# 1NC USC Round 3

## 1

**Interpretation: The affirmative must defend a just government as a general principle, not specify a subset**

**CCC** Capital Community College [a nonprofit 501 c-3 organization that supports scholarships, faculty development, and curriculum innovation], “Articles, Determiners, and Quantifiers”, http://grammar.ccc.commnet.edu/grammar/determiners/determiners.htm#articles AG

The three articles — a, an, the — are a kind of adjective. The is called the definite article because it usually precedes a specific or previously mentioned noun; a and an are called indefinite articles because they are used to refer to something in a less specific manner (an unspecified count noun). These words are also listed among the noun markers or determiners because they are almost invariably followed by a noun (or something else acting as a noun). caution CAUTION! Even after you learn all the principles behind the use of these articles, you will find an abundance of situations where choosing the correct article or choosing whether to use one or not will prove chancy. Icy highways are dangerous. The icy highways are dangerous. And both are correct. The is used with specific nouns. The is required when the noun it refers to represents something that is one of a kind: The moon circles the earth. The is required when the noun it refers to represents something in the abstract: The United States has encouraged the use of the private automobile as opposed to the use of public transit. The is required when the noun it refers to represents something named earlier in the text. (See below..) If you would like help with the distinction between count and non-count nouns, please refer to Count and Non-Count Nouns. We use a before singular count-nouns that begin with consonants (a cow, a barn, a sheep); we use an before singular count-nouns that begin with vowels or vowel-like sounds (an apple, an urban blight, an open door). Words that begin with an h sound often require an a (as in a horse, a history book, a hotel), but if an h-word begins with an actual vowel sound, use an an (as in an hour, an honor). We would say a useful device and a union matter because the u of those words actually sounds like yoo (as opposed, say, to the u of an ugly incident). The same is true of a European and a Euro (because of that consonantal "Yoo" sound). We would say a once-in-a-lifetime experience or a one-time hero because the words once and one begin with a w sound (as if they were spelled wuntz and won). Merriam-Webster's Dictionary says that we can use an before an h- word that begins with an unstressed syllable. Thus, we might say an hisTORical moment, but we would say a HIStory book. Many writers would call that an affectation and prefer that we say a historical, but apparently, this choice is a matter of personal taste. For help on using articles with abbreviations and acronyms (a or an FBI agent?), see the section on Abbreviations. First and subsequent reference: When we first refer to something in written text, we often use an indefinite article to modify it. A newspaper has an obligation to seek out and tell the truth. In a subsequent reference to this newspaper, however, we will use the definite article: There are situations, however, when the newspaper must determine whether the public's safety is jeopardized by knowing the truth. Another example: "I'd like a glass of orange juice, please," John said. "I put the glass of juice on the counter already," Sheila replied. Exception: When a modifier appears between the article and the noun, the subsequent article will continue to be indefinite: "I'd like a big glass of orange juice, please," John said. "I put a big glass of juice on the counter already," Sheila replied. Generic reference: We can refer to something in a generic way by using any of the three articles. We can do the same thing by omitting the article altogether. A beagle makes a great hunting dog and family companion. An airedale is sometimes a rather skittish animal. The golden retriever is a marvelous pet for children. Irish setters are not the highly intelligent animals they used to be. The difference between the generic indefinite pronoun and the normal indefinite pronoun is that the latter refers to any of that class ("I want to buy a beagle, and any old beagle will do.") whereas the former (see beagle sentence) refers to all members of that class

**Standards**

**[1] Precision outweighs - anything outside the res is arbitrary and unpredictable because the topic determines prep, not being bound by it lets them jettison any word.**

**[2] Limits and Ground - decimates clash by exploding limits to infinite governments with infinite possible interps of what constitutes a just one, each with different political climates, economies, and human rights problems which makes contesting the aff with unifying neg ground impossible and means they can always pick the most aff skewed country.**

**[3] TVA – read your aff as an advantage under whole res – we still get your content education and sufficient aff ground by switching up aff advantages, frameworks, implementation, etc. But, 1ar theory checks pics and they incentivize more of them because nothing but cheaty generics link**

## 2

**Interpretation: A worker is an employee that works under a contract for employment.**

**Quest n.d.** [(Quest, based in Leicestershire, but covering the whole of the UK, is a specialist and training solutions, delivering bespoke professional services with resounding results. With over two decades of experience, Quest make it their responsibility to fully understand your specific needs before personalising a tailored solution to ensure that your HR, Health and Safety and training solution complements your business plan and achieves your goals.) “Employees & Workers: The Difference Between a Worker and an Employee” Quest. N.d.] AW

A worker is defined as either an employee working under a Contract for Employment or someone who works under a contract other than a Contract of Employment and is offering his personal service in return for remuneration to the employer who is not his/her client or customer. These contracts are commonly called Contracts for Services and such workers are often referred to as non-employee workers.

**Violation: Prisoners don’t have employment contracts—they’re working as a form of punishment. Voter for precision**

**Zatz 13** [(Noah, Professor of Law at UCLA) “Employment Without Contract? Prison Laborers as Statutory Employees” Paper presented at the annual meeting of the The Law and Society Association 2013-12-16] AT

Paid labor by prisoners is an increasingly important part of incarceration in the U.S. Prison laborers repeatedly have sought legal redress for violations of labor & employment laws, including minimum wage and antidiscrimination protections. Courts then have had to decide whether these protections apply to this form of work, and they have struggled to square the existence of an exchange of labor and economic benefits with an impulse to distinguish a distinctly non-economic field of punishment from a fundamentally economic employment relationship. For the most part, prison laborers have been denied "employee" status on the ground that they do not work in a labor market organized through free contract. This identification of statutory employment rights with individual employment contracts is ironic because, in other contexts, labor & employment statutes often are understood as repudiating contractual orderings. This paper explores how legal classification as "employment" serves not simply as the basis for a regulatory intervention in the labor market but also as a means of constituting and bounding "the market" as a distinct social field.

**Standards:**

**[1] Limits— their interp allows for any instance of forced labor in any country--tons of different groups, scenarios, etc infinitely inflates the prep burden and makes negating impossible**

**[2] Ground— all the neg can say against the aff is exploitation good— their interp skirts links to the Workforce DA, Business Confidence DA, Cap K because the workers Affs under their interp are about do not participate in the formal economy. We even lose access to the Kant and Contracts NC which all assume an injury to be legally recognized agreements.**

**Reject “discussion” arguments--[a] regressive since there’s always issues that people think are more important to talk about, causing oppression olympics [b] discussions don’t do anything--fairness is the only thing intrinsic to the ballot [c] alt forums solve**

**Fairness and education are voters - debate is a game that needs rules to evaluate it and teaches portable skills we use lifelong. Drop the debater–T indicts the whole aff. No rvis - a] illogical---you shouldn’t win for being fair b] baiting—they’ll bait theory and prep it out—justifies infinite abuse and chilling us from checking abuse. Competing interps---a] reasonability’s arbitrary and forces judge intervention b] norm setting---we find the best possible norms c] reasonability collapses---you use offense/defense paradigm to evaluate brightlines. T before 1ar theory--NC abuse was reactive so they were the root cause of the abuse**

## 3

**The fractured nature of the subject leaves one oriented around the mastery of a lost object--recognizing the right to strike is an attempt to satisfy this loss with an investment into the notion of dignified work--one that creates an image of a deracialized, patriotic worker that society is left to mimic**

**Barchiesi ‘9** [Franco, THE Ohio State University. 2009. “That Melancholic Object of Desire: Work and Official Discourse before and after Polokwane,”<https://www.academia.edu/421295/THAT_MELANCHOLlC_OBJECT_OF_DESlRE_WORK_AND_OFFlClAL_DlSCOURSE_BEFORE_AND_AFTER_POLOKWANE> // sosa

Whereby past proletarian struggles had actively subverted waged work, both through direct refusal or through workers’ unwillingness to confine their claims to productivity requirements, a powerful disciplinary narrative has now emerged to celebrate the “dignity of work” as a disciplinary construct that marginalizes, stigmatizes and criminalizes specific social categories identified as disruptive of wage labour discipline. Now “dignity of work” is a commonly used term in ANC parlance, but the term is of straightforward colonial origins. The first time I have found it used is in Cecil Rhodes’ endorsement of the Glen Grey Act of 1894. Under pre-apartheid segregation governments it was part of what Saul Dubow terms a “South Africanist” ideological discourse where, through hard work for wages, the “native” could become a modern “worker”, possibly even a “citizen”. Under apartheid there was of course no talk of equal citizenship for the “natives”, but the National Party government praised work discipline over resource redistribution for whites and blacks alike. As a normative construct, the imperative to work operated across the board. The South African state imagination of work, before and after 1994, reversed Immanuel Kant’s line that “every thing has either a price or a dignity”, where by dignity he meant a value that precedes and stands above market exchange. In South African official discourse, instead, the labour market and the wage relation stand simultaneously as measure and reward of human dignity. After apartheid, the revived parlance of “dignity of work” and individual labour market initiative also, as Ivor Chipkin shows in his book Do South Africans Exist?, came to depict a virtuous condition of active citizenship rightfully enabling the full, practical enjoyment of formal, on-paper constitutional rights. As work becomes the normative premise of virtuous citizenship, it provides an epistemic device with which South African society can be “known” as an objective, socially ascertainable hierarchy ordered according to the seemingly natural, immutable laws of the labour market. (This view is clearly expressed in Thabo Mbeki’s “two economies” scenario.) At the pinnacle of such a hierarchical order stands a, by now largely imaginary, patriotic, respectable, hard working, socially moderate, conflict-averse, de-racialized worker as the virtuous citizen of democratic South Africa. Precisely as a creation of official imagination, however, such a subject indicates the practical conducts the poor have to follow, as workersin-waiting, on their path to actual citizenship: avoid complaining, stay away from social conflicts, and actively seek the “employment opportunities” available in poverty-wage schemes of mass precariousness like the Expanded Public Works Programme. A work-centered citizenship discourse also marginalizes and stigmatizes the, conversely, all too real subjectivities that try to navigate their way in conditions of precariousness, social duress, and the systematic violence of market relations: yesterday it was “workshy” township youth, women devoted to “immoral” activities, peasants recalcitrant to the market; today is the “tsotsi” element, the “girls” claiming child support grants, and those who “illegally” reconnect water and electricity. As Fred Block and Margaret Somers have shown, the connection of state normativity and seemingly unassailable scientific reasoning confers to official discourses of citizenship the material capacity, made almost impervious to empirical counter evidence, to shape attitudes, dispositions and proclivities. It does not really matter for the centrality of work in South WHAT IS LEFT OF THE LEFT? 53 African citizenship discourse that in no way most experiences of work resemble the exalted social condition imagined in governmental pronouncements. What matters is that, by making social conditions, if not what it means to be human, orbit around labour market participation, the citizens of democratic South Africa are educated to position themselves within prevailing social and economic power relations. In the interviews with workers I have conducted, wage labour clearly emerges as a place of insecurity, exploitation, unfair and racialized treatment, and inadequacy in relation to household needs. More than that, it is a reality of, as Felix Guattari called it, “systematic endangering”, or continuous exposure to unpredictable, potentially catastrophic labour market contingencies. As wage labour’s early promise of liberation and redemption went unfulfilled, workers tended to characterize waged employment as a place that they have to endure, but from which they would happily escape. Escape could be either material or symbolic, most often a combination of both. Sometimes it has to do with fantasies of self-entrepreneurship, often nurtured in the ascending religious language of individual empowerment of born-again Christianity. In this regard, workers may even be available to accept layoffs to cash benefits and buy a bakkie for a transport business, or the tools for a small electric repair shop, even if such money most often goes into the repayment of debts and school fees. Sometimes respondents idealize rural life – despite the grinding poverty many of their relatives’ experience in rural areas – as a symbolic, desirable counterbalance to the chaos and unpredictability of the city as regular employment and male “breadwinning” authority decline and collapse. Ruralism becomes therefore an imagined space where masculine power and age authority continue to structure social life. Another theme surfacing in my interviews are xenophobic feelings of blaming non-South African migrants’ acceptance of low-wage jobs as responsible for turning work from “what it is supposed to be” to “what it is”. Yet, even if they see their actual jobs as “elsewhere” from what they would consider a dignified life, most respondents remain attached to work and “job creation” as the solution to the country’s social problems. Such apparent paradox is reflected in their approach to the ANC, seen simultaneously as cause of the current social crisis and the imagined deliverer from it. It would, however, be wrong to conclude that, as many conservative commentators and government consultants try to reassure us, despite all odds all South Africa’s poor want is “work, not handouts”. When I probed the meanings of “work” in workers’ discourse of “job creation”, I found that it is not “work” as a mere economic transaction that such narratives are primarily about, and surely not about the work such workers actually have. They are rather about a whole imagined social order ideally premised on an equally imagined idea of respectable work. Work regains its centrality in these narratives not so much for its economic importance, but as the repository of an imaginary that tries to find validation by harking back to the state’s and the unions’ work-centered citizenship discourse. As such, it tends to be a conservative workers’ imaginary too: for most of my respondents, images of decent work, what is left of past promises of redemption of wage labour, are deeply linked with ideas of family respectability, strict gendered division of household tasks, masculine power and national purity, where “disrespectful”, crime-prone youth are kept out of the streets and under control, women are confined to domesticity, reproduction and care, and migrants don’t “steal” national jobs. If actual work is a place to escape from, such an escape is, however, expressed, in the absence of a political alternative to the hegemonic work-centered citizenship discourse, in conservative, when not overtly reactionary and authoritarian forms of what I call worker melancholia. Contrary to the nostalgic, who yearns for an idealized past, the melancholic yearns for the imagined yet unrealized possibilities. As Ranjana Khanna defines it: “Melancholia is not only a crippling attachment to a past that acts like a drain of energy on the present …. Rather, the melancholic’s critical agency, and its peculiar temporality that drags it back and forth at the same time, acts towards the future”. What I identify as the emerging politics of worker melancholia provides some insights into the rise of Jacob Zuma and the post-Polokwane phase of ANC rule. Zuma’s rise has a lot to do with the country’s crisis of waged employment, manifested in organized labour’s resentment at Mbeki’s betrayal of the democratic promise of working class power and proletarian redemption. Zuma’s self-consciously masculine persona and his message of family values, social discipline, subservient womanhood, toughness on crime, and border control respond to the anxieties generated by employment precariousness by abetting the melancholic fantasies of a working class embittered by decades of disappointments and by the inadequacies of its putative political representatives. Under such conditions, the continuous glorification of work as the foundation of citizenship is at serious risk of contributing to an authoritarian, chauvinist social order presiding over the continuous brutality of the market. Three lessons emerge from this discussion. First, precariousness of work is not just produced by labour market dynamics but by the intersection of wage labour transformations, institutional dynamics and official imagination. Claus Offe puts it nicely in defining precariousness as “harmful unpredictability” arising from a condition where work declines as a foundation for a decent, meaningful life and yet it is maintained by the state’s policy discourse as the foundation of the social order. Second, precariousness is not, however, just a condition of domination and disempowerment, but can also open spaces to imagine strategies of liberation from the compulsion to work for wages. The history of proletarian struggles in South Africa and Africa shows that the crises of waged work are the result not only of the unfettered power of capital but also of everyday strategies of refusal, confirming indeed Mario Tronti’s point that “wage labour is the provider of capital; the refusal of wage labour means the destruction of capital”. Finally, social research needs to move beyond a purely normative understanding of citizenship as a desirable ideal of “inclusion” and focus instead on the paradoxes, contradictions and quandaries of what Cruikshank terms citizenship as a “technology” of empowerment based on specific disciplining of conducts and hierarchical stratifications where divides between inclusion and exclusion become blurred and uncertain. Gilles Deleuze wrote: “If you get caught in someone else’s dreams, you are lost”. Over and over again, before, during, and after apartheid, South Africa’s poor have been caught in the State’s unsettling biopolitical dream of ordering populations according to the hierarchies defined by a labour market that can enable decent lives only for a small minority. To avoid getting lost in the rulers’ dream, maybe it is time, in these crepuscular times of decline of neoliberalism, for everyday desires recalcitrant to wage labour no longer to be seen as harbingers of chaos and ungovernability but as constitutive elements of a new grammar of autonomy and liberation.

