### 1

#### Indigeneity connotates a state of non-ontology allowing for the construction of the human that legitimizes its self into a history of elimination, jettisoned from or assimilated into the national body to cohere settler temporality

Belcourt 16. Billy-Ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women’s Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch, and his poetry has been published or is forthcoming in Assaracus: A Journal of Gay Poetry, Red Rising Magazine, SAD Mag, mâmawi-âcimowak, PRISM International, and The Malahat Review. ("A POLTERGEIST MANIFESTO," 2016, *Feral Feminism*) vikas recut aaditg

Admittedly, the feral is a precarious space from which to theorize, sullied with an injurability bound up in the work of liberal humanism as such, an enterprise that weaponizes a set of moral barometers to distribute ferality unevenly to differently citizened and raced bodies—ones that are too close for comfort and must be pushed outside arm’s reach. Perhaps ferality traverses a semantic line of flight commensurate­ with that of savagery, barbarism, and lawlessness, concreting into one history of elimination: that is, a history of eliminating recalcitrant indigeneities incompatible within a supposedly hygienic social. The word savage comes from the Latin salvaticus, an alteration of silvaticus, meaning “wild,” literally “of the woods.” Of persons, it means “reckless, ungovernable” (“Savage”). In the space-time of settler states, savagery temporarily stands in for those subjectivities tethered to a supposedly waning form of indigeneity, one that came from the woods and, because of this, had to be jettisoned from or assimilated into the national body. Here is Audra Simpson on the history of Indian “lawlessness”: Its genealogy extends back to the earliest moments of recorded encounter, when Indians appeared to have no law, to be without order, and thus, to be in the colonizer’s most generous articulation of differentiation, in need of the trappings of civilization. “Law” may be one instrument of civilization, as a regulating technique of power that develops through the work upon a political body and a territory. (2014, 144) According to Simpson, the recognition of Indigenous peoples as lawless rendered them governable, motivating the settler state (here, Canada) to curate and thus contain atrophied indigeneities—and, consequently, their sovereignties, lands, and politics—within the borders of federal law (2014, 144-45). Similarly, in The Transit of Empire Jodi Byrd traces the epistemological gimmicks through which the concept of “Indianness” came to align with “the savage other” (2011, 27). For her, this alignment provided the “rationale for imperial domination” and continues to stalk philosophy’s patterns of thinking (ibid.). Simpson, writing about the Mohawks of Kahnawake, argues that “a fear of lawlessness” continues to haunt the colonial imaginary, thereby diminishing “Indigenous rights to trade and to act as sovereigns in their own territories” (2014, 145). We might take the following lyrics from the popular Disney film Pocahontas as an example of the ways indigeneity circulates as a feral signifier in colonial economies of meaning-making: [Ratcliffe] What can you expect From filthy little heathens? Their whole disgusting race is like a curse Their skin’s a hellish red They’re only good when dead They’re vermin, as I said And worse [English settlers] They’re savages! Savages! Barely even human. (Gabriel and Goldberg 1995) Savagery connotes a state of non-ontology: Indigenous peoples are forced to cling to a barely extant humanity and coterminously collapse into a putatively wretched form of animality. Savagery is lethal, and its Indian becomes the prehistoric alibi through which the human is constituted as such. Indigenous peoples have therefore labored to explain away this savagery, reifying whitened rubrics for proper citizenship and crafting a genre of life tangible within the scenes of living through that are constitutive of settler colonialism as such. These scenes, however, are dead set on destroying the remnants of that savagery, converting their casualties into morally compatible subjects deserving of rights and life in a multicultural state that stokes the liberal fantasy of life after racial trauma at the expense of decolonial flourishing itself. This paper is therefore interested in the subjectivities and forms of sociality that savagery destroys when applied from without, and the political work of appropriating that savagery in the name of decolonization. Ours is a form of indigeneity that hints at a fundamental pollutability that both confirms and threatens forms of ontology tethered to a taxonomized humanity built in that foundational episode of subjection of which Simpson speaks. I am suggesting that savagery always-already references an otherworld of sorts: there are forms of life abandoned outside modernity’s episteme whose expressivities surge with affects anomalous within the topography of settler colonialism. This paper is not a historicist or nostalgic attachment to a pre-savage indigeneity resurrected from a past somehow unscathed by the violence that left us in the thick of things in the first place. Instead, I emphasize the potentiality of ferality as a politics in a world bent on our destruction—a world that eliminates indigeneities too radical to collapse into a collective sensorium, training us to a live in an ordinary that the settler state needs to persist as such, one that only some will survive. This world incentivizes our collusion with a multicultural state instantiated through a myth of belonging that actively disavows difference in the name of that very difference. We are repeatedly hurried into a kind of waning sociality, the content and form of which appear both too familiar and not familiar enough. In short, we are habitually left scavenging for ways to go on without knowing what it is we want. Let’s consider Jack Halberstam’s thoughts on “the wild”: It is a tricky word to use but it is a concept that we cannot live without if we are to combat the conventional modes of rule that have synced social norms to economic practices and have created a world order where every form of disturbance is quickly folded back into quiet, where every ripple is quickly smoothed over, where every instance of eruption has been tamped down and turned into new evidence of the rightness of the status quo. (2013, 126) Where Halberstam finds disturbance, I find indigeneity-cum-disturbance par excellence. Halberstam’s “wild” evokes a potentiality laboured in the here and now and “an alternative to how we want to think about being” in and outside an authoritarian state (2013, 126-27). Perhaps the wild risks the decolonial, a geography of life-building that dreams up tomorrows whose referents are the fractured indigeneities struggling to survive a historical present built on our suffering. Ferality is a stepping stone to a future grounded in Indigenous peoples’ legal and political orders. This paper does not traffic in teleologies of the anarchic or lawless as they emerge in Western thought; instead, it refuses settler sovereignty and calls for forms of collective Indigenous life that are attuned to queerness’s wretched histories and future-making potentialities. Indigeneity is an ante-ontology of sorts: it is prior to and therefore disruptive of ontology. Indigeneity makes manifest residues or pockets of times, worlds, and subjectivities that warp both common sense and philosophy into falsities that fall short of completely explaining what is going on. Indigenous life is truncated in the biopolitical category of Savage in order to make our attachments to ourselves assimilable inside settler colonialism’s national sensorium. Settler colonialism purges excessive forms of indigeneity that trouble its rubrics for sensing out the human and the nonhuman. In other words, settler colonialism works up modes of being-in-the-world that narrate themselves as the only options we have. What would it mean, then, to persist in the space of savagery, exhausting the present and holding out for futures that are not obsessed with the proper boundary between human and nonhuman life? This paper now turns to the present, asking: what happens when indigeneity collides with queerness inside the reserve, and how might a feral theory make sense of that collision? Deadly Presents “I went through a really hard time… I was beaten; more than once. I was choked” (Klassen 2014). These were the words of Tyler-Alan Jacobs, a two-spirit man from the Squamish Nation, capturing at once the terror of queer life on the reserve and the hardening of time into a thing that slows down bodies and pushes them outside its securitized geographies. Jacobs had grown up with his attackers, attackers who were energized by the pronouncement of queerness—how it insisted on being noticed, how it insisted on being. When the dust settled, “his right eye [had] dislodged and the side of his faced [had] caved in” (ibid.). Settler colonialism is fundamentally affective: it takes hold of the body, makes it perspire, and wears it out. It converts flesh into pliable automations and people into grim reapers who must choose which lives are worth keeping in the world. It can turn a person into a murderer in a matter of seconds; it is an epistemic rupturing of our attachments to life, to each other, and to ourselves. It is as if settler colonialism were simultaneously a rescue and military operation, a holy war of sorts tasked with exorcising the spectre of queer indigeneity and its putative infectivity. I rehearse this case because it allows me to risk qualifying the reserve as a geography saturated with heteronormativity’s socialities. This is a strategic interdiction that destroys supposedly degenerative queer affect worlds, untangling some bodies and not others from the future. I don’t have the statistics to substantiate these claims, but there is an archive of heartbreak and loss that is easy to come by if you ask the right people. Indeed, what would such statistics tell us that we don’t already know? What would the biopolitical work of data collection do to a knowledge-making project that thinks outside the big worlds of Statistics and Demography and, instead, inside the smaller, more precarious worlds created in the wake of gossip? I worry about ethnographic projects that seek to account for things and theory in the material in order to map the coordinates of an aberration to anchor it and its voyeurs in the theatres of the academy. The desire to attach to a body is too easily energized by a biological reading of gender that repudiates the very subjects it seeks so desperately to know and to study. What about the body? I have been asked this question, again and again. A feral theory is something of a call to arms: abolish this sort of ethnography and turn to those emergent methodologies that might better make sense of the affects and life-forms that are just now coming into focus and have been destroyed or made invisible in the name of research itself. Queer indigeneity, to borrow Fred Moten’s description of blackness, might “come most clearly into relief, by way of its negation” (2014). Perhaps decolonization needs to be a sort of séance: an attempt to communicate with the dead, a collective rising-up from the