## 1NC

**OFF**

#### Topical affirmatives must affirm the resolution---they don’t:

#### The “United States federal government” is the three branches in DC

U.S. Legal ’16 [U.S. Legal; 2016; Organization offering legal assistance and attorney access; U.S. Legal, “United States Federal Government Law and Legal Definition,” <https://definitions.uslegal.com/u/united-states-federal-government/>; RP]

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

#### Expanding the scope of CORE antitrust law requires modifying Sherman, FTC, or Clayton

US Chamber of Commerce, no date [America’s Antitrust Laws Protect Competition and Benefit Consumers, https://www.uschamber.com/antitrust-laws,]

Antitrust laws ensure competition in a free and open market economy, which is the foundation of any vibrant economy. And healthy competition among sellers in an open marketplace gives consumers the benefits of lower prices, higher quality products and services, more choices, and greater innovation. The core of U.S. antitrust law was created by three pieces of legislation: the Sherman Antitrust Act, the Federal Trade Commission Act, and the Clayton Antitrust Act. These laws have evolved along with the market, vigilantly guarding against anti-competitive harm that arises from abuse of dominance, bid rigging, price fixing, and customer allocation.

#### Prohibitions are legal restrictions against certain conduct.

DLD ‘ND [Duhaime's Law Dictionary; “Prohibition Definition”; http://www.duhaime.org/LegalDictionary/P/Prohibition.aspx; AS]

A legal restriction against the use of something or against certain conduct.

Only ensuring debates are grounded in resolution-based stasis guarantees contestability and reasonable burdens for 2Ns – any alternative definition of the topic is infinitely unpredictable and nullifies core negative research

#### There’s 2 impacts---

#### 1) Procedural Fairness---Predictability of the resolution ensures an equal chance to win 50% of debates on the negative---non-resolutional aff choice overstretches the research burden which puts them structurally ahead. It also decreases the viability of pre-tournament prep which unbalances the game. That’s an impact since debate is inherently a competitive space and the ability to win each individual debate matters---especially true considering the ballot can only resolve our procedural impacts

#### 2) Iteration---resolutional stasis is key to refute the aff rigorously---their interpretation encourages AFF conditionality and shielding links since their advocacy isn’t tied to a predictable stasis---that encourages teams to craft the trickiest 1AC which prevents testing over essential truth-claims and solvency---instead prefer debates against well-prepared opponents that make us better advocates---that fosters the best disagreement and ensures we have the ability to persuade people who hold dissenting opinions

Default to competing interpretations---winning the 1AC was good doesn’t prove their counterinterpretation is. Neg framework ballots pick a winner but no ballot solves structural impacts. Any “net benefit” to their interp that isn’t about the types of debates it encourages is not offense---you can vote neg and agree with claims like “the 1AC was good” or “some topical debates could be bad”.

### OFF

Multilat CP

#### The United States federal government should establish a framework for contingent international cooperation that abolishes of anti-black anticompetitive practices

#### The CP’s framework multilateralizes antitrust---explicit reciprocity bypasses generic barriers AND spills over to deep economic integration

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B. Between Contracts and Networks: Frameworks

Another dichotomy that dominates the integration of competition policy pertains to the forms of internationalization, which in the competition policy space have generally been dominated by contract-style treaties on the one hand and by open networks on the other.166 Between these two models lies what seems to be an under-utilized alternative, which I call a “framework for contingent cooperation.”

[FOOTNOTE] 166 This binary view dominates the literature. See, e.g., Edward M. Graham, “Internationalizing” Competition Policy: An Assessment of the Two Main Alternatives, 48 Antitrust Bull. 947, 949 (2003) (“[M]echanisms [for antitrust internationalization] range from bilateral treaties creating arrangements for cooperation between or among national competition law enforcement agencies to informal working arrangements among agencies.”); Eleanor M. Fox, International Antitrust and the Doha Dome, 43 Va. J. Int’l L. 911, 912 (2003) (contrasting “horizontalism” with “globalism”); Anu Piilola, Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation, 39 Stan. J. Int'l L. 207, 247 (2003) (“Rather than drafting overarching multilateral agreements on antitrust laws, cooperation efforts in the immediate future are more likely to succeed in managing existing diversity and promoting voluntary convergence based on approximation of domestically applied standards. Networks of antitrust authorities are well-suited to facilitate this process of cooperation and voluntary convergence.”). [END FOOTNOTE]

A “framework” in the sense that I am using that term is a facilitative arrangement that does not constitute a treaty under international law,167 and which does not carry the charge of international legal obligation, but which involves an exchange of specific and reciprocally contingent commitments by participant jurisdictions to engage in mutually beneficial conduct. Specifically, each party states that it will extend certain benefits to each other party so long as each other does likewise; the parties may also create supplementary mechanisms to monitor and/or adjudicate compliance with these commitments.168

A framework of this kind is not a treaty: it is what Kal Raustiala calls a “pledge,”169 and what Charles Lipson calls an “informal” agreement,170 involving no legal obligation, and it involves no commitment of the parties’ reputation for law-abiding behavior.171 On the other hand, it differs from an open, information-sharing network because it precisely specifies behavioral commitments, and because each of the parties shares an understanding that concrete consequences will promptly follow—exclusion from the benefits provided by others—if its behavior materially deviates from the terms of the commitment.172 A framework is therefore essentially a specific declaration of intention to engage in conduct that benefits others, contingent upon parallel behavior by other participating states, without obligatory status under international law.

This is, in some sense, the direct opposite of the approach typically taken in competition policy chapters in trade agreements. The provisions of competition policy chapters partake of the substance of treaty law, but are generally framed in broad terms rather than specifics, and generally do not reflect a shared understanding that specific consequences will attend breach. By contrast, frameworks do not bind in international law, are framed in specific terms than aspirational generalities, and reflect an understanding that the benefits of cooperation will be withdrawn in the event of violation.