**This cultivates in a politics of melodrama wherein threats to the state’s biopolitical ordering are registered as affective wounds that necessitate violent redemption – their commitment to regain mastery morphs their advocacy into a blank check for imperial expansions and eliminates ideological resistance to state control.**

**Anker ‘14** [Elizabeth, American Studies at George Washington University. 2014. “Orgies of Feeling: Melodrama and the Politics of Freedom.”] KB/spaldwin rc/pat

What I call melodramatic political discourse casts politics, policies, and practices of citizenship within a moral economy that identifies the nation-state as a virtuous and innocent victim of villainous action. It locates goodness in the suffering of the nation, evil in its antagonists, and heroism in sovereign acts of war and global control coded as expressions of virtue. By evoking intense visceral responses to wrenching injustices imposed upon the nation-state, melodramatic discourse solicits affective states of astonishment, sorrow, and pathos through the scenes it shows of persecuted citizens. It suggests that the redemption of virtue obligates state power to exercise heroic retribution on the forces responsible for national injury. Melodrama depicts the United States as both the feminized, virginal victim and the aggressive, masculinized hero in the story of freedom, as the victim-hero of geopolitics. Its national injuries morally legitimate the violence, extensions, and consolidations of state power that melodrama posits as necessary both for healing the nation’s wound and for reestablishing the state’s sovereign freedom. Melodramatic political discourse provides the tableaux and the legitimacy for the late-modern expansion of state power. Melodrama is often associated with intimate affairs, personal misfortune, and domestic problems within the home, and even scholars who have written most incisively about the political effects of melodrama primarily examine how it attends to social injustices within the nation and finds redress for them in intimate relationships rather than in eff orts to challenge injustice in more directly political ways. Yet as a political discourse, melodrama operates in different registers: the suffering of U.S. subjects that it depicts appears to be caused by something outside the national body; an unjust injury wounds the entire nation, and this transforms melodrama to a more public, national, and state-centered register. The eradication of injustice in melodramatic political discourse is not about finding consolation in the domestic sphere, as it is in many fi lm and literary melodramas; it is about an aggressive performance of strength in the national political sphere. The agency in melodramatic political discourse focuses on global and spectacular displays of power; its sphere of action is public and usually institutional because of the villainy it aims to countermand. In melodramatic political discourse, the nation’s terrible injury becomes the foundational justification for violent and expansive state power. Orgies of Feeling investigates the history, political strategies, and affective pulls of melodramatic political discourses, with a focus on contemporary U.S. politics. While melodramatic cultural expressions are not limited to the United States—a s the phenomena of Latin American telenovelas, Nigerian “Nollywood” videos, Soviet expressionism, and South Korean fi lm make clear—t his book focuses on American melodrama in order to map its work as a nation- building and state- legitimating discourse.4 Melodrama became an influential political discourse after World War II, gaining popularity with the rise of the cold war and televisual political communication. It circulated throughout the second half of the twentieth century, as its conventions helped to narrate the expansion of U.S. global power and justify the growth of the national- security state. Melodramatic political discourses often legitimated anticommunist international relations and the burgeoning neoliberal political economy (though as I also show, melodrama sometimes worked in different or contradictory ways, and had unintended effects). In the twenty-first century, and especially after the 9 / 11 attacks, melodrama’s popularity exploded in political discourse, in large part because of the nation-state’s realignment against terrorism. Orgies of Feeling examines the rise of melodramatic political discourse after World War II, but pays special attention to melodrama’s operations in the new millennium. The melodramas that I track in this book often promote a specific type of citizenship, in which the felt experience of being an American comprises not only persecuted innocence and empathic connection with other Americans’ suffering but also the express demand to legitimate state power. In these melodramas, the nation’s unjust suffering proves its virtue, and virtue authorizes dramatic expressions of state action, including war and state surveillance. In contemporary politics, the intensifications of antidemocratic and often violent forms of state power—including military occupation, the exponential growth of the national-security state, the formalization of racial profiling, the narrowing of already minute points of access to political power for nonelite citizens, the criminalization of nonviolent protest, the militarization of police power, and the further abridgements of institutionalized civil liberties—are partly rooted in the melodramatic mobilization of a political subject who legitimates them as an expression of the nation’s virtue. A paradigmatic example of melodramatic political discourse is President George W. Bush’s speech on the War in Afghanistan at the Pentagon on October 11, 2001. The story that the speech emplotted relied on melodramatic genre conventions— including a narrative of virtue and redemption, heightened affects of pain, detailed explanations of individual suffering, and a sense of overwhelmed victimhood that transmutes virtue into strength— to both unify national identity and authorize a war that had already begun four days prior. He stated, On September 11th, great sorrow came to our country. And from that sorrow has come great resolve. Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered. . . . The loss was sudden, and hard, and permanent. So difficult to explain. So difficult to accept. Three schoolchildren traveling with their teacher. An Army general. A budget analyst who reported to work h ere for 30 years. A lieutenant commander in the Naval Reserve who left behind a wife, a four-year-old son, and another child on the way. But to all of you who lost someone h ere, I want to say: You are not alone. . . . We know the loneliness you feel in your loss. The entire nation, entire nation, shares in your sadness. . . . The hijackers were instruments of evil who died in vain. Behind them is a cult of evil which seeks to harm the innocent and thrives on human suffering. Theirs is the worst kind of cruelty, the cruelty that is fed, not weakened, by tears. . . . This week, I have called the Armed Forces into action. One by one, we are eliminating power centers of a regime that harbors al Qaeda terrorists. We gave that regime a choice: Turn over the terrorists, or face your ruin. They chose unwisely. . . . We’re not afraid. Our cause is just and worthy of sacrifice. Our nation is strong of heart, firm of purpose. Inspired by all the courage that has come before, we will meet our moment and we will prevail.5 The speech details the events on September 11, 2001, through melodramatic conventions that emphasize the intense pain the attacks caused to ordinary individuals, and the speech uses that pain to mark the virtue of all Americans who share in the sadness of the people directly injured or killed by terrorism. Bush details the violence of the 9 / 11 events by specifying the people who died as moms and dads, schoolchildren, and neighbors— ordinary people, people just like his listeners. It is as if their travails could be, indeed are, our own. Melodrama confers virtue upon innocent people who unjustly suffer from dominating power, and this is part of the genre’s cultural work; in this deployment of melodrama, all Americans suffer from the attack, and thus all share in the nation’s virtue. The speech connects the children who lost parents with “our country”: the children’s innocence is a metonym for that of the nation, for what it has lost after this terrifying attack. This connection is a binding gesture that brings a nation ordinarily riven and stratified by class, race, immigration status, and sex into a shared unity that circumvents instead of represses stratification. It makes hierarchies of power and identity irrelevant to the experience of being an innocent and injured American in the wake of 9 / 11. The suffering that unifies the nation is suffering from terror. Other political modes of understanding also circulate in this speech to bind people together and mark the legitimacy of war: a deep sense of injustice and fear from the 9 / 11 attacks, American exceptionalism, and masculinist protection.6 Yet melodramatic conventions work here to solicit the sense that war has already been legitimated by the felt sorrow that unifies the nation. Melodrama, in this speech, insists that the affective experience of sorrow is equivalent to the authorization of war. This speech cultivates the heightened affects Americans were experiencing by explicating them, naming sorrow, loss, and resolve in a way that turns them into norms for proper feeling and then yokes them together into a narrative trajectory. Sorrow and loss pave the way for “great resolve,” so that the determination to “destroy” evil is positioned as a foregone conclusion that grows organically out of sorrow. The move to destroy terrorism then becomes a moral requirement and a narrative expectation for addressing the nation’s suffering, rather than a contestable political decision.7 In this speech, melodramatic conventions form a nation-building discourse that distinguishes who is and is not American by demarcating proper victimhood in relation to state power: virtuous Americans identify with the suffering of grieving Americans, but they also sanction heroic state action against evil. War is promised to deliver a justice so clear and right that it is “worthy of sacrifice.” The willingness to sacrifice further gestures to the goodness of the nation willing to make itself sacrificial in response to its sorrow, even as it is presupposed that real sacrifice will never be asked of the vast majority of the polity; in other speeches Bush asks Americans to sacrifice for the war effort by hugging their children, going shopping, and traveling by airplane.8 In this melodrama the primary indicators of good citizenship, of what it means to be a real American, consist of a felt suffering from terrorism, plus the resolve to go to war. More than other genres, such as the jeremiad and the impasse (which I will discuss), melodrama offers a reassuring narrative trajectory that bestows innocence and moral authority on the United States, and then authorizes state power as an expression of the nation’s virtue.9 Melodramatic political discourses can mark people who find its depictions unconvincing or wrong, or who actively question the legitimations it enables, as morally bankrupt, as un- American, as villainous, or even as terrorist.10 This is not to say that deployments of melodramatic discourse eliminate dissent, but rather that their depictions cast dissent as both illegible and unbearably cruel to injured victims—to real Americans. Many people, of course, have condemned melodrama’s moral injunctions or refused its legitimations of state power, even if they have not labeled these injunctions or legitimations melodramatic.11 Since the first days after 9 / 11, for instance, marginalized political groups (especially but not limited to those on the left ) resisted the melodramatic assumption that the attack signified American innocence or a virtuous nation, and spoke out against its moral mandate for retributive state violence. But melodrama may still have contributed to the affective responses to the events, even for people who resisted some of its terms. Upon encountering its depictions, one may hate its overt pathos yet cry at the suffering it shows. One might reject melodrama’s depiction of national identity yet find welcome connection in the virtuous community it offers. One might find that melodramatic tenets unacceptably simplify politics yet want to see brutal villains duly punished. Some parts of melodrama are more compelling than others, and melodramatic conventions do not need to be totalizing to have partial effects. Individuals are often moved in inconsistent ways by its depictions. These inconsistencies are part of melodrama’s affective charge. Many people have had to struggle with or against melodramatic conventions in staking their interpretations of the terrorist attacks and their aftermath, indeed in staking what kind of citizens they are or want to be. Even for those people who have responded ambivalently or antagonistically to it, melodrama has become the most powerful genre form of the war on terror. Orgies of Feeling investigates different forms of melodramatic political discourse, including melodramas of neoliberalism, communism, and capitalism, with particular focus on melodramas of terrorism. Melodramatic political discourses can be found in the news media, political interviews, popular punditry, informal conversation, micro political registers, political theory, and organizing norms, as well as in the formal state rhetoric of presidential addresses: melodramas move through multiple vectors. The use of melodrama is not forced or coordinated across media outlets or political parties; its popularity across two centuries of cultural media make it readily available to multiple sites of power and address for depicting political life. Even though melodrama became a common rhetorical genre of the Bush administration in the first de cade of the new millennium, and the administration certainly seized on melodrama’s popularity to support its policies, melodrama did not originate from the administration or from any single source of authority. Its widespread use came from a much larger and contested historical trajectory that spans fields of power and political affiliation. Given the circulation of melodrama across political registers, I am thus less interested in judging whether melodrama is right or wrong in its depictions of political life— whether melodrama gives a true account or a false one—than in discerning its multiple workings and effects, its different appeals for different sites of power and subjectivity. People are not compelled by melodrama merely by coercive rhetoric or charismatic leaders. Melodramatic depictions of virtuous victimization, and predictions for the heroic overcoming of subjection, work on and through people in ways quite different from and beyond what institutional deployments of melodrama may intend. People who are drawn to melodrama’s conventions, or who welcome its narrative assurances, do not necessarily respond to melodrama in predetermined ways. The processes of melodramatic subjectivity are not identical with the strategic aims of melodramatic political discourse, although they are coextensive. To presuppose that subjectivizing processes are the same as or are exhausted by discursive intent would be to assume that political discourses equal political subjects that discourses determine psychic life, and that melodrama works the same way in different spaces, structures, and institutions. To ascribe intent by a few elites for the pervasive use of melodrama is to ignore its appeal to a broad segment of the U.S. population, and to miss what melodrama’s popularity reveals about contemporary American political life. The question of who intends for melodrama to happen, or who controls its circulation and employment, is not unimportant, but to answer it by placing responsibility for melodrama’s popularity only on a few bad, powerful apples—rather than by also examining its appeal to a broad citizenry— is to mirror melodrama’s strategy of claiming innocence and virtue for its victimized protagonists while displacing blame only to an all-powerful villain. The interesting question for this book is therefore not “why are citizens duped by the elite’s use of melodrama into legitimating antidemocratic and violent state power?” but “what type of citizens may be compelled by melodramatic political discourse, and what do they imagine the powers it legitimates will do?” The Promise of Freedom Melodramas grapple with moral questions and aim to establish “moral legibility,” as Peter Brooks argues in his seminal account of the form.’2 They identify virtuous behavior and postulate that society also recognizes real virtue. In many film and television melodramas, the recognition of virtue is the endpoint of the narrative, and the climax of the story demonstrates the protagonist’s moral goodness. Yet in melodramatic political discourse, moral legibility—the identification of the nation’s virtue—is not the only factor motivating the widespread use of melodrama. There is another, perhaps more compelling, attraction: melodrama promises freedom for those who are virtuous. The moral legibility of melodramatic political discourse is in the service of an expectation that freedom is forthcoming for both injured citizens and the nation-state. The allure of melodramatic political discourse is the promise of emancipation that it offers those who unjustly suffer. The norm of freedom that circulates in melodramatic political discourse is rooted in particularly liberal and Americanized interpretations of freedom as self-reliance, as unconstrained agency, and as unbound subjectivity. It combines these interpretations together as normative expressions of a sovereign subject, one who obeys no other authority but one’s own, who can determine the future and control the vagaries of contingency through sheer strength of will. Freedom requires the capacity for final authority over the space of the nation and aims to shore up boundaries of territories and bodies to make them impermeable to the influence of others. Freedom as this form of sovereign subjectivity seems to require control or mastery over the external world for its full exercise. Freedom, in this normative definition, is often equated with both individual and state sovereignty. Indeed, melodrama provides a site at which state and individual agency are conflated, as if the achievement of state sovereignty confers personal sovereignty upon every American. The practices of freedom that melodramas depict thus often take shape through an imaginary of freedom as the performance of sovereignty through unilateral action, war, intensified national security, and even as the institutionalization of what Gules Deleuze calls “societies of control:” as all are deployed in the service of controlling the political field and taming risk. This version of sovereignty implies that the state—and by extension the individual citizen—should be not only free from the coercions of others but also free over others. This latter freedom, though seldom explicitly acknowledged, is what ensures the possibility of the former. The promise of sovereign freedom is present in melodramatic political discourse whether it shapes the cold war argument in the 19505 that the na tion has a moral requirement to eradicate the evil of communism from the world order, or the neoliberal argument in the 198os that welfare must be eliminated because it is a form of oppression that erodes individual freedom. Both melodramas, while organized around different stories and deployed for different purposes, offer the promise of future freedom through state power for virtuous Americans under siege. Neoliberal melodramas might seem to link freedom to limited state power, since economic policies grouped under the term neoliberal claim to facilitate individual freedom by deregulating cor porations and cutting both taxes and welfare. However, they typically limit only certain types of state power, those that hamper corporate profit or provide social services, both of which come to be cast as un-American, as outside the proper national body, and as forms of individual oppression. They increase state powers that expand military might, corporate growth, and surveillance. As Sheldon Wolin notes, neoliberal policies discredit the state’s ability to serve the needs of the people, but they do not weaken state power.’4 Neoliberal melodramas use the language of individual freedom not to retrench state power but to expand securitized and militarized forms of it.’5 Melodrama hearkens a future in which U.S. citizens and the state exercise their rightful entitlement to unconstrained power. As in Bush’s speech announcing the War in Afghanistan, melodramatic political discourses promise that U.S. military and state actions, together with the corporations that work through and as state power, can transform a sense of being over whelmed by power into a scene of triumphant strength and sovereign control. Similarly, Bush’s very first words to the nation describing the 9/11 attacks do not reflect a deep misunderstanding of the events or an empty rhetorical flourish: “Freedom itself was attacked this morning by a faceless coward. And freedom will be defended.” These words are a precise expression of the promises that melodramatic political discourse offers the un justly injured nation: virtuous victims can gain back their sovereignty from anti-American forces by feats of heroic might.’6 A desire for sovereign freedom is thus a decisive factor in the authorization of state power as it takes shape in melodramatic political discourse. The promise of melodrama is that the American nation, once victimized, will eventually reassert its sovereign freedom through the virtuous acts of heroism it must perform against the cause of its injury. The melodramatic legitimation of violent, expansive, and constraining forms of power is thus paradoxically motivated by a desire to experience unconstrained freedom. This differs from the way that melodramatic genre expectations shape cin ema, theater, and literature, when story lines can end in pathos and tragedy for injured protagonists: an innocent victim may die after his or her virtue is celebrated, as in Uncle Toni’s Cabin or Brokeback iviountain (2005), or a hero will sacrifice his or her own life in order to save another or to uphold justice, as in The Birth of a Nation or Savi ng Private Ryan (1998). But in na tional politics melodramatic story lines that end without securing the universal freedom of their protagonists are generally left outside the expecta tions of the narrative. Freedom is frequently the stated goal of melodramatic initiatives in foreign, domestic, and military policy, and it is crucial to take these myriad and explicit claims for freedom seriously as motivating factors behind expansions of state power. It is no coincidence that the Iraq War’s combat zones were called “the front lines of freedom,” or that the War in Afghanistan was officially titled Operation Enduring Freedom. To be sure, freedom is not the only desire motivating the legitimation of these wars; vengeance, violence, Islamophobia, and an escape from fear coexist along- side freedom.’7 But these other motivations have gained much more schol arly attention at the expense of the study of freedom, and they have over shadowed the ways that a desire for freedom sits beside and even underwrites these more overtly insidious motivations, giving them a legiti mate form of expression. By positioning melodrama in relationship to freedom, this book emphasizes how contemporary desires for freedom are often constituted and de limited by the very forms in which they are articulated. Taking seriously Saba Mahrnood’s warning not to “tether the meaning of agency to a pre defined teleology of emancipatory politics,” this inquiry asks instead how a desire for sovereign freedom is cultivated out of melodramatic depictions of political events.’8 Mahmood cautions scholars against uncritically accepting that there is an ontological desire for freedom that drives individuals, especially when freedom is imagined as a settled achievement of an abstract liberal subject. She asks instead, “what sort of subject ¡s assumed to be normative within a particular political imaginary?” Rather than using Mahmood’s warning to deny that desires for freedom exist in American political subjects, however, I examine how a desire for freedom is produced within and conditioned by various melodramatic political discourses. I specify the particular content of “freedom” that shapes the very political subjectivity that desires it, and use the study of melodrama to ask: How do unilateral state violence and individual license come to inhabit contempo rary definitions of freedom and agency? How is a teleology of emancipation melodramatically imagined through the legitimation of war and national security? I posit that the melodramatic cultivation of a desire for freedom develops at a moment in which long-standing frustrations of political powerlessness combine with the immediate shock of terrorism to operate on national subjects already constituted by certain expectations of liberal freedom and democratic citizenship. Melodramatic discourses are so widespread, I argue, because they revive the guarantee of sovereign freedom for both the state and the individual in a neoliberal era when both seem out of reach. This lost guarantee of sovereignty has a long and contested genealogy that I examine more in the book, but one way to unpack it here is to work backward and start from the spectacle of nonsovereignty on September ii. The 9/11 attacks were shocking not only for the violence they committed but for the story of freedom they derailed. They disclosed—in a spectacular and horrifying way—failures of both state and individual sovereignty, and melodramatic conventions promised that both types of sovereignty could be regained. Judith Butler argues that 9/11 entailed “the loss of a certain horizon of experience, a certain sense of the world itself as a national entitlement,” and melodrama became appealing in the post-9 i n era because it seemed to reestablish that sense of entitlement.20 The loss of “the world itself as a national entitlement” was a loss of unconstrained freedom for the nation-state, a loss of its seeming capacity to protect itself, monopolize the use of force, and steer geopolitics. Enacted by “faceless” cowards—inconspicuous agents whose weapons of mass destruction were ordinary objects like box cutters and commercial airplanes, and who seíf-destructed upon their own “victory” (doers that did not exceed the deed)—the attacks appeared to be the effect of invisible forces rather than identifiable state actors, their agents easily eluding state apparatuses of surveillance and militarized border systems. They performed, as the collective Retort argues, “the sheer visible happening of defeat.”2’ In effortlessly penetrating national borders, the attackers upended two beliefs: that America was invulnerable to serious attack by foreigners and that geopolitical boundaries could demarcate state sovereignty. Indeed, if the state is defined through Max Webers classic definition as that which has “the monopoly on the legitimate use of violence,” a defini tion in which state power is ipso facto sovereign, then the 9/11 events challenged the very workings of the state by revealing its nonsovereignty.2 The loss of the world as a national entitlement traversed individual and state agency.23 The attacks created a loss for individuals in their presumed capacity under reigning norms of liberal individualism to be self-reliant and sovereign over their own bodies. By indiscriminately murdering un known and unsuspecting individuals, the attacks challenged the monadic premises of individual self-reliance, what Sharon Krause calls the long standing liberal belief that “the individual is understood to be the master of her own domain’24 The mass violence shed light on the intense social vul nerability of individual bodies, revealing how individuals are always, as Butler argues, “exposed to others, at risk of violence by virtue of that expo sure”25 The terrorist attacks thus violently upended the sovereign freedom story that entwines states and subjects. Whether sovereignty is defined as having the ultimate power or authority to make decisions about life and death (as in Carl Schmitt or Giorgio Agamben), the capacity to authorita tively reign over a defined geographic or bodily space (as in Thomas Hobbes or Jean Bodin), or the right of self-determination and self-making against the dominations of others (as in Jean-Jacques Rousseau), the 9/11 events revealed contracted possibilities of sovereign power.26 In highlighting the vulnerabilities and dependencies of contemporary life, the attacks challenged sovereignty as the grounding presupposition of both individual agency and international relations. Melodrama’s narrative teleology of freedom responds by revitalizing norms of sovereignty for both individuals and states, and this is part of its widespread appeal. Melodrama’s affective and narrative forms aim to rese cure the nation’s virtue and reestablish its sovereign power. Melodrama becomes more potent after 9/ ii’s radical destabilization of national narratives about freedom and power because the genre’s emplotment of a familiar nar rative trajectory—injury then redemption—seems to restabilize the promise of sovereignty. Bonnie Honig writes that melodramas thematize “the sense of being overwhelmed by outside forces”; melodramas depict individual protagonists as vulnerable to and powerless against the violence and cruelty of the outside world. This makes melodrama well suited for depicting situations of overwhelming vulnerability. But in political discourse melodrama goes further, as it also promises that overwhelmed subjects can overcome their vulnerability by dramatic counter-acts of force, acts that melodrama equates with the achievement of freedom. In promising that freedom is forthcoming for virtuous sufferers1, melodrama implies that complex global vulnerability and interdependence can be overcome by expressions of state power reasserting U.S. global might, which will then reflect back to American individuals their own sovereignty. In melodrama’s narrative temporality, however, sovereign freedom can only be achieved after an overwhelming experience of vulnerability, powerlessness, and pain: this is how melodrama positions the United States as the victim and hero of world politics. In Dick Cheneys war on terror melodrama, for instance, “This is a struggle against evil, against an enemy that rejoices in the murder of innocent, unsuspecting human beings. . . . A group like Al Qaeda cannot be deterred or placated or reasoned with at a conference table. For this reason the war against terror will not end with a treaty, there will be no summit meeting or negotiations with terrorists. The conflict will only end with their complete and permanent destruction and in victory for the United States and the cause for freedom”28 The nation’s overwhelming experience of unjust victimization heralds its grandiose reclamation of sovereign power through permanent destruction” of the evil villain that caused the nation’s powerlessness. Melodrama’s moral economy transmutes affectively intense experiences of unjust victimization into the anticipation of, and justification for, violence imagined as sovereign agency.

