there is increasing evidence that the world is on track to absolutely decouple CO2 emissions and economic growth — with global CO2 emissions potentially having peaked in 2019 and unlikely to increase substantially in the coming decade. While an emissions peak is just the first and easiest step towards eventually reaching the net-zero emissions required to stop the world from continuing to warm, it demonstrates that linkages between emissions and economic activity are not an immutable law, but rather simply a result of our current means of energy production.

In recent years we have seen more and more examples of absolute decoupling — economic growth accompanied by falling CO2 emissions. Since 2005, 32 countries with a population of at least one million people have absolutely decoupled emissions from economic growth, both for terrestrial emissions (those within national borders) and consumption emissions (emissions embodied in the goods consumed in a country). This includes the United States, Japan, Mexico, Germany, United Kingdom, France, Spain, Poland, Romania, Netherlands, Belgium, Portugal, Sweden, Hungary, Belarus, Austria, Bulgaria, El Salvador, Singapore, Denmark, Finland, Slovakia, Norway, Ireland, New Zealand, Croatia, Jamaica, Lithuania, Slovenia, Latvia, Estonia, and Cyprus. Figure 1, below, shows the declines in territorial emissions (blue) and increases in GDP (red).  
To qualify as having experienced absolute decoupling, we require countries included in this analysis to pass four separate filters: a population of at least one million (to focus the analysis on more representative cases), declining territorial emissions over the 2005-2019 period (based on a linear regression), declining consumption emissions, and increasing real GDP (on a purchasing power parity basis, using constant 2017 international $USD). We chose not to include 2020 in this analysis because it is not particularly representative of longer-term trends, and consumption and territorial emissions estimates are not yet available for many countries.

There is a wide range of rates of economic growth between 2005-2019 among countries experiencing absolute decoupling. Somewhat counterintuitively, there is no significant relationship between the rate of economic growth and the magnitude of emissions reductions within the group. While it is unlikely that there is not at least some linkage between the two factors, there are plenty of examples of countries (e.g., Singapore, Romania, and Ireland) experiencing both extremely rapid economic growth and large reductions in CO2 emissions.

One of the primary criticisms of some prior analyses of absolute decoupling is that they ignore leakage. Specifically, the offshoring of manufacturing from high-income countries over the past three decades to countries like China has led to “illusory” drops in emissions, where the emissions associated with high-income country consumption are simply shipped overseas and no longer show up in territorial emissions accounting. There is some truth in this critique, as there was a large increase in emissions embodied in imports from developing countries between 1990 and 2005. After 2005, however, structural changes in China and a growing domestic market led to a reversal of these trends; the amount of emissions “exported” from developed countries to developing countries has actually declined over the past 15 years.

This means that, for many countries, both territorial emissions and consumption emissions (which include any emissions “exported” to other countries) have jointly declined. In fact, on average, consumption emissions have been declining slightly faster than territorial emissions since 2005 in the 32 countries we identify as experiencing absolute decoupling. Figure 2, below, shows the change in consumption emissions (teal) and GDP (red) between 2005 and 2019.  
There is a pretty wide variation in the extent to which these countries have reduced their territorial and consumption emissions since 2005. Some countries — such as the UK, Denmark, Finland, and Singapore – have seen territorial emissions fall faster than consumption emissions, while the US, Japan, Germany, and Spain (among others) have seen consumption emissions fall faster. Figure 3 shows reductions in consumption and territorial emissions for each country, with the size of the dot representing the size of the population in 2019.  
Absolute decoupling is possible. There is no physical law requiring economic growth — and broader increases in human wellbeing — to necessarily be linked to CO2 emissions. All of the services that we rely on today that emit fossil fuels — electricity, transportation, heating, food — can in principle be replaced by near-zero carbon alternatives, though these are more mature in some sectors (electricity, transportation, buildings) than in others (industrial processes, agriculture).

This is not to say that infinite economic growth is desirable (or even possible), particularly given that the global population is expected to start to shrink by the end of the 21st century (and well before that in most currently wealthy countries). There will be some tradeoffs between economic growth and climate mitigation — particularly if the world is to meet ambitious mitigation targets. But it is possible to envision a world that is prosperous, equal, and at net-zero emissions; indeed, all of the future emissions scenarios used by the Intergovernmental Panel on Climate Change (IPCC) do just that.

