

NOT A BEDTIME STORY: CLIMATE CHANGE, NEOLIBERALISM AND THE FUTURE OF THE ARCTIC

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*“The only thing we have to do to be sure we will leave a ruined world for our children and our grandchildren is to do exactly what we are doing now.”*²

*“Children are the future of any society. If you want to know the future of a society look at the eyes of the children. If you want to maim the future of any society, you simply maim the children. Thus, the struggle for the survival of our children is the struggle for the survival of our future. The quantity and quality of that survival is the measurement of the development of our society.”*³

*“There can be no keener revelation of a society’s soul than the way in which it treats its children.”*⁴

I. INTRODUCTION

Climate change⁵ has been called “[t]he overriding environmental issue of these times,”⁶ “the most pressing and

² Mary DeMocker, *If Your House Is On Fire: Kathleen Dean Moore On the Moral Urgency Of Climate Change*, THE SUN, Dec. 2012, http://thesunmagazine.org/issues/444/if_your_house_is_on_fire (quoting James Gustave Speth, former Dean of Yale’s School of Forestry and Environmental Studies).

³ NGUGI WA THIONG’O, MOVING THE CENTRE: THE STRUGGLE FOR CULTURAL FREEDOM 76 (1993), *quoted in* HENRY A. GIROUX, DISPOSABLE YOUTH: RACIALIZED MEMORIES AND THE CULTURE OF CRUELTY xiii (2012). Ngugi Wa Thiong’o’s statement is applicable to both humans and nonhuman animals. As Zac Ungar explains in his examination of polar bears, “[t]here’s no better way to destroy a population than to decimate its youth.” Zac Ungar, *The Fuzzy Face of Climate Change*, PAC. STANDARD, 40, 43 January/February 2013.

⁴ CARLA J. BARRETT, COURTING KIDS: INSIDE AN EXPERIMENTAL YOUTH COURT xi (2013).

⁵ In this Article, I employ the term “climate change” instead of “global warming” to refer to the phenomena, “the enhanced greenhouse effect,” because some regions of the world may experience a substantial cooling effect as a result of climate change. For similar perspectives, see, e.g., Paul R. Epstein, *Global Chilling*, N.Y. TIMES, Jan. 28, 2004, at A25; Al Gore, *We Can’t Wish Away Climate Change*, N.Y. TIMES, Feb. 28, 2010, http://www.nytimes.com/2010/02/28/opinion/28gore.html?pagewanted=all&_r=0. For a discussion of whether “climate change” is a more accurate term than “global warming,” see, e.g., Avi Brisman, *The Aesthetics of Wind Energy Systems*, 13(1) N.Y.U. ENVTL. L. J. 1, 15 n.28 (2005); Aaron M. McCright and

important international issue facing humanity today,”⁷ “unquestionably the most important problem the world faces,”⁸ and “arguably the most serious social problem, most important political issue, and greatest moral challenge that the world faces at the beginning of the twenty-first century.”⁹ Former Vice-President Al Gore has asserted that “[n]ot only does human-caused global warming exist, but it is also growing more and more dangerous, and at a pace that has now made it a planetary emergency.”¹⁰ President Barack Obama declared in his State of the Union address on February 12, 2013, that “for the sake of our

Riley E. Dunlap, *Defeating Kyoto: The Conservative Movement's Impact on U.S. Climate Change Policy*, 50 SOC. PROBS. 348, 348 n.1 (2003); cf. Michael J. Lynch and Paul B. Stretesky, *Global Warming, Global Crime: A Green Criminological Perspective*, in GLOBAL ENVIRONMENTAL HARM: CRIMINOLOGICAL PERSPECTIVES 62, 62-63 (Rob White, ed., 2010) (noting that the terms “climate change” and “global warming” are often used interchangeably, but employing the term “global warming” in order to “focus on problems that result from the long-term pattern of increasing global temperatures”). For a discussion of the qualitative and quantitative differences between public understanding of “climate change” in comparison to “global warming,” see Lorraine Whitmarsh, *What's In A Name? Commonalities and Differences in Public Understanding of “Climate Change” and “Global Warming,”* 18 PUBLIC UNDERSTANDING SCI. 401, 401-20 (2009).

⁶ Editorial, *The One Environmental Issue*, N.Y. TIMES, Jan. 1, 2008, http://www.nytimes.com/2008/01/01/opinion/01tue1.html?_r=0; see also Nicholas D. Kristof, *Nukes Are Green*, N.Y. TIMES, Apr. 9, 2005, <http://www.nytimes.com/2005/04/09/opinion/09kristof.html> (asserting that “[i]t’s increasingly clear that the biggest environmental threat we face is actually global warming”).

⁷ Rob White, *Globalisation and Environmental Harm*, in GLOBAL ENVIRONMENTAL HARM: CRIMINOLOGICAL PERSPECTIVES 3, 11 (Rob White, ed., 2009). See also ROB WHITE, *TRANSNATIONAL ENVIRONMENTAL CRIME: TOWARD AN ECO-GLOBAL CRIMINOLOGY* 36, 51 (2011) (stating that “[c]limate change is arguably the most important issue, problem and trend in the world today” and that “[t]he pressing issue today is that of climate change”).

⁸ Kevin Drum, *Elephants Never Regret*, MOTHER JONES 46, 48 January/February 2013; cf. Monika Bauerlein and Clara Jeffery, *The Heat is On*, MOTHER JONES 5 January/February 2013. (stating “[c]limate change has been demoted to special, you-people interest on the order of, oh, animal testing or nuclear disarmament. Important, sure, but not like the things that grown-ups care about, like whether American can afford another nickel at the pump”).

⁹ Ronald C. Kramer, *Carbon in the Atmosphere: Climate Change as State-Corporate Crime*, 36(2) JOURNAL OF CRIME AND JUSTICE 153, 153 (2013).

¹⁰ AN INCONVENIENT TRUTH (Melcher Media 2006).

children and our future, we must do more to combat climate change”¹¹—words which he echoed in remarks in Berlin on June 19, 2013: ““This is the global threat of our time. And for the sake of future generations, our generation must move toward a global compact to confront a changing climate before it is too late. That is our job. That is our task. We have to get to work.””¹² Six days later, in a nationwide speech, President Obama stated: “Those of us in positions of responsibility, we’ll need to be less concerned with the judgment of special interests and well-connected donors and more concerned with the judgment of posterity. Because you and your children, and your children’s children, will have to live with the consequences of our decisions.”¹³ “And someday,” Obama continued, “our children, and our children’s children, will look at us in the eye, and they’ll ask us, did we do all that we could when we had the chance to deal with this problem and leave them a cleaner, safer, more stable world? And I want to be able to say, yes, we did. Don’t you want that?”¹⁴

¹¹ Obama continued: “Yes, it’s true that no single event makes a trend. But the fact is, the 12 hottest years on record have all come in the last 15. Heat waves, droughts, wildfires, and floods - all are now more frequent and intense. We can choose to believe that Superstorm Sandy, and the most severe drought in decades, and the worst wildfires some states have ever seen were all just a freak coincidence. Or we can choose to believe in the overwhelming judgment of science - and act before it’s too late.” President Barack Obama, State of the Union Address (Feb. 12, 2013), <http://articles.latimes.com/print/2013/feb/12/news/la-pn-2013-state-of-the-union-full-prepared-transcript-20130212>.

¹² Dina Cappiello and Josh Lederman, *Obama Commits to Tough Push on Global Warming*, DENV. POST June 20, 2013, http://www.denverpost.com/breakingnews/ci_23500743/obama-commits-tough-push-global-warming (last visited July 17, 2013).

¹³ President Barack Obama, Remarks by the President on Climate Change, Georgetown University, Washington, D.C., June 25, 2013, <http://www.whitehouse.gov/the-press-office/2013/06/25/remarks-president-climate-change> and <http://ens-newswire.com/2013/06/25/president-obamas-climate-change-speech-full-text/> (last visited July 18, 2013). See also Evan Lehmann, *Obama Makes a Moral Case to U.S. for Combating Climate Change*, E&E/CLIMATEWIRE, June 26, 2013, <http://www.eenews.net/climatewire/stories/1059983492> (last visited July 17, 2013).

¹⁴ Obama, *supra* note 11; see also Evan Lehmann, *Obama Makes a Moral Case to U.S. for Combating Climate Change*, E&E/CLIMATEWIRE, June 26, 2013, <http://www.eenews.net/climatewire/stories/1059983492> (last visited July 17, 2013).

While the environmental effects of climate change are often discussed with respect to the future, many are already being experienced: from the shrinking of glaciers, thawing of permafrost, later freezing and earlier break-up of ice on rivers and lakes, global bleaching of coral reefs—the “rain forests of the sea”—a reaction to heat stress, lengthening of mid- to high-latitude growing seasons, earlier flowering of trees, emergence of insects, and egg-laying in birds, to increasing frequency of floods and droughts in some areas, more intense flooding and heat waves in others, and (combined with the cutting and burning of forests and other critical habitats) the loss of living species at a level comparable to the extinction event that wiped out the dinosaurs 65 million years ago.¹⁵ According to Jay Lawrimore, chief of climate analysis at the National Climatic Data Center in Asheville, NC (USA), “extreme events”—such as heavier rainstorms in summer, bigger snowstorms in winter, more intense droughts in at least some places, and more record-breaking heat waves—are “occurring with greater frequency, and in many cases with greater intensity.”¹⁶ For example, in the first

¹⁵ See, e.g., *Top Scientists Warn of Water Shortages and Disease Linked to Global Warming*, N.Y. TIMES, Mar. 12, 2007, <http://www.nytimes.com/2007/03/12/science/earth/12climate.html> (reporting that “many current problems—change in species habits and habitats, more acidified oceans, loss of wetlands, bleaching of coral reefs and increases in allergy-inducing pollen—can be attributed to global warming”); Piers Beirne, *Animal Rights, Animal Abuse and Green Criminology*, in ISSUES IN GREEN CRIMINOLOGY: CONFRONTING HARMS AGAINST ENVIRONMENTS, HUMANITY AND OTHER ANIMALS 55, 75 (Piers Beirne & Nigel South, eds., 2007); Avi Brisman, *The Aesthetics of Wind Energy Systems*, 13(1) N.Y.U. ENVTL. L.J. 1, 15-26 (2005); Andrew Franz, *Climate Change in the Courts: A US and Global Perspective*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 89, 89 (Rob White, ed., 2012) (describing how “[g]lobal temperatures continue to rise—year after year new heat records are set; the permafrost is melting and rotting—leading to damaging summer methane emissions; glaciers are receding everywhere; species are endangered—perhaps a quarter of species now on earth will be extinct by mid-century, and half by 2100; incidents of drought, poor water quality, crop losses, landslides, pest inundation, severe storms, raging wildfires, and tropical diseases are increasing and spreading;”) (citations omitted).

¹⁶ Justin Gillis, *In Weather Chaos, a Case for Global Warming*, N.Y. TIMES, Aug. 15, 2010, <http://www.nytimes.com/2010/08/15/science/earth/15climate.html?pagewanted=all>. See also Justin Gillis, *Panel Finds Climate Change Behind Some Extreme Weather*, N.Y. TIMES, Nov. 19, 2011, <http://www.nytimes.com/2011/11/19/science/earth/un-panel-finds-climate->

nine months of 2010, 21,000 people died due to climate-related disasters—more than twice the number for the whole of 2009;¹⁷

change-behind-some-extreme-weather-events.html (stating “[i]t is likely that greenhouse gas emissions related to human activity have already led to more record-high temperatures and fewer record lows, as well as to greater coastal flooding and possibly to more extremes of precipitation”); Gore, *supra* note 5. For similar perspectives (asserting that “man-made global-warming pollution traps heat from the sun and increases atmospheric temperatures. These pollutants—especially carbon dioxide — have been increasing rapidly with the growth in the burning of coal, oil, natural gas and forests, and temperatures have increased over the same period. Almost all of the ice-covered regions of the Earth are melting—and seas are rising . . . Droughts are getting longer and deeper in many mid-continent regions, even as the severity of flooding increases. The seasonal predictability of rainfall and temperatures is being disrupted, posing serious threats to agriculture”); SCOTT G. McNALL, *RAPID CLIMATE CHANGE: CAUSES, CONSEQUENCES AND SOLUTIONS* 10-11 (Routledge, 2011) (asserting that “[t]he reality is that extreme weather events, such as Hurricane Katrina in 2005, and the deadly heatwave in Europe in 2003, are part of a larger pattern of climate change.”); Caroline C. Nobo & Rebecca D. Pfeffer, *Natural Disasters and Crime: Criminological Lessons from Hurricane Katrina*, in *CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE* 173, 173, 174-75 (Rob White, ed., 2012) (stating “[p]erhaps one of the most severe consequences of global climate change is an increase in the frequency and intensity of extreme weather events. . . . [C]limate change has and will continue to be accompanied by changes in the intensity, duration, and frequency of weather and climate extreme events that are unusual in occurrence and have massive destructive potential. While even in a stable climate a small number of natural disasters caused by weather extremes are to be expected, human-induced warming is known to affect climate variables such as temperature and precipitation. Small changes across many variables will result in larger changes, resulting in more frequent occurrence of natural disasters”) (citations omitted); Jules Pretty, *The Consumption of a Finite Planet: Well-Being, Convergence, Divergence and the Nascent Green Economy*, 55(4) *ENVIRONMENTAL AND RESOURCE ECONOMICS* 475, 487 (2013) (stating that “CO₂ radiative forcing increased by 20% from 1995 to 2005, the largest change for any decade over the last 200 years. The impacts already include changed weather patterns, greater extreme events, more acidic oceans”); *see generally* Gary Braasch, *Climate change: Is seeing believing?*, 69 *BULLETIN OF THE ATOMIC SCIENTISTS* 33, 35 (2013) (noting that “the death toll from drought and urban heat waves has received little publicity even though extreme heat kills and hospitalizes more people than hurricanes or tornadoes do” (citation omitted)).

¹⁷ Reuters, *Climate deaths more than double in 2010*, METRONEWS, Nov. 29, 2010, <http://carbon-based-ghg.blogspot.com/2010/11/climate-deaths-more-than-double-in-2010.html>; *see generally* Andrew C. Revkin, Op-Ed, *Weird Weather in a Warming World*, N.Y. TIMES, Sept. 7, 2010,

in the last decade, 370,000 people have been killed by climate-change fueled extreme weather events, such as droughts and hurricanes.¹⁸ Although changes in weather patterns in the coming decades (including warmer temperatures, increased rainfall, summertime droughts, and extreme weather events, such as hurricanes and tornadoes) have direct consequences for human health, they are also likely to cause important changes in the incidence and distribution of infectious diseases, including vector-borne and zoonotic diseases (e.g., Lyme disease, West Nile virus, dengue, malaria, chikungunya, tularemia, rabies), water- and food-borne diseases (e.g., *Escherichia coli*, *Salmonella*, *Vibrio cholerae*), communicable respiratory diseases (e.g., influenza, respiratory syncytial virus, *Streptococcus pneumoniae*), and invasive fungal diseases (e.g., *Blastomyces dermatitidis*, *Coccidioides immitis*, *Cryptococcus gattii*).¹⁹

<http://www.nytimes.com/2010/09/08/opinion/08revkin.html> (“Given the weather of late, extremes seem to have become the norm. New York City just had its hottest June-to-August stretch on record. Moscow, suffering from a once-in-a-millennium heat wave, tallied thousands of deaths, a toll that included hundreds of inebriated, overheated citizens who stumbled into rivers and lakes and didn’t come out. Pakistan is reeling from flooding that inundated close to a fifth of the country.”). It bears mention that while heat waves increase the likelihood of heat-related illness and death (from heat rash and heat cramps to heat exhaustion to heat stroke); Richard Harris, *Increased Humidity From Climate Change Could Make It Harder To Tolerate Summers*, NPR, (Feb. 25, 2013, 3:00 PM), <http://www.npr.org/2013/02/25/172905430/increased-humidity-from-climate-change-could-make-it-harder-to-tolerate-summer>. A number of studies have examined the linkages between heat and violence, including homicide: see, e.g., Craig A. Anderson, *Heat and Violence*, 10 CURRENT DIRECTIONS IN PSYCHOL. SCI. at 33, 33-38 (2001), available at <http://www.psychology.iastate.edu/faculty/caa/abstracts/2000-2004/01A.pdf>; Andrew W. Lehren & Al Baker, *In New York, Number of Killings Rises With Heat*, N.Y. TIMES, June 18, 2009, <http://www.nytimes.com/2009/06/19/nyregion/19murder.html?pagewanted=all>; Andrew W. Lehren & Christine Hauser, *In New York City, Fewer Murders on Rainy Days*, N.Y. TIMES, July 2, 2009, <http://www.nytimes.com/2009/07/03/nyregion/03murder.html>.