**Vote negative as a refusal to play hide and seek with the lost object in favor of embracing its death--accepting the fact mastery can never be achieved is the first step toward ending a cycle of repetitious destruction**

**Anker ‘12** [Elizabeth, American Studies at George Washington University. 2012. “Heroic Identifications: Or, ‘You Can Love Me Too – I am so Like the State,’”<https://muse.jhu.edu/article/469324/summary>] spaldwin rc/pat

Attempts to challenge experiences of unfreedom would seem more effective if instead, as a first step, they work to examine the precise forms of power that contribute to experiences of unfreedom, and aim to scrutinize geopolitical realignments. They might develop collective practices of freedom that are undergirded by acknowledgements of interdependence, practices that take account of differentiated forms of exploitation, violence, and social vulnerability. Peter Fitzpatrick argues that the post-9/11 moment requires reconceiving freedom to entail responsibility for others as a necessary precondition.39 A more critical engagement in this vein might begin by drawing upon the animating impulses of individualism – resisting dominating power upon the self – yet refigure its legitimating function by sustaining recognition that, as Sharon Krause notes, freedom does not entail sovereignty even as it demands individual and collective accountability for political life.40 This recognition opens the space for new modes of political agency that are more collective and interdependent in their work to challenge material and structural experiences of unfreedom. It can enable tools for pushing more resourcefully against encumbrances of power, instead of rehabilitating the lost, dead object of individual mastery. As Judith Butler, Jill Bennett and many other feminist thinkers have suggested, by acknowledging lived conditions of interdependence in a post-9/11 era, challenges to structural unfreedom might draw more deeply upon the resources of collective life for establishing conditions of social justice, freedom, and human equality, using interdependence as a source of strength that works with collective resources rather than against them. This might also assist the crucial work of distinguishing foundational social interdependence from the increasing binds of regulatory, violent, and governmentalizing powers. Other possibilities include sustaining the acknowledgement that loss engenders: that the object of desire is gone, that one’s ideal is no longer tenable and perhaps was never viable. For Freud, this involves a mourning process that concludes by rerouting desire to a new, more tenable, more live object. This process is not clearly delineable or fully predictable; the desire to contain contingency and garner complete knowledge of the future is itself a derivation of ontological narcissism, of the desire for mastery, its satisfaction clearly impossible. The rerouting of desire can never be predicted in advance – and this is part of its necessary danger. Yet static predetermined ideas of freedom are also insufficient to develop its practice. Freedom entails not just a static or binary condition, in which one is or is not free, or in which the settled terms of freedom’s experience are laid out in advance of its pursuit. Part of the practice of freedom is a keen responsiveness to the specific experiences of constraint and regulation one wishes to change. While post-9/11 political subjects who legitimated war and increases in the national security state were partly motivated by a desire to resist the intense and rapidly intensifying regulations of power, it remains to be seen whether those desires could be transformed into a more productive challenge that responds to the specific conditions they aim to change, or whether they can nourish new conceptions of agency and freedom outside those that sustain the damages and unfreedom of current politics. Only by actively grappling with the imposibility of mastery, and the reckoning with power’s complex operations in contemporary life, might political subjects collectively engage with the political powerlessness, constraining norms, and structural unfreedoms that shape contemporary experience. This experience includes the 9/11 events but certainly is not limited to them, and it includes reckoning with ways subjects are imbricated or complicit in the exploitation and powerlessness of others. The predicament of the post-9/11 political subject is that in order to maintain the claim that sovereignty is possible, it transforms its desire to resist impinging power into a legitimation of what it resists. The predicament is thus not a subject that remains blind to its experiences, or even reflexively desires subjection, but a subject whose impulse for resistance is refigured by the very methods it draws upon in its effort. By way of desiring opposition to contemporary power, post-9/11 subjects end up authorizing one of its most imposing forms, repudiating the possibility for a more rigorous critique of their conditions, perpetuating their burdens, and justifying violence and war. I conclude by suggesting that even in one of the more unliberatory moments in recent political life – when political subjects did not just acquiesce to but actively supported policies that sanctioned large-scale violence and murder, that overtly contributed to their own regulation and surveillance, and that explicitly diminished venues for dissent, possibilities for political participation, and pursuits of justice – we might observe political subjects’ desire to challenge conditions of unfreedom and to undo experiences of oppression and exclusion that they otherwise seem so willing to uphold. To make this suggestion is not to offer an optimistic reading of a horrifying moment in political life or to justify the complicity of American citizens who acquiesced to and actively sanctioned violent, inhumane, or oppressive policies -- quite the contrary. But it is to tell a different and overlooked story, about a contemporary political subject that does not necessarily desire unfreedom, but whose resistance to unfreedom is thwarted by the very mechanisms it adopts in its struggle.