Contingent cooperation thus depends for its effectiveness primarily upon three important dynamics. The first and most important of these is the rationality of strategic cooperation. A familiar mainstream view holds that to a significant extent states behave in international society in ways that rationally serve their interests.173 And when cooperation over a series of interactions is overall in the interests of each member of a group, but when each member faces a rational incentive to defect from the terms of cooperation in individual cases, familiar economic theory teaches that a strategic cooperative equilibrium can be maintained among the parties.174 In contingent cooperation, each party understands that if it defects materially from the terms of the framework, the other participants will withdraw the excludable benefits of cooperation, and this provides the incentive to comply.175

Contingent cooperation can be made more stable by the introduction of certain structures designed to monitor compliance (just as with a cartel among private companies).176 This might among other things involve the creation of a central “facilitator” that is responsible, in a general sense, for obtaining, collecting, and processing information necessary to sustain a cooperative equilibrium.177 Depending on the purpose and scope of the cooperation project, this could include (for example): reviewing the text of laws, regulations, and policy documents for consistency with the terms of the framework; conducting peer-review-style evaluations and certifications; hosting voluntary dispute resolution processes, including mediation and/or arbitration, to determine whether and when the framework has been violated; or even receiving and handling complaints of violations ombudsman-fashion (i.e., receiving the complaint, giving the subject of the complaint an opportunity to respond, and publishing findings and conclusions). A central facilitator could also go beyond a policing function and offer a common forum for certain forms of cooperation and information sharing. The nature of such broader functions, and the extent to which they would be useful or desirable, would depend on the nature and purpose of the cooperation.

The second dynamic that powers contingent cooperation is the normative appeal of the project itself. The point here is not unlike what Gráinne de Búrca calls “mission legitimacy”: the normative force of the underlying purpose of a cooperative project, and specifically the power of that normativity to secure the acceptance and cooperation of those who participate.178 Parties joining projects of contingent cooperation can be expected to be in some sense self-selecting: they join such endeavors because, in part, they are genuinely committed to promoting and achieving the ends that the project represents, and they embrace the project of cooperation as worthwhile.179 It may sound a little naïve to suggest that a project of cooperation may be more likely to “stick” if it has some normative appeal to the participating polities, but legal scholarship has long recognized that states do what they undertake to do more often than strictly rational analysis would predict.180 And I think the proposition that genuine commitment to a goal can contribute to compliance is in truth somewhat less naïve than the converse idea that compliance is just as likely without it.

The third source of a framework’s effectiveness is to be found in the acculturative and socializing effects of interaction in an environment in which values and practices are shared and reinforced as normative, and in which attention is paid to the existence and nature of violations. There is a rich and complex literature on the ways in which states, state actors, and the individuals within them may be “socialized” or “acculturated” by repeated engagement with others through common institutions and shared environments of normativity, eventually contributing to the emergence of obligations with genuine normative force.181 Jutta Brunnée and Stephen Toope have pointed out ways in which the force of legal obligation itself arises from shared communities of practice grounded in social reality and shared understandings, not formal commitments.182 As they put it, “[s]tability may be aided by explicit articulation of a norm in a text, but it is ultimately dependent upon [an] underlying shared understanding and a continuous practice of legality.”183

Participation in an endeavor of contingent cooperation may help to engender the development of such understandings and practices, and these may contribute to the effectiveness of the framework. In the longer term, this may even result in the creation of a legal instrument. But this progression is not necessary for acculturation to exert a reinforcing effect: for, as Anu Bradford accurately notes, there is no reason to think that “the pathway from nonbinding to binding rules” is an inevitable or even a natural one.184

The distinctive value of a framework is that it provides a low-cost way for jurisdictions to explore and participate in possible arrangements of mutual benefit that depend upon shared concrete understandings regarding future behavior, but without bearing the burden of an obligation under international law, without running the reputational risk of having to break a treaty, and without facing the domestic hurdles (or political scrutiny) that a treaty would necessitate.185 Use of such a framework may help to reduce the concerns grounded in political morality that might otherwise attend inter-jurisdictional action in sensitive areas:186 to use a term I have coined elsewhere, as contingent practices from which states could withdraw at any time, frameworks would benefit from considerable resources of “exit legitimacy.”187

Frameworks are not suited to every application. They seem particularly apt for types of international cooperation that generate excludable benefits for other participants and can be reasonably well monitored: in the sphere of competition policy, for example, this would include commitments to provide nondiscriminatory access to procurement markets as well as many forms of antitrust cooperation (including cooperation with one another’s investigations, coordination of enforcement activity, the operation of joint filing systems for merger review and cartel leniency programs, and so on). Certain guarantees of nondiscriminatory treatment by SOEs could also be extended on a selective basis. On the other hand, contingent cooperation is much less suitable for projects that require strong and highly credible guarantees of commitment from the participants (in which case a traditional treaty-contract would seem more appropriate188) or groups of parties still lacking the prerequisite agreement on the terms and ambit of desirable cooperation. Nor is it suitable in the absence of sufficient confidence in the ability or incentive of other parties to deliver on their commitments: in these cases, open dialogue and information exchange through a network would seem preferable. Nor, obviously, is it a good fit for projects in which the benefits of cooperation are non-excludable.189 To pick an obvious example, contingent cooperation would not recommend itself as a natural choice for an international project to introduce SOE discipline: the benefits are non-excludable (there is no obvious way to withdraw them selectively in the event of defection) and compliance is very difficult to monitor, so the use of a framework is unlikely to make much of a contribution.190

### OFF

FTC DA

#### FTC’s increasing enforcement in privacy now---it’s focused on algorithmic bias.

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 FTC resources and personnel, which are finite.

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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 with the necessary resources for privacy enforcement.

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

#### Unchecked algorithmic bias risks massive inequality and 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

### Case

#### No solvency, the ballot fails and zero empirical support for its efficacy

**Ritter ’13 –** MICHAEL J. RITTER , J.D. – Mr. Ritter received his law degree (J.D.) from the University of Texas School of Law. He is a former debater and currently coordinates the NATIONAL JOURNAL OF SPEECH & DEBATE – NJSD – VOLUME II: ISSUE One – SEPTEMBER 2013 – http://site.theforensicsfiles.com/NJSD.2-1.Final.pdf