¹⁸ Takepart.com, *When It Comes to Climate Change, This is the Only Equation You Need to Know*, July 15, 2013, YAHOO NEWS, <http://news.yahoo.com/comes-climate-change-only-equation-know-032821325.html>.

¹⁹ Amy Greer, Victoria Ng, & David Fisman, *Climate Change and Infectious Diseases in North America: The Road Ahead*, 178 CAN. MED. ASS’N J., Mar. 11, 2008, at 715. See generally Robert Agnew, *Dire forecast: A theoretical model of the impact of climate change on crime*, 16 THEORETICAL

While it can be difficult to tease out how much and the extent to which anthropogenic climate change plays in any specific weather event, it is clear that changes are taking place.²⁰ According to the National Oceanic and Atmospheric Administration, the first two months of the 2011-12 winter season were much warmer than average; in January 2012, the average contiguous U.S. temperature was 5.5 degrees Fahrenheit

CRIMINOLOGY, Feb. 2012, at 21, 23 (2012) (“[C]limate change will contribute to the spread of certain infectious diseases (e.g. malaria), to malnutrition and under-nutrition . . . to diarrheal and other diseases related to water contamination, to cardio-respiratory diseases from increased air pollution, to heat stress, and to increased trauma from extreme weather events”); Neela Banerjee, *Greenhouse gases nearing dangerous levels, study finds*, L.A. TIMES, June 10, 2013, <http://articles.latimes.com/2013/jun/10/news/la-pn-greenhouse-gases-dangerous-levels-20130610> (discussing how heat-trapping greenhouse gases will lead to dangerous rises in global temperatures and how “[s]oaring temperatures would have profound implications for everything from water supplies, electricity production, agriculture and public health.”); Editorial, *A Climate Change Corrective*, N.Y. TIMES, July 10, 2010, <http://www.nytimes.com/2010/07/11/opinion/11sun2.html> (discussing the relationship between climate change and human activities and warning of growing risks—sea level rise, drought, disease—that must swiftly be addressed by firm action to reduce emissions of greenhouse gases). In a slightly different vein, Wendy Koch reports that rising carbon dioxide in the atmosphere has caused more plants to grow and subsequently more pollen to be produced: “There’s clear evidence that pollen season is lengthening and total pollen is increasing” Wendy Koch, *Climate Change Linked to More Pollen, Allergies, Asthma*, USA TODAY, May 31, 2013, <http://www.usatoday.com/story/news/nation/2013/05/30/climate-change-allergies-asthma/2163893/> (quoting George Luber, associate director for climate change Center for Disease Control and Prevention). While rising pollen counts can boost the production of corn and other crops—and that some plants will be able to grow in new places where they could not before—from a human health perspective, as the weather gets warmer and more pollen gets airborne, there will be more respiratory ailments, such as seasonal allergies and exacerbated asthma. *Id.*

²⁰ See, e.g., Obama, State of the Union Address, *supra* note 11; Takepart.com, *supra* note 18; cf. Peter D. Howe & Anthony Leiserowitz, *Who remembers a hot summer or a cold winter? The asymmetric effect of beliefs about global warming on perceptions of local climate conditions in the U.S.*, 23 Global Envtl. Change 1488, 1489 (noting that “[w]hile direct attribution of any single weather event to long-term processes like global warming is not possible, the accumulation of weather events that fall outside the range of previous experience does provide evidence that the climate is changing, since local extreme events become more likely as the world warms” (citations omitted)).

above the long-term average; a total of twenty-two states had December 2011-January 2012 temperatures ranking among their ten warmest; and forty-eight states reported above-average temperatures in January 2012, with only two states recording near-average temperatures and no state recording temperatures cooler than average.²¹

Such human-caused warming has not been limited to the United States. Australia's 2012-13 summer (December-February) was the hottest on record. As Megan Gannon reports, "[i]n those three months between 2012 and 2013, the country's average temperature was 83.5 degrees Fahrenheit (28.6 degrees Celsius), 2 degrees Fahrenheit (1 degree C) above normal It broke the previous summer temperature record, set in the 1997-1998 season, by 0.18 degree Fahrenheit (0.1 degree Celsius)."²² More significantly, "[t]he summer of 2012-2013 probably won't retain its title for long . . . record-breaking scorching summers are five times more likely to occur now in Australia due to climate change."²³ Over the last 100 years, global temperatures have warmed by about 1.33 degrees Fahrenheit (0.74 degrees

²¹ See Clayton Sandell, *Global Warming: Like 'Weather on Steroids,'* ABCNEWS, Feb. 8, 2012, <http://abcnews.go.com/Technology/global-warming-climate-scientists-effect-weather-steroids/story?id=15534047>. President Obama began his comments on climate change on June 25, 2013 at Georgetown University by making similar observations about the warming of the planet: "The 12 warmest years in recorded history have all come in the last 15 years. Last year, temperatures in some areas of the ocean reached record highs, and ice in the Arctic shrank to its smallest size on record—faster than most models predicted it would. . . . The potential impacts go beyond rising sea levels. Here at home, 2012 was the warmest year in our history. Midwest farms were parched by the worst drought since the Dust Bowl, and then drenched by the wettest spring on record. Western wildfires scorched an area larger than the state of Maryland. Just last week, a heat wave in Alaska shot temperatures into the 90s." Obama, *supra* note 13.

²² Megan Gannon, *Global Warming Worsened Australia's Record Hot Summer*, YAHOO NEWS, (June 27, 2013, 12:41 PM), <http://news.yahoo.com/global-warming-worsened-australias-record-hot-summer-164112332.html>. "Unusually high temperatures gripped nearly the entire country, with just three percent of Australia experiencing below-normal temperatures." *Id.*

²³ *Id.* For a report on warming temperatures in the Netherlands, see John Tagliabue, *At Dutch National Pastime's Top Event, Mother Nature Wields the Starting Gun*, N.Y. TIMES, Feb. 26, 2007, <http://www.nytimes.com/2007/02/26/world/europe/26skating.html>.

Celsius) on average;²⁴ since the 1970s, each successive decade has been warmer than the preceding one²⁵—a trend that seems likely to continue.²⁶

Indeed, the anticipated or potential impacts of climate change are dire. According to Justin Gillis, “global warming

²⁴ Stephanie Pappas, *8 Ways Global Warming Is Already Changing the World*, LIVE SCIENCE, (Sept. 7, 2012, 3:30 PM) <http://www.livescience.com/23026-global-warming-changing-world.html>; cf. Justin Gillis, *Clouds’ Effect on Climate Change Is Last Bastion for Dissenters*, N.Y. TIMES, Apr. 30, 2012, (noting that since the start of the Industrial Revolution in the mid-eighteenth century, the Earth’s atmosphere has warmed by 0.8 C (1.4 F)). Regardless of the precise figure, scientists agree that this change has been taking place very rapidly, with most of the warming occurring within the last forty years. See Gillis, *supra*; Pappas, *supra*. The first decade of the twenty-first century was the warmest since modern measurements began in 1850. Takepart.com, *supra* note 18.

²⁵ See Paul Krugman, *Building a Green Economy*, N.Y. TIMES MAGAZINE, Apr. 11, 2010, at MM34.

²⁶ Mark Halsey, *Conservation Criminology and the “General Accident” of Climate Change*, in ROUTLEDGE INTERNATIONAL HANDBOOK OF GREEN CRIMINOLOGY 107, 109 (Nigel South & Avi Brisman, eds., 2013) [hereinafter HANDBOOK OF GREEN CRIMINOLOGY]. For a discussion of how warming temperatures could affect desert ecosystems, see Ferran Garcia-Pichel, et al., *Temperature Drives the Continental-Scale Distribution of Key Microbes in Topsoil Communities*, 340 SCI. MAG., June 28, 2013, at 1574, 1574-77, available at <http://www.sciencemag.org/content/340/6140/1574.full>. For a discussion of how a global temperature increase of 2-3 degrees Celsius might contribute to drastic species decline, see Ragnhild Sollund, *Oil Production, Climate Change and Species Decline: The Case of Norway*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 135, 135 (Rob White, ed., 2012); Gore, *supra* note 5 (contending that “[t]he rate of species extinction is accelerating to dangerous levels”); Mark Memmott, *Minnesota’s Moose Mystery: What’s Killing Them?*, NPR, (Feb. 7, 2013, 8:42 AM), <http://www.npr.org/blogs/thetwo-way/2013/02/07/171363250/minnesotas-moose-mystery-whats-killing-them> (noting that in northeastern Minnesota, moose are dying at “an alarming rate” and climate change may be a factor); Pappas, *supra* note 24 (discussing how warming temperatures have affected Gentoo Penguin breeding seasons, have caused numerous species to stray from the native habitats); ROB WHITE, ENVIRONMENTAL HARM: AN ECO-JUSTICE PERSPECTIVE 91 (2013) (“Biodiversity is generally defined as the variety of all species on earth. It refers to the different plants, animals and micro-organisms, and their genes, that together make up life on the planet. It also includes the terrestrial (land), marine (ocean) and freshwater (inland water systems) ecosystems of which they are a part. . . . Probably the biggest single threat to biodiversity are those associated with . . . climate change.”).

will worsen climate extremes across much of the planet,” including “stronger storms in winter and summer.”²⁷ Jennifer Weeks describes how the number of megacities—urban areas with at least 10 million residents—will increase from nineteen to twenty-six worldwide by the year 2025.²⁸ Most megacities, she explains, are in coastal areas, making them highly vulnerable to massive loss of life and property damage caused by rising sea levels that experts predict will result from climate change in the 21st century.²⁹ As sea levels rise as a result of climate change, many of the world’s largest cities—including existing and new megacities—are expected to be increasingly at risk from flooding.³⁰ By the year 2070, Weeks estimates, “[a]bout 150

²⁷ Gillis, *supra* note 16; see also Robert Agnew, *It’s the End of the World as We Know It: The Advance of Climate Change from a Criminological Perspective*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 13, 14 (Rob White, 2012) (“Our climate is changing, due largely to the burning of fossil fuels and, to a lesser extent, deforestation. The global mean temperature is increasing; ocean levels are rising; rain is increasing in some areas and decreasing in others; and extreme weather events are becoming more common—including hurricanes/cyclones, heaving downpours, heat waves, and droughts.”); Ted Benton, *Rights and Justice on a Shared Planet: More Rights or New Relations?* 2 THEORETICAL CRIMINOLOGY, May 1998, at 149, 167 (“[G]lobal climate change is thought to have as one of its consequences an increase in the incidence and unpredictability of extreme weather events.”).

²⁸ Jennifer Weeks, *Rapid Urbanization: Can Cities Cope With Rampant Growth?*, 3 CQ GLOBAL RESEARCHER, Apr. 2009, at 91, 94, 96.

²⁹ *Id.*; see also Agnew, *supra* note 19; Pretty, *supra* note 16, at 489 (stating that “[e]xtreme changes in mean temperature will have substantial health effects, and a 4°C mean increase in temperature would raise sea levels by 0.6-2.9m. With 600 people today living within 10m of sea level, such rises would result in the forced displacement of 187 million people, 2.4% of the global population” (citations omitted)).

³⁰ *Id.*; Sandra Wachholz, ‘At risk’: *Climate Change and its Bearing on Women’s Vulnerability to Male Violence*, in ISSUES IN GREEN CRIMINOLOGY: CONFRONTING HARMS AGAINST ENVIRONMENTS, HUMANITY AND OTHER ANIMALS 161, 167-68 (Piers Beirne and Nigel South, eds., 2007). To further explicate the risk from flooding, consider that since the start of the Industrial Revolution in the mid-eighteenth century, the Earth’s atmosphere has warmed by almost 1 degree Celsius. See Gannon, *supra* note 22 and accompanying text. If temperatures continue to rise and were to melt completely the Greenland icesheet (the biggest source of locked-up water on land next to Antarctica), sea levels would rise by 7.2 meters (23.6 feet), swamping deltas and low-lying islands. See Ira Flatow & Noah Adams, *Study, Arctic Glaciers Melting at Alarming Rate*, NPR (Nov. 11, 2004, 12:00 AM), <http://www.npr.org/>

million city dwellers—primarily in India, Bangladesh, China, Vietnam, Thailand, Myanmar and Florida—could be in danger due to climate change.”³¹

In addition to increases in the intensity, frequency, and duration of heat waves, hurricanes, droughts, and floods, climate change has had, and will likely continue to have, a number of indirect cultural, social and political effects. Rising sea levels could wipe out entire atoll nations, such as Tuvalu, the Maldives, Kiribati, and the Marshall Islands.³² Elisabeth Rosenthal describes how rising global temperatures and the concomitant loss of biodiversity could result in “cultural extinction”—indigenous groups’ loss of traditions, arts, and languages

templates/story/story.php?storyId=4165022; Gillis, *supra* note 24. For a discussion of the melting of the Arctic in comparison to the melting of the Antarctic, see, e.g., McNALL, *supra* note 16, at 9 (stating that “[t]he Arctic sea ice is declining at a rate of 11 percent a decade, which means you will probably all live to see ice-free Arctic summers. In the Antarctic, glaciers continue to fall into the ocean. One the size of the state of Connecticut broke off of the Ross Ice Shelf in 2000. If all the ice in the Antarctic melted (which it is not likely to do), ocean levels would rise, everywhere, by 200 feet.”); Nick Perry and Rod McGuirk, *Antarctic Team Digs Deep to Predict Climate Future*, YAHOO NEWS (Apr. 6, 2013, 8:19 AM), <http://news.yahoo.com/antarctic-team-digs-deep-predict-climate-future-121909842.html> (“[W]hile the Arctic has suffered what scientists consider to be alarming rates of ice loss in recent years, the Antarctic ice shelf has remained relatively stable despite having have lost ice in recent decades The ice shelf acts as a natural barrier protecting massive amounts of ice in West Antarctica, and that ice also could fall into the ocean if the shelf fell apart. Scientists say West Antarctica holds enough ice to raise sea levels by between 2 meters (6.5 feet) and 6 meters (20 feet) if significant parts were to collapse.”).

³¹ Weeks, *supra* note 28, at 103; Agnew, *supra* note 19, at 24; *Climate Change-Poverty Link Highlighted in World Bank Report*, (June 19, 2013, 4:10 AM) http://www.huffingtonpost.com/2013/06/19/climate-change-poverty-link_n_3463748.html.

³² See, e.g., Avi Brisman, *The Aesthetics of Wind Energy Systems*, N.Y.U. ENVTL. L.J. 1, 18 (2005); Charles J. Hanley, *If an Island State Vanishes, is it Still a Nation?*, FOXNEWS.COM (Dec. 6, 2010) <http://www.foxnews.com/world/2010/12/06/island-state-vanishes-nation/>; Sujatha Byravan & Sudhir Chella Rajan, Op-Ed, *Before the Flood*, N.Y. TIMES, May 9, 2005, <http://www.nytimes.com/2005/05/09/opinion/09byravan.html?ghw=714B1B1C0A5F1977311EB7F5A0D2CCF>; Matthew Hall & Stephen Farrall, *The Criminogenic Consequences of Climate Change: Blurring the Boundaries Between Offenders and Victims*, in HANDBOOK OF GREEN CRIMINOLOGY, *supra* note 26, at 129.

associated with various habitats and food practices.³³ For example, melting ice in and around the Inupiat Eskimo settlements of Kivalina and Shishmaref in Alaska have made it difficult, if not impossible, to hunt for seals—a mainstay of the traditional Eskimo diet.³⁴ Kristof reports that when rural Tanzania suffers unusual rainfall (i.e., drought or flooding), murders of elderly women accused of witchcraft increase.³⁵ On

³³ Elisabeth Rosenthal, *An Amazon Culture Withers as Food Dries Up*, N.Y. TIMES, Jul. 25, 2009, <http://www.nytimes.com/2009/07/25/science/earth/25tribe.html?pagewanted=all&gwh=9FE8A4C8B9FB786DAFE7B325940AEC95>; see also Hall & Farrall, *supra* note 32. (“[T]he less tangible victimizations that may come about as a result of climate change, notably the damage inflicted upon particular cultures and ways of life.”). Note that it is not just indigenous peoples that are facing the loss of culture from climate change. For a report on how warmer winters have prevented the Dutch from holding a traditional ice-skating race, the “11-Cities Tour” or Elfstedentocht, see Tagliabue, *supra* note 23.