## 4

**Counterplan Text: The United States ought to recognize a right of incarcerated workers to strike when authorized by a majority of striking workers through a secret balloting process**

**Tenza 19** -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter* Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

Violent protracted strikes can have devastating effects on employers, employees and the economy at large. Despite the fact that workers have a constitutional right to strike, it is important that the exercising of such a right not be allowed to go beyond the necessary limits. Currently, strikes are often characterised by violent conduct. Resolution of strikes also takes a long time, leaving many people unemployed by the time a solution is found. This not only affects the employees concerned, but is a contributing factor to poverty. To prevent long and violent strikes from taking place, it is suggested that there should be changes to existing labour law so as to include a ballot requirement. The law should compel a convening union to ballot members before staging a strike. To be credible, the balloting process should be chaired by an independent body, such as the IEC or a representative from the CCMA. This is the position in Australia and Canada. In these countries, if a union calls a strike without having balloted its members, such a strike is unlawful and civil action can be taken against the union and its members. Balloting members prior to strike action would help to establish their willingness to embark on a strike. If the majority vote in favour of a strike, it would send a signal to the employer that workers are serious and that it must consider their concerns or demands in a serious light. The employer and employee representatives are expected to engage fruitfully during negotiations and to avoid impending industrial action.

**Key to truly ensuring equality and having voices heard**

**Tenza 19** -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter* Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

If balloting members prior to a strike is made a requirement for a protected strike, the article argues that the ballot must be secret. The LRAA 2018 hints at a move in this direction.72 This would be in line with our voting traditions, as it would reinforce worker control of unions. Von Webster believes that workers must have the sense of having democratic control of the strike and this would be ensured by a confidential balloting of members before and during the strike.73 If workers exercise democratic control of the strike, the possibility of strike violence would be reduced, and the union would be more likely to take responsibility for the consequences of the strike. In this way, the strike could be used more strategically and employers could respond more constructively. The voting process must be fair and secret and there must be no intimidation of those who cast their ballot, or of those who do not want to vote. Concerns may be raised about the secrecy of the voting process. In MAWU v Natal Die Casting,74 a ballot was conducted from the boot of a car near the company premises. The Industrial Court found that holding the ballot in the open, did not mean it was not secret. The court accepted that trade unions do not have the same facilities as employers. It said that what mattered was that the voter should not be put under constraint. In White v Neill Tools,75 the court stated that the strike ballot provides the individual with an opportunity to cast his or her vote in secret and to consider the consequences of the contemplated action privately and without being unduly influenced, pressurised or intimidated by having to make choices in the open. Voting secretly is important because, in a strike context, the employer is entitled to know that it is dealing with the majority of members in question, which is so demonstrated by a ballot properly conducted in terms of the law.76 A secret ballot, as opposed to a “hands-up” system, avoids the scenario of the union putting pressure on members to vote in favour of the strike. There is a strong belief that if voting takes place by a show of hands, intimidation may occur and some employees may be targeted by other employees.77 In addition, a secret ballot prior to a protected strike would ensure that strikes are taken seriously, and they are not viewed just as actions of “uncivilised hooligans” because of the current concomitant damage to property and the intimidation and killing of people. Although the reintroduction of ballots was discussed before the introduction of the LRAA of 2018, the new amendments to the LRA on balloting members do not change the position and will not have any effect on violent and unprotected strikes. It can be argued that by removing the ballot requirement from the Amendment Bill of 2012, the legislature lost an opportunity to refashion and refresh strike law, taking into account contemporary social and economic realities.78 If a ballot requirement could be made law, strikes would only commence if the majority of the employees agreed, and that would lead to less intimidation of non-strikers and greater coherence among strikers. If the reintroduction of a secret ballot were given a chance, things might change for the better as a strike would go ahead if it was supported by a majority of the members. However, labour will have to be thoroughly consulted and convinced that the aim is not to disadvantage them, but rather to improve the economy and reduce the loss of jobs, which is the normal consequence of prolonged and violent strikes. A secret ballot ensures that the union has a democratic mandate for a strike, and, if necessary, further ballots can be held during negotiations, for example, when a provisional agreement is reached. In addition, if the ballot is secret, it prevents unions from putting pressure on employees to vote in favour of the strike. It would also ensure that the right to protected industrial action is not abused by union officials, who might want to push agendas unrelated to the interests of workers at the workplace concerned. Moreover, a secret ballot does not stand in the way of the protection of strike action, but provides a mechanism to ensure that a protected strike is the genuine choice of the majority of employees employed by the employer or in the workplace. If the vote is in favour of a strike, it means there is an appetite for it and perhaps the concerns or demands of employees are genuine. A secret ballot can also protect jobs by avoiding unnecessary strikes that may result in dismissal on the basis of operational requirements of the business.79 It is important to note that, in this context, employers can reduce the number of employees if the business is no longer making a profit; this might happen if no production takes place, which in turn results in a loss of customers. Importantly again, if a strike goes on for an unduly long period, customers or clients might shift loyalty to other businesses resulting in a loss of profit.

## 5

**Disaster response is fine now but only because incarcerated workers can pick up the mess of things like oil spills--increases communal wellbeing in a cost efficient manner but new reforms like NAACP policy allows us to meet prisoner demands**

**Kutz 21** (Jessica Kutz – Assistant Editor for High Country News who is interviewing Carlee Purdum who researches incarcerated labor conditions and trends, “The essential — and dangerous — work prisoners do: Incarcerated people respond to pandemics, wildfires, avian flu outbreaks, mudslides and more”, https://www.hcn.org/articles/south-labor-the-essential-and-dangerous-work-prisoners-do, 23 April 2021, EmmieeM)

Last year, when the COVID-19 pandemic swept through nursing homes, exhausted medical supplies and sent the country into lockdown, prison officials gave incarcerated people their marching orders: Manufacture hand sanitizer, sew face masks, transport dead bodies, dig graves. The workers toiled in crowded factories, overflowing morgues and inside their own prisons, where they often lacked access to essentials like soap and adequate medical care. In the process, they became one of the most vulnerable — and yet essential — parts of the nation’s emergency response. Seven Western states — Montana, Washington, Idaho, Oregon, Nevada, California and Arizona — specify incarcerated labor as a resource in their state emergency operation plans. Others, like Colorado, passed legislation in 1998 like the Inmate Disaster Relief Program, which allowed the state to use the workforce for wildfires and other emergencies. (Recently, Colorado passed a new law by the same name that requires the state’s fire division to encourage formerly incarcerated firefighters to apply for paid work in the field.) The reason is simple: “(Incarcerated workers) are extremely low-cost,” said Carlee Purdum, an assistant research professor with the Hazard Reduction and Recovery Center at Texas A&M University. According to the Prison Policy Initiative, such workers received anywhere from 14 cents to $1.41 an hour on average in 2017. And because they are technically considered a state resource, said Purdum, the Federal Emergency Management Agency, or FEMA, further subsidizes the cost of their labor when states are overwhelmed by natural disasters. “I’ve seen and documented the use of incarcerated workers for a lot of different types of hazardous work.” The workers can be tapped for nearly anything. “I’ve seen and documented the use of incarcerated workers for a lot of different types of hazardous work, from cleaning up oil spills to going through and eliminating infected birds with the avian flu,” said Purdum. “Really, anything that happens in a disaster, if it overwhelms the community, and (state or local officials) feel like they have a need, they will turn to incarcerated workers.” But incarcerated people aren’t just vulnerable owing to the hazardous nature of the work they do; they lack the power to keep themselves safe and are forced to rely on prison officials for their well-being in dangerous situations. High Country News spoke with Purdum, who has spent her career researching the unique problems faced by incarcerated people during disasters, along with lesser-known aspects of prisoners’ labor. This interview has been edited for length and clarity. High Country News: Much of your work focuses on the vulnerability of incarcerated people when a disaster hits. What are some of the less obvious ways prison populations are impacted by an extreme weather event or natural disaster? Carlee Purdum: The location of prisons contributes to that vulnerability because there is a priority for cheap land, and that is often in rural areas. When prisons are impacted, it’s difficult to get resources to them. And then the characteristics of a prison itself create a lot of vulnerability: Incarcerated persons have to rely on the state and the staff at their individual unit to protect them, and that is often a very challenging thing. There are also the characteristics of incarcerated persons themselves. They are a stigmatized population, so they’re often on the lowest priority in terms of disaster resources. Incarcerated persons have very limited rights, so if they are told that they are going to go out and do a certain type of work, they don't have the right to refuse. If they do refuse, they can be written up with disciplinary infractions, they can be put in solitary confinement; it can have real-world impacts on them and their chances of being released. One man, Neil Ambrose, was doing debris cleanup, and there was a downed power line after a storm. The power line sparked a small fire, and the guard ordered the incarcerated persons to stomp the fire out — and when Neil did that, he was electrocuted and died. Even if they perceive that their health and their safety and even their lives are at risk, they don’t have a right to say, “No, we’re not going to participate in that.” HCN: In your research, you analyzed state emergency operation plans. How are prison populations addressed in state disaster planning? CP: I found that incarcerated persons are viewed as a vulnerable population, a hazardous population and as a workforce. States will include some references as to how incarcerated persons need to be protected in disasters. And evacuations of prisons do happen. One example is wildfire in Western states when institutions are threatened. But, on the other hand, they are also viewed as a hazardous population. (And) in emergency planning, there’s a disproportionate focus on emergencies that are defined as “inmate-precipitated”— which includes hostage situations, riots, things like that. Those are more frequently included in not only in planning documents but also in emergency management within prisons. There’s this focus on incarcerated persons perceived as being a threat, but less focus on the kinds of emergencies and disasters where incarcerated people are the survivors and need a humanitarian response. That’s been recognized as a problem in prison emergency management for the last two decades. HCN: What are some lesser-known uses of incarcerated labor in the West that the general public might not think about? CP: For any major disaster that happens, there’s typically going to be some kind of role for incarcerated workers, and that's because disaster programs subsidize it. There is a really compelling example in California, where incarcerated workers were helping with mudslides back in 2005. They pulled out more than 150 incarcerated folks from the prisons to help dig out this debris that had impacted this community. They were working alongside the cadaver dogs and other workers with specialized equipment. They were looking for possible survivors or possible deceased victims. In Nevada, incarcerated persons have been active in flooding events. On the website of (Nevada’s) Department of Corrections, they also say that their work crews were involved with recovery efforts for the space shuttle Columbia disaster. The impact of hazards and disasters on incarcerated persons is extremely traumatic, and we just have no idea what the true toll is on people, on their health, on their relationships with their families, on their life trajectories. It’s throughout the lifecycle of disasters, too. You may not think of construction workers at the prison as being involved in disaster work, but if they’re repairing a damaged state facility, if they’re providing some kind of construction work on a damaged school — that is recovery work. In California, they’re helping to do the seismic retrofitting of buildings. That’s hazard mitigation work. They’re really involved throughout the entire lifecycle, and in disasters, that’s mitigation, preparedness, response and recovery. HCN: Can you talk more about the people themselves and what is at stake for them? CP: When you look at the public health impact, or even just the emotional trauma and physical harm, there are many examples of incarcerated people suffering in the context of disasters. Whenever (they) are evacuated from a facility, that can be very traumatic for family members who may have no idea where their child is, or where their husband or wife is. When evacuations happen, (prison officials) often keep that information private until the evacuation is really complete. Then we have these very infamous examples of the trauma that incarcerated people at the Orleans Parish prison suffered after Hurricane Katrina. They were stuck in their cells with chest-high water that was contaminated. These are people having medical emergencies. They had no access to fresh water or food, and then when some people tried to escape this very dangerous situation, they’re viewed as this threat. The impact of hazards and disasters on incarcerated persons is extremely traumatic, and we just have no idea what the true toll is on people, on their health, on their relationships with their families, on their life trajectories. It’s an unexplored subject. There needs to be further research on how being incarcerated can impact a person’s life if they’re exposed to disasters. HCN: What are you hoping people will take away from this research? CP: I have talked to other organizations that are trying to put together materials for communities to be able to hold their local prisons responsible for how they interact with incarcerated persons in disasters. The environmental justice program with the NAACP put together a resource for communities after disasters to make recovery more equitable. It serves as a checklist: First, look in your community and see if incarcerated persons are being used for disaster work. And if they are, ask if that work is voluntary; ask what kind of training is being used; ask what kind of equipment like personal protective equipment incarcerated persons are being given. I recommend people look into tools like that, look into resources like that, to make the practice more visible and to hold those agencies accountable for how they are treating people.