reserve’s necropolis, a feral becoming-undead. Boyd and Thrush’s Phantom Past, Indigenous Presence thinks indigeneity and its shaky histories vis-à-vis the language of haunting, where haunting is an endurant facet of “the experience of colonialism” (Bodinger de Uriarte 2012, 303). But, for me, ghostliness is differentially distributed: some more than others will be wrenched into the domain of the dead and forced to will their own ontologies into the now. Perhaps the universalist notion that haunting is a metonym for indigeneity repudiates the very life-forms that it claims to include: those who are differently queered and gendered, and, because of this, haunt waywardly and in ways that cannot be easily predicted (Ahmed 2015). This paper thus takes an imaginative turn and proceeds with something of an incantation to summon the figure of the queer Indigenous poltergeist—the feral monster in the horror story of decolonization. Queer Indigenous poltergeists do not linger inaudibly in the background; we are beside ourselves with anger, we make loud noises and throw objects around because we are demanding retribution for homicide, unloved love, and cold shoulders. We do not reconcile; we escape the reserve, pillage and mangle the settler-colonial episteme. Our arrival is both uneventful and apocalyptic, a point of departure and an entry point for an ontology that corresponds with a future that has yet to come. Sometimes all we have is the promise of the future. For the queer Indigenous poltergeist, resurrection is its own form of decolonial love. The poltergeist is an ontological anomaly: a fusion of human, object, and ghost, a “creature of social reality” and a “creature of fiction” (Haraway 1991, 149). From the German poltern meaning “[to] make noise, [to] rattle” and Geist or “ghost,” it literally means “noisy ghost,” speaking into existence an anti-subjectivity that emerges in the aftermath of death or murder (“Poltergeist”). It is the subject of Tobe Hooper’s 1982 film Poltergeist, which tells a story of “a haunting based on revenge” (Tuck and Ree 2013, 652). The film’s haunting is a wronging premised on an initial wrong: the eponymous poltergeist materializes when a mansion is constructed on a cemetery—a disturbing of spirits, if you will. José Esteban Muñoz argues that “The double ontology of ghosts and ghostliness, the manner in which ghosts exist inside and out and traverse categorical distinctions, seems especially useful for… queer criticism” (2009, 46). In this paper, the poltergeist names the form which indigeneity takes when it brings queer matter into its folds. In other words, this essay evokes haunting as a metaphor to hint at the ways in which queerness was murderously absorbed into the past and prematurely expected to stay there as an effect of colonialism’s drive to eliminate all traces of sexualities and genders that wandered astray. The poltergeist conceptualizes the work of queer indigeneity in the present insofar as it does not presuppose the mysterious intentions of the ghost—an otherworldly force that is bad, good, and undetectable all at once. Instead, the poltergeist is melancholic in its grief, but also pissed off. It refuses to remain in the spiritual, a space cheapened in relation to the staunch materiality of the real, and one that, though housing our conditions of possibility, cannot contain all of us. We protest forms of cruel nostalgia that tether ghosts to a discarded past within which queer Indigenous life once flourished because we know that we will never get it back and that most of us likely never experienced it in the first place. We long for that kind of love, but we know it is hard to come by. I turn to the poltergeist because I don’t have anywhere else to go. Help me, I could say. But I won’t. Queer indigeneity, then, is neither here nor there, neither dead nor alive but, to use Judith Butler’s language, interminably spectral (2006, 33). We are ghosts that haunt the reserve in the event of resurrection. According to Indigenous and Northern Affairs Canada, a reserve is a “tract of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band” (“Terminology”). The “reserve system” is part of the dispossessory ethos through which the settler state reifies land as the sign of sovereignty itself, and thus effects the political death of indigeneity, decomposing it into nothingness, into contaminated dirt. Reserves are the products of imaginations gone wild; they are ruins that bear “the physical imprint of the supernatural” on arid land, on decaying trailers arranged like weathered tombstones (Tuck and Ree 2013, 653). They are borderlands that connote simultaneous possession and dispossession: they represent the collision between settler sovereignty (insofar as the Crown holds the legal title to the land) and indigeneity (pointing to a genre of life that is distinctly Indigenous). Reserves were—some might say they still are—zones of death that regulated and regulate the movements of Indigenous bodies, quarantining their putatively contaminated flesh outside modern life in order to preserve settler-colonial futurities. It is as if the reserve were a site of complete atrophy, where indigeneity is supposed to waste away or degenerate, where queerness has already bled out. Look at the blood on your hands! The queer Indigenous poltergeist, however, foregrounds what I call a “reserve consciousness” —an awareness of the deathliness of the reserve. A reserve consciousness might be a kind of critical phenomenology that, to use Lisa Guenther’s description of this sort of insurgent knowledge project, pulls up “traces of what is not quite or no longer there—that which has been rubbed out or consigned to invisibility” (2015): here, the so-called on-reserve Indian. It might be about becoming a frictive surface; by rubbing up against things and resisting motion between objects, we might become unstuck. Queer Indigenous poltergeists are what Sara Ahmed calls “blockage points”: where communication stops because we cannot get through (2011, 68). That is, queer indigeneity connotes an ethical impasse, a dead end that presents us with two options: exorcism or resurrection. If settler colonialism is topological, if it persists despite elastic deformations such as stretching and twisting, wear and tear, we might have to make friction to survive. I turn to the reserve because it is a geography of affect, one in which the heaviness of atmospheres crushes some bodies to death and in which some must bear the weight of settler colonialism more than others. The violence done to us has wrenched us outside the physical world and into the supernatural. Some of us are spirits—open wounds that refuse to heal because our blood might be the one thing that cannot be stolen. Does resistance always feel like resistance, or does it sometimes feel like bleeding out (Berlant 2011)? Feral Socialities I must leave the beaten path and go where we are not. Queerness, according to Muñoz, is not yet here; it is an ideality that “we may never touch,” that propels us onward (2009, 1). Likewise, Halberstam suggests that the presentness of queerness signals a kind of emerging ontology. He argues that failure “is something that queers do and have always done exceptionally well in contrast to the grim scenarios of success” that structure “a heteronormative, capitalist society” (2011, 2-3). For Muñoz, queer failure is about “doing something that is missing in straight time’s always already flawed temporal mapping practice” (2009, 174). We know, however, that this isn’t the entire story. Whereas Muñoz’s queer past morphs into the here and now of homonormativity’s carceral tempos, indigeneity’s queernesses are saturated with the trauma of colonialism’s becoming-structure. Queer death doubles as the settler state’s condition of possibility. Pre-contact queer indigeneities had been absorbed into colonialism’s death grip; however, this making-dead was also a making-undead in the enduring of ghosts (Derrida 1994, 310). If haunting, according to Tuck and Ree, “lies precisely in its refusal to stop,” then the queer Indigenous poltergeist fails to have died by way of time travel (2013, 642). Queer indigeneity might be a kind of “feral sociality”: we are in a wild state after escaping colonial captivity and domestication. When the state evicts you, you might have to become feral to endure. To be feral is to linger in the back alleys of the settler state. It is a refusal of settler statecraft, a strategic failing to approximate the metrics of colonial citizenship, a giving up on the ethical future that reconciliation supposedly promises. As an aside, I suspect that the settler state’s reconciliatory ethos is always-already a domesticating project: it contains Indigenous suffering within the spectacularized theatre of the Truth and Reconciliation Commission, building a post-Residential School temporality in which Indigenous peoples have been repaired through monetary reparations and storytelling. In the melodrama of reconciliation, the settler state wins its centuries-long war against Indian lawlessness by healing Indigenous peoples of the trauma that blocked them from becoming properly emotive citizens. Queer indigeneity, however, escapes discursive and affective concealment and therefore the category of the human itself, disturbing the binary clash between the living and nonliving by way of its un-humanity, a kind of “dead living” whereby flesh is animated through death. Perhaps we must become feral to imagine other space-times, to imagine other kinds of queerness. If settler colonialism incentivizes our collusion with the humanist enterprise of multiculturalism (and it does), what would it mean to refuse humanity and actualize other subject formations? In other words, how do the un-living live? Here, I want to propose the concept of “Indian time” to theorize the temporality and liminality of queer indigeneity as it festers in the slippage between near-death and the refusal to die. Indian time colloquially describes the regularity with which Indigenous peoples arrive late or are behind schedule. I appropriate this idiom to argue that the presentness of queer indigeneity is prefigured by an escape from and bringing forward of the past as well as a taking residence in the future. To be queer and Indigenous might mean to live outside time, to fall out of that form of affective life. Indian time thus nullifies the normative temporality of settler colonialism in which death is the telos of the human and being-in-death is an ontological fallacy. It connotes the conversion of queer indigeneity into non-living matter, into ephemera lurking in the shadows of the present, waiting, watching, and conspiring. Where Jasbir Puar argues that all things under the rubric of queer are always-already calculated into the state’s biopolitical mathematic, queer indigeneity cannot be held captive because it cannot be seen—we are still emerging in the social while simultaneously altering its substance (2012). If decolonization is, according to Tuck and K. Wayne Yang’s reading of Frantz Fanon, an “unclean break from a colonial condition,” perhaps the queer Indigenous poltergeist is feral enough to will a decolonial world into a future that hails rather than expels its ghosts (2012, 20). The queer Indigenous poltergeist might have nothing else to lose.