³⁴ See, e.g., Pretty, *supra* note 16, at 487 (stating that “[t]he area of Arctic sea ice fell between 1982-2012 from nearly 15 million km² to 13.5 million km² in March, and from 5 to 2 million km² in September, and local and indigenous people’s accounts of climate change have added detail to this understanding of impacts on species abundance and physical environments” (citations omitted)). See also Felicity Barringer, *Flooded Village Files Suit, Citing Corporate Link to Climate Change*, N.Y. TIMES, Feb. 27, 2008, http://www.nytimes.com/2008/02/27/us/27alaska.html?_r=0&gwh=722FB421B9752F89950F6C56A21BB4E8. For a brief discussion of the legal challenge brought by the Inupiat Eskimo village of Kivalina, Alaska (approximately 400 people) against ExxonMobil, Shell, BP, Chevron, and other oil companies, on the grounds that the companies’ massive production of greenhouse gas emissions had resulted in climate change, which, in turn, would require the relocation of Kivalina’s residents, see Avi Brisman, *The Violence of Silence: Some Reflections on Access to Information, Public Participation in Decision-making, and Access to Justice in Matters Concerning the Environment*, 59 CRIME, L. & SOC. CHANGE 291, 298-99 (2013) (citing J. Schwartz, *Courts as Battlefields in Climate Fights*, N.Y. TIMES, Jan. 27, 2010, <http://www.nytimes.com/2010/01/27/business/energy-environment/27lawsuits.html?gwh=71C8CB7C943BDF022B3018F5DC144408>).

³⁵ Nicholas D. Kristof, *Extended Forecast: Bloodshed*, N.Y. TIMES, Apr. 13, 2008, http://www.nytimes.com/2008/04/13/opinion/13kristof.html?_r=0&gwh=706EE658962BE355570CD95C32B53C0. For a discussion of increases of violence against women within regions that experience extreme weather events, see, e.g., Nigel South, *The Ecocidal Tendencies of Late Modernity: Transnational Crime, Social Exclusion, Victims and Rights*, in GLOBAL ENVIRONMENTAL HARM: CRIMINOLOGICAL PERSPECTIVES 228, 238 (Rob White, ed., 2010). See generally Wachholz, *supra* note 30 (describing

a more macro level, economic stress and crop failures could lead to increased competition for dwindling resources such as food and water,³⁶ sparking large-scale migrations,³⁷ escalating

increased violence against women in parts of the world that experience extreme weather).

³⁶ See, e.g., Steve Hall, *Don't Look Up, Don't Look Down: Liberal Criminology's Fear of the Supreme and the Subterranean*, 8(2) CRIME MEDIA CULTURE 197, 199 (2012) (noting that climate change will cause water shortages); MCNALL, *supra* note 16, at ix, 55 (explaining that “[c]limate change is the cause of ruined ecosystems and, if unchecked, will be responsible for food insecurity, water shortages, mass migrations, and political instability,” and stating that if we “do nothing to limit emissions . . . we may have temperature increases as high as 7-9°F over pre-industrial levels, which would have devastating and costly economic and political consequences in the near future and certainly within coming decades. . . . high-energy costs, mass migrations, political conflict, failed states, water and food shortages.”); South, *supra* note 35, at 241 (noting how increasing temperatures, rising sea levels and weather volatility could, by the year 2050, lead to resource wars over food and water); Rob White, *Globalisation and Environmental Harm*, in GLOBAL ENVIRONMENTAL HARM: CRIMINOLOGICAL PERSPECTIVES 3, 11-13 (Rob White, ed., 2009) (discussing how climate change can lead to conflicts over environmental resources, such as water, food, and fish); TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7 (providing a survey of likely areas of conflict stemming from climate change, including conflicts over environmental resources—e.g., water, food, fish). According to Michael J. Lynch and Paul B. Stretsky, who speculate on “the future of crime in a world beset by global warming”:

one might expect increases in forms of crime that, at first, emerge as accommodations to the consequences of global warming. In poorer nations and even in wealthier nations among the poor, these hardships may produce new forms of crime (food and water crimes), or black markets that develop around items people desire or need in a world impacted by global warming. Since a warming climate will produce ‘ordinary’ economic hardships such as recessions, declining food production and rising prices, one may also expect a rise in ordinary forms of property crime or even violence that results from frustration as response to climate change.

In a more advanced scenario, additional violence might be expected as the victims of global warming react to their circumstances (e.g., unrelenting heatwaves, floods, droughts). In these cases, violence may result from frustration as an outgrowth of the development of consciousness concerning the causes of these social problems. Again, one can only guess what might happen, but large-scale riots are not hard to imagine if conditions become severe.

Michael J. Lynch & Paul B. Stretesky, *Global Warming, Global Crime: a Green Criminological Perspective*, in GLOBAL ENVIRONMENTAL HARM: CRIMINOLOGICAL PERSPECTIVES 62, 78 (Rob White, ed., 2010) (citing M. Carballo, *Climate Change, Migration and Health*, 44 WORLD HOSP. AND HEALTH SERVICES 47-48 (2008)).

³⁷ See, e.g., *Dire forecast*, *supra* note 19, at 24 (explaining that “[d]rought will force farmers and herders off the land; sea-level rise will force coastal inhabitants to move; social conflict will force many to flee to safe areas . . . and extreme weather events and forest fires will destroy homes and livelihoods—again prompting migration”); *It’s the End of the World as We Know It*, *supra* note 27 at 13 (stating that “[u]nless we take dramatic action in the very near future, climate change will likely proceed to the point where its effects are catastrophic. There will be massive food and freshwater shortages. Hundreds of millions will lose their homes and livelihoods to flooding, extreme weather events and habitat change (e.g., grasslands turning into desert). There will be large-scale migrations, with many moving to megacities in developing nations”); Mary Bosworth, *Subjectivity and Identity in Detention: Punishment and Society in a Global Age*, 16(2) THEORETICAL CRIMINOLOGY 123, 135 (2012) (noting that climate change may force people to relocate); Braasch, *supra* note 16, at 35 (noting that “[u]ntil Hurricane Katrina sent more than a million people fleeing from the Gulf Coast, US publications paid scant attention to climate change”); Sujatha Byravan & Sudhir Chella Rajan, *Before the Flood*, N.Y. TIMES, May 9, 2005 (stating that “[o]ne of the paradoxes of global warming is that developing countries, which were not responsible for most of the greenhouse gas emissions that are changing the climate and did not reap the benefits of industrialization, will bear the brunt of the consequences. One of these consequences will be rising seas, which in turn will generate a surge of ‘climate exiles’ who have been flooded out of their homes in poor countries”); Al Gore, *We Can’t Wish Away Climate Change*, N.Y. TIMES, Feb. 28, 2010, at WK11 (stating that “[t]he lags in the global climate system, including the buildup of heat in the oceans from which it is slowly reintroduced into the atmosphere, means that we can create conditions that make large and destructive consequences inevitable long before their awful manifestations become apparent: the displacement of hundreds of millions of climate refugees.”); Amy Greer, Victoria Ng, & David Fisman, *Climate Change and Infectious Diseases in North America: the Road Ahead*, 178(6) CMAJ 715 (2008) (explaining that “[c]limate change . . . has the potential to indirectly affect communicable disease transmission. The forced migration of people because of drought or flooding could increase the transmission of many communicable diseases because of enhanced intermingling of populations that have previously been isolated from one another. Large-scale migrations have been associated with surges in communicable diseases and emergence of novel infections throughout recorded history. Forced migration may ultimately be a more important driver of changes in infectious disease epidemiology than other effects.”); Matthew Hall & Stephen Farrall, *The Criminogenic Consequences of Climate Change: Blurring the Boundaries Between Offenders and Victims*, in HANDBOOK OF GREEN CRIMINOLOGY, *supra* note 26, at 120-33 (discussing

tensions, violence, upheavals, and civil wars³⁸—which, in turn, could pose a threat to U.S. national security and could prompt an

linkages between environmental factors and migrations, including the susceptibility of displaced persons to human trafficking); Ronald C. Kramer and Raymond J. Michalowski, *Is Global Warming a State-Corporate Crime?*, in *CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE* 71, 75 (Springer 2012) (explaining that “the rise in sea levels, extreme heat, and chronic droughts will lead to drastic reductions in the food supply, increasing famine, and mass migrations. The large movement of people across borders seeking food and an escape from the environmental consequences of increased temperatures will continue to fuel violent conflicts, genocides and other crimes. These movements have already led to the militarization and securitization of borders in the global North as neoliberal policies intersect with climate change to produce declines in agricultural and pastoral economies in the global South, leading to increasing mobility of irregular migrants seeking a minimum of food and/or physical security”) (citations omitted); Ragnhild Sollund, *Introduction*, in *ECO-GLOBAL CRIMES: CONTEMPORARY PROBLEMS AND FUTURE CHALLENGES* 3, 4 (Rune Ellefsen, Ragnhild Sollund and Guri Larsen, eds. 2012) (predicting that “as a consequence of the effects of climate change, migration will increase in the decades to come, unless we manage to remedy the situation. These migration patterns have important criminological implications such as exclusion and criminalization of the ‘deviant other—the asylum seeker’—whereby refugees are put in detention centers, or are forced to live ‘undocumented’ and deprived of basic human rights” (citation omitted)); South, *supra* note 35, at 241 (describing how increasing temperatures, rising sea levels and weather volatility could, by the year 2050, lead to “the plight of up to 200 million ‘environmental refugees fleeing devastation”); Anna Yukhananov, *Small Global Warming Rise Would Have ‘Alarming’ Impact: World Bank*, REUTERS (June 19, 2013), <http://www.rawstory.com/rs/2013/06/19/small-global-warming-rise-would-have-alarming-impact-world-bank/> (last visited July 10, 2013) (noting that climate change will have an impact on “slums, as more people are displaced and move to the edge of cities”); TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7, at 51 (predicting that “[s]ocial inequality and environmental injustice will be the source of continuous conflict for many years to come, as the most dispossessed and marginalised of the world’s population suffer the brunt of food shortages, undrinkable water, climate-induced migration and general hardship in day-to-day living”); *Globalisation and Environmental Harm*, *supra* note 36, at 12 (noting that climate change could lead to climate-induced migration of peoples—“environmental refugees”).

³⁸ *Dire Forecast*, *supra* note 19, at 24, 29-30, 34-35 (stating that “climate change will increase social conflict, including interstate conflict, civil war, and conflict between smaller groups within states,” describing how “social conflicts that result from climate change will create much strain for individuals” and explaining how “climate change will increase crime and other harmful acts through its effect on social conflict”); *It’s the End of the World as We Know It*,

American humanitarian relief or military response.³⁹ Some attribute the violence and civil war in Darfur, western Sudan, to changes in climate.⁴⁰

It should be clear, then, that while “[c]limate change affects us all, regardless of where we live, regardless of social characteristics . . . the effects of climate change, while felt by everyone, are not the same for everyone.”⁴¹ Thus, with respect to the Arctic—“an area that has been more affected by global

supra note 27, at 14, 18-19 (stating that “[s]ocial conflict will increase, particularly as groups compete over scarce resources. . . . [C]limate change may increase conflict between states (e.g., interstate conflicts over freshwater sources), between groups within states (e.g., conflicts over food, the distribution of disaster relief), and between individuals (interpersonal violence and theft.)”); Gore, *supra* note 37, at WK11 (stating that “[t]he lags in the global climate system, including the buildup of heat in the oceans from which it is slowly reintroduced into the atmosphere, means that we can create conditions that make large and destructive consequences inevitable long before their awful manifestations become apparent: . . . civil unrest, chaos and the collapse of governance in many developing countries.”).

³⁹ John M. Broder, *Climate Change Seen as Threat To Security and Drain on Military*, N.Y. TIMES, Aug. 9, 2009, at 1, 9; Editorial, *With a Whimper*, N.Y. TIMES, July 23, 2010, at A22 (stating that “global warming and oil dependency are clear and present threats to American security”); McNALL, *supra* note 16, at 41 (stating that “[t]he U.S. Navy sees climate change as a reality for which the military must prepare. It will weaken governments in Africa, as food security and water security become ever greater issues. It can lead to mass migrations as millions of people flee unstable regimes seeking food and water, and it will threaten our own island military bases, because of rising sea levels.”); Pappas, *supra* note 22; Carolyn Pumphrey, *Global Climate Change: National Security Implications*, U.S. ARMY WAR COLLEGE, STRATEGIC STUDIES INSTITUTE (May 1, 2008), available at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=862> (last visited July 15, 2013).

⁴⁰ See, e.g., Avi Brisman, *Crime-Environment Relationships and Environmental Justice*, 6(2) SEATTLE J. SOC. JUST. 727, 749 (citing Lydia Polgreen, *A Godsend for Darfur, or a Curse?*, N.Y. TIMES, July 22, 2007, at §4:1, 12).

⁴¹ WHITE, *supra* note 26, at 68; see generally Sigburd S. Dybing, *Environmental Harm: Social Causes and Shifting Legislative Dynamics*, in ECO-GLOBAL CRIMES: CONTEMPORARY PROBLEMS AND FUTURE CHALLENGES 273, 280 (Rune Ellefsen, Ragnhild Sollund and Guri Larsen, eds. 2012) (stating that “[t]he poorer the country is in terms of economy, legislation or democracy, the greater the impact of environmental problems on the people” (citations omitted)).

warming than any other place on earth”⁴²—the thawing of the polar icecaps will create new trade routes, affect maritime commerce, and open up access to oil, gas and mineral exploration and exploitation.⁴³ While the thawing of the polar icecaps raises issues pertaining to territorial claims and border disputes by and between nation-states,⁴⁴ it will also create new environmental harms from the processes of natural resource exploration and extraction (such as further disruption of

⁴² Keith Gessen, *Polar Express*, THE NEW YORKER, Dec. 24 & 31, 2012, at 101. As Gessen explains:

in mid-March, the ice covers the entire Arctic Ocean and most of its marginal seas for about fifteen million square kilometres, twice the land area of the continental United States. During its minimum extent, around mid-September, the ice cover traditionally shrinks to about half this size.

In recent years, it has been shrinking by much more than half. In September of 2007, the ice shrank to 4.3 million square kilometres, the lowest extent in recorded history. In subsequent years, it reached its second-, third-, and fourth-lowest-ever extents. The thickness of the ice—more difficult to measure but also more telling—is also decreasing, from an average thickness of twelve feet in 1980 to half that two decades later. The primary cause of this decline is warmer air temperature in the Arctic. *Id.* See also John Collins Rudolf, *The Warming of Greenland*, N.Y. TIMES, Jan. 16, 2007, at D1, D4 (describing how “[a]ll over Greenland and the Arctic, rising temperatures are not simply melting ice; they are changing the very geography of coastlines”—for example, a peninsula that was long thought to be part of Greenland’s mainland turned out to be an island when a glacier retreated).