**Oil spills cause extinction and worsen environmental justice--we have an empirical meta study**

**Little et al 21** (David I. Little (Environmental Consultancy @ Cambridgeshire), Stephen R.J. Sheppard (Collaboration for Advanced Landscape Planning & Department of Forest Resource Management @ Faculty of Foresty @ University of British Columbia), David Hulme (Global Development Institute @ University of Manchester), “A perspective on oil spills: What we should have learned about global warming”, https://www.sciencedirect.com/science/article/pii/S0964569120304166, Ocean & Coastal Management, Volume 202, 1 March 2021, EmmieeM)

Scientific knowledge of marine pollution and oil spill response (OSR) innovation has diffused over half a century. Local community resilience to spills and the equitable application of knowledge worldwide are constrained by several barriers. These range from access, governance, cost minimisation, through austerity and poverty in affected areas, to realpolitik (e.g. vested interests, nationalism, corruption, security breakdown and war). Ongoing incidents show inequalities in spill risk and OSR capability. Advances in knowledge have belatedly brought us to the conclusion that the logical way to reduce adverse impacts of oil in an era of global warming is to accelerate decarbonisation. This would rapidly and simultaneously reduce the frequency, magnitude and consequences of oil spills. Meanwhile, mitigating spills, managing OSR, and restoring local communities and ecosystems at spill sites are fundamental obligations for the oil industry. These obligations should be routinely enforced by all responsible governments, and backed by inter-governmental agencies and conventions. However, we must no longer assume that even the best practices in exploration, production, refining, transport and consumption of hydrocarbons can adequately reduce their leading role in the ongoing destruction of the global environment. 1. Introduction 1.1. Background Aged fourteen and led by an ex-wildfowler parent, two of the authors had already visited the UK's teeming seabird colonies on Handa Island, Bass Rock, Farne Islands and Skomer Island. Seeing the ‘Torrey Canyon’ oil spill on TV on March 18, 1967 was a terminal shock to childhood. Marine oil pollution suddenly became the environmental hot topic internationally for the public. The background was one of increasing concern over persistent organochlorine pesticides, highlighted in USA by Rachel Carson (1962). Cold war tensions came to a head that year in the Cuban missile crisis. Although Pacific nuclear bomb tests continued into the 1990s, a treaty banning atmospheric testing led to peak fallout in 1963, until the Chernobyl accident (1986). There was socio-political upheaval in the civil rights and peace movements, with growth in multilateral pressure groups. Public pressure on environmental problems achieves results. Leaded petrol was phased out from 1975 in USA, from 1983 in UK (after Royal Commission on Environmental Pollution), and completed in 1999. Some countries acted on ozone layer depletion in 1978, and (after work by British Antarctic Survey), the 1987 Montreal Protocol phased-out chlorofluorocarbons (CFCs) globally. By 1979 the international dimension of acid rain from SO2 pollution made headlines leading to the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (the first global environmental accord). From 1990, SO2 and NOx emissions reduced in USA with the first market cap-and-trade system. Acceptance of the economic case by industry and government was essential to finding alternatives to leaded petrol and CFCs. Growing public expectations of peace, social justice and environmental protection underpinned all these changes, and oil spills inevitably ceded their position as No. 1 environmental issue. 1.2. Anthropogenic climate change Decades later, the perceptions of ordinary people have renewed intensity. Peak concern passed to greenhouse gas (GHG) emissions causing climate change. Compared to the outrage caused by dramatic oil tanker accidents, this change in perception started slowly but grows relentlessly. The global warming hypothesis is robustly tested and accepted (except by populists and vested interests) as much as major scientific hypotheses such as the Earth's age, plate tectonics and evolution. Unlike these subjects, runaway climate change is a man-made existential crisis. It is neither academic nicety nor liberal conspiracy. Climate change is also the eponymous crisis of the Anthropocene: over-arching, synchronous, cascading processes affecting the harsh lived experience of hundreds of millions of people with ramifications for millennia. It is the key global stressor of the planet's ecosystems, driving coastal squeeze, desertification, flooding, food security, forest fires, freak weather, human migrations, invasive species and rapid extinctions. It increases the risk of wars and viral pandemics. These stressors are intensified by positive feedback loops that are not the product of mass hysteria from social media, or a vague perception of worsening weather in news reports. The 2008 and 2009 Conference of Parties (COP)14 and COP15 of the United Nations Framework Convention on Climate Change (UNFCCC) discussed a successor to the Kyoto Protocol that was postponed as the global financial crisis deepened. In 2015 the aim of COP21 to accelerate action and investment in a low-carbon future was enshrined in the Paris Agreement, from which President Trump would have withdrawn USA had he not lost the November 3, 2020 election. In 2019 COP25 was sabotaged by President Bolsonaro of Brazil and moved via Chile to Madrid, losing more precious time. Glasgow's COP26 is postponed until 2021 due to COVID-19. By now we should have been well on our way to mitigating catastrophic climate change. Instead, we focused on bailing out the financial system that caused the economic crisis, and on restoring the very economy that massively discounts future impacts of climate change. A decade later we continue relying on the carbon industries, despite climate change and inequality being seen as the world's most pressing problems (Hulme, 2016). Foreign aid should encourage sustainable development, not fossil fuel projects such as $1.2 billion (B) from UK Export Finance for a Mozambique liquefied natural gas project. To avoid the calamity resulting from a mean temperature increase of 1.5 °C we have only a decade to cut CO2 emissions by 45% from a 2010 baseline (UNFCCC, 2019). It will take ‘cold turkey’ to stop a fossil fuel addiction that provides warm or air-conditioned homes, air travel, and ever-growing numbers of cars. In a poll of 26 000 people in 26 countries under lockdown in July/August 2020, the following percentages said they would use their car more afterwards: >60% in Brazil and S. Africa; >40% in Australia, India and USA; >30% in China and Italy; and >20% in Japan, Germany and UK (Watts, 2020). Looking at three scenarios after COVID-19 (‘good, bad and ugly’), the ‘bad’ scenario (business as usual) is identified as the most likely outcome (Hulme and Horner, 2020). With currently hollowed-out state sectors, there will be disastrous consequences if we return to the excessive consumption of business as usual, driven by poorly-regulated markets, out-of-control outsourcing, private equity, shell companies, offshore tax havens, money laundering and organised crime. Among the legal beneficiaries of the ‘bad’ scenario are opaque think-tanks, arms salesmen and the fomenters of fake news and climate change denial. What some powerful elites prefer, the rest of us as consumers apathetically seem to covet. The ‘ugly’ scenario (socio-environmental breakdown and war) would spread ever more widely. As to whether it will, our life and times are already framed by culture wars with each side seeing an enemy in plain view. In place of such populism, we must learn behaviours to manage the crises of politics, economics and environment. Whereas a rapid shift to a low-carbon economy is extremely challenging, there is hope for a ‘good’ scenario if city and rural dwellers in developed and emerging regions are not divided and ruled by fossil fuel lobbyists, political donors and their protégés. We must ‘build back greener’ and not retreat into carbon-heavy lifestyles. An example is set by Vancouver, whose leadership in 2009 aspired to be the world's greenest city by 2020. It now leads North America in reducing carbon pollution, receiving requests for advice from 2000 cities worldwide. Standing alongside First Nations communities, Vancouver opposes bitumen export pipelines to the British Columbia coast from the Athabasca tar sands in land-locked Alberta (Mauro, 2018). In hindsight, the 1967 ‘Torrey Canyon’ and subsequent oil spills are landmarks clearly pointing to the climate crisis becoming the ultimate emergency. The OSRs we have conducted recognize the importance of prevention (mitigation), clean-up and restoration (adaptation). Our visceral reaction to TV footage of spill impacts on seabirds in 1967 was triggered visually. Consequences of climate change can be brought home to people using landscape visualisation (Sheppard, 2005). Although CO2 is invisible, the mitigation and adaptation lessons must be applied globally, rapidly and visibly to avert climate catastrophe (Sheppard, 2012). 1.3. Research objectives In a 2013 interview J.G. Speth articulated a serious practical dilemma: “I used to think that the top global environmental problems were biodiversity loss, ecosystem collapse, and climate change. I thought that thirty years of good science could address these problems. I was wrong. The top environmental problems are selfishness, greed and apathy, and to deal with these we need a cultural and spiritual transformation. And we scientists don't know how to do that” (quoted by Berry, 2018). With the aim of addressing this dilemma, the following research questions were examined from the perspective of cumulative experience of oil spills: 1) What are the valuable lessons from the history of oil spills in terms of changes in public perception, responses to present and future threats and specifically to anthropogenic climate change? 2) What are the effects (on spills and climate change) of variations in public and private sector governance, ranging from moral, legal and multilateral actions to the opposite extreme of neo-colonialism and corruption among businesses and governments? 3) How can the attention of more people be stimulated to peaceful action on the urgency of global environmental protection, so that industry, governments and public cooperate on decarbonisation (i.e. GHG phase-out)? 2. Methods With an emphasis on key oil spill incidents from 1967 to-date, the study approach was chronological but grouped into phases defined by growth in knowledge and the changing public reactions to spills. Concerns ranged from scientific to socio-economic, political and global development issues. Oil spill cases and responses were reviewed and interpreted. Climate change and oil spill perceptions were considered in cultural as well as scientific terms, illustrated by references to art, literature, music and video. Questions for assessment of an oil spill contingency plan (OSCP) were used to invite comparison with the primary response to COVID-19. Sources included news media, technical reports, OSR handbooks and scientific articles. The lead author's knowledge since 1975 in the oil port of Milford Haven (UK) came from over 20 oil spills worldwide, spanning multiple years in four cases (‘Exxon Valdez’, ‘Sea Empress’, Gulf War, Niger Delta). Two of these assignments were as principal investigator and/or expert witness, and three as steering committee member/independent reviewer. If all spills were the same and all their OSR lessons were applied effectively and equitably, a ‘career in spills’ would have been unnecessary. 3. Results: oil spill impacts and response 3.1. The ‘new normal’ of spills Oil has seeped into the ocean for hundreds of millions of years; thankfully, otherwise the microbial communities capable of breaking down hydrocarbons at sea would not have evolved. During WW2 fuel oil was spilled faster, in larger quantities and amid horrific loss of life. The only upside was that over-fishing was impossible in strategic waters during the conflict, and so marine fishery stocks recovered despite the oil. Oil spills affect seawater quality and ocean ecology on relatively limited temporal and spatial scales. Natural mitigating processes include: oil evaporation, spreading and dilution; water turbulence and mixing; flocculation, biodegradation, biopackaging and sedimentation of suspended oil droplets; rapid recovery or replacement as a result of plankton communities’ patch dynamics; toxin depuration physiology of fish; and wildlife mobility or avoidance behaviours. However, in sheltered areas of coastal seas, estuaries, deltas, and particularly in fine-grained sediments and wetlands, stranded oil is often persistent and toxic. Depending on the efficacy of response and clean-up, lingering oil can cause significant adverse impacts on receptors and natural resources, affecting biodiversity, ecological succession, and bioaccumulation (primarily in shellfish). The socio-economic activities affected include tourism amenities, desalination and cooling water intakes, wild fishery market closures, and oiling of seafood aquaculture facilities. In addition to any crew fatalities and injuries, human health is affected in some receiving environments. Impacts of some spills are well-documented, and we do not cover them here in detail. This section examines lessons from case studies of spilled oil fate, behaviour and effects, how they are assessed, and how they drive evolving clean-up options. Summary data are given in Table 1 for 24 larger tanker spills worldwide, showing key references in a range of locations, 50% European. Although smaller, the last three are included by the International Tanker Owners Pollution Federation (ITOPF). In 33% of these spills, all outside Europe, no opportunity for study arose or impacts were not assessed (N/A). Table 2 shows the approximate costs of the oil spills in this study (footnote [b](https://www.sciencedirect.com/science/article/pii/S0964569120304166#tbl1fnb) in Table 1). In addition to the cause, size and oil type, the costs depend on weather conditions at the time, geographic location, access, security, geopolitics, governance, legal circumstances, and affluence in the affected region. The limit of insurance liability also drives/minimises costs. If, despite the ‘polluter pays’ principle, no spiller OSR is forthcoming, then government, United Nations (UN), European Commission (EC), ITOPF or non-governmental organisations (NGOs) may assist. Over the two decades following ‘Torrey Canyon’ there were two further landmark spills: March 16, 1978 ‘Amoco Cadiz’; and March 24, 1989 ‘Exxon Valdez’. All three incidents catalysed international efforts to prevent spills, improve response and examine ecological impacts. Responders did not get it right every time, but by getting it wrong in new and imaginative ways they gradually made fewer mistakes. ‘Torrey Canyon’ was bombed by the RAF using high explosives and napalm. The first-generation dispersants sprayed and poured onto shorelines were industrial cleaning products (mostly aromatic hydrocarbons) that did more damage than Kuwait crude oil alone. After the ‘Amoco Cadiz’ spill (Iranian light and Arabian crudes), shoreline clean-up involved the French army removing an oiled saltmarsh. ‘Exxon Valdez’ (Alaska North Slope) crude oil was cleaned from rocky shores using hot seawater and pressure washing that was controversial: effective if the perception was that all oil had to be removed, but not necessarily using net environmental benefit analysis (NEBA). In a spirit of cooperation, experts from industry, government, civil society and multilateral agencies lobbied, funded and conducted R&D. The Environmental Sensitivity Index (ESI) was developed to prepare for oil spills including in remote areas (Gundlach and Hayes, 1978). Entering into force in 1983, the IMO International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) was instrumental in preventing tank washing at sea and improving ports' waste reception facilities. Spill compensation schemes were refined (summarized in ITOPF, 2020b). Spill trajectory modelling, aerial surveillance and clean-up technologies improved the oil encounter rate at sea and the effectiveness of oil recovery equipment (pumps, booms, skimmers). Lower-toxicity chemical dispersants and aerial spraying capability came together. The reluctance to use dispersants after ‘Torrey Canyon’ was overcome for some spills where resource managers agreed that NEBA might result in less impact than oil alone. Training improved in deployment and monitoring the effectiveness and effects of