#### Capitalism solves environmental crisis - industrial development, technological advances, and any alternative fails

Zitelmann 20 [(Dr. Rainer, a historian and sociologist. He is also a world-renowned author, successful businessman and real estate investor. Zitelmann has written a total of 24 books and has a doctorate in political science and sociology) “‘System Change Not Climate Change’: Capitalism And Environmental Destruction” Forbes, 7/13/2020] BC

The Price Of Growth—Destruction Of The Environment?

But isn’t there a price for this growth: environment devastation? Of course, nobody would deny that industrialization causes environmental problems. But the assertion that growth automatically leads to ever accelerating environmental degradation is simply false. Yale University’s Environmental Performance Index (EPI) uses 16 indicators to rank countries on environmental health, air quality, water, biodiversity, natural resources and pollution. These indicators have been selected to reflect both the current baseline and the dynamics of national ecosystems. One of the Index’s most striking findings is that there is a strong correlation between a state’s wealth and its environmental performance. Most developed capitalist countries achieve high environmental standards. Those countries with the worst EPI scores, such as Ethiopia, Mali, Mauritania, Chad and Niger, are all poor. They have both low investment capacity for infrastructure, including water and sanitation, and tend to have weak environmental regulatory authorities.

Contrary to prevailing perceptions, industrial development and technological advances have contributed significantly to relieving the burden on the environment. Both Indur Goklany in his book The Improving State of the World and Steven Pinker in chapter ten (“The Environment”) of his book Enlightenment Now demonstrate that we are not only living longer, healthier lives in unprecedented prosperity, but we are also doing so on a comparatively clean planet.

Researchers have confirmed that economic freedom—in other words, more capitalism—leads to higher, not lower, environmental quality.

Every year, the Heritage Foundation compiles its Index of Economic Freedom, which analyzes individual levels of economic freedom, and thus capitalism, in countries around the world. The Heritage Foundation’s researchers also measure the correlation between each country’s environmental performance and its economic freedom. The results couldn’t be clearer: the world’s most economically free countries achieve the highest environmental performance rankings with an average score of 76.1, followed by the countries that are “mostly free,” which score an average of 69.5. In stark contrast, the economically “repressed” and “mostly unfree” countries all score less than 50 for environmental performance.

Is Government The Best Solution To Environmental Problems?

Anti-capitalists frequently claim that central government is the best solution to environmental problems. And there is no doubt that state regulations to safeguard the environment are important. But state regulations, cited by anti-capitalists as a panacea for environmental issues, often achieve the opposite of what they were intended to do. Hardly any other country in the world touts its green credentials as much as Germany. According to even the most conservative estimates, Germany’s so-called “energy transition” is set to cost a total of almost €500 billion by 2025.

But the results of this massive investment is sobering, as an analysis by McKinsey reveals, “Germany is set to miss several key energy transition targets for the year 2020, and the country’s high power supply security is at risk unless new generation capacity and grid infrastructure are built in time for the coal and nuclear exit and electrification of transportation networks is accelerated.”

For decades, environmentalists in Germany focused on shutting down nuclear power plants. However, the phasing out of nuclear power has left Germany in a poor position in terms of CO2 emissions compared to other countries. It is not without good reason that Germany’s energy policy has been described as the dumbest in the world.

The latest generation of nuclear power plants are much safer than their predecessors. Despite what environmentalists might claim, impartial calculations have confirmed that it is impossible to meet the world’s energy needs from solar and wind power alone. Enlightened environmentalists are therefore now calling for nuclear power to be rightfully included in the fight against climate change. And yet, this is precisely what is being prevented in Germany by politicians—not capitalism. This example, just one of many, shows that government environmental policy is often ineffective. In some instances, it even achieves the opposite of what it was originally intended to, i.e. it exacerbates existing environmental problems.

It is also wrong to think that capitalism necessarily leads to ever greater waste of limited natural resources. Just take the smartphone for example, one of the most environmentally friendly of capitalism’s many achievements. With just one small device, a whole plethora of devices that used to consume resources in the past, such as the telephone, camera, calculator, navigation system, dictation machine, alarm clock, flashlight and many others, have been replaced. Smartphones also help to reduce the consumption of paper as many people choose not to take notes on paper and, for example, use their iPhone instead of a calendar to enter appointments.