⁴³ Scott Borgerson, *An Ice-Cold War*, N.Y. TIMES, Aug. 8, 2007, at A19; Editorial, *The Great Arctic Oil Rush*, N.Y. TIMES, Aug. 12, 2007, at WK9; Oded Cedar, *The Arctic Council: Gatekeeper or Doormat to the World’s Next Major Resource Battle?*, 12(1) SUSTAINABLE DEV. L. & POL’Y 40, 40 (Fall 2011); Gessen, *supra* note 42; Andrew E. Kramer, *Amid the Peril, a Dream Fulfilled*, N.Y. TIMES, Oct. 18, 2011, at B1, B12; Elisabeth Rosenthal, *Race Is on as Ice Melt Reveals Arctic Treasures*, N.Y. TIMES, Sept. 19, 2012, at A1; Matthew L. Wald and Andrew C. Revkin, *New Task Coast Guard In Arctic’s Warming Seas*, N.Y. TIMES, Oct. 19, 2007, at A16.

⁴⁴ Borgerson, *supra* note 43; *The Great Arctic Oil Rush*, *supra* note 43; Cedar, *supra* note 43, at 40; Editorial, *Arctic in Retreat*, N.Y. TIMES, Sept. 8, 2008, at A22; Gessen, *supra* note 42; Andrew C. Revkin, *2-Year International Study of Polar Changes Set to Begin*, N.Y. TIMES, Feb. 26, 2007, at A4; Andrew C. Revkin, *Analysts See ‘Simply Incredible’ Shrinking of Floating Ice in the Arctic*, N.Y. TIMES, Aug. 10, 2007, at A6; Rosenthal, *supra* note 43, at A1; Wald, *supra* note 43, at A16.

ecosystems already stressed by the consequences of climate change)—not to mention more climate change from consumption of newly found oil and gas⁴⁵—and new environmental threats, such as the risk of oil spills during transport through and from the Arctic,⁴⁶ as well as introduce

⁴⁵ According to Gessen, “[o]il companies, armed with new technology and lured by less menacing winter conditions [in the Arctic], will be able to establish drilling platforms in latitudes that were previously off limits.” Gessen, *supra* note 42, at 101. Arguably, then, the greenhouse gas emissions that have contributed to the warming of the planet, in general, and the Arctic, in particular, could create conditions by which we could extract *more* fossil fuels, emit more greenhouse gases, and further warm the planet! See Cedar, *supra* note 43, at 40 (describing how “[a]dvances in exploration, drilling, and extraction technologies have helped mitigate the traditionally cost-prohibitive factors of developing ice-locked reserves. Geopolitical concerns about the waning global supply of oil and gas have also driven countries to explore for these resources in the Arctic,” but noting that Arctic Council member-nation’s plans for fossil fuel extraction will worsen the effects of climate change); Tim Fogler, *Viking Weather*, 217(6) NATIONAL GEOGRAPHIC 48, 52, 63, 66 (June 2010) (describing how “the Arctic meltdown has already started to open up access to oil, gas, and mineral resources that could give Greenland the financial and political independence its people crave,” reporting that “[w]ith the greater ease of working in Greenland’s waters, ExxonMobil, Chevron, and other oil companies have acquired exploration licenses,” and noting “[t]he irony [of Greenland] becoming a major producer of the very stuff that is helping to melt its ice sheet”). Note that permafrost in the Northern Hemisphere stores huge amounts of frozen carbon—perhaps twice as much carbon as the entire atmosphere. If human fossil-fuel-burning remains high causing the planet to warm, gases from the thawing and decomposing permafrost could eventually equal thirty-five percent of today’s annual anthropogenic emissions. In other words, while the melting of the Arctic could create access to the very oil and gas that has contributed to climate change, thereby causing *more* climate change (my point above), even if we do not extract and consume this newly accessible oil and gas in the Arctic, the continued warming from our previous and existing consumption activities may well thaw the permafrost, creating a chronic source of emissions that would intensify planetary warming—a different kind of positive feedback loop speeding up global warming. Some predict “the Arctic and sub-Arctic regions could eventually become an annual source of carbon equal to 15 percent or so of today’s yearly emissions from human activities.” Justin Gillis, *As Permafrost Thaws, Scientists Study the Risks*, N.Y. TIMES, Dec. 17, 2011, at A1, A16. An even worse possibility is that the gas released from the thawing of the permafrost will emerge not as carbon dioxide, which is what usually forms when organic material breaks down, but as methane—an even more potent greenhouse gas—which is produced when organic material breaks down in lakes or wetlands. *Id.*

⁴⁶ Cedar, *supra* note 43, at 40; Gessen, *supra* note 42.

new questions about and dilemmas for U.S. energy security and global renewable energy efforts.⁴⁷ Although much attention has been devoted to the impact of Arctic warming on the polar bear,⁴⁸ often overlooked are the ways in which such thawing and

⁴⁷ See generally Pappas, *supra* note 24. (explaining that “[a]s the Arctic ice opens up, the world turns its attention to the resources below. . . . [Thirty] percent of the world’s undiscovered natural gas and 13 percent of its undiscovered oil are under this region. As a result, military action in the Arctic is heating up, with the United States, Russia, Denmark, Finland, Norway, Iceland, Sweden and Canada holding talks about regional security and border issues. Several nations, including the U.S., are also drilling troops in the far north, preparing for increased border patrol and disaster response efforts in a busier Arctic.”).

⁴⁸ See ZAC UNGAR, NEVER LOOK A POLAR BEAR IN THE EYE: A FAMILY FIELD TRIP TO THE ARCTIC’S EDGE IN SEARCH OF ADVENTURE, TRUTH, AND MINI-MARSHMALLOWS (Da Capo Press 2013); Zac Ungar, *The Fuzzy Face of Climate Change*, PAC. STANDARD 40, 40-51 (January/February 2013); see also Natalie Angier, *Built for the Arctic: A Species’ Splendid Adaptations*, N.Y. TIMES, Jan. 27, 2004, at D1, D4 (reporting how it is “getting harder still [for the polar bear] to survive as a result of global warming . . . subgroups like that of the western Hudson Bay [Canada] may well be wiped out if the climate continues to heat up”); Felicity Barringer, *Protocol Is Cited in Limiting Scientists’ Talks on Climate*, N.Y. TIMES, Mar. 9, 2007, at A15 (noting that “[w]ith increasing frequency, polar bears are being found near the villages of the Chukchi [in Russia] in part because their migrations have shifted as warming trends alter the sea ice”); Gessen, *supra* note 42, at 112 (explaining that “bears do not typically hunt walrus, which are as big as bears and have huge, scary tusks. In recent years, as the ice has started melting earlier and receding faster, polar bears have been missing their chance to get on the ice for their summer hunting, and been forced inland, close to human beings, where they have a tendency to get shot.”); McNALL, *supra* note 16, at 45 (explaining that “the simple fact that 115 people die every day, or one every 13 minutes, from traffic accidents, is not likely to affect our driving decisions. It might if we knew somebody who had been killed. That is why some campaigns about climate change appeal to use through pictures of polar bears clinging to pieces of ice”); Pappas, *supra* note 24 (reporting that “[p]olar bears cubs are struggling to swim increasingly long distances in search of stable sea ice The rapid loss of sea ice in the Arctic is forcing bears to sometimes swim up to more than 12 days at a time Cubs of adult bears that [have] had to swim more than 30 miles (48 kilometers) [have] had a 45 percent mortality rate, compared with 18 percent for cubs that [have] had to swim shorter distances”); Andrew C. Revkin, *Arctic Melt Unnerves the Experts*, N.Y. TIMES, Oct. 2, 2007, at D1, D4 (explaining that “[w]hile open Arctic waters could be a boon for shipping, fishing and oil exploration, an annual seesawing between ice and no ice could be a particularly harsh jolt to polar bears”); WHITE, *supra* note 26, at 122 (describing how “[t]he polar bear . . . is quickly disappearing. Climate

subsequent commercial activity has and will continue to affect the culture, rights, and continued existence of indigenous peoples—especially with respect to the impact on subsistence hunting and fishing and ultimate survival of indigenous peoples.⁴⁹ Sheila Watt-Cloutier, an Inuit activist, has referred to

change is the key reason in that it is indirectly causing weight loss among polar bears due to the loss of its sea ice habitat because the ice starts to thaw earlier and earlier each spring, cutting off access to traditional feeding grounds (it doesn't eat, so it gets thin!). In certain parts of the Arctic, the average female now weighs only 225 kg, which is 25% less than two decades ago. If this trend continues, the species will be lost, forever" (citation omitted)); *see generally Top Scientists Warn of Water Shortages*, *supra* note 15, at A11 (predicting that "within a couple of decades hundreds of millions of people will not have enough water" as a result of global warming, that "tens of millions of others will be flooded out of their homes each year as the earth reels from rising temperatures and sea levels," that "[b]y 2050, polar bears will mostly be found in zoos, their habitats gone," that "[p]ests like fire ants will thrive," and that "by 2080, hundreds of millions of people could face starvation"). Note that while there is some debate as to whether polar bears can adapt to a warming and changing climate, *see Ungar, supra*, research has found that "[m]any Arctic plant species have readily adjusted to big climate changes, repeatedly recolonizing the rugged islands of the remote Svalbard archipelago off Norway's coast through 20,000 years of warm and cool spells since the frigid peak of the last ice age Th[is] finding implies that, in the Arctic at least, plants may be able to shift long distances to follow the climate conditions for which they are best adapted as those conditions move under the influence of human-caused global warming." Andrew C. Revkin, *Many Arctic Plants Have Adjusted To Big Climate Changes*, *Study Finds*, N.Y. TIMES, June 15, 2007, at A12.

⁴⁹ *See, e.g.*, Noah Adams & Ira Flatow, *New Comprehensive Study on the Rate of Arctic Warming*, Day to Day: NPR radio broadcast, Nov. 11, 2004 ("by 2100, just about all of the sea ice will be gone each summer from the normally crowded ice that's in the Arctic Ocean. Native Americans and the Inuit in Alaska, for example, have also been noticing over the past summers just how the ground that used to be frozen all year long, it's no longer frozen in the summertime, and their villages and their houses have been sinking into the mud. . . . All the animals they depend on, the wildlife they depend on, the reindeer, the polar bear, the caribou, they're going to go someplace else to colder climates, they're going to have nothing to eat."); Andrew Franz, *Climate Change in the Courts: A US and Global Perspective*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 89, 102 (Rob White, ed., Springer 2012) (discussing claims by the Inuit people of the Arctic claiming the acts and omissions of the United States in regard to climate change have violated their human rights—specifically, that their homes are melting into the permafrost, their hunting sources for food are seriously threatened, and the thinning of ice makes travel routes more dangerous (citing H.M. Osofsky, *The Geography of*

climate change as a form of “cultural aggression,” in which people of one culture are destroying the material basis of another—in this case, wealthy nations are creating climatic conditions that are melting polar ice and destroying the Inuit culture, which is based on a cold climate.⁵⁰ “Cultural

Climate Change Litigation: Implications for Transnational Regulatory Governance, 83 WASH. U. L. Q. 1789 (2006)); Diane Heckenberg & Ingrid Johnston, *Climate Change, Gender and Natural Disasters: Social Differences and Environment-Related Victimisation*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 149, 163 (Rob White, ed., Springer 2012) (noting that in Greenland, ice has been freezing later and is thinner, and that it has been melting earlier than before, making it more difficult for hunters—typically men—to provide for their families, resulting in self-esteem problems and social conflict); Andrew C. Revkin, *In a Melting Trend, Less Arctic Ice to Go Around*, N.Y. TIMES, Sept. 29, 2005, at A1, A8 (reporting that “[o]ne of the most important consequences of Arctic warming will be increased flows of meltwater and icebergs from glaciers and ice sheets, and thus an accelerated rise in sea levels, threatening coastal areas. The loss of sea ice could also hurt both polar bears and Eskimo seal hunters.”); see generally, MCNALL, *supra* note 16, at 1 (depicting “[t]he Inuit who sees her village disappearing before her eyes, as the ice melts and breaks away, [and who] clearly understands that if her family is to have a future they need to move.”).

According to Rob White, Indigenous peoples of the Arctic have been affected by extraction, processing, production and consumption activities occurring elsewhere for decades: “the Arctic region is inhabited by some 4 million people including more than 30 Indigenous peoples. Eight states—Canada, Denmark/Greenland, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States—have territories in the Arctic. While ostensibly a pristine environment where local peoples rely upon traditional food sources, for decades numerous pollutants have been impacting the arctic and the people and animals that live there. This pollution originated elsewhere, especially in industrial heartlands such as the US, but the effect of transference has been devastating. In some parts of the Arctic, for example, breastfeeding mothers have been advised to supplement breast milk with powdered milk in order to reduce exposure to noxious chemicals.” WHITE, *supra* note 26, at 62 (internal citations omitted).

⁵⁰ Kathleen Dean Moore, Distinguished Professor of Philosophy at Oregon State University and co-founder and Senior Fellow of the Spring Creek Project for Ideas, Nature, and the Written Word paraphrases Watt-Cloutier’s perspective: “We’ve seen this story before in the U.S., when settlers killed the buffalo in order to kill buffalo-hunting Native Americans. . . . Watt-Cloutier claims that her people have a right to ice. Those in the far north are suffering the most from the disrupted climate even as the effects spread to the rest of the globe. Climate change is damaging food supplies, spreading disease, and creating refugees, and is poised to become the most massive human-rights violation the world has ever seen.” Mary DeMocker, *If Your House Is On Fire*:

aggression” may, however, prove to be too tame of a description. To borrow Daniel Brook’s phrasing, climate change may become a form of “*genocide through geocide*, that is, a killing of the people through a killing of the Earth.”⁵¹

While we are experiencing the loss of culture(s) and ways of life due to climate change, we are also witnessing a culture that is already developing on and around climate change—specifically, a *cultural discourse* of climate change. As Diane Heckenberg writes, “[l]anguage shapes the way we think, understand and describe the world. In describing something, we categorise it, using the medium of language, in an attempt to provide a coherent interpretation for others of what it is we are trying to understand ourselves.”⁵² More polemically, Michael J.

Kathleen Dean Moore On the Moral Urgency Of Climate Change, 444 THE SUN 4, 6 (Dec. 2012). For a similar perspective and sentiment, see Garry Leech’s discussion of the impact of US-based multinational oil companies’ operations on the indigenous peoples of the Amazon. GARRY LEECH, CAPITALISM: A STRUCTURAL GENOCIDE 3, 48 (2012).

⁵¹ Daniel Brook, *Environmental Genocide: Native Americans and Toxic Waste*, 57(1) AM. J. ECON. & SOC. 105, 111 (Jan. 1998); see generally LEECH, *supra* note 50, at 157 (stating “[w]e are now facing . . . the annihilation of the human race and the destruction of Planet Earth, which would constitute the ultimate genocidal act perpetrated by capital”).

For other instances of the use of the term “geocide,” see, e.g., Franz, *supra* note 49, at 103 (defining “geocide” as “the killing of the earth” and noting the emerging crime of “cultural genocide,” which “could be implemented via climate change” (citing L. Berat, *Defending the Right to a Healthy Environment: Towards a Crime of Genocide in International Law*, 11 B.U. INT’L L.J. 327 (1993)); M.A. Geer, *Foreigners in Their Own Land: Cultural Land and Transnational Corporations—Emergent International Rights and Wrongs*, 38 VAND. J. INT’L L. 331 (1998)); Reece Walters, *Crime, bio-agriculture and the exploitation of hunger*, 46(1) BRIT. J. CRIMINOLOGY 26-45 (2006) (discussing “eco-crime,” “ecocide,” “geocide,” “geo or eco terrorism,” and “environmental and green crime”).

⁵² Diane Heckenberg, *Studying environmental crime: key words, acronyms and sources of information*, in ENVIRONMENTAL CRIME: A READER 9, 9 (Rob White, ed., Willan 2009); see generally David O. Friedrichs and Dawn L. Rothe, *Crimes of the powerful: White-collar crime and beyond*, in ROUTLEDGE HANDBOOK OF CRITICAL CRIMINOLOGY 241, 246 (Walter S. DeKeseredy & Molly Dragiewicz, eds., Routledge 2012) (describing how “[f]or postmodernism, language plays the central role in the human experience of reality”); WHITE, *supra* note 26, at 7 (stating “[l]anguage shapes how ‘harm’ and ‘value’ are constructed in regards to (specific groups of) humans, specific biospheres and specific nonhuman animals”).