Many students who participate in comp etitive interscholastic debate in high school and college 20 frequently argue during debates that their speech acts, performances, or presentations criticizing a particular concept in a debate round could, just like 2PAC’s Changes , actually affect social inequities or issues inside and outside of the debate community. To preserve the activity, coaches and judges should discourage debaters from attempting to use — or deceiving others that they are using — competitive interscholastic debate to create social change. Those in the debate community who believe (or argue) that competitive interscholastic debate 21 can reach an audience beyond the debate room, and their opponents, coaches, and judges, should consider this question: “What can I learn from 2PAC’s success in communicating his message in Changes ?” Those who have wed themselves to the fiction that in - round speech acts in a competitive interscholastic debate setting can and does create actual social change (due t o either some strategic reasoning or simple denial ) will have a difficult time reaching the honest answer to that question: “ I am wrong.” The structure of competitive interscholastic debate renders any message communicated in a debate round virtually incapable of creating any social change, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with non - applicable rhetorical theory that f ails to account for the unique aspects of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more funda mental question that must be addressed first is: “Can debate cause social change?” Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen not to prove this fundamental assumption, which — as this article argues — is merely a fiction that is harmful in most, if not all, respects. The position that competitive interscholastic debate can create social change is more properly characterized as a fiction than an argument. A fiction is an invented or fabricated idea purporting to be factual but is not provable by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be incredibly critical o f those fictions and adopt them only if they promote the activity and its purposes. Competitive interscholastic debate is uniquely different from other types of persuasive activities. Each individual component of the term “competitive interscholastic debate” describes the essential structures of the activity from which very important precepts can be discerned. These precepts are fundamental to any application of any rhetorical theory reg arding speech acts wi thin a debate round because the precepts necessarily affect the scope of two crucial aspects of all communication: audience and purpose. The debate community’s m embers, many of whom are shorthand enthusiasts, simply refer to the activi ty as “debate.” But what that simple term omits, and what many frequently forget when uncritically accepting the “social change through debate” fiction, is any reference to the essential structures from which the community spawned: a competition of argumen tation during which students from one school compete against students from other schools for the votes of judges. Therefore, before any plausible argument can be made concerning the purposes or benefits of debate, the assumptions upon which those argumen ts are based must be identified and explained. The following discussion (perhaps painstakingly) analyzes the essential components of competitive interscholastic debate to identify the essential precepts that debunk the assumptions relied upon b y those endo rsing the fiction that competitive interscholastic debate can create social change. “Debate” “Debate,” in its simplest and most basic form, is the presentation of seemingly inconsistent positions to convince an audience. A position could be a factual or empirical position that describes current or historical fact (e.g. A = B). The presentation of a seemingly inconsistent position to convince an audience (e.g. A ≠ B) would constitute an empirical debate about what facts are (or were) true or false (or neit her) . A position could also be a normative position (i.e. a position about how the way things s hould have been or should be ( e.g. “A should not have been or should be A). The presentation of inconsistent normative positions to convince an audience (e.g. A should not or should be A) constitutes a normative debate. The intent - to - convince element is an indispensible part of any debate. Presenting apparently conflicting positions with the intent to convince requires an audience of some sort, as an audience is necessary for someone to be convinced. For instance, if a person writes an article on the propriety of the verdict in the Trayvon Martin trial to convince others that the verdict was wrong, but then no one reads it, there is no consideration of the positi on by the intended audience because no one (other than the author himself) could be persuaded. An audience can be as simple as a single person (e.g. having an internal debate with oneself to consider the validity of two seemingly inconsistent positions). A n audience could constitute only one person when someone presents two seemingl y inconsistent positions for that one - person audience to consider (e.g. an attorney advising his 22 client that he has two options and presents the pros and cons of both for his cl ient to make a decision). Two people could comprise an audience. For example, a debate could involve two people who present apparently inconsistent positions to try to convince each other of the rightness of their respective position s . A seeming or appare nt inconsistency between positions is also a necessary component of a debate. If two positions are clearly consistent, then there is no debate. Conversely, an actual inconsistency is not necessary for a debate. The following hypothetical demonstrates why a n actual inconsistency is not required for a debate: Two debaters go on a date appear to disagree over which movie, Django Unchained or Kill Bill, to see at Quinton Tarantino’s privately owned theater on Friday night at 10 p.m. This appears to be a conflic t because the two cannot watch both in different theaters together at the same time. Both of them want to see the most violent Tarantino movie with a revenge theme at that time. During the exchange their arguments for why Django Unchained or Kill Bill is m ore violent, one debater mentions I nglorious B astards and both agree that I nglorious B astards is the most violent Tarantino movie with a revenge theme. Fortunately, I nglorious B astards is also playing at the theater at the same time. Just because the two debaters di d not decide between Kill Bill and Django Unchained does not mean that they did not have a debate. During their debate, they realized that their apparently conflicting positi ons were not actually conflicting; they had the same position — wanting to see the most violent Tarantino revenge movie. And in this example, neither audience member was convinced of either initial position. Therefore, in any “debate” there will be some aud ience that must resolve an apparent conflict of positions. In all communications, there is some audience. Sometimes the audience has a specific goal, such as be ing entertained, informed, or persuaded. The discussion about what debate “ is ” demonstrates that identifying the audience is essential to understanding how the context of a speech act can advance or hinder the speaker’s goals. A Competitive Activity A second component of competitive interscholastic debate is that it necessarily involves a competition. Not all debates must occur within the context of a competition, as the Tarantino example above suggests. But most — if not all — debates in the debate commu nity occur either to win a debate round at a debate tournament or in preparation for winning a debate round at a debate tournament. The tournament structure is a sin qua non (a fundamental component) of the debate community . And in the very rare case that debaters host a public debate (and in the very fortunate case that an audience attends and does not leave during the first speech), the purpose is ordinarily not to convince the audience of a particular side, but to demonstrate what the school’s debate tea m does. At a typical tournament, there are a pre - determined number of preliminary rounds in which all entered schools’ debaters compete against debaters from other school s that have entered the tournament. The tournament usually determines beforehand the number of debaters that will advance to elimination rounds, and that number usually equal s