countermeasures. As part of the OSCP, stockpiles of OSR equipment were created, and ‘spill drills’ simultaneously became world-class and routine. To improve OSR, clean-up cooperatives were established from 1985. Lessons learned were documented and fed back into the revised plans and clean-up manuals. For positive outcomes to spills, a strategy and a well-rehearsed, tactical OSCP are both needed. These enable responders to apply the technical data and scientific knowledge that are codified in regulations, procedures, guidelines and advice. The uneven COVID-19 response worldwide has shown the critical importance of international coordination and rigorous testing of contingency plans. The UK central government and others failed to ask, let alone answer the right questions, as can be seen by substituting the COVID-19 equivalent in the following OSCP questions (Table 3; see section 4.1). Experiments conducted in the field, in the laboratory and at the meso-scale (e.g. tank tests and enclosed ecosystems), refined and confirmed many of the observations from oil spill case studies. Seminal work was conducted by scientists from the Field Studies Council (FSC) Oil Pollution Research Unit in Wales, who among others were also engaged in environmental monitoring of coastal refinery discharges and the proliferating oil and gas fields in the North Sea and elsewhere. Despite the inevitable blind alleys in oil spill R&D, learning from the mistakes and moving quickly on were hallmarks of the progress that was needed. The experimental, adaptive management approach facilitated controlled comparisons between clean-up options, leading to development of practical OSR guidelines that in turn informed contingency plans. The FSC and other natural history NGOs have wider historical, ecological and cultural importance, including tracking the evolution of perception and ethics in environmental learning (Berry and Crothers, 1987). It seemed that the coincidental 11-year intervals between the three landmark spills were enough to make real progress. And yet it was too long because funding as well as public and professional vigilance dwindled before the next large spill. ‘Amoco Cadiz’ and ‘Exxon Valdez’ were cases that were heard or settled in US courts. Not content with the international compensation schemes that limit the spiller's liability (mainly relating to tankers), after ‘Exxon Valdez’ the USA quickly ratified the Oil Pollution Act 1990 (OPA 90). This created a comprehensive prevention, response, liability and compensation regime for oil pollution in US navigable waters (fresh and marine) and from all vessels and other facilities including offshore platforms. The Americans developed a formal process for Natural Resource Damage Assessment (NRDA), alongside compelling musical (Zappa, 1993) and artistic perceptions (Troll, 1989, Fig. 1). Apart from NRDA, oil spill impact assessment was not standardised, and remained an evolving, patchy process. Many spills had no impact assessment and even those for ‘Torrey Canyon’, ‘Amoco Cadiz’ and ‘Exxon Valdez’ came from separate sources (Table 1). Tracking recovery from multiple inputs against fluctuating baselines can take decades (Hawkins et al., 2017). In addition to official assessments, essential knowledge was gained from experience, case studies and expert reviews during ‘peacetime’ between spills. In place of anecdotal data there was better understanding of the physics, chemistry and biology of oil spill behaviour and effects. Some complained about the high cost and litigious nature of the ‘Exxon Valdez’ response, but the thorough science undoubtedly improved reliability of impact assessments. ‘Exxon Valdez’ technical innovations were deployed later in other spills (e.g. ‘Deepwater Horizon’ blowout in 2010, section 3.2.4). The multi-agency Shoreline Clean-up Assessment Technique (SCAT) included ground and aerial survey methods that, with early Geographic Information Systems (GIS), were pioneered in the ‘Exxon Valdez’ response. The Global Positioning System (GPS) and field computers later helped long-term impact surveys and NRDA. Fine sediment particle interaction with oil was shown to influence oil behaviour, and prolonged deep (>1m) oil penetration into coarse sediments was studied in unprecedented detail (Fig. 2). The advanced chemistry forensics, oil source fingerprinting, bioremediation trials, and wildlife and cultural resource programmes benefitted all sides in the ‘Exxon Valdez’ case. These innovations are still widely applied. Cultural resource studies used First Nations anthropology expertise from Alaska and British Columbia. The involvement of local communities continued after the spill (e.g. Alaskan Regional Citizens' Advisory Councils). In contrast, in some recent spills and geographies a science-led response seems impractical, cursory, and not always reliable or inclusive of local and indigenous communities (section 3.3). 3.2. Growing recognition of oil's global impact 3.2.1. Changing circumstances At the end of Soviet communism (1991) and South African apartheid (1994), the years 1991–2002 saw growing democratic values, a sense of optimism, improving technology, and increasingly sustainable development. From 1991 to 2000 IPIECA produced 10 habitat-specific guidelines on oil pollution impacts, OSR and NEBA. Three key UN conventions on biodiversity, climate change and desertification followed the Rio Earth Summit (1992). In that year, tanker spill compensation liability limits were expanded to $280 million (M). In a temporarily ‘unipolar’ world where ascendant USA was committed to multilateralism, a UN agency with oil spill remediation and reconstruction responsibilities was created to assist recovery from the 1991 Gulf War (section 3.3.1). The average numbers/decade of medium and large oil spills from tankers halved between the 1970s and 1990s. The reduction since the 1970s is now more than an order of magnitude, thanks to public pressure and better environmental management (e.g. effective regulation, standards, certification, audit, prevention, surveillance and reporting; Fig. 3). Estimated oil inputs into World Oceans from shipping and other (including unknown) sources were 4 million t/year during the 1990s (Fig. 4). The inverse, but not causal, relationship between rising emissions/concentrations of CO2 and falling oil spill frequency is shown in Fig. 5. The juxtaposition and common inflection points in the early 1970s are striking. After the OPEC oil embargo in 1973, the reduction in spills' frequency (if not always their size) was sustained in spite of tanker trade increasing from c. 60 to 100 million t/year between the 1970s and 2000s. There is a huge difference between c. 4 million t/year of oil inputs to the oceans from all sources and c. 30 billion tons of CO2/year emitted to the atmosphere. Oil spills are a low but highly visible hazard generating historically high levels of public outrage. In total contrast, anthropogenic climate change is an extreme hazard that until recently has produced little outrage, considering the acceleration in CO2 inputs 50 years ago, when a ‘red flag’ should have been raised (Fig. 5). Being unaware of climate change was the norm in 1970 but to deny it after the early 2000s is indefensible, given that the challenge of necessary adaptation far outweighs that presented by spills. Dismantling UN agreements is not the way forward. Instead, climate emergency planning is essential with UNFCCC taking the lead. Mitigating and adapting to the increased frequencies of extreme events also demands active transformation across society, industry and government. 3.2.2. Winter(s) of discontent (Shakespeare, 1597) Despite the general downward trend in number of tanker spills (Fig. 3), there was a spate of large spills from 1991 to 2002, mostly during northeast Atlantic winters (footnote [b](https://www.sciencedirect.com/science/article/pii/S0964569120304166#tbl1fnb) in Table 1). The adverse impacts of these spills did not change the whole direction and pace of oil spill response R&D as did the three landmark spills. This does not mean that the 1991–2002 spill record was acceptable; the large spills of the 1990s were a wake-up call to re-establish the positive trend. Innovative approaches to clean-up were developed on cliff coastlines using climbers, and R&D was commissioned into responses to spills of heavy oils. The ‘Haven’ (Iranian heavy crude) and ‘Aegean Sea’ (Brent crude) spills burned and caused severe impacts and fishery closures. The latter vessel was a modern double-hulled tanker, as mandated by OPA 1990 for US trade, and yet she broke up and burned on the waterfront in the evacuated centre of La Coruña. Burning oil slicks floated >5 km across the bay setting fire to maritime cliff vegetation near Breixo. This failure of prevention shows that improvements in tanker design and also in countermeasures are not a panacea, due to variations in oil spill behaviour, weather and human factors. The ‘Braer’ and ‘Sea Empress’ both grounded in protected conservation areas, although each spill had rather less adverse impact than originally feared. The ‘Braer’ lost 85 000 t of Gullfaks oil as she broke up near the shore, but storm-force winds meant hardly any of the light crude oil stranded. Most oil evaporated or carried as aerosol overland. Remaining oil formed dilute oil-in-water suspensions in the water column. The ‘Braer’ cargo and bunkers were a total loss, with one-third eventually settling out with fine particles that had been suspended by the storm. The ‘Sea Empress’ losses of 72 000 t of Forties blend crude oil were mainly dispersed by February gales and effective use of chemical dispersants on the ebb tide before she was brought into the shelter of Milford Haven. Some bunker oil persists along with historic inputs sequestered in fine-grained sediments of the estuary. Nevertheless, it seems large oil tankers can suffer grounding or destruction on or near the shoreline without long-term ecological impact. It would have been a very different outcome if ‘Braer’ or ‘Sea Empress’ had foundered two months later, in the seabird breeding season. In contrast, the persistence at sea of a relatively small spill of 20 000 t heavy fuel oil (HFO) lost in midwinter from ‘Erika’ led to probably the worst seabird kill in Europe, and heavy shoreline impacts. The ‘Erika’ and ‘Prestige’ HFO spills prompted improvements of spill response for this problematic oil type, better international cooperation in the European Union (EU), and HFO spill compensation under the 2001 Bunkers Convention. The formation of a viscous water-in-oil emulsion (‘mousse’) from HFO or crude oil under wave action creates a much higher volume of plumage-clogging, persistent pollutant that is also difficult to skim and pump. Galicians cried “Never Again” as they manually retrieved oil from ‘Prestige’ (Fig. 6). One exception to these NE Atlantic incidents was the ‘Katina P’ spill of 66 700 t HFO in Mozambique, severely oiling 3 km of mangroves in Maputo Bay and less severely 1450 km in total (550 km in South Africa). The ship's ‘innocent passage’ was nothing to do with Mozambique, but Table 2 shows that the government did not receive much of their damage claim. This was harsh considering that 15 years of post-colonial civil war still had four months to run, with small arms fire heard during clean-up (Little, 2018). Another problem with HFO is that there is low demand due to the welcome move away from its use in power generation, to protect air quality. Consequently it is surplus and cheap, leading to a perverse incentive for ocean-going ships to burn highly-polluting HFO with c. 1 billion t/year GHG emissions still not adequately controlled by IMO. In each of the above spills a substantial proportion of the HFO was burned or spilled along with the cargo. They all involved environmental and economic impacts including fishery closures. Each had novel features and was traumatic for local communities, and all became media events. Despite, or maybe because of colourful and immediate media coverage of the 1990s incidents, public perceptions of these spills were increasingly subject to spill fatigue. In the long-run the 1990s incidents will not be regarded as R&D landmarks of the magnitude of ‘Torrey Canyon’, ‘Amoco Cadiz’ and ‘Exxon Valdez’. These were landmarks not because of their size; after all, ‘Exxon Valdez’ lost ‘only’ 37 000 t. Rather, it was because they led to step changes in spill prevention, OSR capability, and lasting improvement in environmental understanding, all of which had been demanded by public opinion. Some of the innovations diffused very slowly. After ‘Exxon Valdez’ the UK scientific approach was improved, although not until 2007–9 were SCAT and advanced chemistry methods from Alaska fully codified in practical guidelines in UK scientific contingency plans (PREMIAM, 2009; 2018). 3.2.3. Concern shifts from spills to climate change Although GHG impacts did not feature significantly in environmental impact assessment (EIA) until the new millennium, NGOs and the public were beginning to focus less on individual oil spills than on other concerns, including global warming. This focus was sharpened in 2005 by Hurricane Katrina and Vice-President Gore's ‘An Inconvenient Truth’ (Sheppard, 2012). By 2013, climate change and biodiversity were integrated into EIA more prominently in European Union guidance (EU, 2013). Although public concern over spills remains a leading driver of opposition to coastal pipelines and tankers in places such as British Columbia, the oil that is not spilled is in fact the real problem. For example, spilled oil sedimenting out in an accretional environment is carbon that in effect is sequestered. The universal burning of fossil fuel is the main culprit in man-made global warming. Hydrocarbon combustion and agriculture are the main global stressors where the public (by exercising consumer choice) can play an urgent part in mitigating. A comparatively small contribution to global warming comes from oil spills, and this is mostly from the evaporation of volatile organic compounds (VOCs) from oil spilled at sea (and also welcomed by responders because it reduces shoreline impacts). Contributing to global warming from the upstream industry during leaks and upset conditions are potent GHGs such as methane, in particular from the industrial northern hemisphere. Downstream processing and retail sites have successfully improved VOCs capture and recovery. Safety and high utilization (e.g. waste and emissions minimisation) are paramount for as long as we continue to use hydrocarbons. However, the pace of replacement of fossil fuels by renewables must now rapidly accelerate. Renewables technologies including hydroelectric projects are improving all the time, and some costs are coming down. There are concerns that lithium, palladium and rare earth elements (REE) used in batteries, fuel cells and other renewables processes lead to adverse impacts of mining (onshore, in the deep sea, and potentially off-planet). Conflicts might arise over access to REE resources due to their geopolitical scarcity. Nuclear power will remain a primary energy source beyond fossil fuels, partly because safe storage of radioactive wastes demands sustained expertise and vigilance. 3.2.4. When life looks like easy street there's danger at your door (Hunter and Garcia, 1970) After about 2002, the oil industry must have seemed under control to the wider public, as headlines were not dominated by major oil spills. To secure their licence to operate, steady improvements had been made in the regulation and reduction of spills and drilling mud emissions from offshore oil and gas fields on continental shelves and in ever-deeper or colder waters. Whether the spills occur from tanker accidents, in E&P operations, from land-based sources, or down the drains of our industrial or housing estates, the cumulative knowledge gained can be effectively applied. It is possible to get through the emergency phase and manage OSR as a project like any other, preferably with transparent cooperation among industry, government, scientists, NGOs, media and public. A lower visibility of pollution should not mean complacency. During 2002 there were other serious and ongoing distractions: the burst of the ‘Dotcom Bubble’; Severe Acute Respiratory Syndrome (SARS) spreading human-to-human from Guangdong, China; and the aftermath of the 9/11 attacks in USA leading to the ‘War on Terror’ and the 2003 invasion of Iraq. Before it can be regarded a success, any response to oil spills (or chemical accidents, or viral pandemics) must protect lives and minimise health and safety impacts. At the same time, responders must trade-off economic/cultural resource impacts against adverse ecological impacts. As we see in COVID-19, getting these trade-offs right, documenting, validating and communicating them in a truthful, balanced way in the glare of the media, is the difficult part. Step forward Tony Hayward CEO of BP, after the explosion and blowout of the ‘Deepwater Horizon’ drilling rig on April 20, 2010 in the Macondo prospect, Gulf of Mexico. With massive oil releases of 700 000 t from the seabed wellhead showing live on subsea video over four months, BP could not be shielded by their hierarchy of contractors. Outsourcing by BP had already been intensified by the previous CEO John Browne, but some deep water technological challenges were new. Serious doubts about blowout preventers were raised, prompting rapid and business-interrupting risk reassessments in the E&P industry around the world. Media and other stakeholders including President Obama sensed a BP cost minimisation back-story. Public perception darkened dramatically as Mr Hayward, while sympathising with the affected communities, declared: “We're sorry for the massive disruption it's caused their lives. There's no one who wants this over more than I do. I would like my life back”. 