#### Systems of knowledge serve to institute and replicate settler colonialism — the human is a storytelling species and knowledge systems are always already being chartered through the replication of sociogenic codes

Wynter and McKittrick 15. Sylvia Wynter is a Professor Emerita at Stanford University. Katherine McKittrick is a professor in Gender Studies at Queen's University. She is an academic and writer whose work focuses on black studies, cultural geography, anti-colonial and diaspora studies, with an emphasis on the ways in which liberation emerges in black creative texts. (Sylvia Wynter: On Being Human as Praxis, *Duke University Press*, 2015) vikas

To resolve the aporia of this cognitive dilemma, I turn again to Césaire’s proposed new and hybrid bios / mythoi science of the Word. Here because, as he proposed, and as earlier cited, the study of the Word / the mythoi will now determine the study of the bios / of the brain, and this will thereby enable us to gain an external (demonic ground) perspective on the always already storytellingly chartered / encoded discursive formations / aesthetic fields, as well as of, co- relatedly, our systems of knowledge. And, with this gain insight into how these systems of knowledge, each together with its genre- specific “truth of solidarity,” all institute and **stably** replicate our genres **of being hybridly human** with the also communitarian viability of each respective societal order. Yet **with all of the above—including, in macro terms, the instituting of our contemporary secular and “single model” liberal (now neoliberal) monohumanist Western / Westernized transnational world system—what again must be emphasized is** that the respective “truths” of their knowledge systems are always already prespecified by **our** storytellingly chartered sociogenic replicator code of symbolic life / death, its Word and / or Bateson- type “descriptive statement” as rigorously discursively elaborated by its “status quo system of learning” and its overall epistemological order. **This order circularly ensures that each such genre- specific regime / program of truth, will law- likely function to semantically- neurochemically induce the performative enactment of** our ensemble of **always already role- allocated individual and collective behaviors** within the reflexly and subjectively experienced terms of a cognitively closed, thereby genre- specific and fictively eusocializing, autonomously functioning, higher- level living autopoietic system. Cosmogonies of Our Planetary Life and Our Chartered Codes of Symbolic Life and Symbolic Death: Fictively Induced Modes of Inter- Altruistic Kin Recognition and Auto- Instituted Pseudospeciated Mode of Kind KM: Here Wynter elaborates on storytelling beginnings and cosmogonies. She returns to her extension of Frantz Fanon’s conception of our being hybridly human, both bios and mythoi, in order to address the unsolved phenomenon of human consciousness. She explores how our chartering / encoding genre- specific cosmogonies provide the narrative source of our fictively eusocializing subjectivities, thus enabling us to be reborn- through- initiation as always already sociogenically encoded inter- altruistically kin- recognizing members of each referent- we. At the same time, however, **the law- like reification of** each fictively induced and subjectively experienced order of consciousness **of each referent- we is, itself, absolutized by** what Wynter identifies as **the law of cognitive closure**. SW: Fanon put forward the idea of our skin / masks, thereby of the hybridity of our being human, in 1952. Crick and Watson cracked the genetic code in 1953. Now, I argue that Fanon’s masks enact a “second set of instructions”: that of the sociogenic code of symbolic life / death. Further, within the overall enactment of each such “second set of instructions,” the ism of gender is itself—while only one member class—a founding member class. Gender is a founding member because in order to auto- institute ourselves as subjects of a genre- specific referent- we, we must, first, co- relatedly and performatively enact each such code’s “second set of instructions” at the familial level, in terms of our gender roles. We know of this brilliant concept of the performative enactment of gender from Judith Butler.60 I am suggesting that the enactments of such gender roles are always a function of the enacting of a specific genre of being hybridly human. Butler’s illuminating redefinition of gender as a praxis rather than a noun, therefore, set off bells ringing everywhere! Why not, then, the performative enactment of all our roles, of all our role allocations as, in our contemporary Western / Westernized case, in terms of, inter alia, gender, race, class / underclass, and, across them all, sexual orientation? All as praxes, therefore, rather than nouns. So here you have the idea that with being human everything is praxis. For we are not purely biological beings! As far as the eusocial insects like bees are concerned, their roles are genetically preprescribed for them. Ours are not, even though the biocentric meritocratic iq bourgeois ideologues, such as the authors of The Bell Curve, try to tell us that they / we are.61 So the question is: **What are the mechanisms, what are the technologies, what are the strategies by which we prescribe our own roles?** What is common to all are cosmogonies and origin narratives. The representations of origin, which we ourselves invent, **are then retroactively projected onto an imagined past.** Why so? Because each such projection is the shared storytelling origin out of which we are initiatedly reborn. In this case we are no longer, as individual biological subjects, primarily born of the womb; rather, we are both initiated and reborn as fictively instituted inter- altruistic kinrecognizing members of each such symbolically re- encoded genre- specific referent- we. This is to say we are all initiatedly reborn—renatus in Saint Thomas Aquinas’s Christian term—to subjectively experience ourselves as subjects of the same encoded symbolic life kind. Why this imperative? Because **for all genre- specific subjects who are reborn from the same eusocializing origin myth and / or cosmogony, their genetically encoded individual biological life and its attendant imperative of naked self- preservation must at the same time be**, via initiation, **aversively experienced as symbolic death.** 62 This is the concomitant condition of inducing in all subjects the mimetic desire for the group- collective symbolic life of its genre- specific referent- we, its fictive mode of pseudospeciated kind. **The centrality of the ritually initiated and enacted storytelling codes, and thus their positive / negative, symbolic** life / death **semantically- neurochemically activated “second set of instructions,”** **emerges** here: these codes are specific to each kind. **The** positive verbal meanings **attributed to their respective modes of kind** are alchemically transformed into living flesh**,** as **its members all reflexly subjectively experience themselves, in the mimetically desirable, because** opiate-rewarded, placebo terms of **that mode of** symbolic **life prescribed by the storytelling** code. This at the same time as they subjectively experience their former “born of the womb” purely biological life as mimetically aversive, because they are doing so in now opiate- reward- blocked symbolic death, nocebo terms.63 For the preservation of which of these lives, then, do you think wars are fought? In the wake of the answer to the above, we see our chartering cosmogonies as being isomorphic with what we now define as our “cultures”— in both cases **we are talking about our hybrid sociogenic codes and their “second set of instructions.”** These are **codes that are even able to override where necessary**—this with respect to our auto- instituted, non– genetically restricted fictive modes of eusociality—**the first set of instructions of our own dna** (unlike as is the case with all other primates). The logical corollary is this: our modes of auto- institution, together with their initiatory rituals of rebirth—as iconized by the ritual of Christian baptism—are indispensable to the enacting of the human as the only living species on Earth who is the denizen of its third and hybrid bios / mythoi level of existence! Our mode of hybrid living being alone—this together with our also hitherto always genre- specific bios / mythoi enacted orders of supraindividual consciousness—is thereby to arrive on the scene all at once! With the Big Bang of the biomutational Third Event! So you see now why we still can’t solve the problem of consciousness? In spite of the most dedicated efforts of natural scientists, brain scientists, and philosophers? For what becomes clear here is that our human orders of consciousness / modes of mind cannot exist outside the terms of a specific cosmogony. Therefore, human orders of consciousness / modes of mind cannot preexist the terms of the always already mythically chartered, genre- specific code of symbolic life / death, its “second set of instructions” and thus its governing sociogenic principle— or, as Keith Ward puts it, its nonphysical principle of causality.64 To give an example: here we are, we are talking and thinking. We are, in fact, reflexly talking and thinking in terms of Darwin’s biocosmogonically chartered definitive version—in The Descent of Man (1871)—of the British bourgeoisie’s ruling class’s earlier reinvention of Man1’s civic humanist homo politicus as that of liberal monohumanist Man2 as homo oeconomicus, together with its now fully desupernaturalized sociogenically encoded order of consciousness. These are the very terms, therefore, in which we ourselves, in now historically postcolonial / postapartheid contexts, are. If in our case, only mimetically so! This at the same time as we are also struggling to think outside the limits of the purely biocentric order of consciousness that is genre- specific to the Western bourgeoisie’s homo oeconomicus. But it’s extremely difficult to do, right? You know why? Because Darwinism’s powerful, seductive force as a cosmogony, or origin narrative, is due to the fact that it is the first in our human history to be not only part myth but also part natural science. In fact, this mutation—the part myth / part natural science workings of Darwinism—draws attention to Darwin’s powerful neoMalthusian conceptual leap.65 A leap by means of which—over and against Cardinal Bellarmine—Darwin was to definitively replace the biblical Cre- ation account of the origin of all forms of biological life, including the major bios aspect of our being hybridly human, with a new evolutionary account. Why, then, say that this Darwinian account is only part science? Biologist Glyn Isaac, in his essay “Aspects of Human Evolution” (1983), provides the answer. Isaac makes us aware of the ecumenically human trap into which Darwin had also partly fallen: Understanding the literature on human evolution calls for the recognition of special problems that confront scientists who report on this topic. Regardless of how the scientists present them, accounts of human origins are read as replacement materials for genesis. They fulfill needs that are reflected in the fact that all societies have in their culture some form of origin beliefs, that is, some narrative or configurational notion of how the world and humanity began. Usually, these beliefs do more than cope with curiosity, they have allegorical content, and they convey values, ethics and attitudes. The Adam and Eve creation story of the Bible is simply one of a wide variety of such poetic formulations. . . . The scientific movement which culminated in Darwin’s compelling formulation of evolution as a mode of origin seemed to sweep away earlier beliefs and relegate them to the realm of myth and legend. Following on from this, it is often supposed that the myths have been replaced by something quite different, which we call “science.” However, this is only partly true; scientific theories and information about human origins have been slotted into the same old places in our minds and our cultures that used to be occupied by the myths. . . . Our new origin beliefs are in fact surrogate myths, that are themselves part science, part myths. 66 So the trap, you see, is that of the paradox that lies at the core of our metaDarwinian hybridity. For what I’m saying is that as humans, we cannot / do not preexist our cosmogonies, our representations of our origins—even though it is we ourselves who invent those cosmogonies and then retroactively project them onto a past. We invent them in formulaic storytelling terms, as “donor figures” or “entities,” who have extrahumanly (supernaturally, but now also naturally and / or bioevolutionarily, therefore secularly) mandated what the structuring societal order of our genre- specific, eusocial or cultural present would have to be.67 As the French cultural anthropologist Maurice Godelier also makes clear, with respect to the above: we, too, hitherto have also systematically kept the reality of our own agency—from our origins until today—opaque to ourselves. 68 Thus all our humanly invented chartering cosmogonies, including our contemporary macro (monohumanistic / monotheistic) cosmogonies, are law- likely configured as being extrahumanly mandated.69 All such sacred theological discourses ( Judaism, Islamism, Christianity, for example) continue to function in the already theo- cosmogonically mandated cognitively closed terms that are indispensable to the enacting of their respective behavior- inducing and behavior- regulatory fictively eusocializing imperative. This is especially apparent, too, in the secular substitute monohumanist religion of Darwin’s neo- Malthusian biocosmogony: here, in the biocosmogony of symbolic life / death—as that of selection / dysselection and eugenic / dysgenic codes—the incarnation of symbolic life, will law- likely be that of the ruling- class bourgeoisie as the naturally selected (eugenic) master of Malthusian natural scarcity. With this emerges, cumulatively, the virtuous breadwinner, together with his pre- 1960s virtuous housewife, and, corelatedly, the savvy investor, the capital accumulator, or at least the steady job holder.70 In effect, wealth, no longer in its traditional, inherited freehold landowning form, but in its now unceasingly capital- accumulating, global form, is itself the sole macro- signifier of ultimate symbolic life. Symbolic death, therefore, is that of having been naturally dysselected and mastered by Malthusian natural scarcity: as are the globally homogenized dysgenic non- breadwinning jobless poor / the pauper / homeless / the welfare queens. Poverty itself, therefore, is the “significant ill” signifier of ultimate symbolic death and, consequently, capital accumulation, and therefore symbolic life signifies and narrates a plan of salvation that will cure the dysselected significant ill! **The systemic reproduction of** the real- life **categories** of both signifiers **are** indispensable **to the** continued enactment of **the ruling - class** bourgeoisie’s governing code of symbolic life / death and the defining of liberal (now neoliberal) monohumanist Man2. This now purely secular coding of life / death is itself discursively—indeed rigorously—elaborated bioepistemologically, on the model of a natural organism, by the disciplines of our social sciences and humanities, together with their respective genre- specific and ethno- class truths of solidarity.71 Consequently, **within the laws of** hybrid auto- institution and / or pseudospeciation the (**humanities and social science**) **disciplinary truths of solidarity enact** their biocosmogonically chartered **sociogenic code** of symbolic life / death, also **imperatively calling to be discursively elaborated in cognitively** (cum psychoaffectively / aesthetically) **closed terms.**