Those who call for “system change” instead of “climate change” do not usually say which system they would prefer. All they are really sure of is that any new system should not be based on free market economics and that the state should play the decisive role. The simple fact is that socialism has failed in every country every time it has been tried—and socialism has damaged the environment more than any capitalist system. Murray Feshbach documents examples of the environmental destruction wrought by socialism in his book Ecological Disaster. Cleaning Up the Hidden Legacy of the Soviet Regime. As the book progresses through chapters such as “A Nuclear Plague,” “Dying Lakes, Rivers, and Inland Seas” and “Pollution of the Air and Land,” it becomes clear that this non-capitalist system was responsible for the greatest environmental destruction in history. Anti-capitalists may well reply that they do not want a system like the Soviet Union. And yet, they cannot name a single real-world system—at any time in the history of mankind—that provides better environmental solutions than capitalism.

#### It’s key to CCS – link-turns every impact.

Graciela ‘16 (/16 – Professor of Economics and of Statistics at Columbia University and Visiting Professor at Stanford University, and was the architect of the Kyoto Protocol carbon market (being interviewed by Marcus Rolle, freelance journalist specializing in environmental issues and global affairs, “Reversing Climate Change: Interview with Graciela Chichilnisky,” http://www.globalpolicyjournal.com/blog/01/09/2016/reversing-climate-change-interview-graciela-chichilnisky)//cmr

