# 1NC – Texas R4

## Offcase

### T-USFG – 1NC

#### Interpretation---the resolution divides of aff and neg ground---it was negotiated and announced in advance, providing both teams a reasonable opportunity to prepare---only a textual reading of the resolution provides a predictable basis for research

#### The USFG means the three branches.

OECD 87. Organization for Economic Cooperation and Development. The Control and Management of Government Expenditure. 179. Google Book.

1. Political and organizational structure of government The United States America is a federal republic consisting of 50 states. States have their own constitutions and within each State there are at least two additional levels of government, generally designated as counties and cities, towns or villages. The relationships between different levels of government are complex and varied (see Section B for more information). The Federal Government is composed of three branches: the legislative branch, the executive branch, and the judicial branch. Budgetary decisionmaking is shared primarily by the legislative and executive branches. The general structure of these two branches relative to budget formulation and execution is as follows.

#### Resolved means to enact by law

Words & Phrases 64. Permanent Edition.

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### “Core antitrust laws” are The Sherman Act, the Clayton Act, and the Federal Trade Commission Act

Thomas Horton 10. Professor of Law and Heidepriem Trial Advocacy Fellow, University of South Dakota School of Law. “Rediscovering Antitrust's Lost Values.” The University of New Hampshire Law Review. https://scholars.unh.edu/cgi/viewcontent.cgi?article=1305&context=unh\_lr

Part II of this Article discusses Congress’s historical balancing and blending of fundamental political, social, moral, and economic values to create a constitutional-like set of flexible laws that can be adapted to unforeseen and changing economic and political circumstances.22 Part II.A. briefly reviews some of the extensive scholarship addressing Congress’s balancing of values and objectives in its core antitrust laws including the Sherman, Clayton, and FTC Acts. Parts II.B. and C. explore the less-studied balancing of political, social, moral, and economic values and objectives in more recent antitrust legislation.23 Part II.B. specifically examines the legislative debates undergirding the passage of the HSR Act. 24 Part II.C. then turns to the debates and discourse that led to the passage of the NCRA in 1984 and the subsequent National Cooperative Production Amendments of 1993 and 2004. 25

#### Violation---they don’t defend usfg action that substantially expands the scope of its core antitrust laws

#### Vote neg:

#### 1---Fairness---the neg should win on average 50% of the time---any unfair advantage is a reason they should lose---their arguments are shaped by the drive to win, so presume their arguments are in bad faith

#### 2---Clash---debate requires stasis to motivate research that develops third- and fourth-line responses---that’s key to effective politics and activism regardless of your personal beliefs---their interpretation explodes limits, makes the aff conditional, and forces the neg into concessionary ground

### K – Cap – 1NC

#### The Divine Feminine is ludic feminism that reduces resistance to racial patriarchy to discourse and performance in private spheres like debate – displaces class struggle

Ebert 96, Prof in the College of Arts and Sciences @ University at Albany-State University of New York [Teresa L. received her Ph.D. at Minnesota, Ludic Feminism and After: Postmodernism, Desire, and Labor in Late Capitalism, Preface]

One of the questions I ask in this book is why the dominant feminist theory in the postmodern moment-ludic feminism-has largely abandoned the problems of labor and exploitation and ignored their relation to gender, sexuality, difference, desire, and subjectivity. It has done so at a time when “two-thirds of all labour in the world is done by women…In the Free Production Zones in South-East Asia, Africa, and Latin America, more than 70 percent of the labour force is female[,]…the majority… young women (14-24)” who are highly exploited and underpaid (Mies 117). The other side of this question is what ludic feminist theory has substituted in place of the economic. How does it explain social relations and the emerging world reality? Most importantly, does this explanation make transformation of the social possible? Following Foucault, Lacan, Derrida, and other postructuralist theorists, ludic feminism, including much recent socialist feminism, has articulated the social as discourse/textuality and posited desire/pleasure as the dynamics of the social. In so doing, it has displaced economics, labor, and class struggle. The cost of this displacement has been enormous for feminist politics, especially for socialist feminism. This, then, is clearly a moment of crisis for revolutionary politics, specifically feminism. Stanley Aronowitz, in a long essay, declares that the “socialist movement deserves a decent burial” (“Situation” 58). Socialist feminists, like Michele Barrett, are abandoning Marxism and a socially transformative politics altogether, and turning instead to a discursive, cultural politics founded on the anti-Marxist writings of Michel Foucault and other ludic postmodern theorists. In the preface to her Politics of Truth, for instance, Barrett announces her anti-Marxism: “I am nailing my coulours to the mast of a more general post-Marxism” (vii). But as Renate Bridenthal points out in her review of Barrett, “[W]here is this ship sailing to? This is not a time for intellectuals to be sailing away in a sea of indeterminacy” (220). Under the pressure of the dominant discourses of Postmodernism, Marxism, and historical materialism are becoming lost revolutionary knowledges for the current generation of feminists. Now, in place of a historical materialist analysis for social change, feminists are provided with models for “the care of the self,” for “performing” and “rematophorizing” difference, for “power feminism,” and for “sexual-agency feminism,” all of which trivialize the situation of women: reducing it to matters of textuality, desire, or voluntarism. But Marxism continues to haunt these practices. Jacques Derrida (from whom all post-Marxists have learned the deconstruction of the social) has arrived at a very different relation to Marxism-after devoting most of his philosophical writing to occluding Marxist knowledges. He now contests the new global “*dominant* discourse” that “proclaims: Marx is dead, communism is dead, very dead, and along with it its hopes, its discourse, its theories, and its practices” (*Specters* 51-52). Derrida declares, “Upon rereading the *[The Communist]* Manifesto and a few other great works of Marx…I know of few texts in the philosophical tradition, perhaps none, whose lesson seemed more urgent today” (13). He goes on to claim that “It will always be a fault not to read and reread and discuss Marx…It will be more and more of a fault, a failing of theoretical, philosophical, political responsibility” (13).

#### Broadly, the divine break in black consciousness is a retreat from practical transformation in favor of metaphysical maxims – only political hope like Fannie Lou Hamer’s party politics can renew psychic energy in struggle while bringing material improvements in infrastructure like water, housing, and education that require policy platforms – reverses battle fatigue thru intergenerational narratives of resistance

Stephens 17. RL. A. Philip Randolph Fellow at Jacobin. “Between the Black Body and Me.” Jacobin. https://jacobinmag.com/2017/05/ta-nehisi-coates-racism-afro-pessimism-reparations-class-struggle.

“I do not believe that we can stop them … because they must ultimately stop themselves,” Ta-Nehisi Coates says of white racists in the final paragraph of his bestseller Between the World and Me, written as an open letter to his son. Coates describes racism as galactic, a physical law of the universe, “a tenacious gravity” and a “cosmic injustice.”

When a cop kills a black man, the police officer is “a force of nature, the helpless agent of our world’s physical laws.” Society is equally helpless against the natural order. “The earthquake cannot be subpoenaed,” says Coates.

In a widely replicated gesture, Coates locates the experience of racism in the body, in a racism that “dislodges brains, blocks airways, rips muscle, extracts organs, cracks bones, breaks teeth.” In the slim volume, fewer than two hundred pages, the word “body” or “bodies” appears more than three hundred times. “In America,” he writes, “it is traditional to destroy the black body.” Another brooding passage dwells on the inevitability of this violence.

It had to be blood. It had to be nails driven through a tongue and ears pruned away. It had to be the thrashing of a kitchen maid for the crime of churning the butter at a leisurely clip. It could only be the employment of carriage whips, tongs, iron pokers, handsaws, stones, paperweights or whatever might be handy to break the black body.

Yet Coates’s descriptive language and haunting narrative are not mere metaphors. They act as a kind of ontological pivot, mystifying racism even as it is anchored in its physical effects.

Metaphor has long been used to capture racism’s almost unimaginable brutality. Lynching became “strange fruit” in Abel Meerpool’s song, made famous by Billie Holiday. In a wry, tragic innuendo, rape was referred to in Black communities as “nighttime integration.” The use of metaphor is not in itself an obfuscation. But Coates wields metaphor to obscure rather than illuminate the reality of racism.

What we find all too often in Coates’s narrative universe are bodies without life and a racism without people. To give race an ontological meaning, to make it a reality all its own, is to drain it of its place in history and its roots in discrete human action. To deny the role of life and people – of politics – as Coates does is to also foreclose the possibility of liberation.

No Helpless Agent

Ella knew her mother Liza’s unimaginable suffering, but her memory was not a yoke on her shoulders. It provoked something in Ella.

As an adult, she did not see the white predator stalking the fields as some helpless agent. She took matters into her own hands. There was no gravity strong enough to break her will or loosen her grip on her pistol. Her efforts rippled beyond those cotton fields.

Ella taught her own daughter, Fannie Lou Hamer, not only to struggle, but to resist.

Fannie Lou was born into a sharecropping family in rural Mississippi but would go on to become a beacon of the Civil Rights movement. She is best known for her work registering black voters in Mississippi, most famously during 1964’s Freedom Summer, at great personal risk.

Police arrested and beat her. White racists shot at her. Lyndon Johnson dismissed her as an illiterate. In 1973, an interviewer asked her, “Do you have faith that the system will ever work properly?” By then, Fannie Lou had seen a decade of setbacks and false dawns since first walking off her plantation in 1962 to fight for Civil Rights. She responded,

We have to make it work. Ain’t nothing going to be handed to you on a silver platter. That’s not just black people, that’s people in general, masses. See, I’m with the masses… You’ve got to fight. Every step of the way you’ve got to fight.

She marched. She sang freedom songs. She testified. She co-founded the Mississippi Freedom Democratic Party. For her, the logical solution was political: uniting a powerless many against a powerful few. White racists could be stopped. Black people could resist, and Fannie Lou and so many others did just that.

Fannie Lou knew that the wages of racism were measured on the body. “A black woman’s body was never hers alone,” she once remarked. White doctors sterilized her without her consent during a minor surgery, a barbaric intrusion so common she called it a “Mississippi appendectomy.” However, though she knew racism’s physical toll, she drew inspiration from stories of black resistance passed down orally across the generations. Hamer recalled her grandmother’s will to survive and her mother’s weapon of protection.

These intergenerational resistance narratives, according to Charles Cobb in his book This Nonviolent Stuff’ll Get You Killed, “underlay a deep and powerful collective memory that was invisible to whites but greatly affected the shape and course of the modern Freedom Movement.” As a result, Fannie Lou and so many others possessed an intimate knowledge not only of their own human dignity, despite the racist brutality they endured, but also of the human frailty of their racial oppressors.

In the years before Fannie Lou’s political struggle began, whole communities, black women and men, rose up against the violence that was forced on black women’s bodies. Feminist historian Danielle McGuire argues this anti-rape community organizing in Alabama laid the foundation for what eventually became the Montgomery Bus Boycott. She observes, “The majority of leaders active in the Montgomery Improvement Association in 1955 cut their political teeth demanding justice for black women who were raped in the 1940s and early 1950s.”

Despite being a poor, black sharecropper drowning in the poverty and racial terror endemic to rural Mississippi, Fannie Lou held fast to her forbearers’ stories of resistance. She did not resign herself to fatalism, as Coates does.

The "Birthmark of Damnation"

Coates too takes a multigenerational view. Between the World and Me is framed as a letter to his son. However, rather than seeing a legacy of resistance, he finds a lineage of blackness defined by fear and dysfunction.

“When I was your age the only people I knew were black, and all of them were powerfully, adamantly, dangerously afraid,” he writes. “I felt the fear in the visits to my Nana’s home in Philadelphia,” Coates continues. “And I saw it in my own father.”

My father was so very afraid. I felt it in the sting of his black leather belt, which he applied with more anxiety than anger, my father who beat me as if someone might steal me away, because that is exactly what was happening all around us.

My father was so very afraid. I felt it in the sting of his black leather belt, which he applied with more anxiety than anger, my father who beat me as if someone might steal me away, because that is exactly what was happening all around us.

Coates describes his condition, and that of all black people, as a “birthmark of damnation.” The resistance stories passed down to Fannie Lou and so many others spurred them to march. Coates’s narrative, riddled with fear and futility, begs us to retreat.