four to thirty - two teams divided into brackets (semi - finals to double octafinals). If a team loses an elimination round, as the term suggests, then they are eliminat ed from the tournament. The prevailing team advances further into the tournament until the “ winner ” is left with no competitor. A hypothetically neutral critic will be assigned as a “judge.” The judge, or a panel of an odd number of judges, will vote for the debaters who they believe won the debate by doing “ the better debating. ” Many judges have written paradigms; and the vast majority of written paradigms expre ss a preference for how the debate should occur, but express little or no concern about what (in terms of content) is argued. In almost all debate rounds, the judge will make his decision based on how the debate occurs, not based on what persuaded the judg e. A primary (and probably the best) example of this point is a “dropped” argument. Many debate rounds are won, not on the basis of the persuasiveness of an argument, but because the opponents failed to directly respond to the argument. Judges will ordin arily permit the opponent to then “blow up the impact” of this drop in the following speech. Thus, the competitive nature of debate causes, to a great degree, the how to precede the what (unless the point is immaterial or non - essential). As a result, many judges divorce their human experiences and logical reasoning skills of objectively evaluating the persuasiveness of an argument from the decision of which team to vote for. And even when there is a “point - for - point and warrant - for - warrant” debate, many jud ges will vote based on who does the better job (technically speaking) extending and explaining the argument (even if the argument is atrociously absurd). T he target audience is solely the judge, and the sole issue the judge must decide is which side “did the better debating.” Mandatory switch - side debating confirms that the debaters themselves are not the audience for persuasion is mandatory switch - side debating. And b ecause fair opportunity is valued when there are winners and losers in competitions, mos t judges approach their paradigms with an attempt to be objective. Tournaments hire judges to objectively evaluate debates based on direct language from the ballot, the ballot the judge must sign his or her name to : who did the “better debating” or who “wo n the round ” ( which is a rephrasing of who did the better debating ) . Competitive debate is a very narrow slice of “debate . ” One could persuasively argue that competitive debate barely qualifies as “debate” because the target audience (the judge) is persu aded not by the truth of an argument, but who “does the better debating.” Hence , t he only point on which the judge of a competitive debate is seeking to be p ersuaded of is who to vote for. This conclusion narrows the previous section’s conclusions regard ing “debate” (generally) because the “competition” element narrows the audience in the debate to the judge, not the competitors. The debaters are not competing to be persuaded. They are competing to persuade. And the only issue on which the audience — the judge — is asked to resolve is which competitors did the better debating. The judges are not present to objectively evaluate the content of messages and arguments for their persuasive value outside of the narrow issue of who did the better debating. An Int erscholastic Activity The final essential component of competitive interscholastic debate is that students from different schools compete at debate tournaments. Many academics who have spent decades competing in and coaching debate have probably never e ncountered an intra scholastic debate competition, at least not in any of the formats in the debate community . The interscholastic element further narrows “ competitive debate” to a student activity that faces resource constraint (e.g. time, budget, rooms av ailable, etc.). Perhaps, noting that the competitive debates are interscholastic high lights the more important point about what competitive student debate is not: “academic debate” or “public debate.” The interscholastic element determines how the compet itive debates take place. Generally, several factors constrain interest in and participation on a school’s debate team. First, a school likely could not afford to send every enrolled student to travel to and register in debate tournament s . Even if some sch ools could afford this, not all could. But even the possibility of all schools’ students would be problematic in terms of one school making up more than half of the field. And even if all schools could afford to send all students to a debate competit ion, d ebate tournaments likely c ould not occur (perhaps, only during the summer) because debate tournaments would last several weeks. The tournament structure means that only a select few will be included in the first place to compete, and as tournaments progress , more and more debaters are excluded. Because only a limited number of teams can be sent to tournaments, coaches must decide who “makes the team” and which teams go to what tournaments. But these decisions (while they could be made for a good reas on, bad reason, or no reason at all) will likely be influenced by a student’s natural ability or potential to become skilled at how to do our community’s particular formats of competitive debate. And because teams generally can and do not compete against o ther teams from their schools, a competitive interscholastic debate will result in one school advancing over the other whose chances of advancing then diminish if not disappear. Finally, the interscholastic nature of competitive interscholastic debate is a point of differentiation from other types of competitive debates: the debaters are all students from different schools. They are either in college or high school. This distinguishes competitive interscholastic debate from other types of debate — particula rly academic debate. High schoolers are generally still developing physically and mentally, as well as start developing intellectually. Most college students continue their intellectual development as they obtain their associate’s or bachelor’s degrees. It is not until students begin studying for a master’s, law, or doctorate degree that they must study a particular field in depth, reading publications from academics in their respective fields. Many former competitive interscholastic debater s must , for th e first time, become familiar with the academics in the particular field for the sole p urpose of learning, not “cutting cards” for debate. It is at the end of a master’s studies or PhD program that students finally must contribute something novel within th eir particular field of study that contributes something to that field of study. This is the point at which students have made an academic contribution (assuming that what is written is selected for publication). Thus, competitive interscholastic debate is radically different from every other kind of debate. It is not “academic debate,” and it is not “public debate.” 23 Because schools’ resources limit debate participation, it is necessarily an exclusive activity to which no students have the right to parti cipate in. And without accounting for how the structures unique to competitive interscholastic debate — exclusion, competition, a limited audience, very narrow audience purpose, etc. — affect the application of a general communications or rhetorical theory in this specific context, the application should be reconsidered or viewed highly skeptically if not outright rejected. To illustrate many of the reasons why “social change through debate” is a fiction, consider the question posed in the i ntroduction: “How did 2PAC ’s Changes reach a substantial and diverse cross - section of a global audience?” Any reader who picked up on the humor of the “supposedly - late” descriptor above would immediately know that it is a trick question: 2PAC didn’t ma ke any impression by releasing Changes in 1999; 2PAC died in 1996 . 