GC: Green capitalism is a new economic system that values the natural resources on which human survival depends. It fosters a harmonious relationship with our planet, its resources and the many species it harbors. It is a new type of market economics that addresses both equity and efficiency. Using carbon negative technology™ it helps reduce carbon in the atmosphere while fostering economic development in rich and developing nations, for example in the U S., EU, China and India. How does this work? In a nutshell Green Capitalism requires the creation of global limits or property rights nation by nation for the use of the atmosphere, the bodies of water and the planet’s biodiversity, and the creation of new markets to trade these rights from which new economic values and a new concept of economic progress emerges updating GDP as is now generally agreed is needed. Green Capitalism is needed now to help avert climate change and achieve the goals of the 2015 UN Paris Agreement, which are very ambitious and universally supported but have no way to be realized within the Agreement itself. The Carbon Market and its CDM play critical roles in the foundation of Green Capitalism, creating values to redefine GDP. These are needed to remain within the world’s “CO2 budget” and avoid catastrophic climate change. As I see it, the building blocks for Green Capitalism are then as follows; (1) Global limits nation by nation in the use of the planet’s atmosphere, its water bodies and biodiversity - these are global public goods. (2) New global markets to trade these limits, based on equity and efficiency. These markets are relatives of the Carbon Market and the SO2 market. The new market create new measures of economic values and update the concept of GDP. (3) Efficient use of Carbon Negative Technologies to avert catastrophic climate change by providing a smooth transition to clean energy and ensuring economic prosperity in rich and poor nations. These building blocks have immediate practical implications in reversing climate change and can assist the ambitious aims of Paris COP21 become a reality. MR: What is the greatest advantage of the new generation technologies that can capture CO2 from the air? GC: These technologies build carbon negative power plants, such as Global Thermostat, that clean the atmosphere of CO2 while producing electricity. Global Thermostat is a firm that is commercializing a technology that takes CO2 out of air and uses mostly low cost residual heat rather than electricity to drive the capture process, making the entire process of capturing CO2 from the atmosphere very inexpensive. There is enough residua heat in a coal power plant that it can be used to capture twice as much CO2 as the plant emits, thus transforming the power plant into a “carbon sink.” For example, a 400 MW coal plant that emits 1 million tons of CO2 per year can become a carbon sink absorbing a net amount of 1 million tons of CO2 instead. Carbon capture from air can be done anywhere and at any time, and so inexpensively that the CO2 can be sold for industrial or commercial uses such as plastics, food and beverages, greenhouses, bio-fertilizers, building materials and even enhanced oil recovery, all examples of large global markets and profitable opportunities. Carbon capture is powered mostly by low (85°C) residual heat that is inexpensive, and any source will do. In particular, renewable (solar) technology can power the process of carbon capture. This can help advance solar technology and make it more cost-efficient. This means more energy, more jobs, and it also means economic growth in developing nations, all of this while cleaning the CO2 in the atmosphere. Carbon negative technologies can literally transform the world economy. MR: One final question. You distinguish between long-run and short-run strategies in the effort to reverse climate change. Would carbon negative technologies be part of a short-run strategy? GC: Long-run strategies are quite different from strategies for the short-run. Often long-run strategies do not work in the short run and different policies and economic incentives are needed. In the long run the best climate change policy is to replace fossil fuel sources of energy that by themselves cause 45% of the global emissions, and to plant trees to restore if possible the natural sources and sinks of CO2. But the fossil fuel power plant infrastructure is about 87% of the power plant infrastructure and about $45-55 trillion globally. This infrastructure cannot be replaced quickly, certainly not in the short time period in which we need to take action to avert catastrophic climate change. The issue is that CO2 once emitted remains hundreds of years in the atmosphere and we have emitted so much that unless we actually remove the CO2 that is already there, we cannot remain long within the carbon budget, which is the concentration of CO2 beyond which we fear catastrophic climate change. In the short run, therefore, we face significant time pressure. The IPCC indicates in its 2014 5th Assessment Report that we must actually remove the carbon that is already in the atmosphere and do so in massive quantities, this century (p. 191 of 5th Assessment Report). This is what I called a carbon negative approach, which works for the short run. Renewable energy is the long run solution. Renewable energy is too slow for a short run resolution since replacing a $45-55 trillion power plant infrastructure with renewable plants could take decades. We need action sooner than that. For the short run we need carbon negative technologies that capture more carbon than what is emitted. Trees do that and they must be conserved to help preserve biodiversity. Biochar does that. But trees and other natural sinks are too slow for what we need today. Therefore, negative carbon is needed now as part of a blueprint for transformation. It must be part of the blueprint for Sustainable Development and its short term manifestation that I call Green Capitalism, while in the long run renewable sources of energy suffice, including Wind, Biofuels, Nuclear, Geothermal, and Hydroelectric energy. These are in limited supply and cannot replace fossil fuels. Global energy today is roughly divided as follows: 87% is fossil, namely natural gas, coal, oil; 10% is nuclear, geothermal, and hydroelectric, and less than 1% is solar power — photovoltaic and solar thermal. Nuclear fuel is scarce and nuclear technology is generally considered dangerous as tragically experienced by the Fukushima Daichi nuclear disaster in Japan, and it seems unrealistic to seek a solution in the nuclear direction. Only solar energy can be a long term solution: Less than 1% of the solar energy we receive on earth can be transformed into 10 times the fossil fuel energy used in the world today. Yet we need a short-term strategy that accelerates long run renewable energy, or we will defeat long-term goals. In the short term as the IPCC validates, we need carbon negative technology, carbon removals. The short run is the next 20 or 30 years. There is no time in this period of time to transform the entire fossil infrastructure — it costs $45-55 trillion (IEA) to replace and it is slow to build. We need to directly reduce carbon in the atmosphere now. We cannot use traditional methods to remove CO2 from smokestacks (called often Carbon Capture and Sequestration, CSS) because they are not carbon negative as is required. CSS works but does not suffice because it only captures what power plants currently emit. Any level of emissions adds to the stable and high concentration we have today and CO2 remains in the atmosphere for years. We need to remove the CO2 that is already in the atmosphere, namely air capture of CO2 also called carbon removals. The solution is to combine air capture of CO2 with storage of CO2 into stable materials such as biochar, cement, polymers, and carbon fibers that replace a number of other construction materials such as metals. The most recent BMW automobile model uses only carbon fibers rather than metals. It is also possible to combine CO2 to produce renewable gasoline, namely gasoline produced from air and water. CO2 can be separated from air and hydrogen separated from water, and their combination is a well-known industrial process to produce gasoline. Is this therefore too expensive? There are new technologies using algae that make synthetic fuel commercially feasible at competitive rates. Other policies would involve combining air capture with solar thermal electricity using the residual solar thermal heat to drive the carbon capture process. This can make a solar plant more productive and efficient so it can out-compete coal as a source of energy. In summary, the blueprint offered here is a private/public approach, based on new industrial technology and financial markets, self-funded and using profitable greenmarkets, with securities that utilize carbon credits as the “underlying” asset, based on the KP CDM, as well as new markets for biodiversity and water providing abundant clean energy to stave off impending and actual energy crisis in developing nations, fostering mutually beneficial cooperation for industrial and developing nations. The blueprint proposed provides the two sides of the coin, equity and efficiency, and can assign a critical role for women as stewards for human survival and sustainable development. My vision is a carbon negative economy that represents green capitalism in resolving the Global Climate negotiations and the North–South Divide. Carbon negative power plants and capture of CO2 from air and ensure a clean atmosphere together innovation and more jobs and exports: the more you produce and create jobs the cleaner becomes the atmosphere. In practice, Green Capitalism means economic growth that is harmonious with the Earth resources.