3.3. Problem spills during conflicts 3.3.1. Desertshore (Nico, 1970) 3.3.1.1. Gulf War spills Away from TV cameras there were glimpses of other lives not being ‘back’, especially in war zones. These were spills that can make all the above seem ephemeral and colourful despite their impact. Even larger than the ‘Deepwater Horizon’ spill, the 1991 Gulf War spills (1 000 000 t) and fires in Kuwait were caused by sabotage by retreating Iraqi forces under Saddam Hussein. The spills were the first to be branded as eco-terrorism. The slicks contaminated 800 km of coastline including bays choked with oil in Saudi Arabia almost to Qatar. Much of the sediment infaunal community died when their burrows filled with oil, and algae bloomed in the absence of invertebrate grazing. Channels blocked by layers of algae and fine sediment led to feedback loops that changed the drainage hydrology and ecology of the tidal flats. An inter-disciplinary impact assessment was made in 1991–1993, representing a high point in international cooperation in oil spill science. A special issue of Marine Pollution Bulletin (MPB, 1993) described the scientific response including the 100-day ‘Mt Mitchell’ marine survey in 1992. The survey produced scientific data, fostered environmental awareness and cooperation among 140 scientists from 15 nations, and was organised by: International Oceanographic Commission (IOC); UNEP; Regional Organisation for the Protection of the Marine Environment (ROPME); US National Oceanic and Atmospheric Administration (NOAA); and Marine Spill Response Corporation (MSRC). Because oiling conditions and impacts were likely to have changed in the decade since these international surveys just after the Gulf War, intensive shoreline monitoring and rapid ecological assessment surveys in Saudi Arabia were undertaken in 2002–3. The degree of change 1993–2003 was assessed by building on SCAT, modified for vegetated, burrowed, carbonate sediments. More than 3100 transects were surveyed, almost 26 200 total petroleum hydrocarbon (TPH) samples and 2660 fingerprinting samples were analysed. Chemistry analyses were carried out in a state-of-the-art analytical chemistry laboratory established by Battelle close to the affected areas. The trained analysts produced top-notch data that was used later to calibrate SCAT field observations on oil character, to assess oil weathering, and to predict toxicity and ecological effects. The spills left TPH concentrations in visibly oiled sediment from 3200 mg/kg to 41 000 mg/kg. This oil persistence occurred despite the emergency response and initial clean-up. Using estimates of the volume of oiled sediment, this approximates to the total amount of oil lost by either the ‘Braer’ or ‘Sea Empress’. Less than ten years after these latter spills in high-energy areas, traces of remaining oil in sediment had been practically undetectable. In contrast, free-phase brown oil was visible after 20 years trapped in low-energy shorelines of the Arabian Gulf (Fig. 7). 3.3.1.2. UN Compensation Commission (UNCC) All oil spills caused by armed hostilities are hard to respond to, and unfortunately they are not covered by insurance and compensation funds. And so a new agency, the UNCC, was created after the first Gulf War. The necessary funds were raised from the sale of otherwise sanctioned Iraqi oil exports that were also used, amid some controversy, to fund emergency food and medical aid. From 1991, 2.6 million individual claims totalling $352B for wartime losses and compensation were processed by UNCC. Of these, after scrutiny by UNCC, about 70 claims were awarded for all losses ($52.4B). Of these, in 2005 the Follow-up Programme for Environmental Awards (F4) under Decision 258 awarded a total of $4.3B to Kuwait, Iran, Jordan and Saudi Arabia (Table 2). Added to the initial response this was the most expensive spill between ‘Exxon Valdez’ in 1989 and BP's 2010 blowout. The $4.3B included $0.51B for contracts in Saudi Arabia covering coastal remediation and restoration projects, and concentrating on the worst-hit locations at the time (2003 data). In addition, $6.17M was awarded for the creation and management of several marine protected areas (MPAs) elsewhere in Saudi Arabia. In the decade since the design of a visitor and educational centre, it is not known if lack of progress in MPA designation is due to poor disclosure or graft. During 2007, teams of independent reviewers (IRs) for the F4 programme were organised by UNCC under contract to recipient states. Baseline IRs surveys took place in 2007–8 with the respective national focal point (NFP). In the hiatus after the 2002-3 surveys, the UNCC noticed in 2009 that there were two parallel NFPs in Saudi Arabia. One of these had already awarded a design contract for salt marsh remediation, initially costing more than the entire 'Haven' or 'Braer' response (Table 2), and which UNCC adjusted downwards. After further scoping by the NFP, IRs and UNCC during 2009, tidal flats were added to marshes in the planned contracts. The coastal F4 contracts in Saudi Arabia were for clean-up and restoration of 1800 ha of heavily-oiled saltmarsh and intertidal flats, covering the worst areas of lingering oil. The projects to refresh the blocked channels, excavate new channels, transplant mangroves, till sediment flats, and monitor all operations were designed and supervised by a team of experienced environmental scientists (Pandion Technology-RPI, 2003). The team included some who took part in the shoreline surveys in both 1991–93 and 2002–3. Progress was at last being made, due to leadership continuity and an approach using field experiments and adaptive management. The low-profile remediation included sign-off by quantity surveyors. Saudi Arabian restoration is still ongoing 30 years after the Gulf War. The Saudi Arabia NFP was supported by advice from the regional offices of three of the ‘big four’ accountants (EY, KPMG, and PwC). One of these firms designed an accrual-based project accounting system because at the outset only cash-based accounting was in place. The first and smallest contract awarded was almost $10M for chemistry laboratory services. However, during the period of most intense remedial design and fieldwork, very few samples were analysed reliably, mostly overseas, despite the IRs' questions in their visits and six biannual reports (January 2010 to October 2012). In reply, there was no mention of the fit for purpose chemistry laboratory created in 2001 to compare sediment contaminants data to those from 1991 to 1993. Decadal sampling to compare sediment contamination could by now have been in its fourth collection phase, continuing the high standards set in 1992 (MPB, 1993) and by Pandion Technology-RPI (2003). Including quantity surveyor and chemistry contracts, seven terrestrial and 13 marine remediation contracts covered most of the Saudi Arabia F4 programme. Information on bidders was scant. Few had demonstrable qualifications (e.g. website), which made it hard to check their remediation experience and identify possible collusion among firms. Improbably for competitive tendering, the winner and runner-up bids in each of the 20 contracts were separated by as little as 0.05% of the price. Across all contracts, there was low statistical probability (p < 0.005) that the significant separation of the two front-runners from the remaining bids occurred by chance. The IRs asked how this had occurred, but got no answer. With all major contracts awarded and most payments disbursed to recipient nations, the UNCC wrote its final report on the F4 awards in 2012–2013 (UNCC, 2016). The Saudi Arabia IRs disagreed when in Decision 269 UNCC declared its mandate fulfilled by the systems and assurances for recipients to continue without independent review. At the disengagement of the UNCC, the unresolved issues included stakeholder engagement, oily waste management, provision of hydrocarbon data, creation of seed banks for desert re-vegetation, site protection and designation of MPAs. Apart from RPI's technical publications (e.g. Minter et al., 2014), there was little transparency since the departure of the Saudi Arabia IRs team and UNCC in 2012–2013. 3.3.2. Multiple activities of UN agencies The UNCC had only one mission, albeit a huge one. As a consequence, UNCC was not available to assist in 2007 when requested by UN Development Programme (UNDP) following another deliberate Middle East oil spill in July 2006, this time in Lebanon. In retaliation to rocket attacks on Israel by Hezbollah, a fuel oil spill of 15 000 t (and fire c. 55 000 t) was caused by the Israeli Defence Force bombing El-Jiyeh power station in southern Lebanon (UN, 2007). Spill assistance was by the EC, ITOPF, International Union for the Conservation of Nature (IUCN), and the following UN agencies: IMO Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC); Food and Agriculture Organisation (FAO); UNDP; UNEP; UN Educational, Scientific, and Cultural Organisation (UNESCO, focusing on Byblos World Heritage Site); World Bank; and World Health Organisation (WHO). UN estimated spill costs at $203M (1% of 2006 Lebanon GDP, and 28% of total war damage). Funding was by UNDP and OPEC, but only $15M of the estimate was paid by 2007 (Table 2). Despite UNCC experience with planning environmental restoration after the Gulf War spills and various agencies’ work in Lebanon, the UN system had difficulty coordinating these responses amid rising tensions in the region. This was not helped by the lack of success in gaining compensation from Israel, despite repeated UN Resolutions over 13 years to “direct Israel to respond with prompt and adequate compensation” (UN, 2019). Briefly and without success, UNEP was considered from 2013 as a possible successor to UNCC to track progress in the ongoing Gulf War spills restoration (section 3.3.1). This did not happen, perhaps because UNEP was getting involved in assessment of the environmental effects of the Syrian civil war, including the use of chemical weapons by President Assad on his own people. As far as is known, there are no plans to revive UNCC despite the impacts of ramifying conflicts in the oil-rich region, for example the civil war in Libya or the aftermath of Daesh warfare across the fertile crescent of Iraq and Syria. Oil spills are highly probable in Yemen due to ongoing civil war. A ballast tank was breached on the tanker ‘Syra’ after striking a mine in the Gulf of Aden on October 2, 2020. Another tanker ‘Safer’ was used as a floating storage and offloading (FSO) terminal until 2015, but now is held hostage with 155 000 t of Marib crude oil that threatens conservation sites in the Red Sea and Gulf of Aden (e.g. Farasan Islands, Socotra). The UN has been prevented from inspecting the FSO since 2019 (BBC, 2020a). 3.3.3. Ogoniland conflict: foreign companies dey Africa carry all our money go (Fela, 1981) 3.3.3.1. UNEP in ogoniland By early 2007 after the Lebanon spill, UNEP was invited by the federal government to assist in a post-conflict response in Ogoniland in SE Nigeria. Ogoniland is part of what was called Biafra in the Nigerian civil war (1967–1970). The problems of gross oil pollution over decades had overwhelmed the capacity of industry and government to respond. However, in this case the local population density is high and most people are extremely poor. Despite the much smaller size of the individual Niger Delta spills compared to all the above examples, the environmental and social impacts are severe and tensions very high. So much so, that no oil production has been possible in Ogoniland for almost three decades. The deadlock came about because of civil and NGO protests that were met with a violent federal government response, leading to the trial and execution on November 10, 1995 (BBC, 2020b) of nine Ogoni leaders and writers including ‘Ken’ Saro-Wiwa (2013). Neonatal mortalities are twice as high within 10 km of Niger Delta oil spills. Comparing pairs of siblings born to the same mother but conceived respectively before and after a documented nearby oil spill, there is a significant increase in neonatal mortality of 38.3 excess deaths/1000 live births (n = 23 000) according to Bruederle and Hodler (2018). Their paired sample design controlled for other factors than nearby oil spills, and found that oil spills occurring before conception are killing in their first month of life as many as 16 000 infants per year in the Niger Delta. Public health, housing, food and cooking fuel, sanitation, waterways, recreation, cultural life and livelihoods in Bodo are heavily dependent on local natural resources in the mangrove-dominated coastal zone. This contrasts with the sparse population and greater per capita wealth of Saudi Arabia, where the affected marshes are almost devoid of human activity. Unlike all the major tanker spills described above, the poor in local communities affected in the Niger Delta are cast in a frankly colonial mentality as being part of the problem rather than for the most part as victims of criminally inadequate environmental practices. By stereotyping the local people as oil thieves, the western oil companies betray the majority of people of the Niger Delta while continuing to sell the oil. International oil companies have operated profitably in the Niger Delta since 1956 (Shell) and 1962 (ENI and Total). Potentially complicit parties include Nigerian National Petroleum Corporation (NNPC), Nigerian federal and local governments, judiciary, security forces, shareholders and pension funds (including those of the Church of England). To solve this, all that must be done is to uphold the rule of law (Fig. 8, Fig. 9). Environmental surveys have previously been completed (1980 Funiwa #5 20 000 t offshore well blowout; 1983 onshore production areas; 1995 delta-wide; and 1997 Niger Delta Environmental Survey). Each of these involved evermore strategic environmental and socio-economic scope. However, few were able to engage fully with the local affected people by seeking the free, prior, informed consent that inter-governmental agencies and NGOs agree are needed. A breakthrough looked promising in 2007 when the federal government invited UNEP to carry out a baseline survey of Ogoniland to assess the scale of remediation required. The UNEP project was a detailed multi-discipline survey of air, water, sediment, soil, biota, and a preliminary study of human health, all of which showed that many local people are indeed 'living in oil' (UNEP, 2011). By overcoming logistical challenges and the legacy of mistrust, UNEP succeeded in providing a faltering start in planning the clean-up. A restoration fund of $1B was recommended, including a centre of excellence in remediation technology (Table 2). And so the federal government formed a new agency (Hydrocarbon Pollution Restoration Project; HYPREP). After some confusion between existing agencies charged with regulating oil pollution, if successful in Ogoniland, HYPREP could begin the huge task of clean-up across the entire Niger Delta. The Bayelsa State Oil and Environmental Commission are also now examining regional remediation precedents. But first the endemic oil theft must be stopped, or else any clean-up is futile. Meanwhile, according to the Extractive Industries Transparency Initiative, oil theft is costing Nigeria over $4B/year. This was almost 1% of GDP in 2019, after Nigeria displaced South Africa as the largest African economy. The failure to prevent criminal activity is an ongoing fatal flaw in all restoration plans because repeated inputs of fresh crude oil will inevitably stress or kill vegetation. A status report on the clean-up published in June 2020 involved revisiting some original UNEP sites (FoE, 2020). The report concluded that a new start is needed across the entire delta. The emergency measures recommended by UNEP over a decade ago to protect human health have not been provided (e.g. replacing drinking water wells contaminated by benzene). No health impacts have been or are being monitored. Most contractors are not qualified; 11 of 16 companies contracted for oil clean-up are reportedly without expertise in remediation. Only 11% of the sites recommended by UNEP for clean-up and remediation are completed. HYPREP has been compromised by conflicts of interest and procurement irregularities, with $31m spent since 2018 not properly accounted for. HYPREP has now recruited new personnel with UNEP and Bodo project experience. 