Though Coates has never explicitly cited it as his theoretical framework, the dour outlook of his work evokes the themes of Afro-Pessimism. The pivot to the ontological that is apparent in Coates’s rhetoric is a hallmark of Afro-Pessimism.

“Ontology by definition is the study of being, and to speak of Blackness as an ontological condition means analyzing the state of Black bodies through the lens of slavery,” Afro-Pessimist scholar Michael Barlow, Jr., writes in the academic journal Inquiries. However, for Barlow, the relation of slavery that ontologically defines blackness is not a matter of political economy, but rather a “libidinal economy.”

In this telling, labor and ownership – that is, political economy – are merely incidental to racial slavery. Instead, it’s the white imagination and its depraved “metaphysical desires for Black flesh” that both predated and catalyzed racialized chattel slavery.

Racism is reduced to the spiritual, more a matter of a sinful nature than a political struggle. Coates has echoed this retreat to interiority, to the spiritual, to consciousness.

It’s the ontological pivot that leads Frank Wilderson, perhaps the world’s foremost Afro-Pessimist, to declare in his foundational text “Gramsci’s Black Marx: Whither the Slave in Civil Society?” that black people are no more than cows in a slaughterhouse. Wilderson posits that “death of the black body is foundational to the life of American civil society,” just as a cow’s death is essential to the slaughterhouse.

Flippantly, Wilderson asks, “how would the cows fare under a dictatorship of the proletariat?” Coates adopts a similar sense of impotence. He characterizes struggle as aimless toil – an apolitical end in itself.

“The struggle is really all I have for you,” he tells his son, “because it is the only portion of this world under your control.” Yet how are we to struggle against earthquakes and physical laws? How can we fight gravity?

Both Coates and Wilderson speak of power in terms of dreams. Coates writes of monolithic white “Dreamers,” those whose investment in the American Dream requires a faith in their own whiteness.

Similarly, Wilderson sees America as enacting two distinct dreams. For Wilderson, “the dream of black accumulation and death” is separate from “the dream of worker exploitation.” Ultimately, in both Coates’s and Wilderson’s respective frameworks, solidarity is unimaginable and class struggle is rendered futile.

Though Coates does not go to the lengths Wilderson does to position himself in opposition to materialist politics, the result is effectively equivalent: a separation of race and class combined with a deep skepticism of class-based solidarity, reforms, or even revolution.

This is a turn away from the Freedom Tradition embodied by Fannie Lou Hamer. For her, the problem of racism wasn’t cosmology or ontology – it was an expression of politics implicated in class antagonism. Fannie Lou Hamer stood “with the masses,” both white and black. Solidarity through struggle from below, including class struggle, formed her path to victory.

Coates’s ontological pivot is more muddled than Wilderson’s. Fleetingly peppered throughout his work are allusions to material reality, betraying the imposition of metaphysical abstraction that ultimately drives his perspective. “We did not choose our fences,” he writes. “They were imposed on us by Virginia planters obsessed with enslaving as many Americans as possible.” Coates knows that Virginia planters did not invent gravity or earthquakes. Yet this historicizing impulse does not prevent him from essentializing racism when he confronts it head on.

In string of tweets from December 2016, Coates conceded that racism is not transcendental, noting that “at its very root it was always economic.” But acknowledging racism’s economic impact has not led him to embrace class struggle. Even Frank Wilderson can acknowledge that racism has an economic impact, but he still believes that class struggle and racism exist on distinct planes.

Coates holds a similar belief; that racism is wholly different in kind from class. In the same series of tweets, he concluded that “in America, ‘class’ isn’t the only kind of class.”

Just as he mystifies racism, even while locating its impact in the bodies of black people, here he again pivots. Coates cannot address material politics on its own terms, preferring instead to retreat to a contrived mystification. He replaces action with interiority.

As he recently told an auditorium of eager Northwestern students, “The process should not be… people looking out at the world and saying, ‘I would like for there to be change in the world, how do I do that?’” Instead, he implored the crowd to engage from the “inside-out, not outside-in… because if you are in the business of justice, and making this society more democratic, you might get a lot of disappointment.”

Consciousness matters, of course. “Baby you just got to love ’em,” Fannie Lou Hamer would say of the white segregationists who routinely threatened her life. “Hating just makes you sick and weak.” This was Hamer in a reflexive moment, but it was no retreat. In the very next breath, she warned, “I keep a shotgun in every corner of my bedroom and the first cracker even look like he wants to throw some dynamite on my porch won’t write his mama again.”

Fannie Lou truly was her mother’s daughter. Reflection, whether through intergenerational story or her own thoughts, enhanced her resistance.

The same cannot be said of Coates. Instead of finding relief in political action, Coates finds it in a cookout at Howard University’s homecoming, surrounded by black people. He fantasizes that he is “disappearing into all of their bodies,” as the music and dancing, the black cultural zeitgeist of the moment, cure him of the “birthmark of damnation.”

The curse is lifted. Blackness is transfigured, becoming a space “beyond the Dream.” It’s another ontological pivot, this time allowing Coates to conclude that The Mecca’s” – his term for Howard – cookout has a “power more gorgeous than any voting rights bill.”

It’s a fantasy of retreat, as if black culture were beyond the machinations of capitalism, as though black cultural expression existed in the world but was not of it and were enough to take us to a new one.

Between the World and Me concludes with Coates considering climate change. He sees climate change as a manifestation of a polluted white consciousness, rather than the unfettered excess of industrial capitalism. It is a “noose around the neck of the earth,” allegedly resulting in large part from white flight, the mid-century exodus of negrophobic white families to the suburbs and the pollution caused by the cars that took them there.

Coates’s words here are poetic but grossly inaccurate. They mimic Afro-Pessimism’s emphasis on the white libido, relegating his rhetoric to the realm of interior life, the souls of white folks, and stopping well short of the political domain.

For Coates, the Civil Rights movement was not a struggle to alter a material world; rather the “hope of the movement” was merely to “awaken the Dreamers.” Black politics is only relevant as far as it can arouse white consciousness, which he sees as a largely futile exercise, due to “the small chance of the Dreamers coming into consciousness.”

Coates sees common interest between the black elite and the black poor, as he marvels at “the entire diaspora,” from lawyers to street hustlers, present at Howard’s homecoming. Yet he cannot conceive of anti-capitalist class solidarity across racial identity. He has a darker vision, of a kind that Corey Robin has described as “apocalypticism.” Coates’s ultimate hope is not in collective human action, but rather the total annihilation of the world and all those living in it – another feature that unites him with Afro-Pessimism, which calls explicitly for the “end of the world.”

As he says of the Dreamers, “the field for their Dream, the stage where they have painted themselves white, is the deathbed of us all.” Paradoxically, though he can see a collective fate in apocalypse, he rejects shared struggle for liberation. “The Dreamers will have to learn to struggle themselves,” he declares.

The problem is, the whole of capitalist enterprise, both past and present, cannot be reduced to race as Original Sin. Left out of Coates’s mythology is the fact that colonial enterprise, in what would become the United States, relied first on European indentured servants, most of whom died within a handful of years after arriving on the continent.

It’s Coates’s reading of race as sin that pushes him to imagine a perverted form of salvation in the fantasy of apocalypse. In this racial fatalism, reparations for slavery emerges as the anticipation of the inevitable Judgement Day. It is therefore no surprise that Coates has taken up racial reparations as his cross to bear – not to change the world, but to condemn it.

A Moral Debt

For the better part of two years, Ta-Nehisi Coates has been the most visible and combative supporter of reparations in politics. Coates calls reparations “the indispensable tool against white supremacy.”

In 2016’s “My President Was Black” and “Better Is Good,” Coates refers to the “moral logic” of reparations. They are a measure that could atone for what he called in 2014’s “The Case for Reparations,” the “sin of national plunder.”

There he claimed that the nation owes a “moral debt” that must be remedied by the “spiritual renewal” that reparations would facilitate. Reparations for slavery is Coates’s ontological pivot fully realized.

These days, we find Coates touring prestigious universities and making his case for reparations in keynote addresses to packed auditoriums.

“I think every single one of these universities needs to make reparations,” Coates said to thunderous applause at a March 3 conference at Harvard University. The day-long conference, “Universities and Slavery: Bound By History,” began with Harvard’s president admitting that the university “was directly complicit in slavery from the college’s earliest days in the 17th century.”

Coates pushed the university to “use the language of reparation” as a measure that would “acknowledge that something was done.” Though Harvard acknowledged its history, no race-specific remedy was forthcoming.

Last fall, Georgetown did Harvard one better. They not only used the language of reparations; the school also put forward a program of financial and symbolic atonement. The university admitted to selling slaves in 1838, “a transaction that helped save Georgetown from financial ruin.”

In 2015 Georgetown convened a commission to “reflect upon our University’s history and involvement in the institution of slavery.” The commission recommended granting preferential admission for descendants of the 272 slaves the university sold two centuries ago, in addition to gestures like changing the names of campus buildings from those of slavemasters to those of slaves and free people of color.

Georgetown’s example is the closest actualization of reparations policy that has taken place during Coates’s three years of evangelizing. Coates said of the plan, “folks may not like the word ‘reparations,’ but it’s what Georgetown did. Scope is debatable. But it’s reparations.”

Coates wants “special acknowledgment” from above, in the service of spiritual renewal – which explains his penchant for means-tested trickle-down anti-racism. But if he had faith in “the masses,” as Fannie Lou Hamer did, he’d see that the renewal and acknowledgement he seeks comes from below, from class solidarity in the struggle for universal emancipation.

Harvard has a $37 billion endowment. Mere months before Coates’s appearance, dining workers at the school were locked in a protracted battle for a living wage. Many of these workers are themselves descendants of slaves, but the university was unmoved by their struggle. The dining workers spent the better part of a month on strike, before finally forcing Harvard to concede to their demands.

The university was quicker to take the less expensive measure of admitting that the school was complicit in seventeenth century slavery than it was to pay its workers fairly today.

I’m a former staffer for UNITE HERE, a hospitality union. Last year, I worked on a campaign in a multiethnic, multiracial university cafeteria in Chicago. The campaign’s primary demands were for wage increases and healthcare, using the slogan “Dignity and a Doctor.” Negotiations with the subcontractor had stalled, and strike preparations were under way. Pressures ran high. Workers were afraid. However, just as stories catalyzed resistance for Civil Rights leaders, stories anchored the worker organizing in our campaign.

Though workers’ struggles with poverty wages and a lack of health coverage were crucial, one story stood out above the others. Workers continually shared stories that their Chinese colleagues were being abused for speaking Chinese on the shop floor. Managers would walk past, and upon hearing Chinese, they’d smack the speaker on the back of the head commanding the worker to “speak English!”

Most of the workers were people of color, but the majority were not Chinese. The largest plurality in the workplace was made up of African-Americans, virtually all of whom only spoke English. But everyone could identify with the indignity of the story, the asymmetrical relations that empowered the bosses to abuse any one of them for any reason.

Workers from a whole range of identities fought in solidarity with the Chinese workers. Discrimination on the basis of language became a central demand in the broader campaign. The campaign attached the specificity of the Chinese workers’ situation to all the workers’ common struggle against the boss.

This form of class struggle was not enough to overcome racism the world over. But it did give a brief glimpse of solidarity across backgrounds and experiences through acknowledging the shared indignity of class exploitation.

In the end, the workers won. As the campaign victories were listed, the excitement in the room was overwhelming, a type of energy that I’d only ever felt at a particularly intense church service or while attending a high-stakes game in a packed stadium. The organizer announced that healthcare had been won. We clapped. We celebrated as the wage increases were added up.

But when the organizer revealed that the contract guaranteed the right to speak non-English languages in the workplace, the room erupted. The black workers were palpably just as invested as the Chinese workers, and everyone was ecstatic.

Because he fails to deeply consider what real, material resistance of the masses might look like, the kind that guided Fannie Lou Hamer, Coates ends up idealizing racism. He evokes metaphors of earthquakes and physical laws to describe its magnitude.

But for the workers in that university cafeteria, racism was a smack from a boss. For millions of poor black people, racism is the corrosive water pipes poisoning their bodies. School closures, crumbling and unstable housing, and all the intimately practical things necessary for everyday life are the measure of racism.