**Warming causes extinction**

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Climate change is becoming an existential threat with warming in excess of 2°C within the next three decades and 4°C to 6°C within the next several decades. Warming of such magnitudes will expose as many as 75% of the world’s population to deadly heat stress in addition to disrupting the climate and weather worldwide. Climate change is an urgent problem requiring urgent solutions. This paper lays out urgent and practical solutions that are ready for implementation now, will deliver benefits in the next few critical decades, and places the world on a path to achieving the longterm targets of the Paris Agreement and near-term sustainable development goals. The approach consists of four building blocks and 3 levers to implement ten scalable solutions described in this report by a team of climate scientists, policy makers, social and behavioral scientists, political scientists, legal experts, diplomats, and military experts from around the world. These solutions will enable society to decarbonize the global energy system by 2050 through efficiency and renewables, drastically reduce short-lived climate pollutants, and stabilize the climate well below 2°C both in the near term (before 2050) and in the long term (post 2050). It will also reduce premature mortalities by tens of millions by 2050. As an insurance against policy lapses, mitigation delays and faster than projected climate changes, the solutions include an Atmospheric Carbon Extraction lever to remove CO2 from the air. The amount of CO2 that must be removed ranges from negligible, if the emissions of CO2 from the energy system and SLCPs start to decrease by 2020 and carbon neutrality is achieved by 2050, to a staggering one trillion tons if the carbon lever is not pulled and emissions of climate pollutants continue to increase until 2030.

There are numerous living laboratories including 53 cities, many universities around the world, the state of California, and the nation of Sweden, who have embarked on a carbon neutral pathway. These laboratories have already created 8 million jobs in the clean energy industry; they have also shown that emissions of greenhouse gases and air pollutants can be decoupled from economic growth. Another favorable sign is that growth rates of worldwide carbon emissions have reduced from 2.9% per year during the first decade of this century to 1.3% from 2011 to 2014 and near zero growth rates during the last few years. The carbon emission curve is bending, but we have a long way to go and very little time for achieving carbon neutrality. We need institutions and enterprises that can accelerate this bending by scaling-up the solutions that are being proven in the living laboratories. We have less than a decade to put these solutions in place around the world to preserve nature and our quality of life for generations to come. The time is now.

The Paris Agreement is an historic achievement. For the first time, effectively all nations have committed to limiting their greenhouse gas emissions and taking other actions to limit global temperature change. Specifically, 197 nations agreed to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels,” and achieve carbon neutrality in the second half of this century.

The climate has already warmed by 1°C. The problem is running ahead of us, and under current trends we will likely reach 1.5°C in the next fifteen years and surpass the 2°C guardrail by mid-century with a 50% probability of reaching 4°C by end of century. Warming in excess of 3°C is likely to be a global catastrophe for three major reasons:

• Warming in the range of 3°C to 5°C is suggested as the threshold for several tipping points in the physical and geochemical systems; a warming of about 3°C has a probability of over 40% to cross over multiple tipping points, while a warming close to 5°C increases it to nearly 90%, compared with a baseline warming of less than 1.5°C, which has only just over a 10% probability of exceeding any tipping point.

• Health effects of such warming are emerging as a major if not dominant source of concern. Warming of 4°C or more will expose more than 70% of the population, i.e. about 7 billion by the end of the century, to deadly heat stress and expose about 2.4 billion to vector borne diseases such as Dengue, Chikengunya, and Zika virus among others. Ecologists and paleontologists have proposed that warming in excess of 3°C, accompanied by increased acidity of the oceans by the buildup of CO2 , can become a major causal factor for exposing more than 50% of all species to extinction. 20% of species are in danger of extinction now due to population, habitat destruction, and climate change.