2PAC’s estate contracted with players in the music industry to produce Changes by splicing together several of 2PAC’s pre - death recordings, and released Changes in 1999. The song was advert ised and played on the radio and CD players internationally. The similarities and differences between 2PAC when recording Changes and a student arguing that competitive interscholastic debate can create social change are informative . Although 2PAC wrote and recorded parts of Changes , several other individuals in a very complex series of transactions and communications were responsible for the song’s global success es . When 2PA C recorded the various parts of Changes , he merely spoke and sang words into a mi crophone in an Interscope Records studio where the audience was solely concerned with operating equipment for quality assurance purposes. Similarly, a debater who is asserting that debate can cause social change, like 2PAC in Interscope Records’ recording studio, is speaking to an audience who typically cares little (if at all) about the debater’s intended message and cares about recording it “ on the flow . ” But unlike 2PAC’s audience (the recording studio that likely had solely a financial interest in re - co mmunicating 2PAC’s message), the judge generally does not re - communicate the debater’s mes sage for any persuasive purpose , and the judge usually has little or no interest or incentive to do so. 24 Changes ’s commercial context is part of what allowed the song to spread worldwide. Those initially re - communicating 2PAC’s message did so for financial reasons; the fact that 2PAC’s message was concerned with minimizing racial inequalities likely contributed only a limited extent to the song’s success. Pys’s Gangnam Style had similar success at reaching a global audience, and it made fun of Korean culture. What Changes , Gangnam Style (both messages disseminated in a commercial context), and debate (a competitive acti vity and, yet ironically, one increasingly marked by anti - capitalist sentiments ) have in common is that form is so much more important than substance. But the difference between the form of international hit songs a nd debate is that the form of musical p roduction s — with a catchy tune, visually stimulating music video, and sometimes a valuable message — makes the message appealing to a general audience. The form of modern competitive interscholastic debate — with, at its worse, rapid fire spreading of dense phi losophical verbiage or personal attacks tangentially related (at best) to the topic — is simply un appealing to a general audience. If anything, the form in which messages are communicated in com petitive interscholastic debate repels audience s outside of the community. To the extent that Changes was made more popular by its message, the crucial difference between the message of Changes and messages communicated in a debate round is that the in original production of Changes , and the re - communication of that original message, the message has never changed (save some remixes) or contradicted itself. The original version of Changes was the same as it was when it was released until (and after) the time that it made the Pope’s playlist. Conversely, debaters who co mmunicate messages in a debate round will, almost always, contradict their argument (again for persuasive reasons, not because they were convinced that they were wrong initially) in another round, read a different part of the card they were reading previou sly, reading different phrasings of the same argument by a different author, etc. Therefore, the message - repetition element is missing from competitive interscholastic debate. The multiple points of distinction between 2PAC’s Changes and messages made in d ebate rounds demonstrate why the dissemination of messages outside of a debate round for persuasive purposes is highly unlikely. The Kicker As the question, “How did 2PAC reach a substantial and diverse cross - section of that global audience?” was trick quest ion, so (to some extent) was this article’s initial question : “What can I learn from 2PAC’s success in communicating his message in Changes ?” While one lesson we can learn from the success 2PAC’s changes concerns the factors that make messages more li kely to be disseminated worldwide, there is pre tty much nothing else to learn in terms of persuasion in the context of competitive interscholastic debate. Up to this point, this article has shown how each of the essential components of “competitive inter scholastic debate” makes it very different from any other kind of debate. But one thing that is persuasive in any kind of debate is some sort of properly conducted study (or even a mere survey) that provides empirical proof or even substantial anecdotal su pport. To date, none of the many academics who coach or participate in the debate community have published a study or survey to support the social change fiction. (Perhaps they have tried, and discovered they were just wrong.) But until such an empirical s tudy of competitive interscholastic debate is conducted, students, judges, and coaches should not take it for granted. Similarly , no one has studied whether 2PAC’s Changes had any effect on people’s attitudes toward racial equality. (Thus, it would be eq ually supported to say that 2PAC’s Changes increased racial violence.) No survey or statistical studies have been conducted, constrained by academic standards, and then published, that suggest that 2PAC’s Changes had any real effect on anyone (other than t he objectively measurable effect that purchasing the song had on the buyer’s wallet). Similarly, no one has studied whether any individual debate round , a team’s year - long “project,” or a debate team’s seemingly perpetual social campaign has created any social change regarding the position they support. While it is theoretically possible that someone has listened to 2PAC and thought to himself, “Hmm, perhaps I should not be so racist,” it is as equally possible that, according to the arguments of Judith Bu tler or Jacques Derrida (or insert any other philosophy academic or rhetorical theorist — from Aristotle to Slavoj Ž i ž ek — here), debate has created some sort of social change. The problem is that nothing supports that debate rounds can create social change other than the adage , “Anything is possible.” The reasoning that debate can create social change is circular at its best. The absurdity is that judges prefer specific, predictive, and empirical evidence over general theoretical possibilities in almost every single context except when it comes to attempts to use debate to create social change. Bald theoretical assertions with flowery language from philosophers are accepted over uncarded but logical analytical arguments. Any explanation for why coaches and students (at least pretend to) believe that debate can create social change would require an unacceptable degree of speculation. The bottom line is that the proposition that competitive interscholastic debate will (or more accurately, can) result in social change is merely speculation without any logical or empirical support. Merely labeling a proposition a fiction is insufficient to merit the proposition’s abandonment. This article uses the term “fiction” because the idea that debate rounds could likely create any social change is, in all meanings of the term, is a fiction . A fiction is a conclusion that is feigned, invented, or imagined. It is an imaginary thing or event, postulated for the purposes of argument or explanation . One can distinguish a fiction from a statement of fact (which can be determined true or false) or a scientific hypothesis (a falsifiable theory answering a posed question). A fiction, on the other hand, is something that is either false or has not been att empted to be proven true. A fiction is neither inherently good nor inherently bad. Rather, it is a tool to achie ve some other purpose. Fictional stories frequently convey a moral to be extracted or lesson to be learned. 25 In law, a legal fiction is a lega l rule that is known to be factually false (such as the legal fiction that all people are presumed to know the law) that is endorsed for some greater public policy purpose (such as to avoid ignorance and dis courag e intentionally avoiding knowledge of the l aw ). After identifying whether a proposition is a fiction (or a truth or hypothesis), determining whether the fiction is worthwhile requires weighing the pros and cons of the fiction against the purposes of the context in which it is used. The Fiction The idea or proposition that competitive interscholastic debate can result in social change is properly characterized as a fiction because it is false and has not been proven true. The proposition that debate rounds can create social change is a fiction be cause it is false on a theoretical level. Those who attempt to apply theories about academic debate (i.e. arguments published in books and journals by PhDs who argue about concepts within their respective fields of study), social movements, rhetorical acts , and performances are not discussing competitive interscholastic debate. P hilosophers and rhetorical theorists have never written an article or book using competitive interscholastic debate as an example of their theory or position . Their theories draw up on historical (i.e. anecdotal) examples to demonstrate their theories. None of them have ever cited a debate round or “ debate movement” as an example of their theories. 