These racist realities are not separable from questions of class. In fact, they are expressions of class politics. The racialized tragedies faced daily by people of color require us to embrace class struggle, not Coates’s demobilizing metaphysical maxims about how white people “must ultimately stop themselves.”

Solidarity from below, between cafeteria workers, truck drivers, secretaries, and any number of everyday people is worth magnitudes more than the kind of special acknowledgement from elites that Coates is after. This solidarity through shared struggle, as Fannie Lou Hamer recognized, is the foundation for social transformation.

Where Coates would have us retreat, she called on us to march. She knew that the only way to defeat racism was to fight it, every step of the way.

#### Capitalist patriarchy is an existential threat

Werholf 7 (Claudia von, CAPITALIST PATRIARCHY AND THE NEGATION OF MATRIARCHY. THE STRUGGLE FOR A “DEEP” ALTERNATIVE. in: Vaughan, Genevieve (ed.): Women and the Gift Economy. A Radically Different World View is Possible, Toronto 2007 (Inanna), pp. 139-153. <http://emanzipationhumanum.de/downloads/capitalistpatriarchy.pdf> //shree)

Many people have provided descriptions of globalization as global crisis and its dynamics (Chossudovski 1966; Hard and Negri 2000; Wallerstein 2004; Ziegler 2002). There seems to be “no future”—astonishingly enough even for the global players themselves. I call this situation west end: western civilizacion is in its final decline globally (Werlhof 2002). With the self-given “licence to loot” (Mies and Werlhof 2003; Werlhof 2000), the resources of the earth will come to an end. The decline of resources is already underway. With the resulting “resource wars” (Klare 2001)—the new global wars for oil and water—we are witnessing the beginning of the end of the “modern world system”, as a logical consequence. But, there is almost no deeper analysis of the causes of this extraordinary situation or the dynamics that seem to exclude any alternative. There is no real, no deeper explanation of the world’s dilemma and its causes. For example, is the profit motive alone sufficient as an explanation? Why do most people believe that human nature is nothing but ego-centric? What about control and domination of nature? In what is it rooted? I suggest the reason why most people do not really know why this crisis is happening is due to the fact that the left as well as the right, and the sciences in general, have never really analyzed patriarchy. And not having analyzed patriarchy also means not really understanding capitalism, because the two not only share a time of being together on this earth for 500 years now, but are deeply related to each other in a way that has not been understood by most people, even feminists. Therefore, it is time to take the necessary step of analyzing capitalist patriarchy from its roots and as a theoretical concept for the subsequent analysis of society. Only then can it be seen that patriarchy is much more than just a word for polemical purposes. It can instead be understood as a concept that explains the character of the entire social order in which we are living today, socialism included (Werlhof 2007).

#### Vote neg for a red feminism that grounds feminist mediations in labor relations

Ebert 95 (Teresa L, Prof in the College of Arts and Sciences @ University at Albany-State University of New York. “(Untimely) Critiques for a Red Feminism.” <https://www.marxists.org/reference/subject/philosophy/works/us/ebert.htm> //shree)

Thus what is at stake in this displacement of the economic by discourse is the elision of issues of exploitation and the substitution of a discursive identity politics for the struggle for full social and economic emancipation. Marx and Engels' critique of the radical "Young Hegelians" applies equally to ludic cultural materialists: they are only fighting against 'phrases.' They forget, however, that to these phrases they themselves are only opposing other phrases, and that they are in no way combating the real existing world when they are merely combating the phrases of this world. (The German Ideology 41) This is not to say that the conflicts over ideology, cultural practices and significations are not an important part of the social struggle for emancipation: the issue is how do we explain the relation of the discursive to the non-discursive, the relation of cultural practices to the "real existing world"-whose objectivity is the fact of the "working day"-in order to transform it? Obviously this relation is a highly mediated one. But for ludic materialists the relation is so radically displaced that it is entirely suppressed: mediations are taken as autonomous sites of signification and consequently the actual practice of ludic cultural analysis is confined entirely to institutional and cultural points of mediation severed from the economic conditions producing them. The analysis of "mediations" becomes a goal in itself, and the operation of "mediations" is deployed to obscure the "origin" (surplus labour) and the "end" (class differences) that in fact frame the "mediations." It is only in the context of historical materialism that one can point up the politics of this erasure of "origin" (arche) and "end " (telos) in poststructuralist theory. In ludic feminism the arche and telos are erased as if they were merely metaphysical concepts. My point is that the erasure of arche and telos serves a more immediate and concrete purpose: it makes it impossible to connect the "mediated" to other social practices, and consequently the inquiry into and analysis of the "mediations," themselves, take the place of knowledge of the social totality in which mediations are relays of underlying connections. For historical materialist feminists, however, cultural and ideological practices are not autonomous but are instead primary sites for reproducing the meanings and subjectivities supporting the unequal gender, sexual and race divisions of labour, and thus a main arena for the struggle against economic exploitation as well as cultural oppression. The untimely time of red feminism has come.

### Beyonce PIK – 1NC

#### We advocate for the 1AC absent its use of Beyonce’s music.

#### The AFF engages in a toxic Afrofuturism – allows incorporation into neoliberalism and kills movement success.

**James 13** (Robin, Associate Professor of Philosophy at UNC Charlotte. Afrofuturism and Drones. Nov 1, 2013. http://thesocietypages.org/cyborgology/2013/11/01/afrofuturism-and-drones/ //shree)

**Afrofuturism** is a set of theories and practices that critique and **imagine alternatives to Western modernity**. Specifically, Afrofuturism targets the linear, progressive temporality which posits European/Western civilization as “present reality,” as the culmination of historical development, and the “future” vis-a-vis which non-Western cultures are the supposedly primitive “past.” One way Afrofuturists do this is **by scrambling linear progressive temporality**. For example, musician Sun Ra treated Ancient Egypt as both distant past and alien, intergalactic future. Theorist Kodwo Eshun calls this notion of time the “futurepast.” **But, as Nyong’o’s tweets suggest**, **that** sort of **critique might not pack much punch** anymore. **Now that** we **neoliberals have reached** what Francis Fukuyama famously called “**the end of history**,” **when mainstream society seems to exist in the “futurepast” imagined by Afrofuturists** (as Steven Shaviro has argued), **is Afrofuturism** obsolete? Has it become **co-opted?** (**Think**, for example, **of the mainstream industry success of Afrofuturist musicians like Janelle Monae,** Lil **Wayne, Kanye** West, **& Beyonce**.)

### Credits PIK – 1NC

#### We advocate for the 1AC absent its lack of credit to music.

#### Not crediting those who contribute to the construction of the 1AC with a cite or direct reference in the 1AC is a reason to reject the AFF – it engages in anti-community building practices and sustains the same procompetitive logics that they critique.

### FTC DA – 1NC

#### FTC’s increasing enforcement in privacy now.

James V. Fazio 21. Special counsel in the Intellectual Property Practice Group at Sheppard, Mullin, Richter & Hampton LLP, with Liisa M. Thomas, 3/11. “What Is FTC’s Course Under Biden?” https://www.natlawreview.com/article/what-ftc-s-course-under-biden

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may increase enforcement and penalties in the privacy and data security realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind: Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others. FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches. Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13. Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic. Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.” Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech. Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will beef up privacy law penalties and will ask for more notification to injured consumers.

#### Antitrust enforcement saps up finite resources and personnel

Tara L. Reinhart, et al. 21. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing antitrust litigation is an expensive and laborious process, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a handful of antitrust matters at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the FTC will still have to pick its cases carefully and cannot challenge every deal or every instance of alleged unlawful conduct.

#### That trades off

John O. McGinnis\* and Linda Sun\*\* 20. \*George C. Dix Professor, Northwestern University, and Associate-Designate, Wilmer Pickering Hale & Dorr LLP. “Unifying Antitrust Enforcement for the Digital Age.” Northwestern Public Law Research Paper No. 20-20. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3669087

The FTC needs more resources to adequately address the nation’s growing privacy concerns. Currently, the FTC oversees both consumer protection—encompassing privacy—and antitrust,249 making the FTC the chief federal agency on privacy policy and enforcement250 and the nation’s de-facto privacy agency.251 The agency has long-standing experience in enforcing privacy statutes252 and also has special privacy assets, such as an internet lab capable of high-quality tech forensics to track invasions of privacy.253 The FTC, however, has failed to keep pace with the massive growth of privacy concerns—a phenomenon also driven by modern technology. Very few Americans feel conﬁdent in the privacy of their information in the digital age.254 According to a 2019 study, over 80% of Americans feel that they have little to no control over the data collected on them by companies and the government.255 To adequately address privacy concerns, the FTC needs more resources.256 The agency has been explicit that it needs more manpower to police tech companies. In requesting increased funding from Congress, FTC Director Joseph Simons said the money would allow the agency to hire additional staff and bring more privacy cases.257 A former director of the FTC’s Bureau of Consumer Protection, which houses the privacy unit, has called the FTC “woefully understaffed.”258 As of the spring of 2019, the FTC had only forty employees dedicated to privacy and data security, compared to 500 and 110 employees at comparable agencies in the UK. and Ireland, respectively.259 Without more lawyers, investigators, and technologists, the FTC will be forced to conduct privacy investigations less thoroughly, and in some cases, forgo them altogether.260 Currently, the FT C’s resources are spread thin across multiple missions, to the detriment of its privacy efforts. Removing the agency’s antitrust responsibilities would reallocate resources from the antitrust department to its privacy unit and other areas of consumer protection. Further, it would free up the scarce time of the commissioners to oversee this essential effort.261

#### extinction

Mike Thomas 20. Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn. THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts little stock in extreme scenarios — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s much more concerned with machines — war robots, for instance — being fed faulty “incentives” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The real threat from AI isn’t malice, like in silly Hollywood movies, but competence — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too. “I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.” What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing. “Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.” But no one knows for sure. “There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.” But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to eliminate data bias, which has a corrupting effect on algorithms and is currently a fat fly in the AI ointment. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should. “Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and if we just bumble into this unprepared, it will probably be the biggest mistake in human history. It could enable brutal global dictatorship with unprecedented inequality, surveillance, suffering and maybe even human extinction. But if we steer carefully, we could end up in a fantastic future where everybody’s better off—the poor are richer, the rich are richer, everybody’s healthy and free to live out their dreams.”

## Case

### Parameters – 1NC

#### Parameters- The aff should have 1) clear way for the judge to delineate from one method and another and 2) a metric for evaluating which method is better. they have no definition on what their method is or how to measure that or who has engaged in it - this collapses back in arbitrary distinctions on the behalf of the judge which re-creates violence

### Solvency – 1NC

#### The AFF doesn’t solve its offense:

#### 1 – Ballot proximity – there’s no way to address broader patterns of whiteness or spiritual warfare – debate’s competitive dynamic makes that harder because people are encouraged to rejoin one another as opposed to creating communities for spiritual redress.

#### 2 – Institutional engagement – the divine feminine and oration of poetry collapses into liberal inclusionism, like how Biden has the inaugural poet

#### 3 – Refusal fails – it doesn’t describe an alternative system to resist capitalism. The “war waged” ends within the context of a debate round.