Coyle demonstrates the power of language as a tool for domination—the power of language to label, construct, subjugate, suppress and control—and argues that “language can be used to justify human action, such as defining others in ways that permit and encourage their social control”⁵³ To this, I would add that language can be used to justify human *inaction*—and elsewhere I have examined the way in which the media has discussed (and subsequently helped to perpetuate) climate change contrarianism.⁵⁴

Drawing inspiration from Heckenberg and Coyle—and taking my own study of climate change communication and discourse in a new direction—in this Article, I investigate the way in which climate change, in general, and its impact on the Arctic, in particular, is conveyed to children, who will experience the adverse cultural, economic, environmental and social impacts of climate change in qualitatively different, disproportional, and *worse* ways than adults.⁵⁵ I begin with a

⁵³ Michael J. Coyle, *Notes on the Study of Language: Towards a Critical Race Criminology*, 11(1) W. CRIMINOLOGY REV. 11, 15 (2010).

⁵⁴ Avi Brisman, *The Cultural Silence of Climate Change Contrarianism*, in CLIMATE CHANGE FROM A CRIMINOLOGICAL PERSPECTIVE 41, 41-70 (Rob White, ed., 2012).

⁵⁵ For example, the United Nations Children’s Fund (UNICEF) contends that “[c]hildren are more likely than adults to perish during natural disaster or succumb to malnutrition, injuries or disease in their aftermath.” UNITED NATIONS CHILDREN’S FUND, CLIMATE CHANGE AND CHILDREN 1, 6 (2008); *see also*, *It’s the End of the World as We Know It*, *supra* note 27, at 14 (stating that “billions will have their health threatened due to increased malnutrition, air and water pollution, extreme weather events, and the spread of diseases such as malaria and dengue fever. These effects will be greater among those in developing nations, the poor, females, the very young, and the very old—groups who are more vulnerable and/or less able to adapt to climate change.”); WHITE, *supra* note 26, at 60 (stating that “[c]hildren are much more vulnerable to some types of environmental harm . . . than are adults”); TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7, at 51 (explaining that with climate change “[w]omen will suffer more than men, people of colour more than the non-Indigenous and non-migrant, and the young and elderly more than the adult”).

UNICEF also maintains that “[b]y altering weather patterns and disturbing ecosystems, climate change has significant implications for human health. Many of the main global killers of children, including malaria, diarrhea, and malnutrition, are sensitive to climatic conditions such as flooding.” UNITED NATIONS CHILDREN’S FUND, *supra* note 55, at 1, 8.

brief description of several children's stories on and about climate change and environmental harm, before turning to a consideration of the potential (political) role of children with respect to environmental concerns. I then argue that these stories reflect the ideology of the current global political economy that by its very nature has exacerbated climate change, environmental degradation and planetary harm.

II. *WHEN SANTA TURNS GREEN* AND OUR CHILDREN'S ENGAGEMENT WITH ENVIRONMENTAL CONCERNS

It was just November, but Santa's factory was already in full gear. The elves could feel each day getting busier and busier. Mail was stacking up with notes from good girls and boys. The buzz of Christmas was starting to build. That's when something really crazy happened. Was it a jam in the die-cast car cranker? A sprung sprocket in the mini-doll maker? Nope. It was a drop. A simple, solitary drop of water. Plop! From the ceiling onto Santa's nose.⁵⁶

So begins Victoria Perla's children's book, *When Santa Turned Green*. Santa—and readers—soon learn that the snow is melting on the North Pole—that “[t]he land of permanent freeze [is] getting soggy by the minute,”⁵⁷ that “ice caps [are] shrinking in size,”⁵⁸ and that “[g]laciers [are] slipping into the sea.”⁵⁹ To understand why these changes are taking place, Santa hops into his sleigh. He soon learns that the melting is being

For a report on how death rates will rise for the world's poor from conditions worsened by changes brought about by global warming, such as malnutrition and diarrhea, see *Top Scientists Warn of Water Shortages*, *supra* note 15, at A11. For a discussion of “victim typologies” and “victimization typologies,” see GREGG BARAK, *THEFT OF A NATION: WALL STREET LOOTING AND FEDERAL REGULATORY COLLUDING* 118-23 (Rowman & Littlefield 2012).

⁵⁶ VICTORIA PERLA, *WHEN SANTA TURNED GREEN* (Thomas Nelson 2007).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

caused by human activities that have been going on for quite some time:

Over the years, we Earthlings have been chopping down our forests. And lumping something called carbon dioxide into the sky. It comes from our cars . . . our planes . . . our factories . . . even our chopped-down trees. And now there's so much of it floating around Earth's atmosphere it's acting like a big blanket holding in the heat of our planet—which makes temperatures go up, up, up. Scientists call it global warming. And when temperatures go up, our ice caps melt down.⁶⁰

Santa wonders whether global warming is “a task too big for even him to tackle.”⁶¹ But because Christmas, the planet, and the future depend on it, Santa visits children in November, rather than December, and instead of delivering presents, he delivers a message: “that they need[] to take action.”⁶² Children around the world respond by making “lots of little changes, which ma[ke] a world of difference.”⁶³ Some kids start walking to school, thereby saving fuel.⁶⁴ Others start composting and recycling.⁶⁵ Readers learn about kids who turn off lights when they leave rooms, others who select toys made closer to home so that they do not have to be shipped from far away, and others who replace their disposable lunch containers for reusable ones.⁶⁶ Santa, himself, makes changes: “from energy efficient lighting to wind and solar power for his factory.”⁶⁷

Through these collective efforts—and after years of patience and persistence—“the ‘blanket’ hanging around the planet thin[s] out to something more like a breezy curtain.”⁶⁸ Readers learn that “[t]he Earth's heat [is] finally able to slip off into

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

space, giving the glaciers, trees, oceans and environment a much needed breath of fresh air.”⁶⁹ In addition, Santa’s roof no longer leaks. “Thanks to the help of almost two billion children,” the story ends.⁷⁰

In the preface, Perla explains that she wrote the story not only as a way to help children understand global warming, but to make them “feel that they could make a big impact right from their corner of the world—just by making lots of little changes.”⁷¹ This message appears in the story itself, when Perla tells readers that “children have the power to change the world”⁷² (although she undercuts this message somewhat by stating that “when a child believes . . . miracles happen,”⁷³ which suggests something supernatural and dilutes the missive of youth agency).

Similar messages of child empowerment appear in stories such as *The Magic School Bus and the Climate Challenge*⁷⁴ and *The Berenstain Bears Go Green*.⁷⁵ The former offers a more in-depth description of global warming (including the chemistry of greenhouse gases, the dynamics of the greenhouse effect and feedback loops, and the negative effects of climate change, such as those described at the outset of this article), as well as overviews of alternative energies. But with the exception of the suggestion to phone one’s mayor, email one’s senator, or write the president, the emphasis is on individual actions to conserve and recycle. In the latter—*The Berenstain Bears Go Green*—the anthropomorphized family of Papa Bear, Mama Bear, Brother Bear, Sister Bear, and Honey Bear are troubled not by climate change, but by the town dump, which is leaking oil into the creek. The family engages the political process with other residents of “Bear Country”—they complain at the town meeting. The mayor responds, but does so by urging individual efforts on behalf of the public good: he recommends a cleanup

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ JOANNA COLE, *THE MAGIC SCHOOL BUS AND THE CLIMATE CHALLENGE* (Scholastic Press 2010).

⁷⁵ JAN BERENSTAIN & MIKE BERENSTAIN, *THE BERENSTAIN BEARS GO GREEN* (HarperCollins 2013).

and then asks for volunteers. The residents clean up trash and haul away oil drums, and the story ends with the family deciding to carpool, compost, recycle, and waste less energy and water. Only in Alyssa Crowe's *Green Princess Saves the Day* does the story revolve around political action aimed at preventing the state from abdicating its regulatory function and facilitating the transformation of public commons to private space: the protagonist, a little girl named Holly Greenwood, organizes a march and picnic and circulates a petition to stop Peterson Park from being converted into a shopping center.⁷⁶

...

According to Sharon Stephens, “[c]hildren have not traditionally been seen as political actors.”⁷⁷ Similarly, Lawrence Grossberg suggests that “youth is increasingly delegitimated, that is, denied any significant place within the collective geography of life in the U.S.,”⁷⁸ while Henry A. Giroux notes that youth have been “pushed to the margins of political power within society.”⁷⁹ Indeed, Stephens remarks, “[t]here is a tendency in American culture to naturalize and essentialize children as passive victims or beneficiaries of adult actions.”⁸⁰

⁷⁶ ALYSSA CROWNE, *GREEN PRINCESS SAVES THE DAY* (Scholastic 2010).

⁷⁷ Sharon Stephens, *Reflections on Environmental Justice: Children as Victims and Actors*, 23(4) SOC. JUST. 62, 76 (1996).

⁷⁸ Lawrence Grossberg, *Why Does Neo-Liberalism Hate Kids? The War on Youth and the Culture of Politics*, in 23(2) R. EDUC./PEDAGOGY/CULTURAL STUD. 111, 113 (2001).

⁷⁹ HENRY A. GIROUX, *DISPOSABLE YOUTH: RACIALIZED MEMORIES AND THE CULTURE OF CRUELTY* xiv (Routledge 2012). Elsewhere, Giroux argues that children's “voices are almost completely absent from the debates, policies, and legislative practices that are developed in order to meet their needs.” HENRY A. GIROUX, *THE TERROR OF NEOLIBERALISM: AUTHORITARIANISM AND THE ECLIPSE OF DEMOCRACY* 90 (Paradigm 2004). Giroux finds this highly problematic, concluding that “[o]ne important social formation that must be addressed is that of youth, whose voices, experiences, and political power must not only be taken seriously but also understood as a crucial element in forming possible alliances that bring together young people, labor unions, intellectuals, educators, and religious organizations.” *Id.* at 155.

⁸⁰ Stephens, *supra* note 77, at 76.

Research has found, though, that “[c]hildren’s engagement with environmental concerns [have] helped break through . . . adults’ ‘psychic numbing’”⁸¹—a term that Stephens uses to describe the condition in which people are “unwilling or unable to acknowledge personal dangers, either to themselves or their families.”⁸² The result of children’s engagement with environmental concerns, Stephens continues, is “that parents, teachers, and administrators [have] bec[o]me more openly concerned about environmental problems and more willing to consider [for example] environmental cleanup programs and health rehabilitation programs that do not have immediate economic payoffs.”⁸³

Admittedly, Stephens acknowledges, “[t]here is a danger of asking children to become ‘small adults’ and take on enormous burdens before they are ready.”⁸⁴ But as Gary Braasch contends, “[t]he key is empowerment and teaching kids how to be engaged citizens Once kids understand how scientists have discovered—and are continuing to discover—the relationship between CO₂ and climate, they will understand how reducing their own CO₂ emissions can help. This knowledge is empowering. It shows kids that there is still time for them to do something about really bad climate change if we all act now.”⁸⁵

Braasch is correct—to an extent. While most decisions regarding emissions (e.g., vehicle use, appliance use, home heating and cooling) are made by adults, because “[h]umans as members of the biotic community are differentiated in their ability to consciously alter the ecosystem and thus . . . need to self-impose ethical limitations on their behavior,”⁸⁶ the more we empower children and teach them how to be engaged citizens, the sooner they will be able to participate in environmentally

⁸¹ *Id.* at 78.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* at 81.

⁸⁵ Gary Braasch, *How to Teach Your Children About Climate Change—Without Scaring Them*, on earth (July 10, 2009) available at <http://www.onearth.org/blog/how-to-teach-your-children-about-climate-change-without-scaring-them>.

⁸⁶ Harold Barnett, *The Land Ethic and Environmental Crime*, 10(2) CRIM. JUST. POL. REV. 161, 163 (1999).

beneficial decision-making processes and act in ecologically responsible ways—limited at first, but on an increasingly broader scale as they mature. Thus, I do not intend to downplay the significance of “small personal actions to produce less CO₂”⁸⁷—“a little can do a lot,” to quote *The Magic School Bus and the Climate Challenge*⁸⁸—children can, as Perla teaches us in *When Santa Turned Green*, make an impact by making “lots of little changes.”⁸⁹ And thus I was proud, when on the last page of *When Santa Turned Green*, Perla provides blank spaces for readers to list their “green ideas,” my then-five-year-old daughter wrote:

- ❖ compost
- ❖ recycle
- ❖ turn off lights
- ❖ don't litter
- ❖ pick up litter

Braasch's assertions also resonate with the spirit of the U.N. Convention on the Rights of the Child,⁹⁰ which provides that children have the right to be protected from harm⁹¹ and to participate in decisions that affect them.⁹² But because we live and learn by and through stories—because, as Hal Pepinsky

⁸⁷ Braasch, *supra* note 85.

⁸⁸ COLE, *supra*. note 74.

⁸⁹ PERLA, *supra* note 56. The three main factors that determine an individual's “climate impact” are food, home energy use, and transportation. For a short, but helpful discussion of steps individuals can take reduce the carbon impact of their diets, see Jeanne Nolan and Amanda Little, *All According to Planet: 5 Ways Your Diet is Causing Global Warming*, BABBLE.COM, <http://shine.yahoo.com/green/according-planet-5-ways-diet-causing-global-warming-150400854.html> (last visited July 18, 2013).

⁹⁰ Convention on the Rights of the Child, *adopted and opened for signature*, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990). For an overview of the U.N. Convention on the Rights of the Child, see Stephens, *supra* note 77, at 79-80. Note that while the United States played an active role in drafting the convention and signed it on 16 February 1995, it has not ratified it.

⁹¹ Expressed throughout the convention, such as in Arts. 3(2), 19(1), 32(1), 36.

⁹² Expressed in Arts. 9(2) and 31.

writes, “learning takes a meandering course through exchanges of stories, of accounts of what we believe and feel and why we do”⁹³—and which, in turn, *shape* what we believe and feel and why⁹⁴—I worry about what is emphasized in and what is missing from stories about climate change and environmental harm, like *When Santa Turned Green*, *The Magic School Bus and the Climate Challenge*, and *The Berenstain Bears Go Green*.

III. NEO-LIBERALISM AND NATIONAL, STATE AND LOCAL GOVERNMENT RESPONSIBILITY TO ACT

In this current neoliberal era, we have witnessed:

- “a major retreat of the state in the area of corporate regulation”⁹⁵ and “[t]he transfer of regulatory functions from state authorities to private companies, as part of a wider privatization agenda;”⁹⁶
- a decline of the “public good” and “dismantling of the public sector”⁹⁷—or to put it another

⁹³ Hal Pepinsky, *Peacemaking Criminology*, CRITICAL CRIMINOLOGY DOI 10.1007/s10612-013-9193-4 (published online 18 May 2013); see THE TERROR OF NEOLIBERALISM, *supra* note 79, at 111-12 (stating that “[c]ulture plays a central role in producing narratives, metaphors, images, and desiring maps that exercise a powerful pedagogical force over how people think about themselves and their relationship to others.”).

⁹⁴ See Stephens, *supra* note 77, at 62 (asserting that how people perceive environmental problems affects the practice responses they develop to address those problems).

⁹⁵ Rob White, *Environmental issues and the criminological imagination*, 7(4) THEORETICAL CRIMINOLOGY 483, 497 (2003). For a helpful overview of free market ideologies and deregulation, see BARAK, *supra* note 55, at 45-47.

⁹⁶ Rob White, *Environmental Harm and the Political Economy of Consumption*, 29 SOC. JUST. 82, 99 (2002).