#### Western colonial frameworks render Nativeness as the raw material for settler vitality — refuse the re-scripting of Native life and death onto settler landscapes and colonial cartographies

Urbanski 16. Claire Urbanski is a doctoral candidate in Feminist Studies with a designated emphasis in Critical Race and Ethnic Studies. As a scholar and social justice activist invested in collective liberation, her work considers how settler colonial ideologies of Indigenous dispossession and gendered violence structure and inform relationships between place, identity, and land. Her doctoral research examines how knowledges of spiritual afterlife have shaped ongoing material structures of United States settler colonial empire ("Genocidal Intimacies: Settler Desire and Carceral Geographies," 2016, *American Studies Association*) vikas

**Connecting Kim TallBear and Philip Deloria’s work**, **we can understand how** Western colonial scientific frameworks render ‘Nativeness’ into a material resource, already belonging to settler society, which can be mined for value; its imaginary, raw, authentic qualities are desired to make settler identity meaningful **and to construct intimate belongings** with landscape. Thinking about **desires to consume and own flesh** (or bone), **and rendering** bone **into personal property**, Alexander Weheliye’s concept of ‘pornotroping’ gets at the ways that the captive body is a “source of an irresistible, destructive sensuality” **and at the same time is** “reduced to a thing, to being for the captor” (90). Orlando Patterson also discusses the imagined intimacy between enslavers and captive bodies, **as well as a fear of danger waiting in the spiritual realm for the enslaver because of his actions**; which is assuaged through **imagining a ‘benevolent enslavement,’ thus** assuring a salvation for the enslaver. I do not mean to collapse the very differing racializing projects of antiBlackness and Indigenous dispossession into being the same thing, while also recognizing their inseparable entanglements in the mutual constitution of settler colonialism, and also acknowledging that perhaps my easy comparison here is very problematic; I do want to think about the space of settler sexualized desire for captive bodies, and connect it to a sexualized and intimate desire for captured dead bodies. How do settlers form (imagined) belongings through imagined intimacies with Indigenous dead? How does anti-Black consumption facilitate white settler intimacies with landscapes? What kinds of sexualized and intimate fantasies are being enacted through the dissection and hoarding of corpses, or the extraction of energy from human bones? When does the researcher, or witch, imagine and perform a fabricated emotional intimacy with the dead, and when is the dead body simply an object from which to extract, or dismember? I’m **reflecting on Audra Simpson’s comments** on yesterday’s panel “Colonial Unknowing and Biopolitics,” which speaking on the ruse of consent **that** settler society depicts in its relations with Indigenous peoples, I **call attention to the coercive intimacy researchers**, and perhaps witches, enforce onto the dead. I do acknowledge and hesitate at my oversimplification of histories and meanings of witchcraft, and at the same time, I do take seriously the settler colonial fantasies that very much inform the increasing popularity of witchcraft particularly amongst white queer identified settlers. To conclude, **I have begun to consider the historical and ongoing extractive projects that seek to render Indigenous bones into material resources** - **to be excavated, consumed, dismembered, and** the particular **logics of containment projected onto the dead through settler imaginaries.** I ask how are the bones of the dead consumed in order to enact queer settler belongings imagined to be subversive to the state, yet ultimately naturalizing of, and thus reinforcing to, a settler colonial project? Thinking with the work of Sylvia Wynter and Jodi Byrd, **projects of settler colonial grave excavation** reveal an important process in how meanings of ‘symbolic life and death’ are mapped onto landscape **through their centrality in establishing the normative standards of ‘Western Man’ as ‘human’ and as foundational to the parameters of US legal personhood**, furthermore, genocidal intimacies draws attention to the sexualized productions of colonial carceral geographies. Settler **belonging is** accessed through genocidal intimacies, which are both **informed by and reproductive of the carceral grounds from which** militarized settler space and racializing technologies of social death can be erected and enacted.

**The specter of extinction is a product of antiqueer, settler anxieties that arise not only from settlerism’s guilt for destroying the planet’s ability to sustain itself, but also from the settler’s need to strengthen solidarity and defer confrontation with native genocide**

**Dalley 16**. Hamish Dalley is an Assistant professor of English at Daemen College and techer in the areas of ancient and modern world literature [“The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature,” *Settler Colonial Studies*, Issue Number, No. 8]//vikas

**Considering the problem of futurity offers a useful foil to traditional analyses of settler colonial narrative**, which typically examine settlers’ attitudes towards history in order to highlight a constitutive anxiety about the past – about origins. **Settler colonialism**, the argument goes, **has a problem with historical narration that arises from a contradiction in its founding mythology.** In Stephen Turner’s formulation, the settler subject is by definition one who comes from elsewhere but who strives to make this place home. **The settlement narrative must explain how this gap** – which is at once geographical, historical, and existential – **has been bridged, and the settler transformed from outsider into indigene.** Yet the transformation **must remain constitutively incomplete, because the desire to be at home necessarily invokes the spectre of the native, whose existence** (which cannot be disavowed completely because it is needed to define the settler’s difference, superiority, and hence claim to the land) **inscribes the settler’s foreignness**, thus **reinstating the gap between settler and colony that the narrative was meant to efface.** Settler-colonial narrative is thus **shaped around its need to erase and evoke the native, to make the indigene both invisible and present in a contradictory pattern that prevents settlers from** ever **moving on from the moment of colonization.**2 As evidence of this constitutive contradiction, critics have identified in settler-colonial discourse symptoms of psychic distress such as disavowal, inversion, and repression.3 Indeed, the frozen temporality of settler-colonial narrative, fixated on the moment of the frontier, recalls nothing so much as Freud’s description of the ‘repetition compulsion’ attending trauma.4 As Lorenzo Veracini puts it, because: ‘settler society’ can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of ‘peace’ that can never be reached, settler projects embrace and reject violence at the same time. The settler colonial situation is thus a circumstance where the tension between contradictory impulses produces long-lasting psychic conflicts and a number of associated psychopathologies.5 Current scholarship has thus focused primarily on settler-colonial narrative’s view of the past, asking how such a contradictory and troubled relationship to history might affect present-day ideological formations. Critics have rarely considered what such narratological tensions might produce when the settler gaze is turned to the future. Few social formations are more stubbornly resistant to change than settlement, suggesting that a future beyond settler colonialism might be simply unthinkable. Veracini, indeed, suggests that settler-colonial narrative can never contemplate an ending: that settler decolonization is inconceivable because settlers lack the metaphorical tools to imagine their own demise.6 This article outlines why I partly disagree with that view. I argue that **the narratological paradox that defines settler-colonial narrative does make the future a problematic object of contemplation.** But **that does not make settler decolonization unthinkable per se**; as I will show, **settlers do often try to imagine their demise** – but they do so **in a way that reasserts the paradoxes of their founding ideology, with the result that** the radical potentiality of decolonization is undone even as it is invoked. I argue that, notwithstanding Veracini’s analysis, there is a metaphor via which the end of settler colonialism unspools – **the** quasi-biological **concept of extinction**, which, when **deployed as a narrative trope, offers settlers a chance to consider and disavow their demise**, just as they consider and then disavow the violence of their origins. This article traces the importance of the trope of extinction for contemporary settler-colonial literature, with a focus on South Africa, Canada, and Australia. It explores variations in how the death of settler colonialism is conceptualized, drawing a distinction between historio-civilizational narratives of the rise and fall of empires, and a species-oriented notion of extinction that draws force from public anxiety about climate change – an invocation that adds another level of ambivalence by drawing on ‘rational’ fears for the future (because climate change may well render the planet uninhabitable to humans) in order to narrativize a form of social death that, strictly speaking, belongs to a different order of knowledge altogether. As such, **my analysis is intended to draw the attention of settler colonial studies toward futurity and** the **ambivalence of settler paranoia**, while highlighting a potential point of cross-fertilization between settler-colonial and eco-critical approaches to contemporary literature. That ‘extinction’ should be a key word in the settler-colonial lexicon is no surprise. In Patrick Wolfe’s phrase,7 settler colonialism is predicated on a ‘logic of elimination’ that tends towards the extermination – by one means or another – of indigenous peoples.8 This logic is apparent in archetypal settler narratives like James Fenimore Cooper’s The Last of the Mohicans (1826), a historical novel whose very title blends the melancholia and triumph that demarcate settlers’ affective responses to the supposed inevitability of indigenous extinction. Concepts like ‘stadial development’ – by which societies progress through stages, progressively eliminating earlier social forms – and ‘fatal impact’ – which names the biological inevitability of strong peoples supplanting weak – all contribute to the notion that settler colonialism is a kind of ‘ecological process’ 9 that necessitates the extinction of inferior races. What is surprising, though, is how often the trope of extinction also appears with reference to settlers themselves; it makes sense for settlers to narrate how their presence entails others’ destruction, but it is less clear why their attempts to imagine futures should presume extinction to be their own logical end as well. The idea appears repeatedly in English-language literary treatments of settler colonialism. Consider, for instance, the following rumination on the future of South African settler society, from Olive Schreiner’s 1883 Story of an African Farm: It was one of them, one of those wild old Bushmen, that painted those pictures there. He did not know why he painted but he wanted to make something, so he made these. […] Now the Boers have shot them all, so that we never see a yellow face peeping out among the stones. […] And the wild bucks have gone, and those days, and we are here. But we will be gone soon, and only the stones will lie on, looking at everything like they look now.10 In this example, the narrating settler character, Waldo, recognizes prior indigenous inhabitation but his knowledge comes freighted with an expected sense of biological superiority, made apparent by his description of the ‘Bushman’s’ ‘yellow face’, and lack of mental self-awareness. What is not clear is why Waldo’s contemplation of colonial genocide should turn immediately to the assumption that a similar fate awaits his people as well. A similar presumption of racial vulnerability permeates other late nineteenth century novels from the imperial metropole, such as Dracula and War of the Worlds, which are plotted around the prospect of invasions that would see the extinction of British imperialism, and, in the process, the human species. Such **anxieties draw energy from a pattern of settler defensiveness that can be observed across** numerous **settler-colonial contexts.** Marilyn Lake’s and Henry Reynold’s account of **the emergence of transnational ‘whiteness’ highlights the paradoxical fact that while white male settlers have been arguably the most privileged class in history,** they have **routinely perceived themselves to be ‘under siege’, threatened with destruction** to the extent **that their very identity of** ‘**whiteness was born in the apprehension of imminent loss**’. 11 The **fear of looming annihilation serves a powerful ideological function in settler communities, working to foster racial solidarity, suppress dissent, and legitimate violence against indigenous populations who**, by any objective measure, **are far more at risk of extermination than the settlers who fear them.** Ann Curthoys and Dirk Moses have traced this pattern in Australia and Israel-Palestine, respectively.12 This scholarship suggests that **narratives of settler extinction are acts of ideological mystification, obscuring the brutal inequalities of the frontier behind a mask of white vulnerability** – an argument with which I sympathize. However, this article shows how there is more to settler-colonial extinction narratives than bad faith. I argue that we need a more nuanced understanding of how they encode a specifically settler-colonial framework for imagining the future, one that has implications for how we understand contemporary literatures from settler societies, and which allows us to see extinction as a genuine, if flawed, attempt to envisage social change. In the remainder of this paper I consider extinction’s function as a metaphor of decolonization. I use this phrase to invoke, without completely endorsing, Tuck and Yang’s argument that to treat decolonization figuratively, as I argue **extinction narratives** do, is necessarily to **preclude radical change, creating opportunities for settler ‘moves to innocence’ that re-legitimate racial inequality.**13 The counterview to this pessimistic perspective is offered by Veracini, who suggests that progressive change to settler-colonial relationships will only happen if narratives can be found that make decolonization thinkable.14 This article enters the debate between these two perspectives by asking what it means for settler writers to imagine the future via the trope of extinction. Does extinction offer a meaningful way to think about ending settler colonialism, or does it re-activate settler-colonial patterns of thought that allow exclusionary social structures to persist? I explore this question with reference to examples of contemporary literary treatments of extinction from select English-speaking settler-colonial contexts: South Africa, Australia, and Canada.15 The next section of this article traces key elements of extinction narrative in a range of settler-colonial texts, while the section that follows offers a detailed reading of one of the best examples of a sustained literary exploration of human finitude, Margaret Atwood’s Maddaddam trilogy (2003–2013). I advance four specific arguments. First, extinction narratives take at least two forms depending on whether the ‘end’ of settler society is framed primarily in historical-civilizational terms or in a stronger, biological sense; the key question is whether the ‘thing’ that is going extinct is a society or a species. Second, biologically oriented extinction narratives rely on a more or less conscious slippage between ‘the settler’ and ‘the human’. Third, this slippage is ideologically ambivalent: on the one hand, it contains a radical charge that invokes environmentalist discourse and climate-change anxiety to imagine social forms that re-write settler-colonial dynamics; on the other, it replicates a core aspect of imperialist ideology by normalizing whiteness as equivalent to humanity. Fourth, **these ideological effects are mediated by gender**, insofar as **extinction narratives invoke issues of biological reproduction, community protection, and violence that function to differentiate and reify masculine and feminine roles** in the putative de-colonial future. Overall, my central claim is that extinction is a core trope through which settler futurity emerges, one **with crucial narrative and ideological effects that shape** much of the contemporary **literature emerging from white colonial settings.**