#### ‘Whiteness’ re-inscribes hierarchies through artificial and vague construction---reject it as a locus of analysis

Andersen, 3

(Sociology & Womens Studies Prof-University of Delaware, “Whitewashing Race: A Critical Perspective on Whiteness,” in White Out: The Continuing Significance of Racism, ed Doane & Bonilla-Silva, p. 30-32)

Conceptually, one of the major problems in the whiteness literature is the reification of whiteness as a concept, as an experience, and as an identity. This practice not only leads to conceptual obfuscation but also impedes the possibility for empirical analysis. In this literature, "whiteness" comes to mean just about everything associated with racial domination. As such, whiteness becomes a slippery and elusive concept. Whiteness is presented as any or all of the following: identity, self-understanding, social practices, group beliefs, ideology, and a system of domination. As one critic writes, "If historical actors are said to have behaved the way they did mainly because they were white, then there's little room left for more nuanced analysis of their motives and meanings" (Stowe 1996:77). And Alastair Bonnett points out that whiteness "emerges from this critique as an omnipresent and all-powerful historical force. Whiteness is seen to be responsible for the failure of socialism to develop in America, for racism, for the impoverishment of humanity. With the 'blame' comes a new kind of centering: Whiteness, and White people, are turned into the key agents of historical change, the shapers of contemporary America" (1996b: 153). Despite *noting* that there is differentiation among whites and warning against using whiteness as a monolithic category, most of the literature still proceeds to do so, revealing a reductionist tendency. Even claiming to show its multiple forms, most writers essentialize and reify whiteness as something that directs most of Western history (Gallagher 2000). Hence while trying to "deconstruct" whiteness and see the ubiquitousness of whiteness, the literature at the same time reasserts and reinstates it (Stowe 1996:77). For example, Michael Eric Dyson suggests that whiteness is identity, ideology, and institution (Dyson, quoted in Chennault 1998:300). But if it is all these things, it becomes an analytically useless concept. Christine Clark and James O'Donnell write: "to reference it reifies it, to refrain from referencing it obscures the persistent, pervasive, and seemingly permanent reality of racism" (1999:2). **Empirical investigation requires being able to identify and measure a concept— or at the very least to have a clear definition—but since whiteness has come to mean just about everything, it ends up meaning hardly anything.**

### Institutional Engagement Good

#### Fascism structurally depends on people channeling resistance into self-expression rather than collective struggles to retake state power---Trump’s win means there’s a turning point for the Democratic Party where they can reject the politics of personalization or fade into irrelevance---the ballot’s overwhelming priority should be to build a party capable of resisting Trump at every turn

Ajay Singh Chaudhary 16, Executive director, Brooklyn Institute for Social Research, 11/17/16, “What a proper response to Trump’s fascism demands: a true ideological left,” https://qz.com/838537/what-a-proper-response-to-trumps-fascism-demands-a-true-ideological-left/

Fascism came to America in an expensive but ill-fitting suit. It came as much with the flag and the cross but also with baseball caps emblazoned “Make America Great Again.” President-elect Donald J. Trump is a bit more Silvio Berlusconi than Benito Mussolini but still well within a range of “Fascist expectation.” Trump spews obnoxious misogynistic bile. His words drip with racial animus. Trump may not be goose-stepping in an SS uniform but he is still easy to spot as an object of ridicule for the contemporary liberal imagination. This, the politics of personality—Trump’s individual odiousness, his personal moral failings, his shady business deals—was all that liberals ran on this year.

Preferring the last gasps of neoliberalism to anything else, it was all they had left. The Clinton campaign centered with laser focus on a “values” above “politics” approach while Trump—with seething anti-Semitic undertones—struck at the pulsating nerve center of the failure of the last four decades of a bipartisan neoliberal consensus. This election is a win for the clear 10% or so of Americans who are out-and-out white supremacists and Nazis; it is a win for “traditional” Republicans—who voted for Trump in more-or-less the same force they voted for Mitt Romney. More than either of those, however, it is a loss for the Democratic Party—its leadership, its think tanks, its media allies, its dead, professional-class ideology, and yes, its candidate.

Already Democratic leaders and mainstream media are moving to normalize Trump (and through him “Trumpism”) with high-minded speeches and style-section puff pieces. Some complacent Democrats and pundits seem to be embracing a faux stoicism—a smug combination of “it can’t happen here” and “this too shall pass.” They ignore the extraordinary powers that president Trump will have on day one of his term. The powers of the presidency have expanded dramatically under president Bush and president Obama.

Trump absolutely has the day one power to: ban immigration from anywhere he wants, rescind executive orders protecting LGBTQ citizens, fire up the deportation machinery that president Obama so conveniently built for him, stop federal pressure on police violence against African-Americans, break or modify or disrupt many of our treaty obligations, and move American military personnel and weapons pretty much anywhere he likes.

There is absolutely no reason to believe that Trump will not exercise some or all of these powers. Trump will have full access to Obama’s domestic surveillance program and his vast overseas drone warfare network. And these are just within his immediate, legal executive power. Now is not the time for unity; love does not trump hate.

With nothing but the politics of personality, the United States is left without any meaningful opposition. It is the failure of liberalism and the failure of the liberal imagination. Liberalism is failing across the world: some of the current wave of neo-fascist leaders across the globe like Viktor Orban, Reccip Tayyep Erdogan, and Narendra Modi truly seem cut from a familiar 1920s and 30s cloth but others, like Marine Le Pen of the National Front in France and Frauke Petry of the AfD (Alternativ fur Deutschland) in Germany, are trying out mixed and new styles for Fascism in the 21st century—and with great success. In addition to having evacuated any meaningful ideology from politics, liberals cannot imagine that the new fascism won’t necessarily be a carbon copy of the old.

While Le Pen has done much to “clean up” the French far-right, she still has a whiff of that old time Fascism in her style (she paraded at a recent party conference with a live eagle on her arm). In contrast, Petry wraps a media-friendly, dorky coolness around policies and claims far more radical: refugees should perhaps be shot at the border, Muslims seek to impose “Sharia law” over all of Germany, a more positive version of 20th century German history should be taught in schools, bans should be placed on halal meat, headscarves, minarets, and Islamic calls-to-prayer. Petry (along with a host of European neo-fascist leaders) celebrated Trump’s victory, hailing it as a “historic opportunity” and a “new political beginning.” But in aesthetic terms, the two could not be more distinct. While Trump is all bombast and bravado, Petry is cool and unflappable. Trump is the bucket-of-chicken on his private plane; Petry is all Bach and Mozart to help Germans Make Nationalism Great Again. Trump scorns expertise and can barely seem to finish a sentence; Petry has a doctorate in chemistry and offers an appropriate Nietzsche quote off the top of her head.

While Le Pen has been in politics longer and has a greater legitimacy on the French national scene, Petry and AfD are relative newcomers. But in the September Berlin municipal elections, the AfD scored record wins. Voters fled the traditional center-right CDU and nominally center-left SPD in droves. And that’s just in Berlin; in other state elections, AfD has come out on top almost exclusively at the expense of Merkel’s CDU. The saving grace on the German political scene—alongside nearly 60 years of concerted educational, political, and intellectual effort to prevent just such a party as AfD from rising—is that voters truly suffering in even economically prosperous Germany have an actual Left to flee to as well in Die Linke [The Left] and to a lesser extent in the Greens. Of the top five parties in the Berlin municipal elections, only Afd and Die Linke showed actual gains.

In the United States, there was no such option. As with the Brexit referendum in the United Kingdom, it was an up-or-down vote between the status quo or “something else.” And people chose—not even a majority, barely over a quarter, but enough—“something else.” As my Brooklyn Institute colleague Raphaele Chappe and I recently argued, there is tremendous overlap economically and institutionally between neoliberalism and fascism. And we, and others, have argued how imperative it is to recognize that these are not truly diametric oppositions. They are different solutions to similar problems, and the former must be understood as paving the way for the latter. This dilemma has produced liberalism’s strangled, bizarre apolitical moralism instead of substantive political critique. Trump was attacked more for having gamed the tax code than for proposing outrageous tax policies that could only make current economic woes even worse. Trump was attacked more for saying sexually inflammatory remarks than for attacking gender and race inclusive policies as “PC” nonsense. For the American liberal and the so-called “commentariat” Trump was, quite simply, a “villain” of cinematic proportions. Many of the commentators and political actors who are currently playing the “I am not going to try to make my president fail” card will move into simple collaboration if Trump assumes even the full reach of his legal powers. All Trump needs is a Frauke Petry of his own, pushing TEDxFascism instead of sexual assault to bring so many others on board.

A useful test case might be liberal media commentators’ brief flirtation with Trump’s unquestionably successful and considerably more polished daughter, Ivanka. During the Republican National Convention, Ivanka Trump delivered a speech that both praised her father’s campaign and gave full-throated support to end the gendered wage-gap and establish paid family leave. Although she framed the former in explicitly market-based terms and the latter entirely around the image of the traditional family—hallmarks of right wing discourse—the response from prominent outlets and leading media personalities was extraordinary. A Time Magazine article gushed about Ivanka as a liberal and “feminist” that voters could admire. Talking Points Memo agreed. Some called the speech “confusingly progressive.” A truly breathless Harper’s Bazaar profile painted Ivanka as a “Wonder Woman” and, again, a self-ascribed “feminist.” Even supposedly “wonky” liberals got in on the act. Vox’s Matthew Yglesias tweeted—one hopes in jest—“which convention is Ivanka speaking at?” Neera Tanden—the president of the misleadingly-named think tank Center for American Progress—went immediately for a moralistic argument over Donald Trump’s business practices, “If @realDonaldTrump actually believed in paid leave he’d have offered it to all his workers. Has he?” instead of any substantive political critique or even policy position. While others did make the salient point—Ivanka was simply broadening the popular appeal of the Trump movement—it is remarkable how little the politics of personality had to offer.

Much of this can be chalked up to election year hoopla or perhaps even strategy. But in 2016, the problem was that this was all mainstream liberals had left to offer. Donald Trump’s “Make America Great Again” is almost a parody of a Fascist slogan, but Hillary Clinton’s responsive “America is Already Great” and “Stronger Together” were a parody of reality. By almost any measure, life for the vast majority of Americans has gotten worse over the last forty years or so. Poverty, women’s health, median per capita wealth, income inequality, incarceration rates, and so on have all grown worse. The United States is one of the few countries on Earth where the maternal death rate is increasing. We have a growing life-expectancy gap. Even in areas of a seeming silver-lining—for example the decrease in the African-American poverty rate from over 40% in the late 60s to “just” under 30% in 2012—there are mitigating factors. In this particular case, nearly all of the that transformation can be traced to the increased growth of an intra-African-American class gap. In itself, this is a good but also indicates that African-Americans in lower income groups are afflicted by all the above transformations, often even more so, as in women’s health outcomes. The incredible strides taken in the formal rights and economic and civic participation for women and LGBTQ individuals should not be taken for granted or dismissed. That said, simple arithmetic notes that as the formal rights have taken shape, the economic basis for enjoying them has slipped further away from most women and most LBGTQ individuals.

People are desperately cutting through exit polling data to find the cause for Trump’s win. Others cling desperately for a Hail Mary pass in the idea that somehow reforming the electoral college will prevent this kind of event; this vacuous, apolitical liberal fever-dream that the rules will somehow always save the day. After all, they think, Hillary Clinton did win the popular vote—not understanding that an American Marine Le Pen or Frauke Petry would have dominated that, too, after four more years of mass incarceration and mass immiseration.

The “is it race or is it class” argument fails this moment as well. It’s certainly both but also more. Like Fascist movements in general, Trump’s base was resentful upper middle class white voters; those who fear losing their hold on their dominance as others rise. Trump was also supported by nearly the entirety of the traditional Republican coalition and fueled, unquestionably, by a far-right united front of the KKK, Neo-Nazis, and “alt-right.” Neither is why he is president-elect today. The enthusiasm of especially that last group collided with the utter collapse of liberalism. In almost every category of the vaunted “future-proof” Obama coalition, Clinton lost support.

While Trump garnered 58% of white American votes, including over 53% of white women, Clinton lost ground among African-Americans by 7%, Latinos by 8%, and Asians by 11%. And, yes, crucially, Clinton did lose significant ground in the rust-belt among the working class (which isn’t only white.) As a whole, a majority of Americans who earn in the lowest income brackets still voted Democratic, but Clinton lost ground among Americans earning less than $30,000 by 16%, less than $50,000 by 6%. Those casting an analytic eye over this election would also do well to remember that this is the first election after the gutting of the Voting Rights Act nationally and the systematic passage of right-to-work and other union-busting strategies across the rust-belt.

But before anyone goes blaming “the working class” or even dreams about blaming low African-American turnout, understand that all those groups (and they are not solitary lump categories) voted between 91% (African-Americans) and 51% (Americans earning less than $50,000) for Clinton. Scan your eyes up this page back to the stats and studies above. These demographics stood their ground and voted for the lesser of two evils even while Hillary Clinton and the Democratic Party have been working with the Republican Party for the last 40 years to suck the very life out of them.