⁹⁷ David Hursh, *Neoliberalism and the Control of Teachers, Students, and Learning: The Rise of Standards, Standardization, and Accountability*, CULTURAL LOGIC, vol. 4(1) (last visited July 10, 2013), <http://clogic.eserver.org/4-1/hursh.html>; see JOEL KOVEL, *THE ENEMY OF NATURE: THE END OF CAPITALISM OR THE END OF THE WORLD?* 163 (2007) (explaining that “[t]he history of capital may be viewed as a never-ending battle to take over collective and organic relationships and replace these with commodity relationships, which is to say, to create private property by destroying the *Commons*, and to embed this in the accumulation of

way—decreased size of the public sector and increased role of the private sector;

- a shift away from “concerns for general social welfare;”⁹⁸ and
- an increased emphasis on individual responsibility and accountability⁹⁹ — accompanied by disdain for the “interventionist state”¹⁰⁰ and even greater disdain for those who seek any kind of assistance from government—the anathematized “dependent”¹⁰¹—or who seek any role for the government outside of national security, border security, and crime control.¹⁰²

capital.”); LEECH, *supra* note 50, at 31, 36 (describing how initially, it was “essential for capital that the commons be enclosed and that private property be made sacrosanct,” but that now, under neoliberal globalization “capital . . . has sought to enclose a much broader ‘common’s than that simply related to land”).

⁹⁸ Hursh, *supra* note 97.

⁹⁹ See DAVID GARLAND, *THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER IN CONTEMPORARY SOCIETY* 99 (2001); see also Max Haiven, *Privatized Resistance: Adbusters and the Culture of Neoliberalism*, 29 *THE REVIEW OF EDUCATION, PEDAGOGY, AND CULTURAL STUDIES* 85, 104 (2007) (noting the “neoliberal public pedagogy that *disappears* public issues into personal responsibilities, which erases systemic inequality in favour of a moralistic indignation”).

¹⁰⁰ GARLAND, *supra* note 99, at 98; see also Haiven, *supra* note 99, at 101 (describing neoliberalism’s “disdain for the state” and its “desire to eliminate government and institutional controls over private matters.”).

¹⁰¹ GARLAND, *supra* note 99, at 196; see Haiven, *supra* note 99, at 98 (explaining that “neoliberalism posits the individual as the solitary locus of human freedom whose perfection is only possible if the tethers to inexpedient others are severed or diminished in the quest to become the perfect economic subject,” and describing how neoliberalism is “averse to any form of the public or commonality that might exist outside the auspices of the market, the discourse of self-help, or state interests increasingly oriented away from ‘welfare’ and towards ‘control.’ . . . Neo-liberalism works to erase the possibility of understanding inequality as systemic but rather makes it the fate and responsibility of the individual.” (citing ZYGMUNT BAUMAN, *IN SEARCH OF POLITICS* (1999))).

¹⁰² See LEECH, *supra* note 50, at 26 (explaining that “the functioning of the economy according to the logic of capital takes precedence over all other aspects of society. . . . [A]ccording to the logic of capital, society exists to serve the economy, rather than the reverse.”). It bears mention that “neoliberalism takes many forms as it moves across the globe.” *THE TERROR OF NEOLIBERALISM*, *supra* note 79, at 60. It is not, as Max Haiven reminds us, “an active and unified force,” but rather “a metaphor or shorthand for a

As Giroux maintains, the “neoliberal juggernaut” reflects a “market-driven disdain for any form of governance that assume[s] a measure of responsibility for the education, health, and general welfare of the country’s citizens”¹⁰³ —“a near-pathological disdain for community, public values, and the public good.”¹⁰⁴ In this neoliberal era, Giroux continues, “the corporate lobby for economic deregulation merges powerfully with the ideology of individual responsibility, effectively evading any notion of collective responsibility while undercutting any sense of corporate power’s accountability to a broader public.”¹⁰⁵

Along these lines, Rob White, the Australian sociologist, contends that “[e]nvironmental harm takes place within the

discontinuous social movement made up of a wide variety of actors, acts, and discourses, local and global, which do not necessarily share the same objectives or trajectories outside of a general capitalist logic of accumulation.” Haiven, *supra* note 99, at 108 n.10. That said, neoliberalism tends to refer to policies geared towards reducing state influence on and in the economy. As Haiven explains, “[t]hrough articulated differently from Canada to China to Indonesia to Kenya, neoliberalism has come to generally signify a constellation of economic and political beliefs and objectives predicated on the faith that the free-market is the best and only means of distributing resources on a planetary scale. Famous among its manifestations are the fiscal austerity, deregulation, and privatization regimes imposed on the governments of indebted peripheral and semi-peripheral nations and voluntarily adopted by governments in the centre.” *Id.* at 89.

¹⁰³ DISPOSABLE YOUTH, *supra* note 79, at 1; *see also* TERROR OF NEOLIBERALISM, *supra* note 79, at 48-49 (stating that “[a]gainst the reality of low-wage jobs, the erosion of social provisions for a growing number of people, and the expanding war against young people of color at home and empire-building abroad, the market-driven juggernaut of neoliberalism continues to mobilize desires in the interest of producing market identities and market relationships that ultimately sever the link between education and social change while reducing agency to the obligations of consumerism”).

¹⁰⁴ DISPOSABLE YOUTH, *supra* note 79, at 46.

¹⁰⁵ *Id.* at 1. Also stating that “as advocates of market rationality raise an entire generation on the alleged virtues of ‘unrestricted individual responsibility,’ the disdain towards the common good finds its counterpart in increasing acts of ‘collective and political irresponsibility.’” *id.* at 3 (quoting LOÏC WACQUANT, PUNISHING THE POOR: THE NEOLIBERAL GOVERNMENT OF SOCIAL INSECURITY 5 (2009)); TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7, at 45 (stating that “[t]he triumph of neo-liberalism is simultaneously the death knell of collective well-being”).

overarching context of a distinct global political economy.”¹⁰⁶ This dominant world political economy, driven by the ideology and practice of neoliberalism and evidenced by neoliberal economic policies is, as White explains elsewhere, “oriented precisely towards less, rather than more, government regulation of corporate activity. . . . [but] surveillance and use of harsher punitive measures in the case of conventional street crimes have intensified.”¹⁰⁷ “Capitalist globalization,” White continues, “bolstered via neo-liberal state policy, has increased the potential scope of environmentally destructive activities.”¹⁰⁸

¹⁰⁶ Rob White, *Eco-Global Criminology and The Political Economy of Environmental Harm*, in HANDBOOK OF GREEN CRIMINOLOGY, *supra* note 26, at 243.

¹⁰⁷ White, *supra* note 95, at 497, 496, 499. White’s perspective resembles that of Giroux, who writes: “With the devaluing of public goods, public values, and public institutions, the model of the prison emerges as the primary mode of governance under the neoliberal state. As a result of the triumph of the corporate sovereignty over democratic values, the supervisory authority of the state is reconfigured into a disciplinary device largely responsible for managing and expanding the mechanisms of control, containment, and punishment over a vast number of American institutions.” DISPOSABLE YOUTH, *supra* note 79, at 2. Giroux defines “corporate sovereignty” as “the phenomenon by which corporations exhibit autonomous rule over their own affairs unrestricted by government regulation.” *Id.* at 54. According to Giroux, “[u]nder such conditions, corporations increasingly exercise a mode of power over decisions of life and death once assumed by the state. As corporate power lays siege to the political process, the benefits flow to the rich and powerful.” *Id.* Corporate sovereignty, Giroux continues, “also suggests the concomitant weakening of traditional forms of nation-state sovereignty in the face of globalized corporate power.” *Id.*

¹⁰⁸ White, *supra* note 95, at 483, 499; TERROR OF NEOLIBERALISM, *supra* note 79, at xii-xiv, 68 (describing how “[w]edded to the belief that the market should be the organizing principle for all political, social, and economic decisions, neoliberalism wages an incessant attack on democracy, public goods, and noncommodified values. Under neoliberalism everything either is for sale or is plundered for profit. . . . [T]he environment is polluted and despoiled in the name of profit-making just as the government passes legislation to make it easier for corporations to do so. . . . Rejecting a notion of the public good for private interest, advocates of neoliberal racism want to limit the state’s role in public investments and social programs as a constraint on both individual rights and the expression of individual freedom. In this view, individual interests override any notion of the public good, and individual freedom operates outside of any ethical responsibility for its social consequences. The results of this policy are evident in right-wing attacks on public education, health care,

At the same time, because, as David Garland observes, “‘the market’ has come to be viewed as a providential force of nature rather than a set of social relations that require regulations and moral restraint,”¹⁰⁹ any notion of government playing a role in the protection and preservation of nature—the natural environment—our planet and its ecosystems—is rejected. The neoliberal thinking is that any efforts to curb emissions of heat-

environmental regulation, public housing, race-based scholarships, and other public services that embrace notions of difference”).

For a discussion of the neoliberal approach to environmental regulation see, e.g., Lauren Snider, *The Sociology of Corporate Crime: An Obituary: (Or: Whose Knowledge Claims have Legs?)*, 4(2) THEORETICAL CRIMINOLOGY 169, 182, 187 (2000) (explaining that under neoliberalism, “[g]overnments must . . . repeal all policies aimed at regulating, humanizing or disciplining market forces. . . . The major neo-liberal claims are that environmental regulation is uneconomic and inefficient, and that risk assessment (based on the findings of natural science), and market remedies (based on the assumptions of neo-classical economics) will deliver environmental protection as well as sustainable economic growth” (internal citation omitted)).

For a recent and more direct link between neoliberal policy and environmental degradation, see Ilia Xypolia, *Greece’s Big Smog: Neoliberal Austerity, Public Health, and the Environment*, MRZINE, (Feb. 13, 2013) <http://mrzine.monthlyreview.org/2013/xypolia130213.html>. According to Xypolia, neoliberal austerity in Greece caused many households in the winter of 2013 to use solid fuels for heating purposes, generating respirable particulates and carbon monoxide, resulting in dangerous levels of air pollution. Xypolia also explains that neoliberal austerity has led to deforestation of urban parks—a source of greenhouse gas emissions.

¹⁰⁹ GARLAND, *supra* note 99, at 196. For a similar perspective, see, e.g., John Bellamy Foster & Brett Clark, *The planetary emergency*, 64(7) MONTHLY REV., available at <http://monthlyreview.org/2012/12/01/the-planetary-emergency> (“Accumulate, accumulate! That is Moses and the prophets!” (quoting Karl Marx, CAPITAL VOL. 1 247-57, 742 (Penguin 1976))); Krugman, *supra* note 25, at MM34 (stating “modern conservatives express a deep, almost mystical confidence in the effectiveness of market incentives”); Vincenzo Ruggiero & Nigel South, *Green Criminology and Crimes of the Economy: Theory, Research and Praxis*, 21 CRITICAL CRIMINOLOGY 359, 370 (2013) (explaining that “[n]eoliberalism, in advocating the maximization of the reach and frequency of market transactions, seeks to bring all human action into the domain of the market. The consequences of this economic theology are that markets are required to replace governments and economics should be entrusted with the task of abolishing politics, seen as a cumbersome obstacle to freedom of choice” (citation omitted)); Snider, *supra* note 108, at 175, 182 (explicating how in the “neo-liberal religion of deregulation . . . [t]he state has no role except to get out of the way”).

trapping gases from human activities should be undertaken by individuals—that carbon-reduction strategies and protection of the planet, more generally, is the duty, responsibility, and province of *individuals*, not nation-states or corporations—and that even then, individuals will ultimately be judged and valued based on their *consumerism* and *consumptive* practices and contributions to a market-driven society and global economy, not their participation in the public sphere and service to public and environmental good.¹¹⁰

¹¹⁰ Giroux makes this point repeatedly throughout *THE TERROR OF NEOLIBERALISM*, *supra* 79: “[u]nder neoliberalism . . . citizenship has increasingly become a function of consumerism,” *Id.* at xii-xiv; “[w]ith its debased belief that profit-making is the essence of democracy, and its definition of citizenship as an energized plunge into consumerism, neoliberalism eliminates government regulation of market forces, celebrates a ruthless competitive individualism, and places the commanding political, cultural, and economic institutions of society in the hands of powerful corporate interests, the privileged, and unrepentant religious bigots,” *Id.* at xvii; “neoliberalism has heralded a radical economic, political, and experiential shift that now largely defines the citizen as consumer, disbands the social contract in the interests of privatized considerations, and separates capital from the context of place,” *Id.* at 52; “[t]he public morality of the marketplace works its magic in widening the gap between political control and economic power while simultaneously reducing political agency to the act of consuming,” *Id.* at 57; “[u]nrestricted by social legislation or government regulation, market relations as they define the economy are viewed as a paradigm for democracy itself. Central to neoliberal philosophy is the claim that the development of all aspects of society should be left to the wisdom of the market. Similarly, neoliberal warriors argue that democratic values be subordinated to economic considerations, social issues be translated as private dilemmas, part-time labor replace full-time work, trade unions be weakened, and everybody be treated as a customer” *Id.* at 61; “[i]n th[e] [neoliberal] view, freedom is no longer linked to a collective effort on the part of individuals to create a democratic society. Instead, freedom becomes an exercise in self-development rather than social responsibility, reducing politics to either the celebration of consumerism or the privileging of a market-based notion of agency and choice that appears quite indifferent to how power, equity, and justice offer the enabling conditions for real individual and collective choices to be both made and acted upon,” *Id.* at 62; “[n]eoliberalism devitalizes democracy because it has no language for defending a politics in which citizenship becomes an investment in public life rather than an obligation to consume, relegated in this instance to an utterly privatized affair,” *Id.* at 69; “neoliberalism hides the traces of its own ideology, politics, and history either by rhetorically asserting its triumphalism as part of the ‘end of history’ or by proclaiming that capitalism and democracy are synonymous,” *Id.* at 76); “[n]eoliberalism is persuasive because its language of commercialism,

“All economies are *moral economies*,” writes Jörg Wiegratz, “in the sense that all economic orders, relations and practices have moral dimensions, preconditions and implications.”¹¹¹ “Neoliberalism,” he continues, “is, in important ways, a *cultural programme* (e.g. in the sense of restructuring [norms, values, orientations and practices].”¹¹² And so, I worry that stories that emphasize individual actions and pay scant attention to the role of national, state and local government, serve as a form of

consumerism, privatization, freedom, and self-interest resonates with and saturates so many aspects of public life. Differences in this discourse are removed from matters of equity and power and reduced to market niches. Agency is privatized and social values are reduced to market-based interests. And, of course, a democracy of citizens is replaced by a democracy of consumers,” *Id.* at 80; “[i]nstead of guaranteeing them [young people] food, decent health care, and shelter, we serve them more standardized tests; instead of providing them with vibrant public spheres, we offer them a commercialized culture in which consumerism is the only measure of citizenship” *Id.* at 86; “[t]his [neoliberalism] is a discourse that wants to squeeze out ambiguity from public space, to dismantle the social provisions and guarantees provided by the welfare state, and to eliminate democratic politics by making the notion of the social impossible to imagine beyond the isolated consumer and the logic of the market,” *Id.* at 107.

¹¹¹ Jörg Wiegratz, *Fake Capitalism? The Dynamics of Neoliberal Moral Restructuring and Pseudo-development: The Case of Uganda*, 37(124) REV. OF AFRICAN POL. ECON. 123, 125 (2010) (citing F. Block, *Karl Polanyi and the writing of the Great Transformation*, 2(3) THEORY AND SOCIETY 275, 275-306 (2003); Andrew Sayer, *Moral Economy as Critique*, 12(2) NEW POLITICAL ECONOMY 261-70 (2007)).

¹¹² *Id.* at 124. According to Wiegratz, neoliberalism has shaped not only the economy, but also society and culture. “This includes a corresponding set of moral norms of behaving and relating to each other: namely, dimensions of a more or less crass or blatant *homo oeconomicus* including cost-benefit calculus, self-interest and individualism (with a focus on individual gain and material success), disposition and behaviour to maximise utility, instrumental rationality, egoism, low other-regard and empathy, opportunism and cunning, priority given to money, an emphasis on transaction-based relations and disregard for the common good.” *Id.* (citation omitted). Elsewhere, Wiegratz makes a similar point, contending that “the re-calibration of the moral underpinning of the economy, society and polity”—a process that he refers to as “neoliberal moral restructuring”—“is about fostering dimensions of a blatant ‘*homo oeconomicus*’ including cost-benefit calculus, individualism, and disposition and behaviour to maximize utility, instrumental rationality, egoism, low other-regard and empathy, opportunism and cunning and an emphasis on transaction-based relations and disregard for the common good.” *Id.* at 55, 56, 63.