26 Those who attempt to apply academic theories to competitive interscholastic debate (pr imarily communications academics, who also frequently happen to be participants in the debate community), decontextualize the broader theories to apply them to competitive interscholastic debate without adequately accounting for the competitive and intersc holastic structures of competitive interscholastic debate . Although some “competition” is part of any debate, this part is more accurately described as the presence of seemingly conflicting positions, which is discussed above and exemplified by the Taran tino hypothetical. In social movements or public debate, there are two (or more) apparently conflicting positions. Competitive interscholastic debate is uniquely different because there is not a possibility for compromise on the ultimate question of who di d the better debating ; most tournaments prohibit double wins, and no debaters would agree to a double loss. The competition is absolute ; one side must win and one side must lose. This is radically different from the ability of individuals to be persuaded b y the other side of a social movement. The switching of sides outside of the debate context comes from a person’s willingness to be persuaded by a particular position; it is not forced by tournament rules. Thus, the competitive structures of competitive in terscholastic debate render the applicability of philosophical or rhetorical theory inapplicable to the extent that it do es not account for particular competitive interscholastic debate context. The unique structures of debate rounds rob all arguments or positions therein (or in a series of rounds) of any persuasive value beyond the very narrow issue of “which side did the better debating.” The competitive element and tournament structure of competitive interscholastic debate taint all positions proffered in a debate round to create social change with a stench of “ I am actually lying about my goals; I am clearly just using this argument to win the ballot .” Even debates about how debates should proceed (i.e. theory arguments or arguments about the practices in debate, or “meta - debate” (debates about debate)) are not proffered for the truth of the proposition, but to win the debate. The audience — only the judge — is solely concerned with the ultimate question: “Which side did the better debating?” Competitive in terscholastic debate is certainly a venue in which students can become aware of societal issues and topics of concern. But the persuasive value of arguments presented in a debate round to convince debaters of the truth of either side on a topic is virtuall y nil. 2 Students will generally form opinions about issues they learn about in a debate round outside of their debate rounds. The issues debaters become aware of include issues external to debate (e.g. affirmative action, foreign policy) and issues inter nal to debate (e.g. theory, community issues). When debaters choose to bring those issues into a debate round, they necessarily use those issues as a competitive means to the ultimate end of convincing the judge that they did the better debating. This requ ires the opposing team to adopt a competitive counter - strategy to that position; it forecloses the option of the opposing team being fully persuaded by the other team’s position. Even an attempt to “compromise” via a permutation (as a competitive strategy rather than a persuasive position) will meet v igorous, usually - pre - scripted opposition. As a result, any in - round action (whether a speech act or the judge voting for one team or the other) will have no out - of - round effect consistent with or co ntemplated b y any cited authors or postulated by the high school or college student making the assertion. Even arguments about competitive interscholastic debate — primarily theory and issues about inequalities in the debate community — will necessarily lose all persuas ive value about those particular issues when they are raised in a debate round . Although more specific to competitive interscholastic debate and not general theories about academic debate, meta - debate loses its power to convince anyone in the round because the audience — only the judge — is solely concerned with the question of “which team did the better debating.” Theory and arguments about “social issues in debate” made in a debate inherently reek of disingenuousness. Most debaters and judges do not even cons ider adopting a position on the meta - debate until after the round in reflective discussion and thought about the issue, thought that n ever incorporates the truthfulness of an argument because “it was dropped” in a debate round. In the particular debate, the result is always based on who, in the judge’s opinion, did the better debating . I t is not based on who convinced the judge of some proposition irrelevant to deciding which team did the better debating. The preceding discussion demonstrates why argume nts about social change — even social change within the debate community — have persuasive value only outside of a debate round. The debate community has developed multiple forums in which members of the community engage in noncompetitive and, sometimes, acade mic debate on issues within the debate community. These include discussions before and after rounds with judges, teammates, and competitors; on forums or online message boards; or in academic publications. For the social issues external to the debate commu nity, there are almost an unlimited number of ways that students form opinions. And, after students form their opinions and join causes and organizations, there are about an equal number of non - competitive ways that students can use techniques and modes of persuasion discussed by academics and rhetorical theories. Debate rounds, at the very most, operate as venue solely for raising awareness about social issues and debate practices. It would be illogical to conclude that, because issues were debated in a particular debate and out - of - round discussion about that practice followed, the in - round debate created a social change. B ecause coaches and students strategically consider their arguments and practices prior to a deb ate round, the social issues or the “co ncern” about a debate tactic initially spawns outside of debate round s , not from within a singular debate round. And just because one even t occurred before another does not make the former the cause of the latter. To the extent that the in - round practice c auses a subsequent out - of - round discussion , debate is admittedly a form for raising awareness about practices and social issues for students. But the arguments presented in the debate round will lack persuasive value insofar as convincing the judge in the round of anything beyond the ultimate question of who did the better debating. But even if this article ’s arguments up to this point have no validity, and creating social change through debate rounds is more likely than just theoretically possible, this is insufficient to adopt the proposition that competitive interscholastic debate creates social change. It remains a fiction because no academics — not even those who have remained in the debate community for decades — have attempted to prove its validity with any form of study or survey. No studies or surveys have been conducted on any particular application of philosophical or rhetorical theory to the practices within competitive interscholastic debate. Thus, competitive interscholastic debates and meta - debat es therein claiming to create some sort of change either within the community or outside the community have no empirical support. They simply present the possibility, but fail to show any probability of success. Because any critically thinking person (in o r out of the debate community) should be hesitant to presume probability based on mere possibility, the probability of the general theory being applicable in the competitive interscholastic debate context should be presumed to be zero , as no probability ha s been proven. Although practices have certainly evolved, no empirical study has causally linked this evolution to in - round arguments to the exclusion of out - of - round, non - competitive discussions.