Are you thinking: This is not the America I know? We have always been getting better? The Obama years were all grace and beauty? If you are someone who—in earnest—thought about Clinton’s experience in government as anything other than part of all that the immiseration above? Then it is you who are in a bubble. Put down your screeds about rural whites or minority turn out. There is more than one kind of class politics; class does not always mean “working class” and race is also sometimes class. If you were under the strange impression that life has been getting better for the past 40 years, you must understand that neoliberalism—in all its already existing racist glory, with its vicious class warfare against the poor and working class—was working for you. It is your class politics; it is your race politics. And those politics—barely sputtering through the Obama years—have finally crashed.

Ultimately—although Trump will wield unrivaled power—it is Clinton who lost. Both the Clinton campaign in its staggering ineptitude and the Democratic Party with its worn-out ideology. “For every one of those blue-collar Democrats he picks up, he will lose to Hillary two socially moderate Republicans and independents in suburban Cleveland, suburban Columbus, suburban Cincinnati, suburban Philadelphia, suburban Pittsburgh, places like that,” said Ed Rendell back in February, displaying absolutely no understanding of either race or class. The much-ballyhooed Clinton “turnout machine” wooed with pseudoscientific, “Big Data” wonkery, likely turned out 5-25% of Trump’s supporters, so detached from reality were the Clinton team’s assumptions. The DNC avoided registering new voters during the primaries, to secure Clinton’s ascendancy. Debbie Wasserman-Schultz and Donna Brazille actively colluded with media allies to sure up Clinton’s failing campaign. Shed no tears for Hillary Clinton or for the DNC; Clinton is already hoping she and the Donald can be friends again—Chelsea and Ivanka too. Indeed, the most politically tone-deaf and ridiculous idea to be floated in the wake of this election is floating Chelsea Clinton as a possible congressional candidate in 2018. The Clintons and their allies get to slink back and rest comfortably in Trump’s America. They are among those who feel safe and secure enough to call for “love” or “unity” or “to give Trump a chance.” For so many other Americans (and immigrants), this is not an option.

Ironically, the great bulwark against Fascism here in the United States, right now is the fact that capital—big business, finance—the military, and our state bureaucracy still prefer neoliberalism as a more convenient position than Fascism. All these key sectors of society lined up behind Clinton; none behind Trump (although his support among domestic police forces is truly frightening). But as we continue along in what Jürgen Habermas would call a “legitimation crisis”—as neoliberalism collapses and Fascism becomes the order of the day, capital may switch horses; it happened before and it can certainly happen again. We must end the incipient normalization of Trump. We must understand that it is happening here. Calls to completely transform the Democratic Party; to put Keith Ellison—a solidly Left, black, Muslim who gives no quarter to Trump—are a good start. But that is only one of many fronts.

One of the most incisive definitions of Fascism was offered by Walter Benjamin in 1939: Fascism is a political organization that, in response to crises inherent in capitalism, preserves property relations while giving the masses expression instead of rights. “Fascism sees its salvation in giving these masses not their right, but instead a chance to express themselves. The masses have a right to change property relations; Fascism seeks to give them an expression while preserving property.”

How can liberals, who have dished out a steady diet of the politics of personality, all the while denying the vast majority of people not only their economic rights but even the freedom, faux as it may be, to express their rage, possibly hope to withstand Trump? Liberalism is dead; its last stand was a politics of personality bereft of personality or politics. Trump is real; the Trump era will not be one of the rights of the masses. But it is already starting as one in which expression of bottled discontent, of racial invective, of rage is the order of the day.

Every liberal commentator and political actor must understand that even the slightest inch given to Trump helps legitimize and normalize not only him but the acts that will come in his name, just as their feckless collaboration with George W. Bush in the Iraq War and Obama’s drone campaigns and deportations made those gross crimes part of “acceptable” everyday life. Instead, even ideologically committed liberals should hope for something that they can barely seem to stomach: a true Left. The time is now.

### Performance Fails – 1NC

#### Performance in the debate space is pernicious – cycles representations and forecloses politics.

Phelan, 1996 —chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005, 146-9)

Performance’s only life is in the present. Performance cannot be saved, recorded, documented, or otherwise participate in the circulation of representations of representations: once it does so, it becomes something other than performance. To the degree that performance attempts to enter the economy of reproduction it betrays and lessens the promise of its own ontology. Performance’s being, like the ontology of subjectivity proposed here, becomes itself through disappearance. The pressures brought to bear on performance to succumb to thelaws of the reproductive economy are enormous. For only rarely in this culture is the “now” to which performance addresses its deepest questions valued. (This is why the now is supplemented and buttressedby the documenting camera, the video archive.) Performance occursover a time which will not be repeated. It can be performed again, butthis repetition itself marks it as “different.” The document of a performance then is only a spur to memory, an encouragement of memory to become present. The other arts, especially painting and photography, are drawnincreasingly toward performance. The French-born artist Sophie Calle,for example, has photographed the galleries of the Isabella StewartGardner Museum in Boston. Several valuable paintings were stolen fromthe museum in 1990. Calle interviewed various visitors and membersof the muse um staff, asking them to describe the stolen paintings. She then transcribed these texts and placed them next to the photographs of the galleries. Her work suggests that the descriptions and memories of the paintings constitute their continuing “presence,” despite the absence of the paintings themselves. Calle gestures toward a notion of the interactive exchange between the art object and the viewer. While such exchanges are often recorded as the stated goals of museums and galleries, the institutional effect of the gallery often seems to put the masterpiece under house arrest, controlling all conflicting and unprofessional commentary about it. The speech act of memory and description (Austin’s constative utterance) becomes a performative expression when Calle places these commentaries within the 147 representation of the museum. The descriptions fill in, and thus supplement (add to, defer, and displace) the stolen paintings. The factthat these descriptions vary considerably—even at times wildly—only lends credence to the fact that the interaction between the art object and the spectator is, essentially, performative—and therefore resistant to the claims of validity and accuracy endemic to the discourse of reproduction. While the art historian of painting must ask if there production is accurate and clear, Calle asks where seeing and memory forget the object itself and enter the subject’s own set of personal meanings and associations. Further her work suggests that the forgetting (or stealing) of the object is a fundamental energy of its descriptive recovering. The description itself does not reproduce the object, it rather helps us to restage and restate the effort to remember what is lost. The descriptions remind us how loss acquires meaning and generates recovery—not only of and for the object, but for the one who remembers. The disappearance of the object is fundamental to performance; it rehearses and repeats the disappearance of the subject who longs alwaysto be remembered. For her contribution to the Dislocations show at the Museum of Modern Art in New York in 1991, Calle used the same idea but this time she asked curators, guards, and restorers to describe paintings that were on loan from the permanent collection. She also asked them to draw small pictures of their memories of the paintings. She then arranged the texts and pictures according to the exact dimensions of the circulating paintings and placed them on the wall where the actual paintings usually hang. Calle calls her piece Ghosts, and as the visitor discovers Calle’s work spread throughout the museum, it is as if Calle’s own eye is following and tracking the viewer as she makes her way through the museum.1 Moreover, Calle’s work seems to disappear because it is dispersed throughout the “permanent collection”—a collection which circulates despite its “permanence.” Calle’s artistic contribution is a kind of self-concealment in which she offers the words of others about other works of art under her own artistic signature. By making visible her attempt to offer what she does not have, what cannot be seen, Calle subverts the goal of museum display. She exposes what the museum does not have and cannot offer and uses that absence to generate her own work. By placing memories in the place of paintings, Calle asks that the ghosts of memory be seen as equivalent to “the permanent collection” of “great works.” One senses that if she asked the same people over and over about the same paintings, each time they would describe a slightly different painting. In this sense, Calle demonstrates the performative quality of all seeing. 148 I Performance in a strict ontological sense is nonreproductive. It is this quality which makes performance the runt of the litter of contemporary art. Performance clogs the smooth machinery of reproductive representation necessary to the circulation of capital. Perhaps nowhere was the affinity between the ideology of capitalism and art made more manifest than in the debates about the funding policies for the National Endowment for the Arts (NEA).2 Targeting both photography and performance art, conservative politicians sought to prevent endorsing the “real” bodies implicated and made visible by these art forms. Performance implicates the real through the presence of living bodies. In performance art spectatorship there is an element of consumption: there are no left-overs, the gazing spectator must try to take everything in. Without a copy, live performance plunges into visibility—in a maniacally charged present—and disappears into memory, into the realm of invisibility and the unconscious where it eludes regulation and control. Performance resists the balanced circulations of finance. It saves nothing; it only spends. While photography is vulnerable to charges of counterfeiting and copying, performance art is vulnerable to charges of valuelessness and emptiness. Performance indicates the possibility of revaluing that emptiness; this potential revaluation gives performance art its distinctive oppositional edge.3 To attempt to write about the undocumentable event of performance is to invoke the rules of the written document and thereby alter the event itself. Just as quantum physics discovered that macro-instruments cannot measure microscopic particles without transforming those particles, so too must performance critics realize that the labor to write about performance (and thus to “preserve” it) is also a labor that fundamentally alters the event. It does no good, however, to simply refuse to write about performance because of this inescapable transformation. The challenge raised by the ontological claims of performance for writing is to re-mark again the performative possibilities of writing itself. The act of writing toward disappearance, rather than the act of writing toward preservation, must remember that the after-effect of disappearance is the experience of subjectivity itself. This is the project of Roland Barthes in both Camera Lucida and Roland Barthes by Roland Barthes. It is also his project in Empire of Signs, but in this book he takes the memory of a city in which he no longer is, a city from which he disappears, as the motivation for the search for a disappearing performative writing. The trace left by that script is the meeting-point of a mutual disappearance; shared subjectivity is possible for Barthes because two people can recognize the same Impossible. To live for a love whose goal is to share the Impossible is both a humbling project and an exceedingly ambitious one, for it seeks to find connection only in that which is no longer there. Memory. Sight. Love. It must involve a full seeing of the Other’s absence (the ambitious part), a seeing which also entails the acknowledgment of the Other’s presence (the humbling part). For to acknowledge the Other’s (always partial) presence is to acknowledge one’s own (always partial) absence. In the field of linguistics, the performative speech act shares with the ontology of performance the inability to be reproduced or repeated. “Being an individual and historical act, a performative utterance cannot be repeated. Each reproduction is a new act performed by someone who is qualified. Otherwise, the reproduction of the performative utterance by someone else necessarily transforms it into a constative utterance.”4 149 Writing, an activity which relies on the reproduction of the Same (the three letters cat will repeatedly signify the four-legged furry animal with whiskers) for the production of meaning, can broach the frame of performance but cannot mimic an art that is nonreproductive. The mimicry of speech and writing, the strange process by which we put words in each other’s mouths and others’ words in our own, relies on a substitutional economy in which equivalencies are assumed and re-established. Performance refuses this system of exchange and resists the circulatory economy fundamental to it. Performance honors the idea that a limited number of people in a specific time/space frame can have an experience of value which leaves no visible trace afterward. Writing about it necessarily cancels the “tracelessness” inaugurated within this performative promise. Performance’s independence from mass reproduction, technologically, economically, and linguistically, is its greatest strength. But buffeted by the encroaching ideologies of capitaland reproduction, it frequently devalues this strength. Writing about performance often, unwittingly, encourages this weakness and falls in behind the drive of the document/ary. Performance’s challenge to writingis to discover a way for repeated words to become performative utterances, rather than, as Benveniste warned, constative utterances.