#### The aff’s analysis of health overlooks structures of white supremacy and settler colonialism dictating healtb conditions for indigenous people which turns the case.

Kashyap 20 [Monika Batra Kashyap is a Visiting Assistant Professor at Seattle University School of Law, Ronald A. Peterson Law Clinic. J.D., University of California Berkeley School of Law. November 2020 California Law Review “U.S. Settler Colonialism, White Supremacy, and the Racially Disparate Impacts of COVID-19” <https://www.californialawreview.org/settler-colonialism-white-supremacy-covid-19/>] //aaditg

A settler colonialism framework recognizes that the United States is a present-day settler colonial society whose laws, institutions, and systems of governance continue to enact an ongoing “structure of invasion” that persists to this day.[5][5] ... Scholars across multiple disciplines have turned towards using a settler colonialism framework in their analyses to broaden understandings of how systems of subordination are structured in the United States.[6][6] ... A framework of settler colonialism understands that the three foundational processes upon which the United States was built—Indigenous elimination, anti-Black racism, and immigrant exploitation—are ongoing processes that continue to shape present-day systemic inequities.[7][7] In other words, a settler colonialism framework acknowledges the endurance of three ongoing “strategies of colonization” that continue to maintain settler colonialism’s structure of invasion: 1) strategies of elimination targeting Indigenous peoples; 2) strategies of subjugation targeting Black people (anti-Black racism); and 3) strategies of exploitation and exclusion targeting immigrants of color.[8][8] ... Moreover, a settler colonialism framework acknowledges that the ongoing strategies of colonization continue to be fueled, enabled and bolstered by an elaborate set of racial logics that Andrea Smith describes as the “logics of White supremacy.”[9][9] ... Smith argues that White supremacy in the U.S. context is enacted through three primary interrelated logics: 1) the view of Indigenous people as necessarily disappearing;[10][10] ... 2) the view of Black people as enslavable;[11][11] ... and 3) the view of immigrants of color as inferior and permanent “threats to the empire” who must either be exploited or excluded.[12][12] ... While the manifestations of these White supremacist logics may change over time, “they remain as persistently present today as they were five hundred years ago.”[13][13] This Essay will connect the persistent strategies, logics, and identities created by settler colonialism to the disparate health impacts of COVID-19 in Indigenous, Black, and immigrant of color communities in the United States. By offering a framework that uncovers the root causes of ongoing patterns of systemic oppression, this Essay hopes to inspire reform efforts that seek to alter such patterns by advancing reform efforts that are grounded in truth, justice, and reconciliation. I. Strategies of Indigenous Elimination: The Impacts of COVID-19 on Indigenous Communities Settler colonialism has eliminated Indigenous peoples in the United States through a host of strategies meant to obtain and maintain territorial control of the settler state.[14][14] As historian Patrick Wolfe explains, settler colonialism “requires the elimination of the owners of that territory, but not in any particular way.”[15][15] Elimination strategies employed by settler colonialism include genocidal violence, biological warfare through the introduction of infectious diseases, forced removal and relocation, confinement to reservations, child abduction, religious conversion, forced resocialization in residential boarding schools, and intricate biological and cultural assimilation programs that strip Indigenous people of their culture and replace it with settler culture.[16][16] White supremacist logics support the idea that Indigenous people are “nonhuman wild savages unsuited for civilization” who must therefore be eliminated, rendered expendable, or made invisible in order to justify dispossessing them of their lands.[17][17] ... These logics continue to underpin the removal of Indigenous people from settler spaces in both literal and conceptual ways.[18][18] ... For example, despite the fact that Indigenous peoples are killed in police encounters at a higher rate than any other racial or ethnic group, these deaths rarely gain the national spotlight, and are instead rendered invisible.[19][19] ... Moreover, contemporary popular narratives that designate European settlers as the “founding fathers” and refer to the United States as a “nation of immigrants” erase the existence of Indigenous peoples and render them invisible.[20][20] ... Another significant way in which settler colonialism’s ongoing strategy of Indigenous elimination manifests today is through devastating health disparities in Indigenous communities, which result in higher death rates for Indigenous peoples.[21][21] ... Important medical research implicates settler colonialism in contributing to poor health outcomes and high mortality rates in Indigenous communities in the United States.[22][22] ... This research highlights the devastating health impacts resulting from the brutal dispossession of traditional lands, the forced relocation to unproductive and polluted lands contaminated by heavy metals and industrial waste, the introduction of infectious settler diseases, and the introduction of harmful substances such as tobacco and alcohol.[23][23] ... This research also affirms a report previously published by the World Health Organization finding that Indigenous health is significantly affected by factors related to loss of language and connection to the land, environmental deprivation, and spiritual, emotional, and mental disconnectedness resulting from the loss of Indigenous traditions, culture, and identity.[24][24] ... The research concludes that these “oppressive factors” caused by colonialism perpetuate “severe inequalities in Indigenous health status, unsatisfactory disease and vital statistics, impaired emotional and social wellbeing, and poor prospects for future generations.”[25][25] Indigenous Health Part 1, supra note 22, at 66. The devastating health impacts resulting from settler colonialism’s strategy of Indigenous elimination have led to disproportionately high rates of pre-existing health conditions such as asthma, diabetes, hypertension and heart disease[26][26] ... that put Indigenous peoples at a higher risk of death by COVID-19.[27][27] ... And historical and structural inequities in federal funding—such as lack of support for municipal plumbing systems—have further exacerbated the health disparities that put Indigenous peoples at higher-risk in the COVID-19 crisis.[28][28] ... For example, 40 percent of Navajo households do not have access to running water, making it difficult to comply with handwashing recommendations.[29][29] ... As a result, Indigenous communities who were previously decimated by the imposition of settler diseases such as measles, whooping cough, small-pox, influenza, and tuberculosis continue to be eliminated by health disparities that make them disproportionately vulnerable to a new disease: COVID-19.[30][30] ... Today, Indigenous peoples in the United States are dying 3.2 times the rate of White people as a result of COVID-19.[31][31]

#### The 1AC’s appeal to innovation and western imperial science under the justification of solving disease is grounded in the “jungle” functioning through a logic of biocolonialism