#### Inherency – McKittrick is ab reading archives which is already being done by people in Black Studies – the aff doesn’t do any archival work and the ballot doesn’t increase archival work

#### They use Browne’s theory of Sousvillance – either they are sousvillance and we get access to our turns OR they don’t and inevitably fail – we read blue

McKittrick 14 Katherine McKittrick (2014) Mathematics Black Life, The Black Scholar, 44:2,16-28, DOI: 10.1080/00064246.2014.11413684, mcmc

Trust the lies. One of the most ubiquitous representations of blackness in our archives is of the "Rear view of former slave reveal-ing scars on his back from savage whip-ping, in photo taken after he escaped to be-come Union soldier during Civil War" (see figure 1 ). This image, also known as "The Scourged Back, 1863," has been widely re-produced with the black man being identi-fied as "Gordon."14 For those interested in black history and transatlantic slavery, this image of Gordon is familiar. It is an image that emerges throughout many research projects. We never see Gordon once, we never see him twice; we see him numer-ous times. The scourged back is everywhere. Here, "the unimaginable assumes the guise of every day existence."15 For the researcher, the scourged back is commonplace and in some instances predictable. And, if we are not very careful, the image becomes so ordi-nary that the pleasures of looking, again and again, incite a second order of violence.16 She says. Rachel Hall writes that the photograph of Gordon is representative of the black vi-sual history that accompanied and in some cases replaced oral and written accounts of slavery. Indeed, Hall notes that such photo-graphic images of suffering slaves conveyed truths-truths more truthful than written ac-counts-that would complement abolitionist struggles and elicit white sympathyY The image of Gordon, importantly, pictures "a history of violence written on the slave's body and in the master's hand ... in the scarred back the viewer reads a narrative in-scribed by the slave owner himself."18 The scarred back, therefore, has I ittle to do with Gordon himself but very much to do with the ways in which brutal acts of white suprem-acy actively mark blackness as they erase black lived experiences and interpretations of slavery.19 Our archival proclivities have so much embraced "Scourged Back" that it is has become a ubiquitous representation of violence--both mundane and spectacular-that can be enumerated in multiple ways: whips, lash counts, reprinted and circuitous and repetitive circulation of Gordon's pain, calculable white disciplinary markings, an-other accountable pathway to our doomed future of unfreedom. Or, Gordon's photo-graph is a visual archive of black suffering, deposited there precisely because it records violence, deposited there because it can tell a truth more truthful than claims written and told by black people: she says she was born free. The archives are full of truthful lies and bloodshed. With this in mind I suggest, riffing off of Merle Hodge, that we are presently living in the "shadow of the whip."20 In these shadows-where the legacy of the plantocracy underwrites and anticipates the historically present persistence of anti-black violence-we might not simply access black suffering and white supremacy but perhaps generate new ways of encountering the his-tory of blackness.21 As noted, access to new world blackness dwells on the archival dis-play of the violated body, the corpse, the death sentences, the economic inventories of cargo, the whip as the tool that writes blackness into existence. How might we take this evidence and venture toward an-other mode of human being-so that when we encounter the lists, the ledgers, the com-modities of slavery, we notice that our col-lective unbearable past, which is unrepre-sentable except for the archival mechanics that usher in blackness vis-a-vis violence, is about something else altogether. There are strategies in place worth not-ing. Carrie Mae Weems rewrites "Scourged Back" to evidence the unutterable of con-tours of violence.22 A different kind of stra-tegic un-voicing of the unbearable can be found in Incidents in the Life of a Slave Girl-where a different unwritten narrative resides between the lines.23 Aunt Hester's scream, too, as it "open[ed] the way into the knowl-edge of slavery and the knowledge of free-dom" for Frederick Douglass and post-slave populations.24 Militant slaves, mass suicide, At The Full and Change of Moon.25 The un-raveled asterisk: Margaret Garner's decision to kill her children so they would not have to endure the brutalities of slavery as recast in Beloved as a story of survival. The choke-cherry tree.26 We can think of more. These strategies allow us to read the archives not as a measure of what happened, but as indicators of what else happened. Notably, the strategies above rest on encountering, think- ing about and articulating black absented presences: the unspeakable, the unwritten, the unbearable and unutterable, the unsee-able and the invisible, the uncountable and unindexed, outside the scourge, that which cannot be seen or heard or read but is always there. We are therefore also asked to imag-ine those lives that are so inconceivable, so unworthy of documentation, so radically outside our archives, that they are merely psychic impressions of life and livingness: lies and truths and new stories and familiar scars that, because they are unindexed, can-not provide us with the analytical tools to analytically take black life away. In many ways, these kinds of strategies tell different stories that are tethered to the scourged back. In many ways, the racial economy of the archive begins a story that demands our betrayal of the archive itself. It gives us the scourged back as a commonly available image that is also an asterisk of history-the archive lies as it tells a truth. Which begs the question: What if we trust the lies-she says she was born free-and begin to count it all out differently? What if we harness ourselves to the brutalities of the violence that began all of this, while also honoring the impossibility of understanding exactly what the scars of history mean for post-slave diasporic peoples? Punishment during slavery was, as Gor-don's back might reveal for some, intimately linked to counting; lashings are the soundtrack to slavery, four, ten, fifty, one hundred, two hundred.27 Indeed, the black musical texts that reference this soundtrack and revisit the crack of the whip are nu-merous, although the work of The Wailers ("Slave Driver," from Catch a Fire) and Nas ("Intra" to his album It Was Written) stand out for me. To be sure, the body, the lashings, the counting, culminates to affirm crass and familiar itemization, the corporeal con-sequences of rational reason: counting the cracks discloses measurable discipline. But again: What if we trust the lies-she says she was born free-and begin to count it all out differently? As we all know, numbers signify measurable items, but they also invite chaos. In her essay "Digital Epidermaliza-tion: Race, Identity and Biometrics," Sim-one Browne importantly asks: How do we understand the body when it is made into data? Analyzing the technologies of the border-fingerprints, passports, eye scans, facial recognition technology-Browne looks at the ways in which particular bodies are cast out of normalcy based on the "arithmetics of skin."28 I borrow the arithmetics of skin from Browne because her work uncov-ers the ways in which contemporary surveil-lance practices are inflected with the relief of neutrality as they track biocentric human markers: race, gender, a two-sexed system. Put another way, the seeming neutrality of mathematics-the governmental trust in the technologies that calculate the textures of skin, eyes, hair-is trusted as innocuously objective, thus providing an alibi for racism. A glance above: one drop of blood/the ac-cusation was/2.1 percent/genetic merit. As Browne's research shows, biometrics-the measurement of the living body-are, in fact, laden with digital epidermalization wherein the logic of whiteness is the measuring stick through which other racial technologies are understood. The white living body-spacing between the eyes, fingerprint ridges, hair, skin, thickness of the mouth-is the mathematical measuring stick through which all other bodies are calculated. Indeed, and looking the other way, Browne's research also importantly shows that contemporary surveillance practices can be linked to the tracking of escaped slaves-the black en-slaved body, the black escaping body, was recorded and coded as biometrically know-able (or findable and searchable).29 The fu-ture of the scourged back is revealed and Nas's album cover (figure 2) makes good sense. How then might we recast the arith-metics of skin, the truthful lies of the archive, and the making of black subjecthood that is always tethered to that status of nonperson?