3.3.3.2. Bodo community Bodo is a Niger Delta fishing village in Ogoniland. Pipeline maintenance failures led to two spills in late 2008 (totalling 580 t Bonny light crude oil). In this area, Shell Petroleum Development Company (SPDC) is the E&P operator on behalf of a joint venture with the NNPC, Total Exploration and Production Nigeria Limited and Nigerian Agip Oil Company Limited (part of ENI). Liability was admitted by SPDC for probably the largest mangrove kill in history, but partly due to endemic security problems it was unable to fix the pipeline, recover the oil, remediate the former mangrove sediment habitats, or restore their high biodiversity and subsistence values. Despite SPDC experience in numerous smaller delta spills over decades and the back-up of Shell, Total and ENI international experts, a cumulative 1000 ha mangrove forest was killed in Bodo after the two pipeline spills in 2008. Shell, Total and ENI are shareholders in the industry-owned emergency response organisation (Oil Spill Response Limited; OSRL) whose website promises: “Wherever your oil spill risks lie in the supply chain, we are ready to respond with our expertise and resources anytime, anywhere”. It is unclear whether OSRL was asked to deliver on this in 2008 by Shell or the SPDC joint venture. Implementation of the findings of the UNEP (2011) report is now described by subsidiary SPDC rather than Shell Nigeria, whose website link to 'UNEP implementation' appears defunct (Shell Nigeria, 2016). The parent company may be distancing itself from liability for its subsidiary's impacts in Ogoniland, but ultimate responsibility lies with Shell (Shell Nigeria, 2016). Average TPH concentrations of 40 000 mg/kg were found in the former mangrove sediments seven years after the spills (Little et al., 2018). This is exacerbated by organised criminals who tap the export pipeline crossing Ogoniland to the Bonny Island terminal (Gundlach, 2018). The stolen oil is processed in improvised ‘refineries’ for sale locally and regionally. Fifty-three spills from over 200 illegal refineries occurred 2008–2019, totalling 1165 t of oil. Cooking up oil in leaky oil drums over open fires adds carcinogenic combustion products to the spills of crude oil (Fig. 8). The Bodo Mediation Initiative (BMI) from 2013 and a successful court case prosecuted by the Bodo community in London in 2014 were both essential to breaking the deadlock with SPDC and getting clean-up underway to international standards, at least in part of the delta. In 2015 Shell settled the compensation claims against the company for $73M (Table 2). The cash was distributed to the individual victims of the Bodo community via newly opened bank accounts. The Bodo community separately agreed that their claim for clean-up would remain in place so that they could return to court in London in future if the BMI clean-up did not meet international standards. Shell tried to strike this out in June 2017, but the community's right was upheld in London in May 2018 (Leigh Day, 2018, Leigh Day, 2020). Practical fieldwork could only begin in May 2015 after signing of a memorandum of understanding between SPDC and the Bodo community. Crucially, from May through August 2015 SCAT teams started to provide a strong participative framework for the essential scientific and technical aspects. Good agreement between SCAT descriptors and sediment TPH concentrations was established from the 2015 samples (n = 32; Little et al., 2018), and confirmed at-scale in 2017 samples (n = 624; Bonte et al., 2020). The reliance on chemistry sampling for monitoring against target levels is reduced by reaching field consensus on fine-tuning the clean-up methods for the vegetated and burrowed fine-grained sediments of Bodo. The challenge is to use NEBA for in situ remediation, recognising that clean-up guidelines typically recommend ‘leave-alone’ in such habitats (after the oiled Île Grande marsh was destroyed during ‘Amoco Cadiz’ clean-up; section [3.1](https://www.sciencedirect.com/science/article/pii/S0964569120304166#sec3.1)). Trial work is needed on how much nursery soil is transplanted with the seedlings to insulate them from lingering oil. Such adaptive management would track performance of the young trees as their root ball breaks out of nursery soil, compared to the effect of fresh oil spills on leaves or pneumatophores. Transplanted mangroves can grow successfully in cohesive oily sediments, in contrast with sediments that are flushed for long periods. Such intrusive treatment may produce cleaner sediments, but if they become liquefied then adverse impacts due to water-logging, loss of structure and erosion will delay recovery. In addition to mangrove seedling transplants, success depends on natural spread of healthy propagules. Phytoremediation improves longer-term sediment quality and biodiversity, even if in the short-term oil concentrations are high or temporarily increase (Bonte et al., 2020). The project stopped for almost two years after violence erupted in October 2015 due to dissatisfaction with the procurement process (Bruyne, 2020). A phase of surficial oil removal between September 2017 and August 2018 was followed by sediment remediation from November 2019, now interrupted by COVID-19. The SCAT process has helped operator and community to embrace new ideas in clean-up. Only by building mutual trust will the inevitable concerns be addressed and tensions defused. The success of BMI and SPDC also depends on reducing the huge inequalities by supporting alternative employment opportunities to take people out of illegal refining. 3.3.4. Mauritius spill On July 25, 2020 the bulk carrier ‘Wakashio’ grounded on a coral reef in SE Mauritius spilling >1000 t HFO and iron ore cargo. In addition to corals bleached by acidification from climate change, at risk are mangroves, seagrasses, coastal and pelagic birds, fishing communities and tourism. Under pandemic quarantine the vessel was 17% below required manning levels. Her Panamanian flag allowed contract extension such that two crew members had been onboard >1 year, risking crew fatigue. Panama's inspection blamed the incident on the change of course to look for internet signals, an allegation denied by the Japanese owner (PE, 2020). Regional investment in OSR and training has been patchy in East Africa and Indian Ocean, despite the efforts of foreign and UN aid programmes (e.g. Mauritius' coastal oil spill ESI atlas dates from 1989, before many states; Gundlach and Murday, 1989). Mauritius being a major tax haven, funds for OSR contingency planning and pollution control should be in place. In contrast, for the locals only partial sewage treatment is available. Tax avoidance is colonialism by other means, when accountability is as vulnerable as in authoritarian or hollowed-out state sectors (Little, 2018). 4. Discussion 4.1. Songs of innocence and experience (Blake, 1826) In his poetry in 1789-1794, William Blake does not assume a unidirectional progression from ignorance to awareness, but the duality of human values and belief in the wisdom of young people. In order to overcome our climate crisis ‘learning disability’, we need to challenge authoritarian and paternalistic assumptions about learning. As when we were children, we can see now that many ‘emperors’ of business and government have no clothes (Andersen, 1837). During COVID-19, economies and world trade struggle, mariners quarantine in their vessels, and layers of uncertainty halt investment. Record-breaking recession and unemployment are inevitable. In democracies, the pandemic response runs a gamut of kind and effective (New Zealand, South Korea) to dangerously incompetent (Brazil, UK, USA). Pandemic had already been identified as a primary threat, and incredibly in retrospect, the UK was rated highly for global pandemic preparedness. In October 2016, ‘Exercise Cygnus’ tested the UK response to an influenza pandemic, and the UK press reported overwhelmed health services, duplication of responsibilities, confusion, lack of preparedness and lack of clarity (PHE, 2017; redacted). Planning lessons got lost in the real emergency of 2020, replaced by confused messaging based on wishful thinking, cronyism in political elites, and expensive, wasteful and opaque procurements. According to the National Audit Office and legal challenges, lessons were neither documented nor revised in COVID-19 arrangements. Multilateralism represented by agencies of the EU and UN is under assault by resurgent nationalism. Some leaders are emboldened to ignore UN agencies (e.g. WHO in COVID-19 response) and international law, to the extent of undermining multilateral arms-controls. Crisis managers, management consultants and public relations purport to ‘manage complexity’ amid raging political, economic, health and environmental crises. The first two of these preoccupied the Enlightenment economist and statistician Thomas Malthus, FRS. He thought geometric population growth would be limited only by arithmetic growth in food production (Malthus, 1798). This is controversial because rather than wealthy consumers (high-carbon footprint), he ‘blamed’ the demographic problem on the high birth rates of the poor (low-carbon footprint); unsurprising from Professor of Political Economy at the East India Company. Although he did not anticipate the agricultural revolution feeding more people, Malthus' pessimism may yet be vindicated by current stressors on humanity (e.g. cumulative environmental impacts of fossil fuels and modern agriculture). The pandemic is re-shaping society's interest in science and understanding of the biodiversity/climate crises. The window of opportunity to meet these overlapping challenges places better leadership and governance front and centre of decarbonisation investments. The net-zero technologies are already here, with costs at-scale falling (e.g. hydrogen for fuel cells; lithium and REE batteries; electric multi-modal transport; wind, wave, tidal, solar and hydro-electricity; air- and ground-source heat pumps; carbon capture and storage for heavy industry). In his December 23, 2020 Reith Lecture, Mark Carney said “ask not what the climate is doing to your country, but what your country can do for the climate”. Without altering the ever-increasing GHG concentrations, the dramatic reduction of noise and toxic emissions during COVID-19 lockdowns gave a glimpse of nature's restorative capacity. Achievement of this vision as we mitigate and adapt to climate change was discussed by Sodha (2020), who argued that ‘cathedral thinking’ is needed to emulate the long-term projects that were not completed during the medieval builders' lifetimes. This perception would help us all to connect with our descendants properly, unlike the rich and powerful continuing to rely on inherited wealth. Young people will bear the brunt of the present crises. Solidarity with their values is our bridge to sustainability. In forging this emotional connection there is a vital role for arts and culture, and no place for culture wars. If we fail to connect, then a shocking metaphor for the ‘ugly’ scenario is visible in Goya's painting ‘Saturno devorando a su hijo’ (Goya, 1820). 4.2. The ‘relationship’ between oil spills and climate change In the Russian Arctic on 29 May and July 12, 2020, two spills occurred at the giant Norilsk Nickel smelter. They were caused by melting permafrost, subsidence, and failure of a fuel storage tank and pipeline (respectively 21 000 t diesel and 45 t aviation fuels). North towards the Pyasina delta (Arctic Ocean) tundra and lake habitats are important for wildfowl. Environmental agencies requested $2B, referred to variously as compensation, fine, and clean-up estimate. Accusing the operator of negligence, President Putin declared a state of emergency, but a transparent impact assessment is unlikely. The spills were labelled by media “the Arctic's worst-ever environmental catastrophe”, but the melting permafrost and release of methane and CO2 from thawing and burning peat are part of a world catastrophe. Melting ice and permafrost was avoidable until recently, but the Norilsk spills are among the direct effects of anthropogenic climate change reaching ‘tipping point’. Authorities are now checking other hazardous sites built on permafrost (BBC, 2020c). Norilsk is also the site of a major study of conifer tree rings linking reduced growth rates since the 1960s to degraded air quality from point-source pollution (Kirdyanov et al., 2020). The thinning of tree rings is also due to Arctic air mass circulation and long-range transport of particulates reducing incident sunlight, photosynthesis and growth rates. As temperatures rise the optimism that boreal forests would sequester more carbon is diminished. Instead, both tundra and taiga join tropical rainforests in their vulnerability to global warming, with cascading impacts in drainage basins and downstream coastal zones from Tropics to Arctic. Hardly ever an exact science, at least OSR is conducted in good faith. Thanks to effective knowledge creation and diffusion, oil spills can be managed provided access, equipment and expertise are made available and tested by contingency planning. Unfortunately, the continuity of such efforts depends on the price of oil. Success is possible in spite of the inequitable distributions around the world of spill risk, OSR capability, and community resilience. It is impossible to predict where and when spills will occur, and those during armed conflicts prevent immediate response. The impacts of deep sea tanker losses and many unreported spills in remote and war-torn countries go undocumented. In hindsight, oil spills were not an environmental hot topic, only a door to our slowly-awakening perception. Although locally to regionally damaging, the ecological effects of spills rarely deserve the ‘disaster’ or ‘catastrophe’ label. The bigger problem is climate change and long-term socio-environmental catastrophe, to which the young are especially vulnerable ([Fig. 10](https://www.sciencedirect.com/science/article/pii/S0964569120304166#fig10)). We can no longer ignore the global scale of fossil fuel impacts. The processes and responses we describe are rooted in carbon: oil exploration, production, transport, refining, and consumption cause pollution throughout the life cycle of fuels and petrochemicals. The oil ‘spilled’ by everyone into the air by combustion is the gravest problem, driving global warming and melting sea ice, ice caps and permafrost. Slumping tundra peat causes further damage and spills, releasing more GHGs to drive runaway climate change. These feedback loops are irreversible, as are the impacts on wetlands, shorelines, cities and livelihoods that are lost to sea level rise, wildfires, and refugee camps full of migrating people. While temporarily in the background of COVID-19, the global climate emergency intensifies. The pandemic has itself been facilitated by a feedback loop of the biodiversity/climate crisis: ►habitat loss imposing ecological stress on wild animals ►capture and sale of live animals infected by viruses ►viral infection spreading to humans ►rapid viral spread via high-carbon international air travel ►‘refueling’ the climate crisis. In the global north we have wasted precious time (‘easy street’) that might have speeded our transition to low-carbon. Considering the massive costs to everyone of burning oil, the current low price could be used to leave hydrocarbon assets stranded in the ground. Skilled oilfield engineers could be re-employed to shut in the wells and retrain in renewables (Bloomberg, 2020). Coal was largely closed down in the 1980s with little thought for the UK communities left behind. Despite some evidence of societal learning, there are actually deep learning disabilities manifested in denial and procrastination. To overcome such disinformation we need good information literacy and critical thinking. Just doing good OSR anywhere in the world is no longer enough. Oil spills in this sense have even been a distraction. We can and should restore damaged wetlands, shorelines, communities and ecosystems because they support local people and wildlife, provide coastal protection, and sequester carbon. Beyond this, we cannot avoid the conclusion that industry, governments and people must now rapidly decarbonise.