Barker 19 [Clare Barker is a an Associate Professor in English Literature (Medical Humanities) Their Areas of expertise : postcolonial literature; indigenous literature; disability studies; medical humanities. “Biocolonial Fictions: Medical Ethics and New Extinction

Discourse in Contemporary Biopiracy Narratives”https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7116577/pdf/EMS109293.pdf] //aaditg

The age of big pharma, population genetics, and global health initiatives that transcend national borders has ushered in new forms of extractivism that consist of mining the bodies of Indigenous people, their medicinal plants, and their traditional ecological knowledge (TEK) for their pharmacological potential. These new forms of scientific endeavour echo and reconfigure the colonialist appropriations of the past. As scholar and activist, Vandana Shiva, writes, ‘[t]he colonies have now been extended to the interior spaces, the “genetic codes” of life-forms from microbes and plants to animals, including humans’.1 Shiva terms the expropriation of Indigenous biological resources ‘biopiracy’, while other activists and critics apply the broader term ‘biocolonialism’ to the range of practices that extend colonialist logic to the acquisition of human and plant organic materials, genetic ‘data’, and medicinal knowledge. This term in particular highlights the marked continuities between European colonialist practices of land and resource appropriation and the research practices within what Laurelyn Whitt calls the ‘new imperial science’, which, ‘marked by the confluence of science with capitalism’ and acting ‘in the service of western pharmaceutical … industries’ (among others), ‘enabl[es] the appropriation of indigenous knowledge and resources at a prodigious and escalating rate’.2 The logic of biocolonial extractivism operates through a reorientation of the temporal formations of settler colonialism, which equate settler practices with development and consign Indigenous peoples to the past. The land dispossessions of the colonial era were facilitated by powerful narratives of inevitable Indigenous extinction: ‘vanishing Indians’, Maori and Aboriginal ‘dying races’. As critics have shown, contemporary biocolonialist initiatives operate on similar assumptions, under which indigenous biospecimens must be preserved and biological data acquired before they vanish forever. Joanna Radin demonstrates that, since the mid-twentieth century, the ability to freeze and store blood and other organic samples has ‘emerged as a potentially powerful strategy for preserving fragments of a world that appeared to be increasingly in flux’. It enables ‘biological material to be studied in the present and especially in the future’, when (whether due to genetic admixture, European diseases, or environmental damage produced by the industrialized global North) ‘the individuals from whom it had been extracted were expected to have disappeared or changed beyond recognition’.3 In this article, I explore the intertwined relationship between medical research ethics and the logic and ideology of biocolonialism as it is represented in two contemporary American novels, Ann Patchett’s State of Wonder (2011) and Hanya Yanagihara’s The People in the Trees (2013). These novels depict ‘medical adventurer[s]’4 undertaking biocolonialist excursions into the remote jungles of, respectively, the Amazon and the Pacific, and are centrally concerned with the methods and infrastructure of biomedical and pharmaceutical research. In both cases, the fictional scientists’ ethically problematic research practices implicate them in what Pauline Wakeford calls ‘two entangled narratives of death and disappearance: the grand récits of wildlife extinction and the vanishing Indian’.5 I focus in particular on how these texts, by presenting us with fictional bioethical quandaries related to human longevity and reproduction, engage with the new formulations of extinction discourse produced by the life sciences. Patrick Brantlinger asserts that colonial ‘extinction discourse was performative in the sense that it acted on the world as well as described it’.6 State of Wonder and The People in the Trees both imagine biological discoveries with the potential to extend human lifecycles, but these research endeavours are steeped in extinctionist ideology and themselves set in motion the decimation of previously thriving Indigenous communities. Aspirational narratives of ‘eternal life’ (in Yanagihara) and ‘world health’ (in Patchett) are underpinned by the knowledge that these communities, reframed as research subjects, are likely to vanish in the wake of what Warwick Anderson calls ‘scientific colonialism’, along with their unique ecosystems.7 The different narrative temporalities of these texts – Patchett’s anticipating a significant breakthrough in global health, Yanagihara’s narrated retrospectively from a position of irreversible loss – produce divergent valuations of human and nonhuman lives and different perspectives on the ethics of biopiracy, as I shall discuss. But in reading them together, I demonstrate how fictional engagements with biocolonial science illuminate the continuities between colonial-era extractivism and contemporary research practices. In their temporal reorientations and their ability to imagine actual and potential acts of extinction, these texts resituate extinction discourse squarely within the context of twentieth- and twenty-first-century bioscientific experimentation. State of Wonder follows Marina Singh, a pharmacologist for a multinational pharmaceutical corporation, Vogel, on her expedition into the Amazon to investigate the death in the field of her colleague, Anders Eckman, and to assess the progress of a senior scientist, Annick Swenson, who is developing a fertility drug for Vogel while living with a remote tribe, the Lakashi. Swenson has discovered that the Lakashi women’s practice of chewing bark from a particular local tree (the Martin tree) not only alters their reproductive chemistry, allowing them to conceive and give birth into their seventies and eighties, but also inoculates them against malaria. Alongside their work on the fertility drug, Swenson and her team are surreptitiously developing a malaria vaccine at Vogel’s expense, which will have little appeal logic tied up with numerous contemporary research initiatives, particularly the Human Genome Diversity Project. See, for example, to company shareholders even though it ‘will have enormous benefits to world health’, since ‘[t]he people who need a malarial vaccine will never have the means to pay for it’.8 As the narrative unfolds, the protection of the Lakashi, their lifeways, and their environment is pitted against this urgent global health imperative to save the lives of the ‘[e]ight hundred thousand children’ who, as Swenson tells Marina, ‘die every year of malaria’ in the so-called ‘Third World’.9 The People in the Trees is framed as the memoirs of Norton Perina, a ‘renowned immunologist’ who, as a young doctor in 1950, joins an anthropological expedition to U’ivu, a fictional Micronesian state.10 Along with his anthropologist colleagues, he ‘discovers’ a ‘lost tribe’ living on the island of Ivu’ivu whose ritual ingestion of a sacred turtle endemic to the island, the opa’ivu’eke, causes extended longevity, with some tribe members apparently living for several hundred years. Perina’s research on this phenomenon earns him a Nobel Prize for Medicine, but also kickstarts a rapid process of biocolonial incursion on this island that has ‘never [before] been colonized’, beginning with pharmaceutical companies, seeking to develop ‘age-retarding drugs, … anti-aging skin creams, [and] elixirs to restore male potency’, ‘swarming throughout Ivu’ivu on the hunt for the opa’ivu’eke’.11 It results in the extinction of the turtle, the razing of the island, and the decimation of the Ivu’ivuan community through an accelerated experience of the impacts of colonization, including forced displacement, alcoholism, and disease. Both texts emphasize the overdetermination of their respective jungle environments by longstanding colonialist tropes of exotic difference that are inflected by bioscientific discourse. The Pacific island, as Elizabeth DeLoughrey has demonstrated, has long been figured as a remote, ‘hermetically sealed laboratory’, ‘deemed ahistorical and isolated’ from modernity and therefore ideal for experimentation in anthropology, ecology, and nuclear science.12 The Amazon, meanwhile, is imagined as what Veronica Davidov terms a ‘pharmacopia’ that holds within its rich ecosystems ‘fantastic cures for illnesses that defy the capacities of the Western pharmaceutical industry’, or, as Dr Swenson puts it in State of Wonder, ‘some sort of magical medicine chest’.13 Under the globalized conditions of the biomedical and pharmaceutical industries, the jungle spaces outside the West are vulnerable to exploitation due to their construction as ‘global commons’ or ‘global resource frontier[s]’ available to be harvested for their medical riches.14 As Swenson asserts in an unapologetic utilization of extractivist rhetoric: ‘there is much to be taken from the jungle’.15 Through their focus on the activities of life scientists in the interconnected fields of big pharma and global health, both novels appear to offer a critique of the impacts of biocolonialism on Indigenous people and the ecosystems in which they exist. But, as I will show, Perina’s retrospective narration in The People in the Trees brings into critical focus the extinctionist logic of biocolonial science, while State of Wonder’s anticipatory positioning is ultimately bound up with the future-oriented rhetoric used to justify much exploitative and damaging scientific research.

#### The alternative is refusal – a political depression that recognizes reconciliation will never be enough and creates harmful optimism to the political. Instead, embrace an affective pessimism that grounds alternative futures. The question is not whether Native people want the world, but if the world wants Native people

Belcourt 2016 (Billy-ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women's Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch,Political Depression in a Time of Reconciliation, Jan 15, 2016, <http://activehistory.ca/2016/01/political-depression-in-a-time-of-reconciliation/)//NotJacob//recut> anop