The good news is that there may still be time to avert such catastrophic changes. The Paris Agreement and supporting climate policies must be strengthened substantially within the next five years to bend the emissions curve down faster, stabilize climate, and prevent catastrophic warming. To the extent those efforts fall short, societies and ecosystems will be forced to contend with substantial needs for adaptation—a burden that will fall disproportionately on the poorest three billion

who are least responsible for causing the climate change problem**.**

The fast mitigation plan of requiring emissions reductions to begin by 2020, which means that many countries need to cut now, is urgently needed to limit the warming to well under 2°C. Climate change is not a linear problem. Instead, we are facing non-linear climate tipping points that can lead to self-reinforcing and cascading climate change impacts. Tipping points and selfreinforcing feedbacks are wild cards that are more likely with increased temperatures, and many of the potential abrupt climate shifts could happen as warming goes from 1.5°C in 15 years to 2°C by 2050, with the potential to push us well beyond the Paris Agreement goals.

Where Do We Go from Here?

A massive effort will be needed to stop warming at 2°C, and time is of the essence. With unchecked business-as-usual emissions, global warming has a 50% likelihood of exceeding 4ºC and a 5% probability of exceeding 6ºC in this century, raising existential questions for most, but especially the poorest three billion people. A 4ºC warming is likely to expose as many as 75% of the global population to deadly heat**.** Dangerous to catastrophic impacts on the health of people including generations yet to be born, on the health of ecosystems, and on species extinction have emerged as major justifications for mitigating climate change well below 2ºC, although we must recognize that the uncertainties intrinsic in climate and social systems make it hard to pin down exactly the level of warming that will trigger possibly catastrophic impacts. To avoid these consequences, we must act now, and we must act fast and effectively. This report sets out a specific plan for reducing climate change in both the near- and long-term. With aggressive urgent actions, we can protect ourselves. Acting quickly to prevent catastrophic climate change by decarbonization will save millions of lives, trillions of dollars in economic costs, and massive suffering and dislocation to people around the world. This is a global security imperative, as it can avoid the migration and destabilization of entire societies and countries and reduce the likelihood of environmentally driven civil wars and other conflicts.

2. Tipping Points**:** It is likely that as we cross the 1.5°C to 2°C thresholds we will trigger so called “tipping points” for abrupt and nonlinear changes in the climate system with catastrophic consequences for humanity and the environment (Lenton, 2008; Drijfhout et al., 2015). Once the tipping points are passed, the resulting impacts will range in timescales from: disruption of monsoon systems (transition in a year), loss of sea ice (approximately a decade for transition), dieback of major forests (nearly half a century for transition), reorganization of ocean circulation (approximately a century for transition), to loss of ice sheets and subsequent sea-level rise (transition over hundreds of years) (Lenton et al., 2008). Regardless of timescale, once underway many of these changes would be irreversible (Lontzek et al., 2015). There is also a likelihood of crossing over multiple tipping points simultaneously. Warming of close to 3°C would subject the system to a 46% probability of crossing multiple tipping points, while warming of close to 5°C would increase the risk to 87% (Cai et al., 2016). Recent modeling work shows a “cluster” of these tipping points could be triggered between 1.5°C and 2°C warming (Figure 2), including melting of land and sea ice and changes in highlatitude ocean circulation (deep convection) (Drijfhout et al., 2015). This is consistent with existing observations and understanding that the polar regions are particularly sensitive to global warming and have several potentially imminent tipping points. The Arctic is warming nearly twice as quickly as the global average, which makes the abrupt changes in the Arctic more likely at a lower level of global warming (IPCC, 2013). Similarly, the Himalayas are warming at roughly the same rate as the Arctic and are thus also more susceptible to incremental changes in temperature (UNEP-WMO, 2011). This gives further justifcation for limiting warming to no more than 1.5°C.

While all climate tipping points have the potential to rapidly destabilize climate, social, and economic systems, some are also self-amplifying feedbacks that once set in motion increase warming in such a way that they perpetuate yet even more warming. Declining Arctic sea ice, thawing permafrost, and the poleward migration of cloud systems are all examples of self-amplifying feedback mechanisms, where initial warming feeds upon itself to cause still more warming acting as a force multiplier (Schuur et al., 2015).

#### Warming is an impact filter through which you must view structural violence – as positive feedback loops worsen, structural violence does too, because the poorest and most vulnerable of the population suffer from habitat loss, heat stress, disease, and rising sea levels.