### AT: UQ – Fem Pessimism

#### Antagonism is a product of contingent history, not metaphysics – black feminist social life is possible within the grammar of country

Spillers 18 Hortense Spillers, Vanderbilt, Time and Crisis Questions for Psychoanalysis and Race Journal of French and Francophone Philosophy - Revue de la philosophie française et de langue française, Vol XXVI, No 2 (2018) pp. 25-31 http://www.jffp.org/ojs/index.php/jffp/article/viewFile/855/791

A little less than midway through Between the World and Me, Coates explains that one of the lessons of his parenting has been his attempt to raise his son, Samori Toure, “to respect every human being as singular.”1 Relatedly, Coates believes that such respect “must extend…into the past.” In elaboration of the point, his next step seems to overwhelm the bounds of intimacy that frame the whole discourse and take hold instead of a far broader stage of reference, though the move is hardly irrelevant: “Slavery,” he begins, “is not an indefinable mass of flesh. It is a particular, specific enslaved woman, whose mind is active as your own, whose range of feeling is as vast as your own; who prefers the way the light falls in one particular spot in the woods, who enjoys fishing where the water eddies in a nearby stream, who loves her mother in her own complicated way, thinks her sister talks too loud, has a favorite cousin, a favorite season, who excels at dress-making and knows, inside herself, that she is as intelligent and capable as anyone. . . .”2

Coates concocts this hypothetical scene, with its nineteenth-century pastoral flavors, from a composite of historiographical sketches of black life under slavery’s regimen, but by invoking it, he is insisting, I believe, that we make every effort to understand the enslaved in the fullness of their humanity rather than the empty ciphers of log books and accounting columns against which background the enslaved’s humanity is evacuated, is checked at the door. The common historical thread that by implication weaves at least three generations of interlocutors together is Coates’s evocation of the black body; a general schema, a heuristic device that operates across time, through time, unaltered by circumstance and particularity, Coates’s “black body” is certainly recognizable, though I’d have much preferred a different metonymic collapse precisely because black humanity cannot be reduced to its body. But in articulating to his son and his son’s generation what paradigmatically lies ahead, Coates takes recourse to body image because he wants to dissociate body from something else—soul comes to mind—and what soul ontologically guarantees; but it was the body that was stolen, alienated, tortured, starved, fractured, labored to death and streamlined for its sexual and reproductive function. Between the World and Me is addressing, then, this sustained ordeal and its aftermath, as Coates assures the reader that he was so hailed by his father and that father by his own. Coates asserts: “This is your country, this is your world, this is your body, and you must find some way to live within the all of it.” Within the all of it. In The Fire Next Time, Baldwin makes powerful appeal to what he calls the few relatively conscious blacks and whites in the belief that the acquisition of a certain level or degree of consciousness would not only harmonize race relations in the U.S, but that in doing so, we would “achieve our country.” As he puts it in the closing argument of the essay: “If we—and now I mean the relatively conscious whites and the relatively conscious blacks, who must, like lovers, insist on, or create, the consciousness of the others—do not falter in our duty now, we may be able, handful that we are, to end the racial nightmare, and achieve our country, and change the history of the world.” With this prophetic gesture, Baldwin could make his readers believe that indeed such a thing was possible!

In the instance of African-American culture, certainly from Baldwin’s and Coates’s points of view, as expressed in The Fire Next Time and its epigone, Between the World and Me, the crisis at hand is confronted at the level of the body—the markings and stigmata of skin color and pigmentation and the damaging regimes of public relations built up from the latter—but its resolution, long deferred, would take another route, paradoxically, the transliteration of the bodily into consciousness, or we might say, after Baldwin’s peroration, the work of soul-craft: just as Du Bois limned parallel lines between black reconstruction and the revitalization of American democracy, Baldwin literally predicates the outcome of national destiny on the salvific stance of the few—the black few, chief among them. In short, Baldwin is calling on black America to embody the moral conscience of the nation as Du Bois had done long before. Even though Coates does not go that far, the potential to reach such heights is vaguely outlined by way of his insistence that his son assume the historical dimensions of memory in undertaking to understand the very predicament of the bonded. In a sense, the “predicament” reaches closure in Emancipation and constitutional maneuver, but the long red record of violence attests that sermons and legislation, bodies surrendered in sacrifice, and careful attention to the duties of citizenship have not been sufficient. If that is so, then the crisis of enslavement, acquiring other ways and means, touches down on contemporary ground as the noise of Ferguson, Missouri, Flint, Michigan, Staten Island, New York, Sanford, Florida, Waller County, Texas and numerous other ports of call, both well-known and obscure, that riddle the landscape of our nightmarish half-awakening. Bothered, then, by what was, which remains what is, we bear on the pulse of the nerve, down to the present day, an historical antagonism that would transform itself into an askesis, or a discipline that would make room for a paradoxical possibility—to achieve both distance from the predicament, as we live it.

This “hermeneutic demand” to interpret the situation of blackness in the process of living it has yielded over time a varied conceptual and theoretical response, beginning systematically with the work of W.E.B. Du Bois. In fact, Du Bois encounters “soul” as the chief theoretical device that he mobilizes against his notion of America’s “dusty desert of dollars and smartness.” But further, Du Bois’s systematic deployment of “soul-craft,” or what we might call African-American subjecthood/subjectivity as it refracts and reflects on the surround, is poised on the contemporary scene as “the problem of the Negro as a problem for thought.”3 Du Boisian ontology might be brought alongside a psychoanalytic protocol, which has the advantage of positing an occasion for the recognition of a putative collective, as well as the predicament of the “one.” My own interest in a psychoanalytic problematic in relationship to this class of historical actors is predicated on two related premises, both translated from the Freudian-Lacanian synthesis; not by any mean suggesting the desirability of a wholesale application of any psychoanalytic regime to African-Diasporic life worlds, I am interested in the investigation of 1) discourse as the locus of a “situation-specificity.” If the unconscious is “structured like a language,” as the Lacanians contend, and if “linguistic structure gives its status to the unconscious,” then the investigator wishes to discover where a subject-subjectivity is located. There is significant critical resistance to this notion and to the repertoire of conceptual apparatuses to which it belongs precisely because there is no steady ontological ground or disposition that black personality inhabits. In Afropessimism, for example, Frank Wilderson, as one of its major theorists, starts from the premise that black culture and, therefore, black subjectivity, demarcates a highly uncertain proposition, or does not exist all, on the basis of what Orlando Patterson advances as “social death.”4 I start from an analogous configuration of historiographical and historical data and reach a different conclusion—2) because the subject of “social death” has been barred from language—in fact, the latter might be thought of as the founding proposition of blackness in the Western context—then all the more reason why such language in this subjective formation must be revealed.

This specific linguistic and discursive “retrieval” –we could call it—is possible, I believe, because the subject of “social death” becomes, in the words of Fred Moten, objects that “can and do resist.”5 The passage that I read earlier from Coates’s fictionalization of an enslaved person is noteworthy as regards the resisting object: instead of presenting the face of a passive unmoving foil to the human wishes and willing of another, Coates’s anonymous figure is imagined to be fully dimensional. I would name this dimensionality the “one who counts” from the Lacanian notion. As I have attempted to demonstrate elsewhere, the “one” stands in stark contrast to the “individual” with its accents and overtones that index property and ownership. The subject of discourse and the “one who counts” would allow an inquiry into personality, or one in relation to others. As personality assumes the forward position, stigmata, in my estimation, recedes to background. Another way to put this would be to say that the movement toward subject positioning is anti-racist in its impulses, inasmuch as a racialized perception of reality aims its weapons toward the undifferentiated—it swallows whole masses of humanity down the gullet so that empirically millions of subjects might be metonymically reduced to a repertory of traits—the individual stands for the “race,” the “race” for the individual in perfect synecdochic complementarity. The “one” intervenes on this ease of motion where it matters—on the ground of the local, “at home,” we might say, insofar as its opening gambit denotes what the subject speaks, what the subject is spoken. The “one” might well overlap the “individual,” sharing some of its traits—the proper name, for instance—but the former seems to exceed the latter in both priority and emphasis to the extent that individualism is predicated on the rights of property and what is permissible by law.

### AT: Rage

#### The valorization of rage as a political leads to a vicious cycle of repetitive violence

Wenning ’09 (Mario, Phd., Assistant professor of philosophy @ the University of Macau, “The Return of Rage,” Parrhesia No. 8 pg. 89-99)

The valorization of erotic emotions and virtues over thymotic ones is as old as philosophy itself. Aristotle already insists that the virtuous person cultivates mildness of temper “the even tempered person confesses to be calm and not carried away by his feelings, but to be cross only in the way, at the things, and for the length of time that reason dictates.” 15 Compassion is introduced as an antidote to revenge. The virtuous character does not lose the control that is necessary to provide for a self-sufficient emotional economy, which is the precondition for achieving a life that is marked by wisdom, even-temperedness, and justice. Seneca’s influential work on rage, De ira, which was immensely influential for Christian and humanist ethics, calls for a Stoic control of the dangerous affect. The general suspicion against the destructive consequences of this aggressive emotion is not limited to the European tradition. Confucius already warns his students “to let a sudden fit of anger make you forget the safety of your own person or even that of your parents, is that not misguided judgment?” 16 Daoism and ZenBuddhism promote meditative practices and compassion to overcome our fixation on the need of being angry with ourselves and the world surrounding us. More recently, Martha Nussbaum argued that we should aim to understand “how to channel emotional development in the direction of a more mature and inclusive and less ambivalent type of love.” 17 According to Nussbaum, anger should at best operate as a tool of compassion. Acts of punishment are then seen as merciful rather than vindictive because they aim at the good of the victim. These representative examples illustrate that the erotization of the psyche replaced what is regarded as archaic forms of militancy that, it is contended, mistakenly suggest that honor, pride and craving for recognition (and the rage that results from the violation of these) has been considered to be more important than a concern for justice, equality and compassion. We might think that the dislike of negative emotions in general and potentially aggressive ones in particular results from an insight into the misfortunes these emotions bring about. Revenge, then, is undesirable because it tends to be too costly in producing long term damages. Hegel, for example, reminds us in the Philosophy of Right of the infinite chain of violence, the ec**onomy of pay-back that results from** blind vengeance **and self administered acts of justic**e. 18 The **excesses of rage** can easily lead to tragic repetitions of an original act of violence that might be impossible to get out of. Honor killings often lead to new honor killings rather than the reestablishment of justice and the fight against terror breed more terrorists.

### Mccarthy---1nc

#### Refuse ontology frames---Black isn’t coterminous with Slave but is an agent of a shared history of humanity---ceding democratic ideals to slavers is inaccurate, racially paternalistic, and zeroes pragmatic harms reduction

McCarthy 20 (Jesse McCarthy is an assistant professor in the departments of English and of African and African American Studies at Harvard University. “On Afropessimism.” <https://lareviewofbooks.org/article/on-afropessimism/> //shree)

Nonetheless, the fact that the main current of Afropessimist thinking runs counter to all of Black political history and tradition thus far; the fact that the foundational thinker for this perspective, Frantz Fanon, came to completely opposing conclusions with respect to the nature of politics and solidarity in struggle; the fact that the theory often appears to evade scrutiny or contestation by proclaiming itself “meta-theoretical” and “ontological”; the fact that it asserts a “mandate” for which no empirical evidence is provided and in the face of overwhelming evidence that it constitutes at best a minoritarian and class-specific position — all of this has to be reckoned with by those who want to take Afropessimism to heart.

Perhaps it’s worth reminding ourselves that when he was murdered, Fred Hampton was encouraging poor whites to analogize their position to that of poor Blacks. At the time of his assassination, Malcolm X was embracing and actively seeking to incorporate a cross-racial coalition into his new organization. Ella Baker actively encouraged the deepening of organizational ties and activist links across different communities by emphasizing common struggle and common oppression. What evidence do we have, on the other hand, that the power behind the status quo is quaking at the thought of Black folk gathering in isolation to mourn the end of the world?

If the challenge is more narrowly intellectual and what is needed are correctives to white Marxist hubris, Cedric Robinson’s Black Marxism (1983) already exists. Black feminist thought offers its own counternarratives. Of course, Wilderson doesn’t have to agree with Robinson or the Combahee River Collective. But isn’t it a problem that they aren’t cited even once in his books? Are we to jettison our entire tradition? Were all those who came before us so hopelessly naïve? Are we going to cast aside Vincent Harding’s There Is a River and read nothing but Fanon, Lacan, and Heidegger? Is Bantu philosophy overdetermined by social death even if its worldview was constructed in the absence of the white gaze? Afropessimism has yet to tackle these questions, to take its opponent’s counterarguments and positions seriously.

David Marriott, who is cited by Wilderson as a fellow Afropessimist, asks in his own work: whither Fanon? I wonder this, too. Wilderson says he is the figure he modeled himself on as a young man. Clearly Fanon is central to all of his thinking; indeed, all Afropessimist theorists consider Black Skin, White Masks (1952) a cornerstone text. It is an extraordinary philosophical work, and they are right that it is too often underappreciated. But it is also an extremely complicated intellectual experiment. The third sentence of that book is: “I’m not the bearer of absolute truths.” Fanon proposes to work through the problem of the abjection of Blackness, and that process extends beyond the book into the engaged existentialist revolt and the analysis of colonial relations that he explicitly argues involves the colonized subject, regardless of their race, in The Wretched of the Earth (1961). But even if one were to read only Black Skin, White Masks, it is impossible to miss the humanist assumptions that it opens onto in its conclusion. What else can one make of Fanon stating that “I am not a slave to slavery that dehumanized my ancestors,” and that “the density of History determines none of my acts. I am my own foundation”? How can one miss the assumption of a shareable humanity when he insists that “at the end of this book we would like the reader to feel with us the open dimension of every consciousness.” How can Fanon’s trajectory into the Algerian War of Independence be reconciled with the null trajectories that Afropessimism proposes?