It’s tough: knowing that you might not get the world you want and the world that wants you back, that your bones might never stop feeling achy and fragile from the wear and tear of mere existence, from the hard labour of getting through the day. Ours are bodies that have been depleted by time, that have been wrenched into a world they can’t properly bend or squirm into because our flesh is paradoxically both too much and not enough for it. In the wake of both eventful and slowed kinds of premature death, what does it mean that the state wants so eagerly to move Indigenous bodies, to touch them, so to speak? Reconciliation is an affective mess: it throws together and condenses histories of trauma and their shaky bodies and feelings into a neatly bordered desire; a desire to let go, to move on, to turn to the future with open arms, as it were. Reconciliation is stubbornly ambivalent in its potentiality, an object of desire that we’re not entirely certain how to acquire or substantiate, but one that the state – reified through the bodies of politicians, Indigenous or otherwise – is telling us we need. In fact, Justice Murray Sinclair noted that the launch of the Truth and Reconciliation Commission’s final report on December 15, 2015, puts us at the “threshold of a new era in this country.”[1] I am interested in how life might be lived willfully and badly in the face of governmental forms of redress when many of us are stretched thin, how reconciliation, though instantiating a noticeable shift in the national affective atmosphere,[2] doesn’t actually remake the substance of the social or the political such that we’re still tethered to scenes of living that can’t sustain us. What I am trying to get at is: reconciliation works insofar as it is a way of looking forward to being in this world, at the expense of more radical projects like decolonization that want to experiment with different strategies for survival.[3] This way of doing things isn’t working and, because of that, optimism is hard to come by. According to cultural theorist Ann Cvetkovich, political depression emerges from the realization “that customary forms of political response, including direct action and critical analysis, are no longer working either to change the world or to make us feel better.”[4] It is the pestering sense that whatever you do, it won’t be enough; that things will continue uninterrupted, teasing you because something different is all you’ve wanted from the start. To be politically depressed is to worry about the temporal reach of neoliberal projects like reconciliation, to question their orientation toward the future because the present requires all of your energy in order to feel like anything but dying. Political depression is of a piece with a dispossessory enterprise that remakes the topography of the ordinary such that the labour of maintaining one’s life becomes too hard to keep up. We have to wait for the then and there in the here and now; how do we preserve ourselves until then? As Leanne Simpson points out, reconciliation has been reparative for some survivors, encouraging them to tell their stories, to keep going, so to speak.[5] But, what of the gendered and racialized technologies of violence that created our scenes of living, scenes we’ve been forced to think are of our own choosing? Optimism for the work of reconciliation disappeared in the face of multiple crises: of Missing and Murdered Indigenous Women and Girls, of HIV infection rates, of mass incarceration, of diabetes, of suicide. Reconciliation, at once a heuristic and a form of statecraft, fakes a political that doesn’t actually exist as such, one that not only presupposes that we – Indigenous peoples, that is – are willing to stay attached to it, but that we are already folded into it, that we’ve already consented to it. What does it mean, for example, to consent to a nation-to-nation relationship if there are no other options to choose from? Reconciliation wants so badly to be a keyword of sorts, to contain so much inside its semantic confines, to be “wide-reaching in its explanatory power.”[6] I’m not surprised things have started to leak all over the place. Decolonization might need something of an affective turn: I think there are ways of being attuned to our bodies such that we can gauge if our visceral responses are trained or not, parasitic or not. In short: what do our tears signal, what do his – Justin Trudeau’s – signal? We cry because pain holds our world together. I don’t want pain to hold our world together anymore. Perhaps admitting we are politically depressed is one of the most important things we could do in this day and age. When survival becomes radical and death becomes part and parcel of the ordinary itself, political depression might be our only point of departure. But, political depression is also about dreaming up alternatives that can sustain your attachments to life. Cvetkovich reminds us that we need “other affective tools for transformation” because hope and blind allegiance have failed too many of us too often.[7] I am interested in the generative work of pessimism, how being fed up propels us onward, and keeps us grounded in the now, such that we can make it to the future, even if that’s just tomorrow. As Kim TallBear put it, we’ve been living in a post-apocalyptic world (in its ecological ruins and in the face of its crisis-making politics) for quite some time,[8] one that exhausts our bodies to the point of depression and death and one that slowly removes us from the non-normative or the astray.[9] We are stuck in the thick of things, left clinging to an impasse without an exit strategy. We might need reconciliation today, but Indigenous peoples need a more capacious world-building project for tomorrow, one that can bear all of us and the sovereignties built into our breathing. We should not be asked: do you want the world today? Instead, we should be asking: does the world want us?

#### The counterinterpretation is that you should evaluate the 1AC as an object of study

#### [a] Sociogeny – debate may not spill over to political change but it has the potential to reproduce affirmations and negations that trigger neurohcmeical responses via reward and punishment mechanisms privilege certain research methods as valuable in the way debaters view the world.

#### [b] Objectivity – consequence based plan focus shifts the focus of debate from our investments in settler colonialism to a plan text, which is incoherent because debate is a communicative activity and their inter sidesteps discussions of genocide.

#### [c] Temporality – the affs models teaches violence can be wished away through administrative tinkering propogating desires within debate to play as activits without reimagnign the social structures that cause violence in the first place. Viewing the ballot as an mechanism to restore ethicality fails – they still dogmatically adhere to these protocols even though they know debate doesn’t caus emateiral change. That creates an process where nativeness is confined to death as their promise of a fiated political horizon relies on a politics of futurity.

## Case

### Util

Moen

Empirical claim w out empricla warrant

Q of what type of pain

Dalley is an !t to ext

A spec fails – q of exclsuson and jsutificaiton

### Underview

None of this applies to the aff its an fyi that’s true

Health access lik still ppaies

Yeah we agree ip is bad – that’s not our link args tho q of rheotic

The aff does not do anything for this it still allows for these sustems of power to exist so this is not foffense fo you

It’s a new link – they could hv read an aff abt biocoloniakm but chose to read an ext !

Doesn’t get them out of new links – it’s the adv that overlooks it and they contend innovation si good

Reduction in ipp general not true – they j do not do anytign for ik

### Covid

#### Kumar ev is wrong – their inhrency ev is not abt the plan

#### No scale back – mask mandates and increased vaccime access in the quo checks 100% of their impacts

**Squo solves – plan increases price of scarce materials and results in costly, ineffective facilities**

**Mcmurry-Heath 8/18** (Michelle Mcmurry-Heath, [physician-scientist and president and CEO of the Biotechnology Innovation Organization.], 8-18-2021, “Waiving intellectual property rights would harm global vaccination“, STAT, accessed: 8-19-2021, https://www.statnews.com/2021/08/18/waiving-intellectual-property-rights-compromise-global-vaccination-efforts/) ajs

Covid-19 vaccines are already remarkably cheap, and companies are offering them at low or no cost to low-income countries. Poor access to clinics and transportation are barriers in some countries, but the expense of the shot itself is not. In fact, if the World Trade Organization grants the IP waiver, it could make these vaccines more expensive.

Here’s why. Before Covid-19 emerged, the world produced at most [5.5 billion doses](https://www.barrons.com/articles/a-plan-to-break-the-vaccine-manufacturing-bottleneck-51621952245) of various vaccines every year. Now the world needs an additional [11 billion doses](https://www.who.int/director-general/speeches/detail/director-general-s-opening-remarks-at-the-g7-summit---12-june-2021) — including billions of doses of mRNA vaccines that no one had ever mass-manufactured before — to fully vaccinate every eligible person on the planet against the new disease.

Even as Covid-19 vaccines were still being developed, pharmaceutical companies began retrofitting and upgrading existing facilities to produce Covid-19 vaccines, at a cost of $40 to $100 million each. Vaccine developers also licensed their technologies to well-established manufacturers, like the Serum Institute of India, to further increase production. As a result, almost every facility in the world that can quickly and safely make Covid-19 vaccines is already doing so, or will be in the next few months.

The cutting-edge mRNA vaccines from Moderna and Pfizer-BioNTech face an even bigger capacity issue. Since the underlying technology is new, there are no mRNA manufacturing facilities sitting idle with operators just waiting for licensing agreements to turn on the machines. Nor are there trained personnel to run them or ensure safety and quality control. Embedding delicate mRNA vaccine molecules inside lipid nanoparticle shells at temperatures colder than Antarctica isn’t as easy as following a recipe from Bon Appetit.

Another big barrier to producing more shots is a shortage of raw materials. Suspending intellectual property protections and allowing any manufacturer to try to produce these vaccines, regardless of preparedness or experience, would increase the demand for scarce raw materials, driving up prices and impeding production.

Nor could all companies that suddenly get a green light due to suspended intellectual property rights produce vaccines as cheaply or quickly as existing manufacturers. Building a new vaccine manufacturing facility costs about $700 million, takes many months — if not years — to build and, once opened, requires another [four to six months](https://www.americanprogress.org/issues/healthcare/reports/2020/07/28/488196/comprehensive-covid-19-vaccine-plan/) to start producing vaccine doses. And because negotiations surrounding the WTO waiver, which began this summer, could take until December before they are completed, it wouldn’t be until well into 2023 or later that any additional doses would become available.

That’s slower than our current production rate. According to a report from Duke University’s [Global Health Innovation Center](https://launchandscalefaster.org/covid-19/vaccinemanufacturing), companies are on track to manufacture enough shots in 2021 to fully vaccinate at least 70% of the global population against Covid-19 — the level required to achieve herd immunity.

Covid-19 vaccines are saving millions of lives and protecting trillions of dollars of economic activity for an exceptionally low cost. Israel, for example, which has one of the world’s highest vaccination rates, paid [$23.50 per dose](https://www.timesofisrael.com/israel-said-to-be-paying-average-of-47-per-person-for-pfizer-moderna-vaccines/) for early shipments, for a total of about $315 million. That’s approximately equal to the gross domestic productivity losses incurred during [just two days of shutdowns](https://www.bmj.com/content/372/bmj.n281) in the country.

Many countries are buying shots for under $10 per dose. India and South Africa — the two countries leading the petition to gut IP rights — are paying just $8 and $5.25 per dose, respectively. For reference, a regular flu shot costs about $14 in the United States, and pediatric vaccines average about $55 per dose.

Meanwhile, low-income countries that can’t afford even modest prices are getting their vaccines at no charge. [COVAX](https://www.who.int/initiatives/act-accelerator/covax), the international nonprofit vaccine distributor, aims to deliver 2 billion doses to developing nations by the end of the year.

President Biden vowed to make America the world’s [“arsenal of vaccines.”](https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/05/17/remarks-by-president-biden-on-the-covid-19-response-and-the-vaccination-program-4/) The U.S. has already committed $4 billion to COVAX, has donated more than 100 million vaccine doses abroad, and is on track to donate [500 million more](https://www.npr.org/sections/goatsandsoda/2021/08/03/1023822839/biden-is-sending-110-million-vaccines-to-nations-in-need-thats-just-a-first-step) by the end of summer. Other countries are following the administration’s leadership and ramping up their donations.