“neoliberal moral shaping,” to tweak Wiegratz’s term—or function as part of a “cultural programme,” to adopt another of his idioms, sending a message to our kids that such governmental entities cannot, will not, and should not act to reduce greenhouse gas emissions.¹¹³ When, in fact, as the world’s second-biggest producer of carbon dioxide, the chief greenhouse gas, the United States¹¹⁴ *can* and *should* pass broad national climate change legislation—and as a global leader, *can* and *should* be at the forefront of negotiating a legally binding international treaty committing nations to mandatory reductions in greenhouse gases—and we should be ashamed that it has not.¹¹⁵

¹¹³ For an illustration of how the “increasing power of global corporate hypercapitalism and the imperialism of commercialism . . . shape the educational messages of popular culture while eradicating any public sphere not controlled by the market,” see Jennifer A. Sandlin & Jennifer L. Milam, “*Mixing Pop (Culture) and Politics*”: *Cultural Resistance, Culture Jamming, and Anti-Consumption Activism as Critical Public Pedagogy*, 38(3) CURRICULUM INQUIRY 323, 327 (2008).

For a discussion of how political will is necessary to effect changes in production and consumption that affect climate change, see Asoka Bandarage, *Facing the Climate Crisis*, HUFFINGTON POST, May 31, 2013, http://www.huffingtonpost.com/asoka-bandarage/facing-the-climate-crisis_b_3362046.html; see generally Krugman, *supra* note 25.

¹¹⁴ Krugman, *supra* note 25 (stating that “[t]he United States is still the world’s largest economy, which makes the country one of the world’s largest sources of greenhouse gases. But it’s not the largest. China, which burns much more coal per dollar of gross domestic product than the United States does, overtook us by that measure around three years ago.”); See also John Vidal & David Adam, *China Overtakes US as World’s Biggest CO2 emitter*, THE GUARDIAN (June 19, 2007), <http://www.guardian.co.uk/environment/2007/jun/19/china.usnews>.

¹¹⁵ For reports about and expressions of consternation and frustration with the lack of a national response to climate change or to U.S. leadership in crafting a binding international agreement on climate change, see, for example, and in chronological order: Editorial, *More Energy Follies*, N.Y. TIMES, Mar. 15, 2005, at A26; Editorial, *Climate Signals*, N.Y. TIMES, May 19, 2005, at A34; Editorial, *Climate Shock*, N.Y. TIMES, June 27, 2005, A18; Editorial, *Houses Divided on Warming*, N.Y. TIMES, July 23, 2005, at A28; Editorial, *Waiting for a Leader*, N.Y. TIMES, Sept. 1, 2005, at A22; Andrew Revkin, *G-8 Draft on Global Warming Is Weakened at U.S. Behest*, N.Y. TIMES, June 18, 2005, at A10; Andrew C. Revkin, *Youths Make Spirited Case at Climate Meeting*, N.Y. TIMES, Dec. 9, 2005, at A8; Editorial, *Global Warming Goes to Court*, N.Y. TIMES, Nov. 28, 2006, at A24; Editorial, *Energy Rhetoric, and*

Reality, N.Y. TIMES, Jan. 25, 2007, at A22; Editorial, *Still Out in the Cold*, N.Y. TIMES, Sept. 29, 2007, at A26; Elisabeth Rosenthal, *U.N. Chief Seeks More Leadership on Climate Change*, N.Y. TIMES, Nov. 18, 2007, at 3; Editorial, *Disappointments on Climate*, N.Y. TIMES, Dec. 17, 2007, at A30; Editorial, *Late and Lame on Warming*, N.Y. TIMES, Feb. 4, 2008, at A26; Editorial, *More Flimflam on Warming*, N.Y. TIMES, Mar. 29, 2008, at A24; David M. Herszenhorn, *After Verbal Fire, Senate Effectively Kills Climate Change Bill*, N.Y. TIMES, June 27, 2008, at A12. ; Editorial, *Another Failure on Climate Change*, N.Y. TIMES, June 11, 2008, at A22. Elisabeth Rosenthal, *At U.N. Talks On Climate, Plans by U.S. Raise Qualms*, N.Y. TIMES, Apr. 9, 2009, at A12; John M. Broder, *Administration Stops Short Of Endorsing Climate Bill*, N.Y. TIMES, Apr. 23, 2009, at A17; Neil MacFarquhar, *You First, Nations Say, as 100 Leaders Prepare to Meet on Climate Change*, N.Y. TIMES, Sept. 20, 2009, at 6, 14; John M. Broder, *The Climate Bog*, N.Y. TIMES, Nov. 16, 2009, at A1, A10; John M. Broder and Elisabeth Rosenthal, *U.N. Official Says Climate Deal Is at Risk*, N.Y. TIMES, Jan. 21, 2010, at A8; Al Gore, *We Can't Wish Away Climate Change*, N.Y. TIMES, Feb. 28, 2010, at WK11; Paul Krugman, *Building a Green Economy*, N.Y. TIMES MAGAZINE, Apr. 11, 2010, at MM34; Editorial, *While the Senate Fiddles*, N.Y. TIMES, May 14, 2010, at A26; Editorial, *With a Whimper*, N.Y. TIMES, July 23, 2010, at A22; Carl Hulse and David M. Herszenhorn, *Democrats Call Off Effort For Climate Bill in Senate*, N.Y. TIMES, July 23, 2010, at A15; Chris Mooney, *Geoengineering Our Climate Future*, THE WESTCHESTER GUARDIAN, Sept. 2, 2010, at 5, 11; Jennifer Steinhauer, *National Briefing: Washington: Republicans Killing Climate Committee*, N.Y. TIMES, Dec. 2, 2010, at A26; Reuters, *Fight ahead for carbon markets*, METRO NEWS, Dec. 13, 2010, at 12; Editorial, *Small Steps on Global Warming*, N.Y. TIMES, Dec. 17, 2010, at A38; Editorial, *Beyond Durban*, N.Y. TIMES, Dec. 17, 2011, at A24; Bill McGuire, *Climate change will shake the Earth*, THE GUARDIAN (U.K.), Feb. 26, 2012, available at <http://www.guardian.co.uk/environment/2012/feb/26/why-climate-change-shake-earth> (last visited July 10, 2013); Bryan Walsh, *Cold Warrior*, TIME, Mar. 12, 2012, at 44-47; Gillis, *supra* note 16, at A1, A14; Felicity Barringer, *A Grand Experiment to Rein In Climate Change*, N.Y. TIMES, Oct. 14, 2012, at A23; Editorial, *Time to Confront Climate Change*, N.Y. TIMES, Dec. 28, 2012, at A26; cf. Evan Lehmann, *Obama makes a moral case to U.S. for combating climate change*, E&E/CLIMATEWIRE, June 26, 2013, available at <http://www.eenews.net/climatewire/stories/1059983492> (last visited July 17, 2013).

Perhaps because of the lack of action on the national or international level—or because climate change is often less of a divisive subject at the state and local level (Valerie Volcovici, *New U.S. climate strategy coming within weeks: Obama adviser*, REUTERS, June 19, 2013, available at <http://www.reuters.com/article/2013/06/20/us-usa-climate-obama-idUSBRE95114W20130620> (last visited July 10, 2013))—or because some of the largest American cities and states may recognized that they “have carbon footprints bigger than those of most nations” (Editorial, *Where the Action Is on Climate*, N.Y. TIMES, Jan. 4, 2010)—an increasing number of U.S. cities and

states have undertaken or are beginning to undertake measures to limit greenhouse gas emissions. For examples, see (in chronological order): Jennifer 8. Lee, *The Warming Is Global but the Legislating, in the U.S., Is All Local*, N.Y. TIMES, Oct. 29, 2003, at A21; Andrew C. Revkin and Jennifer 8. Lee, *Administration Attacked for Leaving Climate Policy to States*, N.Y. TIMES, Dec. 11, 2003, at A22; Editorial, *California Leads on Warming*, N.Y. TIMES, June 15, 2004, at A22; Eli Sanders, *Rebuffing Bush, 132 Mayors Embrace Kyoto Rules*, N.Y. TIMES, May 14, 2005, at A8; Carolyn Marshall, *Schwarzenegger Issues Plan To Reduce Greenhouse Gases*, N.Y. TIMES, June 2, 2005, at A18; Anthony DePalma, *9 States In Plan To Cut Emissions By Power Plants*, N.Y. TIMES, Aug. 24, 2005, at A1, A14; Editorial, *Cleaner Cars for New York*, N.Y. TIMES, Nov. 11, 2005, at A24; Danny Hakim, *Battle Lines Set As New York Acts To Cut Emissions*, N.Y. TIMES, Nov. 26, 2005, at A1, A14; Editorial, *Governor Romney Bails Out*, N.Y. TIMES, Dec. 28, 2005, at A20; Editorial, *California Leads On Warming*, N.Y. TIMES, Aug. 5, 2006, at A24; Felicity Barringer, *Officials Reach California Deal to Cut Emissions*, N.Y. TIMES, Aug. 31, 2006, at A1, A19; Felicity Barringer, *California, Taking Big Gamble, Tries to Curb Greenhouse Gases*, N.Y. TIMES, Sept. 15, 2006, at A1, A16-17; Associated Press, *National Briefing: West: California: Schwarzenegger Signs Gas Emissions Act*, N.Y. TIMES, Sept. 28, 2006, at A17; William Sweet, *Clean Air, Murky Precedent*, N.Y. TIMES, Sept. 29, 2006, at A23; Katie Zezima, *In New Hampshire, Towns Put Climate on the Agenda*, N.Y. TIMES, Mar. 19, 2007, at A8; Thomas J. Lueck, *The Mayor Draws a Blueprint for a Greener City*, N.Y. TIMES, Apr. 23, 2007, at A18; Editorial, *Can Cities Save the Earth?*, N.Y. TIMES, May 19, 2007, at A24; Felicity Barringer, *Florida Plan Will Focus On Emissions And Climate*, N.Y. TIMES, July 12, 2007; Editorial, *Listen to the States*, N.Y. TIMES, Oct. 27, 2007, at A30; John M. Broder, *Governors Join in Creating Regional Pacts on Climate Change*, N.Y. TIMES, Nov. 15, 2007, at A16; Felicity Barringer and Kate Galbraith, *States Aim to Cut Gases By Making Polluters Pay*, N.Y. TIMES, Sept. 16, 2008, at A17, A26; Dirk Johnson, *Chicago Unveils Multifaceted Plan to Curb Emissions of Heat-Trapping Gases*, N.Y. TIMES, Sept. 19, 2008, at A13; Editorial, *Ten States With a Plan*, N.Y. TIMES, Sept. 25, 2008, at A28; Felicity Barringer, *U.S.-Canadian Group Plans to Curb Emissions*, N.Y. TIMES, Sept. 24, 2008, at A17; Editorial, *Ms. Palin's Same Old, Same Old*, N.Y. TIMES, Oct. 31, 2008, at A31. Editorial, *New Day on Climate Change*, N.Y. TIMES, Jan. 27, 2009, at A30; Mireya Navarro, *City Must Prepare for Effects of Global Warming, Mayor's Panel Says*, N.Y. TIMES, Feb. 18, 2009, at A23; Editorial, *Where the Action Is on Climate*, N.Y. TIMES, Jan. 4, 2010; Jesse McKinley, *California Panel Considers Money From Climate Rules*, N.Y. TIMES, Jan. 13, 2010, at A18; Felicity Barringer, *California Approves Stringent Pollution Curbs*, N.Y. TIMES, Dec. 17, 2010, at A20; see generally Jennifer Peltz, *Major to discuss prepping NYC for warming world*, ASSOCIATED PRESS/YAHOO! NEWS, June 11, 2013, available at <http://news.yahoo.com/mayor-discuss-prepping-nyc-warming-world-063525976.html> (last visited July 4, 2013); Karl Ritter, *Beyond NYC: Other places adapting to climate, too*, Associated Press, June 16, 2013, available at <http://news.yahoo.com/beyond-nyc-other-places-adapting-climate-too->

In saying so, I do not wish to overstate the potential of governmental solutions,¹¹⁶ nor do I intend to suggest that more/better environmental law and policy at local, state, national and international levels will mitigate or curb climate change and its concomitant environmental and social harms. As Mark Seis reminds us, we cannot “rely solely on nation-state legislation to protect us from environmental degradation.”¹¹⁷ While Seis acknowledges that “[t]wentieth century capitalism has produced more environmental legislation than any other period in human history,”¹¹⁸ that “[l]aw is one vehicle by which changes in destructive behaviors can be prevented,”¹¹⁹ and that environmental law has successfully “abated environmental degradation,”¹²⁰ he asserts that the need for so much environmental law “obviously reflects serious contradictions between the goals of capitalism and the need for a healthy environment.”¹²¹ According to Seis,

global capitalism cannot expand indefinitely without ecological collapse. . . . The time has come for us to realize as nations, states and communities that so

105538665.html (last visited July 10, 2013); cf. Danny Hakim, *Paterson Shifts On Emissions, Drawing Fire*, N.Y. TIMES, Mar. 6, 2009, at A1, A24; Kate Galbraith, *Little Impact Is Foreseen Over New York’s Proposed Change for Emissions Allowances*, N.Y. TIMES, Mar. 7, 2009, at A13.; Mireya Navarro, *Christie Pulls New Jersey From 10-State Climate Initiative*, N.Y. TIMES, May 27, 2011, at A20, A24.

¹¹⁶ Haiven, *supra* note 99, at 102 recognizing that the state, to the extent it has not been turned vicious and carceral by the rapacious logic of neoliberalism, provides vital social provisions and life-support to many people, and that it retains the power to protect and engender public spaces (universities, public parks, community centres, etc.) where participatory and democratic practices might be made possible.

¹¹⁷ Mark Seis, *A Community-Based Criminology Of The Environment*, 10 CRIM. JUST. POL’Y REV. 291, 293 (1999). See generally Stephen T. Ganyard, *All Disasters Are Local*, N.Y. TIMES, May 18, 2009, at A28 (contending that “[i]n responding to disasters, Americans must look beyond government for help. . . . We need ‘whole of society’ not just ‘whole of government’ responses.”).

¹¹⁸ Seis, *supra* note 117, at 291.

¹¹⁹ *Id.*

¹²⁰ *Id.* at 292.

¹²¹ *Id.* at 291.

called economic progress and development come at the expense of environmental health. Prosperity does have fixed limits. The primary reminder of limits to prosperity are the numerous pieces of environmental legislation we have created to combat the degradation of our air, water, soil, flora, and fauna. Environmental legislation has abated environmental degradation, but has done little to curtail our appetite for consuming the mass products produced by transnational corporations. In short, environmental legislation has done little to alter our destructive mode of production, consumption patterns and cultural practices. . . . The solution to our environmental problems does not lie in more environmental law as much as it lies in redefining our relationship to nature through connecting with the economic resources of our bioregions and the celebration of its physical landscape and attributes.¹²²

Similarly, Ruggiero and South assert that “development itself, and the growing complexity of markets, makes legal coercion and moral values increasingly difficult to apply to the economic sphere.”¹²³ “As a logical consequence,” they continue, “we may advocate a halt to economic development itself as the only way of reducing and preventing environmental crime[s] [and harms].”¹²⁴ Moreover, they explain,

growth is criminogenic because it depicts greed and acquisitiveness in a positive light, making them core values of individual and collective behavior. Simultaneously growth as we have experienced it over the decades exacerbates the polarization of wealth, therefore increasing relative deprivation, one of the central variables in the analysis of crime. Ultimately, as a manifestation of instability, growth is a form of pathology. A radical critique of economic

¹²² *Id.* at 291, 293, 304, 307 (citations omitted).

¹²³ Ruggiero & South, *supra* note 109, at 369.