If Afropessimism pushes us to pose harder and sharper questions as Fanon prayed his Black body always would, if it serves to break the shallow cant of the media class and its operatives — then certainly it will have done some good. But on the terms of its own presiding genius it needs to be understood as a waystation and not a terminus on the road to disalienation that Fanon argued is the only path to freedom for Black people in the modern world. That path, which he described in terms of building a “new man,” required him to first understand the depth of abjection that Blackness had been cast into, and then to undo that abjection by mobilizing its ejection from the political order of the West in a grand historical struggle to reconstruct that civilization from the side of the oppressed, an embrace that clearly involves a radical solidarity with non-Black people. This was the mission Fanon was on when he died, and it was a mission he believed Black peoples would have a special, indeed, foundational role in ultimately seeing through.

Realizing these goals does not mean adhering to a formulaic principle or that Black people need to think, act, or speak as a monolith. Fanon and Wilderson are both fond of citing Aimé Césaire’s phrase about “the end of the world” from his poem Notebook of a Return to the Native Land:

One must begin somewhere.

Begin what?

The only thing in the world worth beginning:

The End of the world of course.

These lines do not appear at the end of the poem, however, but roughly halfway through it. The interjection, “of course,” stands in here for the French word “parbleu,” which, even in the late 1930s when Césaire was composing his poem in Paris, carried a folksy and bathetic ring that is only dimly captured in the English but is easier to hear if you imagine these lines as having strayed from a play by Samuel Beckett. Wilderson intones this phrase repeatedly in his book, wielding it like a totemic hammer portending world-destroying events that, in light of the commitments of his own theory, seem to suggest, and possibly wish for, a zero-sum war between the races. But Césaire’s usage is far more ambivalent and ironic, the cry of a man whose revolutionary action must first and foremost be directed inwardly toward a poetic reconstruction of the self, a liberation that requires a self-determined and self-realizing pursuit of truth.

Fanon admired and respected no other intellectual more than Césaire. We know from his letters to his French publisher François Maspero that he imagined his writings as adressed, in no small part, to and for him. The idiosyncratic prose style of Black Skin, White Masks is Fanon’s way of signifying upon a correspondence with Césaire’s poetics. Both writers are acutely aware that the Black thinker is poised precariously between the poles of reflection and action. But both are committed to a humanistic pursuit of truth and both believe in the promise of a radiant Blackness whose time is not yet come. This is why, even as the Algerian War raged around him, Fanon continued his psychiatric research, convinced that understanding the traumas of war and torture would be necessary for healing the postrevolutionary body politic. He wrote for the present and for the future in pursuit of an understanding of himself and of human nature, and for the cause of a political independence and freedom that he hoped would set the entire African continent on a new course. Had he lived, he would have persevered until every colonialist regime from Algiers to Cape Town (the title he had in mind for his last book was Alger-Le Cap) had been driven off the continent. Fanon was no pessimist: true revolutionaries never are.

¤

But must we revolve around Fanon in the first place? Today many activists are more inspired by Fannie Lou Hamer. The US context has its own problems that Fanon only barely understood and addressed. Why not return instead, in this hour of national contestation, to a figure like David Walker and his Appeal to the Coloured Citizens of the World; But in Particular and Very Expressly to those of the United States of America from 1829? We still underappreciate the importance of this text, one of the seminal documents that captures the first great Black intellectual debate in the United States, which was an argument over whether or not we ought to stay in the country at all. Walker believed we should, and he was the first to define and defend the monumental implications of that choice. He attacked the mighty lobby of the American Colonization Society, which included the powerful senator Henry Clay, Abraham Lincoln, and many leading Black intellectuals of the day, who were convinced full equality for Blacks in America was neither possible nor desirable and advocated emigration. Their plans revolved around evacuating the Black population to the Pepper Coast, now the country of Liberia, which emerged from colonial schemes like “Mississippi-in-Africa” that the American Colonization Society founded in the 1830s.

We could have abandoned the country. History could have taken a very different course. American slaves could have returned to Africa and the United States could have become a white ethno-state, a second Europe. The 1820s and ’30s were the last possible moment of undoing or preventing the existence of a Black America. But Black American intellectuals made the choice to stay — to hold this ground and make something new here that the world had never seen. As the political scientist Melvin Rogers points out, Walker’s Appeal not only staked this argument in terms of a principled Black nationalist claim based on the enormous sacrifice of “blood and tears” in slavery; the rhetorical address of the text was also intended to awaken Black Americans to their own potential as a nationally self-consciously political community with a global outlook. “[F]or [Walker],” Rogers writes, “African Americans did not need a prophet to whom they should blindly defer. Rather they needed a community willing to confront practices of domination, capable of responding to their grievances, and susceptible to transcending America’s narrow ethical and political horizon.”

Wilderson’s Afropessimism insists that we are still slaves. Walker insisted in 1829 that the slaves are (and were even then) “colored citizens” of the United States and of the world. That if we are oppressed it is only because we are ignorant of our true strength, because we have been taught to disbelieve and disavow our worth to the world, to the nation, and to each other. Which of these two views is the correct one? I think the historical record and the present state of our politics tells us all we need to know on that score. For it is no coincidence that today it is Black Americans who are once again trying to save the country, to invest in finishing the work of making this place a home that we can live in. In what is a long-standing pattern, the “coloured citizens” of this country are at the forefront of practicing civics. Indeed, what could be more republican than risking one’s health to restore the health of the body politic? To ensure that one of the most basic promises of the state is properly fulfilled: that it apply its law enforcement equally, humanely, and in a manner accountable to the people it serves.

As in past struggles, our principled defense of an ethical civil code has attracted others with its moral force. We have seen a massive response, including from sources traditionally opposed to these concerns, who recognize the profoundly dysfunctional culture of US policing, prisons, and courts. Even many of those who do not agree that these are the result of actively racist policies and attitudes no longer deny that our exceptionally poor record cannot plausibly be unrelated to a long history of antiblack violence and antagonism. For this same reason, likeminded people around the world are hoping for a decisive break with the past‚ taking to the streets across the globe to demand that state actors acknowledge that there really is a history of injury that needs to stop being denied, and that we can and should work together to design a new social contract that will restore the perceived legitimacy of law enforcement and criminal justice in the eyes of all citizens and not just some.

The generation undertaking these endeavors does not seem to require a narrative of optimism in order to take the great risks they have incurred. They have a healthy indifference to both optimism and pessimism alike. Perhaps it results from the demands of carrying out politics in the real world. The incredibly difficult task of organizing and strategizing in order to elevate and amplify the best responses and to rein in and temper the counterproductive ones that delay and diminish a good cause. That’s hard to do in the best of cases: in a turbulent, paranoid, and instantly videotaped public sphere, it’s a Sisyphean task that bad-faith commentators take advantage of.

None of this diminishes the fundamental need for greater self-capacity of the kind Walker called for 200 years ago. Much of the work ahead will necessarily involve a growing capacity for self-reflection, self-criticism, irony, and joy in our politics. It will require acknowledging that struggles against white oppression will never be successful without deepened self-healing in our communities: repairing the relations in families, between men and women; ending the violence directed at trans, queer, and otherwise non-conforming people in our neighborhoods; ending the heinous blood feuds between rival gangs and sets; restoring education and communal trust as our highest priorities and most cherished aspirations. These will always remain preconditional to the realization of freedom and autonomy. It is pursuing these aims as an ongoing collective activity that will make unavoidable the realization as Walker said, that this country is “more ours” than anyone else’s — that we are a historic people with a world-historical destiny that understands our suffering as endowing us with both the right and the responsibility of civilizing the United States in such a way that it reflects the values that our historical experiences bring to it, the freedoms, equalities, and cultural pluralisms that we have made vital and central to its identity.

One doesn’t need to hang on desperately to a mirage of hope. If we look to history, we can see more than enough concrete evidence and example to support the conclusion that a racially defined caste system is unlikely to ever again prevail. Of course, that doesn’t mean history is a smoothly upward-trending curve. We have known terrible setbacks. Yes, the violent defeat of Reconstruction was successful. But the building of Black institutions and the Niagara Movement proceeded anyway. Tulsa was burned to the ground. But its Black citizens turned right around and rebuilt it out of the ashes. The Civil Rights movement was checked by the forces of reaction and the assassin’s bullet; but the world of unquestioned white superiority and authority that George Wallace hoped to preserve is reduced now to a twinkle in David Duke’s blue eye. Yes, creepy white supremacists still crawl out from under mossy stones at opportune moments to wail about their Nordic fantasies in their over-sized khaki pants. Yes, like the militants of the Islamic State, they are capable of carrying out horrific acts of terror and violence. But like that barbaric and fanatical sect, white supremacy is permanently confined to such rear-guard actions because it has already lost — it is trying to reverse a clock going forward — which explains the virulence and incoherence of its outbursts of spastic violence.

We are not at the end, but near the beginning of something new. The pandemic and the multiple underlying crises and fractures it has revealed make vivid that one need not wait so very long for “the end of the world.” The problem, as generations of millenarians have discovered, is that it turns out there’s a morning after the end of the world. And one after that too. The hardest truth is that all the uncertainties that govern the question of what can be done, what will be done, and the difference between the two, remain in our hands. What would Frantz Fanon, or David Walker, or Ella Baker tell us if they saw the streets today? Surely, not that we are at an impasse against an implacable enemy. They would insist that we lift each other and rise together with the spirit of history at our backs. We have done it before. Every time we do it’s a new day.

# 2NC

**They de-theorize the demand of the academy, hopelessly yearning for liberatory strategies through the voice of suffering---that solution politics uses the false machinations of hope in a different sphere.**

Jayan Nayar, law prof at the University of Warwick, 12-15-2012, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

People suffer.17 This is a simple truth that takes little effort to state. Neither does the analysis of structures, of processes, of histories, of suffering require any accountable engagement on our part with suffering bodies (save perhaps in our field-work phase of enquiry as we seek data), nor with any of the vectors of violence whose complex intersections in historical time give material, embodied content to what we, in distance, name ‘suffering’. Put differently, the suffering condition when appropriated for the purposes of theory possesses no experiential meaning. Whilst lip service is paid to ‘voices of suffering’, voices as such are absented of experiential truth or ontological-political significance in any objectification of suffering as condition; voices are retained instead (perhaps, again, through the inclusion of some choice quotes of wretchedness, accumulated as data from the field) as theory’s justificatory launch-pads for intervention. At no point, for most of us theorists, is the suffering voice the voice of theory. Indeed, as Spivak (1988) so trenchantly affirmed, the ‘subaltern cannot speak’!18 The politics of discoursing suffering therefore is a politics of the theorist, suffering a problem to be solved by the theorist, where prescription is divorced from experience, theory from the relationality of violence and its local, day-to-day, normal and norm-alised infliction. At best, those that suffer, are invitedto await the trickle-down of whateverbenign ‘solution’ theory may purport to offer, post its lengthy journeys through intellectual and policy interrogations, as suffering is validated (or otherwise), its structural causation identified (or otherwise), its alleviation interrogated for many a disputed appropriateness of response (or otherwise).19 Having served the purpose of instigating theory, suffering itself becomes secondary to the politics of the ‘theorist/philosopher’—the ‘Self’ thinking for the suffering Other—of imperial recognition, response and intervention.20 Thus rationalised solutions are offered to the problem of the suffering condition, as if some ideal may indeed be redeemed and made ‘real’ from the incomplete actual of the present, laying as it were, immanent, latent, awaiting (re)discovery. The theorist becomes the technician, the expert wielder of knowledge and strategic wisdom, to overcome the problem of suffering that is perceived as one of inadequate social cognition, institutional organisation and planning. Thus, for example, suffering, as human rights violation becomes the result of inadequate understanding of rights-scope and obligations (Craven 2007; Alston and Quinn 1987), or of the conceptual essence of rights itself, or of the allocation of resources.21 Or, to refer to another example of theory-talk (where the legacy of Levinas is apparent), suffering as global injustice becomes a problem of reformulating political affinities within the new meta-game of globalisation as methodological cosmopolitanism (Beck 2005),22 towards ‘global citizenship’ to overcome the limits of anachronistic notions of political identities and responsibilities (Dower and Williams 2002), of ‘social connection models’ (Young 2006); or of the ‘ethics of assistance’ (Chatterjee 2004) or of cosmopolitan care, responsibility, and the politics of redistribution and institutional reform (Pogge 2008). In these examples of discoursing suffering, thinking sufferingand itsalleviation, true to the ‘problem of the passage’ in Levinasian thought (Wolcher 2003),23 becomesrational work, and thetechnocratic, even bureaucratic, measuring of suffering and its (appropriate) responsesbecomes the practical implication of theory; the constant fluctuations of betrayals and aspirations, always with some justification close at hand, only serving to entrench further the Levinasian injunction to responsibility—for further endeavours of thinking-hope, to serve further the cause of salvation for the lost souls of ‘strangers’, as Wheeler (2000) so poignantly put it. Suffering, as condition, as commodity to be exploited, as depoliticised category rather than experience, as a technical/bureaucratic/managerial problem to be solved, remains therefore theever-present alibi forlegitimate interventions amidst