**IPR hasn’t harmed access – manufacturing capacity alt cause**

**Mercurio 2/12** (Bryan Mercurio, [Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law.], 2-12-2021, “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review“, No Publication, accessed: 8-8-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3789820) ajs

2. Intellectual property rights have not hampered access to COVID-19 vaccines

A WTO waiver is an extreme measure which should only be used when existing WTO obligations prove inadequate. This was the case in relation to the compulsory licencing provisions under Article 31 of the TRIPS Agreement, which essentially precluded Members with no or inadequate manufacturing capabilities from making use of the flexibility granted in the TRIPS Agreement. 25 This was also the case with the Kimberley Process, which attempts to eliminate trade in “conflict diamonds”. 26

Although the IP waiver proposal states that “there are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients”, 27 the sponsors did not provide further elaboration or evidence to support their declaration that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available [under the TRIPS Agreement]”. 28 Instead, many of the examples used by India and South Africa point to problems not with the TRIPS Agreement but rather to failures at the domestic level. As mentioned above, the WTO allowed for the importation of medicines under a compulsory licence in 2003, and yet many developing countries have yet to put in place any framework to allow their country to make use of the flexibility. 29 This is not an institutional problem of the international system but rather a problem at the country level.

Two additional factors which make the proposed waiver unnecessary and potentially harmful. First, pharmaceutical companies are selling the vaccine at extremely reasonable rates and several announced plans for extensive not-for-profit sales.30 Although agreements between the pharmaceutical companies and governments are not publicly disclosed, the Belgian Secretary of State Eva De Bleeker temporarily made publicly available in a tweet the prices the EU is being charged by each manufacturer. The De Bleeker tweet indicated the European Commission negotiated price arrangements with six companies, with the range of spending between €1.78 and €18 per coronavirus vaccine dosage. Specific price per dose listed for each of the six vaccines was as follows: Oxford/AstraZeneca: (€1.78), Johnson & Johnson (€8.50), Sanofi/GSK (€7.56), CureVac (€10), BioNTech/Pfizer (€12) and Moderna (€18).31

While much as been made of the fact that South Africa agreed to purchase 1.5 million doses of the Oxford/AstraZeneca from the Serum Institute of India (SII) at a cost of €4.321 per dose,32 these criticisms are directed at the lack of transparency in pharmaceutical licenses and production contracts – an issue which would be wholly unaddressed by a waiver of IPRs.

Moreover, while the disparity in pricing is concerning the overall per dosage rate South Africa is paying nevertheless represents value for money given the expected health and economic returns on investment. Despite the disparity in pricing between nations, the larger point remains that the industry has not only rapidly produced vaccines for the novel coronavirus but is making them available at unquestionably reasonable prices.

Second, the proposed waiver will do nothing to address the problem of lack of capacity or the transfer of technology and goodwill. Pharmaceutical companies have not applied for patents in the majority of developing countries – in such countries, any manufacturer is free to produce and market the vaccine inside the territory of that country or to export the vaccine to other countries where patents have not been filed.33 Patents cannot be the problem in the countries where no patent applications have been filed, but the lack of production in such countries points to the real problem – these countries lack manufacturing capacity and capability.

While advanced pharmaceutical companies will have the technology, know-how and readiness to manufacture, store and transport complex vaccine formulations, such factories and logistics exist in only a handful of countries.34 Regardless of whether an IP waiver is granted, the remaining countries will be left without enhanced vaccine access and still reliant on imported supplies. With prices for the vaccine already very low, it is doubtful that generic suppliers will be able to provide the vaccine at significantly lower prices. Under such a scenario, the benefit of the waiver would go not to the countries in need but to the generic supplier who would not need to pay the licence fee or royalty to the innovator. Thus, the waiver would simply serve to benefit advanced generic manufacturers, most of which are located in a handful of countries, including China and Brazil as well as (unsurprisingly) India and South Africa. Countries would perhaps be better off obtaining the vaccine from suppliers that have negotiated a voluntary licence from the patent holder, as such licences include provisions for the transfer of technology, know-how and ongoing quality assurance support.

**Waivers fail – license agreements are key to access and scaling up vaccines**

Crosby et al 21 [[Daniel Crosby](https://www.jdsupra.com/authors/daniel-crosby/), [Evan Diamond](https://www.jdsupra.com/authors/evan-diamond/), [Isabel Fernandez de la Cuesta](https://www.jdsupra.com/authors/isabel-fernandez-de-la-cuesta/), [Jamieson Greer](https://www.jdsupra.com/authors/jamieson-greer/), [Jeffrey Telep](https://www.jdsupra.com/authors/jeffrey-telep/), [Brian White](https://www.jdsupra.com/authors/brian-white/)] “Group of Nearly 60 WTO Members Seek Unprecedented Waiver from WTO Intellectual Property Protection for COVID-related Medical Products,” JD Supra, March 5, 2021, <https://www.jdsupra.com/legalnews/group-of-nearly-60-wto-members-seek-2523821/> TG

Waiver risks uncontrolled use of patented technologies, without improving vaccine access. Pharmaceutical companies can provide, and have provided, licenses to distribute or scale-up production of COVID-19 vaccines and therapies at reduced cost. Such license agreements allow for expanded access in low- and middle-income countries, while also setting reasonable parameters so that patents and other IP rights are used to address the specific medical needs of the COVID-19 pandemic at hand, and not for other purposes. License agreements also allow for orderly technology transfer, including of unpatented “trade secret” information and other critical “know-how,” that may be essential to efficiently producing and scaling-up safe and effective versions of technologically complex vaccines and biologic drug products.

Under the present TRIPS waiver proposal, however, member countries could try to exploit an extraordinarily broad scope of IP and copy patented technologies so long as they are “in relation to prevention, containment or treatment of COVID-19.” For example, under an expansive reading of the proposed waiver language, a member country could try to produce patented pharmaceutical compounds that have other indicated uses predating COVID-19, if such compounds had later been studied or experimentally used for potential symptomatic relief or antiviral activity in COVID-19 patients. The same risks may be faced by manufacturers of patented materials or devices that have multiple uses predating COVID-19, but also may be used as “personal protective equipment” or components thereof, or in other measures arguably relating to COVID-19 “prevention” or “containment.”

At the same time, it is unclear how the proposed TRIPS waiver could provide the technology transfer and know-how critical for making the complex molecules and formulations constituting the various COVID-19 vaccines. Vaccine manufacture undertaken by an unauthorized party without the proper processes and controls could result in a different product that is potentially ineffective or results in unwanted health consequences. And even if an unauthorized manufacturer could overcome those substantial hurdles to reverse-engineer and scale up a safe and effective vaccine copy, it would likely take substantial time and a series of failures to do so. Notably, several of the original COVID-19 vaccine developers have recently faced low product yield and other manufacturing challenges during pre-commercial scale-up efforts and the initial months of commercial production.

**Diseases don’t cause extinction**

Owen Cotton-**Barratt 17**, et al, PhD in Pure Mathematics, Oxford, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute, 2/3/2017, Existential Risk: Diplomacy and Governance, https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are **very unlikely to cause human extinction**. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, **less than 4%** (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is **very numerous**, **globally dispersed**, and capable of a **rational response to problems**, is very unlikely to be killed off by a natural pandemic.

One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a **selective pressure for pathogens not to be highly lethal**. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

**A vaccine waiver greenlights counterfeit medicine – independently turns Case.**

**Conrad 5-18** John Conrad 5-18-2021 "Waiving intellectual property rights is not in the best interests of patients" <https://archive.is/vsNXv#selection-5353.0-5364.0> (president and CEO of the Illinois Biotechnology Innovation Organization in Chicago.)//Elmer

The Biden's administration's support for India and South Africa's proposal before the World Trade Organization to temporarily waive anti-COVID vaccine patents to boost its supply will fuel the **development of counterfeit vaccines and weaken the already strained global supply chain**. The proposal will not increase the effective number of COVID-19 vaccines in India and other countries. The manufacturing standards to produce COVID-19 vaccines are **exceptionally complicated**; it is unlike any other manufacturing process. To ensure patient safety and efficacy, only manufacturers with the **proper facilities and training should produce the vaccine, and they are**. Allowing a temporary waiver that permits compulsory licensing to allow a manufacturer to export counterfeit vaccines will **cause confusion and endanger public health**. For example, between 60,000 and 80,000 children in Niger with fatal falciparum malaria were treated with a counterfeit vaccine containing incorrect active pharmaceutical ingredients, resulting in more than **100 fatal infections.** Beyond the patients impacted, counterfeit drugs erode public confidence in health care systems and the pharmaceutical industry. Vaccine hesitancy is a rampant threat that feeds off of the distribution of misinformation. Allowing the production of vaccines from improper manufacturing facilities further opens the door for antivaccine hacks to stoke the fear fueling **vaccine hesitance**.

**Coronavirus won’t get *anywhere close* to existential – low mortality and burnout**

**Salzberg 20** [(Steven, PhD from Harvard, worked at The Institute for Genomic Research, where he sequenced the genomes of many bacteria, including those used in the 2001 anthrax attacks, also worked on the Human Genome Project, now the Distinguished Professor of Biomedical Engineering, Computer Science, and Biostatistics at Johns Hopkins University), “Coronavirus: There Are Better Things To Do Than Panic”, <https://www.forbes.com/sites/stevensalzberg/2020/02/29/coronavirus-time-to-panic-yet/#7de449ad7fa6>] TDI

1.The mortality rate is probably **much, much less than 2%**. The rapid spread of COVID-19 suggests that many more people are infected than those who have confirmed cases. The number of people who have no symptoms or very mild symptoms is likely to be **ten times as high** as the number of reported cases. (This is only a guess.) That would mean the mortality rate might be only 0.2%, or even lower. **We still don't know**. (The cruise ship that was quarantined in the Japan [had just over 700 cases, and 6 people have died](https://www.bbc.com/news/uk-51677846), suggesting a mortality rate of **1%**.)

2.The reported mortality rate is **dramatically lower in young people**. If you are under 30, you can probably **relax** a bit. However, if you are over 70, the mortality rate is [frighteningly high, 8-15%](https://www.bbc.com/news/health-51674743).

3.2,933 deaths is a tragedy, **but it's a tiny number** compared to the **annual deaths from the influenza virus**, which we have learned to live with. In the U.S. alone, [the CDC estimates that 12,000–**61,000 people die each year** from the flu](https://www.cdc.gov/flu/about/burden/index.html) (the number varies a lot because the virus itself changes from year to year), and 9-45 million people get sick. The worldwide totals are **far higher**. So in terms of numbers, the world is **definitely over-reacting** to the new coronavirus.