¹²⁴ *Id.*

growth, therefore, could be a step towards the prevention of environmental crime.¹²⁵

While, as Seis, Ruggiero, and South suggest, radical shifts in our approach to economic growth—not to mention our global socioeconomic philosophy and system, more generally—would abate harm from climate change, curbing climate change *within* our existing socioeconomic system is far more likely to transpire in the short term (and time is of the essence!) than is curbing climate change by drastically curbing capital accumulation.¹²⁶

¹²⁵ *Id.* at 370. For similar perspectives and critiques, see, e.g., Asoka Bandarage, *Facing the Climate Crisis*, HUFFINGTON POST, May 31, 2013, available at http://www.huffingtonpost.com/asoka-bandarage/facing-the-climate-crisis_b_3362046.html (contending that “[s]ustainability and well-being require a shift from the prevailing system of domination and extremism to a global consciousness and a socioeconomic system based on interdependence and partnership.”); see also Foster & Clark, *supra* note 109 (arguing that “where capitalism is concerned, expansion is a requirement for the existence of the system itself The scale and speed of the emerging ecological challenge, manifested not only in climate change but also in numerous other planetary rifts, constitutes irrefutable evidence that the root cause of the environmental problem lies in our socioeconomic system, and particularly in the dynamic of capital accumulation”); LEECH, *supra* note 50, at 36 (describing capital’s “drive to accumulate through dispossession” under neoliberal globalization); McNALL, *supra* note 16, at 17, 18 (explaining that “our economic system has been grounded under the assumption that growth can and must continue apace,” and arguing that “[c]limate change is a serious problem and something we must deal with because, if we do not, the social, economic, and environmental systems on which we *all* depend could collapse. These systems are tightly interwoven. *Causes* and *effects* are mutually reinforcing. Free-market capitalism focused on exponential growth is a cause. This growth has been powered by fossil fuels, which are at the root of the problem.” (emphasis in original)).

¹²⁶ Radicals on the left of the political-economic spectrum might argue that slowing climate change is impossible without reigning in capital accumulation. See, e.g., Foster & Clark, *supra* note 109. (“Capitalism . . . can no more be ‘persuaded’ to limit growth than a human being can be ‘persuaded’ to stop breathing. Attempts to ‘green’ capitalism, to make it ‘ecological,’ are doomed by the very nature of the system *as* a system of endless growth”) (quoting MURRAY BOOKCHIN, *REMAKING SOCIETY* 93-94 (1990)); see also LEECH, *supra* note 50, at 110-11 (arguing that “[i]t is . . . unrealistic to think that liberal democracy, under which the Keynesian policy framework was implemented, could be a venue for achieving radical social transformation [T]he acceptance of the broader conventional market economy by proponents of the social economy helps legitimize both capitalism and liberal democracy . .

To use a baseball analogy, we need to play “small ball” rather than “big ball”—swinging for the fences and hoping for a home run, while risking a strike out.¹²⁷ As White puts it, “[g]lobal

. . . [T]he social economy approach amounts to little more than the application of a band-aid in a futile attempt to stem the flow of blood gushing from an appendage severed by the brutality of capitalism.”) Radicals on the right of the political-economic spectrum might argue that any legislation aimed at reducing greenhouse gas emissions and retarding climate change would adversely affect our capitalist economy. To this, Paul Krugman, the *New York Times* columnist and winner of the Nobel Memorial Prize in Economic Sciences in 2008, replies, that even a strong climate policy would not *stop* growth—it would just simply slow it:

Just as there is a rough consensus among climate modelers about the likely trajectory of temperatures if we do not act to cut the emissions of greenhouse gases, there is a rough consensus among economic modelers about the costs of action. That general opinion may be summed as follows: Restricting emissions would slow economic growth—but not by much.

Krugman, *supra* note 25, at MM34.

The truth is that there is no credible research suggesting that taking strong action on climate change is beyond the economy’s capacity. Even if you do not fully trust the models—and you shouldn’t—history and logic both suggest that the models are overestimating, not underestimating, the costs of climate action. We can afford to do something about climate change.

Id.

¹²⁷ Young Hoon Lee offers a nice description of the difference between “small ball” and “big ball”:

small ball is an informal term for an offensive strategy in which the batting team emphasizes placing runners on base and then advancing them into position to score a run in a methodical way. That is, it is often described as consisting of stealing bases, bunting, making hit-and-run plays, and so on. A team with the small-ball philosophy trades the longer odds of a big inning for the increased chances of scoring a single run. This is because the small-ball strategy often requires the trading of an out to advance a runner, meaning that it will usually reduce the number of batting opportunities the team will have in that inning. . . . In contrast, big ball allows players to display their talents without any restrictions and then depends on walks and home runs to produce runs (and strikeouts) in bunches.

Young H. Lee, *Is the Small-ball Strategy Effective in Winning Games? A Stochastic Frontier Production Approach*, 35 J. OF PRODUCTIVITY ANALYSIS 51, 51 (Feb. 2011).

issues demand global responses.”¹²⁸ “The survival of the human species,” he writes elsewhere—and, to this, I would add nonhuman animal and plant species, as well as the planet as a whole—“is contingent upon how we, collectively, address climate change and ecological degradation.”¹²⁹ We cannot, then, wait for a revolution—the home run—and, in the process (or in so doing), discount government “as a means of addressing basic, economic, educational, environmental, and social problems.”¹³⁰

IV. TOWARDS A BETTER PORTRAYAL OF THE ROLE OF GOVERNMENT IN CHILDREN’S STORIES AND LITERATURE

Daniel Coyle, author of *Lance Armstrong’s War*, and co-author with cyclist Tyler Hamilton of *The Secret Race: Inside the Hidden World of the Tour de France: Doping, Cover-ups and Winning at All Costs*, recently remarked: “stories are addictive . . . talk about doping, stories are the ultimate doping.

¹²⁸ TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7, at 128.

¹²⁹ WHITE, *supra* note 26, at 146. See also Piers Beirne, *Animal Rights, Animal Abuse and Green Criminology*, in ISSUES IN GREEN CRIMINOLOGY: CONFRONTING HARMS AGAINST ENVIRONMENTS, HUMANITY AND OTHER ANIMALS 55, 75 (Piers Beirne & Nigel South, eds., 2007) (asserting that “[t]he long-term existence of *all* life on tiny planet Earth is seriously threatened by global warming” (emphasis in original)).

¹³⁰ THE TERROR OF NEOLIBERALISM, *supra* note 79, at 129. It bears mention that looking to—and trusting—government to address environmental harms, in general, and climate change, in particular, is no small matter. As noted above, skepticism and, indeed, cynicism, is understandable. See *supra*, note 109 and accompanying text. Moreover, as Giroux describes,

[t]he ascendancy of neoliberal culture into every aspect of American life both consolidates economic power in the hands of the few and aggressively attempts to break the power of unions, decouple income from productivity, subordinate the needs of society to the market, and deem public services and goods an unconscionable luxury. But it does more. It thrives on a culture of cynicism, insecurity, and despair. Conscripts in a relentless campaign for personal responsibility, Americans are now convinced that they have little to hope for—and gain from—the government, nonprofit public spheres, democratic associations, public and higher education, and other nongovernmental social forces.

THE TERROR OF NEOLIBERALISM, *supra* note 79, at 105.

A beautiful inspirational story is like a drug that infects the brain of the entire country and suddenly renders us a little hazy with our vision, a little slack with our judgment¹³¹ We need to be careful that our stories—the stories we tell about climate change and its impact on the Arctic (because what happens in the Arctic affects all of us¹³²)—continue to inspire “small personal actions,” but not at the expense of action by international, national, state, and local government—to say nothing of a radical critique of unfettered economic growth.¹³³ We need to be careful that these stories about climate change and its probable effects on the Arctic continue to offer “vision[s] of resistance”¹³⁴ without being complicit in the very (neoliberal) processes that have contributed to the problems in the first place.

¹³¹ OnPoint, *Lance Armstrong: The Confession and Doping Now*, 90.9 WBUR (Jan. 18, 2013, 11:00AM), <http://onpoint.wbur.org/2013/01/18/lance-armstrong-the-confession-and-doping-now>.

¹³² Talk of the Nation, *Climate Change Update*, NPR (Nov. 12, 2004, 12:00AM), <http://www.npr.org/templates/story/story.php?storyId=4167590>.

¹³³ Compare McNALL, *supra* note 16, at 51 (stating that “[s]olutions . . . vary depending on whether one thinks individuals should change their behavior; or governments should take charge.”) and Joseph D. Rumbo, *Consumer Resistance in a World of Advertising: The Case of Adbusters*, 19(2) PSYCHOL. & MARKETING 127, 143 (Feb. 2002) (expressing concerns about risk of overlooking “the role of state intervention in ameliorating social inequality and injustice”), with Haiven, *supra* note 99, at 89-90 (“[N]eoliberalism installs a culture of fear, individualization, hopelessness, and cynicism in the vacuum left by the liquidation of public space and time in an age of triumphant consumerism and escalating militarism[,] [t]he task of activists, artists, cultural producers, and public intellectuals, then, cannot be limited to reforming policy or electing slightly more temperate political leaders, but must be based in grassroots and everyday struggles to transform culture and reimburse democracy with the radical spirit of commonality, intentionality, passion, and hope fundamentally predicated on the reinvention, restoration, and defense of public spaces, common understandings, and shared ambitions.”) and LEECH, *supra* note 50, at 7, 108, 150 (“[T]he logic of capital requires constant growth in order to accumulate wealth, but this growth is dependent on the destruction of nature. . . . Th[e] capitalist expansion has constituted a class-based genocidal process that is inherently unsustainable from an ecological perspective. . . . Ultimately, in order to address these social injustices, capital must be displaced from its current hegemonic position by whatever means available. Anything less will result in a continuation of the structural genocide and the related ecological crisis.”).

¹³⁴ Haiven, *supra* note 99, at 88.

Admittedly, children's literature, by its very nature, seeks to empower the individual child. And while children's literature can reveal that it is "possible for humankind to live in a more democratic, egalitarian and sustainable society,"¹³⁵ I do not expect it to engage in a critique of deregulation or to encourage children to recognize that capitalism is "the primary cause of the economic and ecological crisis" and, as such, should engage in revolutionary struggles to abolish it.¹³⁶ I am not, in other words, advocating that Perla revise her book, call it *When Santa Turned Red and Green*, and conclude with the children owning the means of production. But children's literature, when suggesting transformations that could take place, could more explicitly identify a role for government, such as encouraging (children to urge) the government to regulate greenhouse gas emissions or impose mandatory carbon caps. And while children might not be ready for descriptions of revolutionary alternatives to capitalism, their literature could, for example, contain more of the critique offered by Dr. Seuss in *The Lorax*, who reveals the unsustainability of unlimited capital growth.¹³⁷ We can convey to children the dangers of "biggering" our factories, our roads, our wagons, and our loads.¹³⁸

Moore explains that as humans, we explore our place in the world by telling stories about it:

Sometimes they're scientific stories. Sometimes they're philosophical stories. Sometimes they're songs or movies. Sometimes they're fables or morality tales. We need to tell new stories to describe who we are in relation to the land, to honor what's been lost, to help us understand our kinships, to affirm what we care about, to explore the difference between right and wrong, moral and immoral.¹³⁹

¹³⁵ LEECH, *supra* note 50, at 109.

¹³⁶ *Id.* (emphasis in original).

¹³⁷ See generally DR. SEUSS, *THE LORAX* (Random House, 1971) (describing unsustainability of unlimited capital growth).

¹³⁸ See generally *id.* (describing dangers of "biggering").

¹³⁹ Mary DeMocker, *If Your House Is On Fire: Kathleen Dean Moore On the Moral Urgency Of Climate Change*, THE SUN, Dec. 2012,

We would do well to heed her words. Otherwise, future generations may reply in the negative when they consider whether we did, as President Obama posed, “all that we could when we had the chance to deal with this problem and leave them a cleaner, safer, more stable world”¹⁴⁰ and, instead, as former Vice-President Al Gore has warned, “look back on us as a criminal generation that had selfishly and blithely ignored clear warnings that their fate was in our hands.”¹⁴¹ The story future

http://thesunmagazine.org/issues/444/if_your_house_is_on_fire; see generally Susan Oliver, *Importing Trees, Exporting People, and Walter Scott's Transatlantic Ecology*, 44(2) THE WORDSWORTH CIRCLE (forthcoming Spring 2013) (citing LAURA DASSOW WALLS, *THE PASSAGE TO COSMOS: ALEXANDER VON HUMBOLDT AND THE SHAPING OF AMERICA* (2009)) (“[N]atural environments acquire added meaning because a human presence turns them into narrative. That is not to say that human presence is necessary to ‘nature,’ but rather that it contributes a particular, temporising agency to an ecosystem which already includes diverse species.”). Moore’s point about the need to “tell new stories” takes on additional significance when one considers Atkinson’s perspective on the potential of “resistance narratives” in comparison to Snider’s assertions about the ways in which specialized knowledge claims which benefit dominant groups are believed, popularized and acted upon. For Atkinson, storytellers can “use[] narratives to oppose or challenge the status quo or dominant ideology.” Joshua Atkinson, *Thumbing Their Noses at “The Man”*: *An Analysis of Resistance Narratives About Multinational Companies*, 1 POPULAR COMM. 163, 172 (2003). For Snider, on the other hand,

[f]acts which do not serve dominant interests are ‘harder to hear’: if their fact base is science, more science is required to make these claims ‘definitive’, if it is sociology (or any discipline that cannot ground its claim in numbers, such as history or philosophy), then its claims are unlikely to be heard at all (outside the seminar rooms of academic institutions, which frequently serve as nurseries—or intensive care units—for counter-hegemonic claims) (internal footnote and citation omitted).

Snider, *supra* note 108, at 169, 180.

¹⁴⁰ Obama, *supra* note 13.

¹⁴¹ Gore, *supra* note 5, at 11(L); see Krugman, *Green Economics: How We can Afford to Tackle Climate Change*, N.Y. TIMES MAG., Apr. 11, 2010, at 49 (“Current projections of global warming in the absence of action are just too close to the kinds of numbers associated with doomsday scenarios. It would be irresponsible—it’s tempting to say *criminally irresponsible*—not to step back from what could all too easily turn out to be the edge of a cliff”) (emphasis added) TRANSNATIONAL ENVIRONMENTAL CRIME, *supra* note 7, at 36 (“In many ways, and from the vantage point of future generations, present action and lack

generations may then tell their children is how the end of the twentieth century and beginning of the twenty-first century—the “era of disposability in which market-driven values peddle[d] policies that promote[d] massive amounts of human suffering and death for millions of human beings”¹⁴²—was really the era of *planetary* disposability,¹⁴³ in which the same market-driven policies brought about massive amounts of ecological suffering and death.

of action around climate change will most likely constitute the gravest of transnational environmental crimes. The harms grow more evident every day, but the main protagonists continue to support policies and practices that contribute to the overall problem. With foreknowledge and scientific proof in hand, powerful interests continue to dominate the climate change agenda to the advantage of their own sectional interests—and it is the poorest of the poor who currently experience harbingers of things to come for the rest of us. The failure to act, now, is criminal.”)

¹⁴² DISPOSABLE YOUTH, *supra* note 79, at 19. For Giroux, “the era of disposability” is not necessarily eternal; as he argues,

[t]he long and tightening grip of authoritarianism in American political culture can be resisted and transformed. This dystopic future will not happen if intellectuals, workers, young people, and diverse social movements unite to create the public spaces and unsettling formative educational cultures necessary for reimagining the meaning of radical democracy. In part, this is a pedagogical project, one that recognizes consciousness, agency, spirituality, and education as central to any viable notion of politics. It is also a project designed to address, critique, and make visible the commonsense ideologies that enable neoliberal capitalism and other elements of an emerging authoritarianism to function alongside a kind of moral coma and imposed forgetting at the level of everyday life.

Id. at 37-38. What I have argued in this Article is for a sort of “imaginative” or “literary” or “narrative” project akin to his “pedagogical project.”

¹⁴³ See Avi Brisman & Nigel South, *Conclusion: The Planned Obsolescence of Planet Earth? How Green Criminology Can Help Us Learn From Experience and Contribute to Our Future*, in HANDBOOK OF GREEN CRIMINOLOGY, *supra* note 26, at 409-17; see generally John Bellamy Foster & Brett Clark, *The Planetary Emergency*, 64 MONTHLY REV., Dec. 2012, at 5, available at <http://monthlyreview.org/2012/12/01/the-planetary-emergency> (describing our economy and society as one based on “planned obsolescence”).