constant (and inevitable) disappointments.A corrupt, violent,imperial, globalorder(ing)of social relations becomes also the saviour, constantly revitalised and called unto renewed being, with every call for the alleviation of suffering (Douzinas 2007b).24 For all the repeated urgings for the expansion of its boundaries, to repair the various denials of exteriority, totality, it seems, is little affected.25 How, therefore, do we account for the constant supply of suffering (through the cruelties of the world) that continues to move the demand for suffering-based thinking (despite these cruelties)? How might the apparent inconsequentiality of so much humanisation in the pervasiveness of inhumanity demand our critical self-reflection as we engage in the politics of hope? We make a huge assumption—we, who theorise alleviatory possibilities out of the suffering condition—that our faith systems are true to the promises proclaimed. With this assumption, we attempt to think our way out of(continuing) betrayals to enable the realisation of promises in which we wish to believe. Good promises they seemingly are: the promise to eliminate poverty; to end starvation; to realise education for all; the list goes on. We ask the question: what prevents the realisation of these promises? What might enable the realisation of these promises? How many more resources? What kind of political institutions? Perhaps to assuage our faith in the consequentiality of our thoughts, so many questions are followed by so many ‘should’-assertions that crowdour repeatedredesigns for Humanity—that the world community should respond to suffering; should expend the necessary (miniscule) resources that would alleviate chronic deprivation; should redress prevailing inequalities and injustices within the global economic order; should prioritise human rights in world trade and economic relations; should enforce legal regimes to hold transnational corporations responsible; should reform and democratise international institutions. The list, again, goes on, as do, notwithstanding all of these manifold ‘shoulds’, the ways of the world in which betrayals remain the normalities of business-as-usual (Robinson and Tormey 2009). Andrew Linklater’s contemplations on the prospects for ‘cosmopolitan obligations’ for ‘distant suffering’ is characteristic of the intellectual idealism of much theorisings of Humanity’s hopeful futures: the gulf between human societies may not be so difficult to bridge. … The obstacles to substantial progress have been well documented, and they will continue to shape the tracks along which globalization travels. But it is not beyond the ingenuity of the human race to rise above increasingly problematical particularistic moralities, and to create global arrangements that have the primary task of implementing cosmopolitan obligations to reduce distant suffering. (Linklater 2007, p. 33) As if the failures thus far have been simply due to a lack of ingenuity of the ‘human race’! What if, instead, the world order of inflicted suffering (and ‘the gulf between human societies’), the order of global impoverishment and insecurities, persistsnot merely asthe outcome of a failure of (humane) consciousness to be corrected by suffering-based ethical theorisations of human rights and global justice, butas the result ofcreated, planned and effected imperialist design as it continuously seeks to reshape world orders for profit? To what extent do the many ethical urgings for global transformations actually encounter the geo-and bio-politics of global coloniality that is defined by the material desires, motivations and actions of globalising elites, for whom, as Bauman (2003, p. 20) tells us, visions of the good life are defined not by attachments (to the suffering Other) but by a ‘disengaged imagination’that seeks no utopian mission.26 In the face of such actualities, what do we make of the useful suffering of the ethical Self who purports to think for the Other? Inconsequentiality is the least of the criticisms that may be made. Nandy’s observation is pertinent: ‘domination today is rarely justified through oracles, ritual superiority, or claims to birthrights; domination is now more frequently justified in terms of better acquaintance with universal knowledge and better access to universal modes of acquiring knowledge’(Nandy 2007, p. 227). Theorisations of hope that gaze upon suffering and that purport tocontemplate, manage and solve suffering, therefore, as knowing (and modes of knowing) the Other, help create masks of hegemony for the brutal faces of domination.27

# 1NR

#### Topical affs could reorganize anti-trust law around racial equity concerns---accesses their offense---it allows them to justify this through tying it to their experience which recreates joy and doesn’t make us be distant from it.

Nicol Turner Lee 21. Senior Fellow - Governance Studies Director - Center for Technology Innovation, Brookings, with Caitlin Chin – Research Analyst, Center for Technology Innovation - The Brookings Institution, 7/8/21. “The debate on antitrust reform should incorporate racial equity.” https://www.brookings.edu/blog/techtank/2021/07/08/the-debate-on-antitrust-reform-should-incorporate-racial-equity/

On June 24, the House Judiciary Committee voted to advance six landmark antitrust bills, which, if enacted into law, could decrease anticompetitive practices in the tech industry. This would be a necessary—and long overdue—correction to the decades-long Chicago School jurisprudence, under which courts have interpreted antitrust laws to primarily equate consumer harms to higher monetary costs for products or services. It shows that Congress is recognizing how the traditional Chicago School approach does not fully address the many non-monetary consequences that can result from concentration in the technology industry, such as privacy risks and power over speech.

While those issues are important, the recent actions coming from the FTC and Congress should not miss out on the opportunity to address another aspect of antitrust: racial equity. Since the potential harms—both monetary and non-monetary—that accompany concentrated markets do not affect all individuals equally, a facially-neutral approach to competition enforcement is not fair or equitable. Communities of color can suffer grave economic consequences or experience competitive isolation when products and services are not offered or are disproportionately represented in their markets. For example, noncompete contracts can negatively impact Black and other workers of color, especially post-employment restrictions that can increase employer monopsony power in labor markets, and suppress salaries and future earnings. As another example, the rising number of mergers and acquisitions across the overall U.S. economy may contribute to declining startup rates, particularly affecting diverse entrepreneurs who face outsized challenges to raising capital and accessing credit for their ventures.

With the growing interest in antitrust—and the granular focus on Big Tech—within Congress and the new administration, racial equity should be positioned as one of the core pillars of any future actions. Toward this goal, the antitrust community should be sensitized to the role of institutional inequities in concentrated markets, considering them when analyzing anticompetitive actions, their outcomes, and associated enforcement actions.

Why racial equity is a competition concern

Under the letter of the law, antitrust and civil rights are generally treated as separate statutes. Yet in practice, their values intertwine: Market dominance can effectively put companies in a powerful position to exacerbate historical racial inequalities. Take the search engine market, for example, of which Google controls over 90%. In 2012, Harvard professor Latanya Sweeney discovered that Google searches for individuals with Black-sounding names were more likely to generate advertisements for arrest records than searches for individuals with white-sounding names—even if no arrest records actually existed. This flawed system could result in significant emotional, reputational, or financial harm for racially-stereotyped individuals, as well as amplify the profiling associated with algorithmic biases. The lack of competition in the online search industry not only eliminates consumers’ options to choose a different, less-biased search engine, but also reduces market incentives for Google to improve its biased algorithms, as was recently illustrated by the dismissal of the former technical co-lead of Google’s Ethical Artificial Intelligence Team, Timnit Gebru.

Large technology companies also routinely collect massive volumes of data about people, compounded in scale through mergers and acquisitions. Using this data, they can surveil selected populations for online behavioral advertising or micro-interactions based on known or inferred attributes. In this sense, advertisers choose which communities can see or do not see their ads—either through the direct targeting of demographic variables like age, gender, sexual orientation, or race, or through “proxy variables” like zip code, education, interests, and purchase history. These activities can disproportionately impact marginalized communities who may be shown different employment, credit cards, housing, and other advertisements based on the platform or advertising algorithm. More concerning, companies like Google, Amazon, Apple, and Facebook have each engaged in activities that have cemented their respective market power, allowing them to continue to wield control over the advertisements which their hundreds of millions of users see.

Including equity as a goal in antitrust enforcement

Last year, then-acting FTC Chair Rebecca Kelly Slaughter put forward an argument that U.S. enforcement agencies should consider antitrust statutes as “a tool for combatting structural racism” by prioritizing competition enforcement in highly concentrated industries where people of color are marginalized. These enforcement decisions are especially consequential given the resource constraints that federal antitrust agencies face. According to Michael Kades of the Washington Center for Equitable Growth, appropriations for the FTC and Antitrust Division of the Department of Justice (DOJ) decreased 18% from 2010 to 2018 when adjusting for inflation. These constraints force federal enforcement agencies to choose which antitrust actions to pursue or abstain from; each active choice potentially impacts marginalized communities within the related sector.

It is possible that some of the newly introduced House legislation could offer an opportunity to advance racial equity by further expanding the parameters of competition enforcement. For example, the Merger Filing Fee Modernization Act could increase funding for federal antitrust enforcers—potentially allowing for more litigation capacity in situations where anticompetitive behavior, directly or indirectly, harms marginalized groups or contributes to algorithmic biases. The Augmenting Compatibility and Competition by Enabling Service Switching (ACCESS) Act could require applicable platforms to offer data portability and interoperability options, potentially giving users greater flexibility to stop using a platform with biased or discriminatory algorithmic outcomes. The American Innovation and Choice Online Act, Platform Competition and Opportunity Act, and Ending Platform Monopolies Act could each introduce new restrictions on mergers and acquisitions and prohibit certain anticompetitive behaviors by large platforms, including those that may imperil civil rights. But, to ensure leveled pursuits of markets that are both competitive and antiracist, more granular discussions about racial equity and inclusion must take place in parallel with these overarching antitrust reforms.

Such discussions must also include ways to promote diverse representation within the FTC and DOJ. According to recent reports, only 2.85% of attorneys at DOJ’s Antitrust Division and 4.1% at the FTC’s Bureau of Competition identify as Black. Although initiatives like the FTC’s Diversity Council and DOJ Antitrust Division’s Diversity Committee aim to promote inclusive recruitment and retention, there are areas where both agencies can improve. The FTC and DOJ career websites both list unpaid legal internships, for example, which create financial barriers for law students from underrepresented backgrounds to enter the litigation or competition enforcement fields.

Even worse, in late 2020, the DOJ reportedly canceled agency-wide diversity and inclusion programs in response to an executive order from former President Trump. While Khan’s confirmation is historic, as are Kristen Clarke and Vanita Gupta’s DOJ appointments within the Biden administration, both agencies still critically lack representation of Black and Latino nominees to senior-level positions. No current FTC commissioner identifies as Black or Latino and only three Black commissioners have served since the agency’s inception in 1914. Because the FTC and DOJ make enforcement decisions that affect communities of color and other marginalized populations, antitrust law cannot become a tool to dismantle systemic racism without more inclusive representation in both leadership and general workforce positions.

As broad antitrust reform continues within Congress and federal enforcement agencies, we must take seriously that negative effects on consumers extend far beyond monetary prices and ultimately include racial inequities—which, paradoxically, can be a core reason for such economic inequalities in the first place. When the six House bills were introduced, their co-sponsors stated that there was a need to consider how antitrust affects certain values, including quality, privacy, and security, censored speech, control over how we see and understand the world, innovation, and choice. It’s time to add racial justice to that list.