Or how do we, as Nourbese Philip asks, find freedom within these limitations?3° Can we really count it out differently? I hold close the technologies of slavery and the archives that produce the scourged back. I can't let go of the incomplete stories and brutal violence, in part, because let-ting go might involve not seeing how these violent acts are reproduced now. It might involve reading Nas's album cover through what Rinaldo Walcott calls "global nigger-dam," thus underscoring that the making of racial subjectivities-all kinds of racially marked subjectivities that inhabit our white supremacist planetary slums-is a process that is tethered to a violent past and there-fore demands a different future.31 Indeed, I want to hold on to the numbers because "it's the evidence of what transpired" and "the bones actually ground you.'132 The numbers set the stage for our stories of survival-what is not there is living. The numbers, the arith-metics of the skin, the shadow of the whip, inspire our insurgency as they demonstrate the ways in which our present genre of the human is flawed. Indeed, numbers, like the archives, are truthful lies that can push us toward demonic grounds, a place not where one must choose between white supremacy and oppression, but rather honors the ways in which blackness is archived as a violent beginning and, to be sure, does not consider this beginning as inevitably tied to trajectory that leads to something rightful or natural or ethical. Put differently, we might emphasize how the demonic-in physics and math-ematics-is a nondeterministic schema; it is a process that is hinged on uncertainty and nonlinearity because the organizing princi- pie cannot foresee the future. This schema, this way of producing or desiring an unan-ticipated outcome, calls into question "the always non-arbitrary pre-prescribed" param-eters of sequential and classificatory linear-ity.33 This forecloses the descriptive analytics of violence. The methodological and intel-lectual work of black studies, I am suggest-ing, is embedded with this organizing prin-cipal precisely because the mathematics of blackness and white supremacy are seemingly knowable (because accountable and counted) and always laden with a chaotic uncertainty. This schema understands arith-metical-epidermal history as a violent un-finishing with numeric bursts that uncover a logic that fosters the anti-colonial human being as praxis. This is the future that black studies, at its best, has given me. What is not there is living. This forces us, in my view, to wrestle with our present anew, and think seriously about what Saidiya Hartman calls the "incomplete project of freedom" and imagine that Sylvia Wynter's being human as praxis does not, in fact, embrace a bitter return to the scourged back, breathe a sigh of presently emanci-pated post-race relief, or find comfort in the dismal dance of authenticity-for all of these strategies refuse to take us anywhere new.34 Instead, I trust that the unindexed lies of our world and the evidence of what trans-pired are not blueprints for emancipation, or maps to our future, but instead are indicators of the ways in which the brutalities of racial encounter demand a form of human being and being human that newly iterates black-ness as uncomfortably enumerating the un-anticipated contours of black life. She says she was born free.

**Sousveillance will never work – only teaches bad praxis and false hope**

Gloria González **Fuster**, February **2018**, “*Blinded by surveillance*,” Radical Philosophy and Duke University Press, <https://www.radicalphilosophy.com/reviews/individual-reviews/blinded-by-surveillance>. ZKMSU

All these accounts are used to display what **Browne calls ‘racialising surveillance’, that is, ‘enactments of surveillance [that] reify boundaries along racial lines’**, potentially resulting in ‘often discriminatory and violent treatment’. Racialising surveillance would not just be surveillance that sorts out, but an exercise of power that reifies race, as well as possibly gender – the surveillance that puts things in a certain order and a racialised order in place. As a mirroring concept, **she mobilises the notion of a dark sousveillance, which would relate to those tactics used to move ‘out of sight’**, the strategies underpinning a ‘flight to freedom’, **and, more generally, the charting of modes to respond to, challenge or confront surveillance**. Yet, Dark Matters also aims to do more than throw light on all these issues. It argues that the very genealogy of surveillance is grounded in blackness, and that its historical foundation is contained inside the historical foundation of slavery. Surveillance is in truth the ‘fact of antiblackness’, Browne contends, alleging that an ‘understanding of the ontological conditions of blackness is [thus] integral to developing a general theory of surveillance’. The argument is as illuminating as it is provocative, albeit built, in part, upon some obscure assumptions, and occasionally casting some deep shadows. It is unclear, for instance, why any coupling of slavery and surveillance should primarily be settled on American chattel slavery, disregarding any other of its previous and later manifestations, most notably Roman slavery. The life of Roman slaves is conceivably at least as equally suited to portray the embodiment of life without freedom and to testify to the inscription of the commodification and disciplining of human beings not only on and through their bodies, but also through other means, including the architecture and practice of law. Roman law, indeed, considered slaves to be property, and silenced their voices by preventing them from informing about any crimes unless interrogated under torture; men and women were dispossessed of themselves and rendered as inaudible and invisible as convenient. While this could lead to relevant insights on the interconnections between surveillance, slavery and their various techniques, Browne prefers to look at them exclusively through the lens of the American slave trade, so concluding that everything is, fundamentally, about a commodification of blackness. Blackness is certainly the critical focus of Browne’s concerns, and her insistence on more or less exclusively tracking its legacies eventually affects the whole analysis of how surveillance operates, especially the intersectional dimension of her investigation. Browne’s rendition of the experiences of black women in the context of aviation security, expounded on the basis of a reading of the TV series South Park (cultural studies etiquette oblige), eventually tells us very little about contemporary surveillance and women. A better insight could probably be obtained by listening to Chino Amobi’s Airport Music for Black Folk, even if Amobi might be rather less popular than Eric Cartman. A more thorough understanding of the challenges faced by feminism in light of modern surveillance would need to follow Safiya Umoja Noble, whose extensive research on algorithms and female oppression clearly shows that misrepresentation in online search engines is not a problem exclusively affecting the lives of black women and girls. As blackness is constantly put forward as the main issue at stake, Dark Matters also ends up turning a blind eye to the numerous settings where modern surveillance is not fundamentally about reifying anything at all, but, on the contrary, about dismantling the possibility for the subject to reclaim any personal territory or identity. The case of the language testing of asylum seekers, lightly touched upon by Browne, has been further dissected by British-Lebanese artist Lawrence Abu Hamdan. His work on the analysis of speaking in the procedures to obtain refugee status puts on record the policing of belonging through laws and science, showing that in many instances the problem is not to be ascribed to blackness, or to anywhere in particular, but to the pseudo-scientific dispute of self-identification by the apparatus of the state. This is directly related to the question of how to conceptualise resistance to racialising surveillance. **If surveillance is about slavery, escaping might be a good option. Dark Matters hints that we should ask ourselves whether we wish to constantly surrender our bodies as data, as if that was in fact an option. If surveillance is framed as anti-blackness, going back to black(ness) might be a decisive counter-surveillance trick, but, then, performing whiteness or trying to pass in terms of race and gender (to the extent this is inspired by the narratives of runaway slaves) could also be regarded as genuine revolutionary moves. After much travelling through the dark side of surveillance and its sufferings, Browne ends up somehow oddly celebrating the sharing of style tips to confuse artificial intelligence, along with some other accidental counter-performances and symbolic gestures of defiance in the face of the white gaze, without really questioning the limits and effectiveness of these confrontations**. In this context, what really stands out as a perplexing gap in the argumentation of Dark Matters is a deeper reflection on the relationship between surveillance and the Black Lives Matter movement. Triggered by the murder of Trayvon Martin in 2012 by a Neighborhood Watch volunteer, **Black Lives Matter is unquestionably rooted in a reaction against surveillance’s violence**, a visible answer to the barbarity of the gaze. Additionally, the movement has, since then, been regularly reignited by images of brutal anti-black racism, often obtained from police car and body cameras, as well as smartphone and CCTV footage, that incarnate a paradigmatic instance of complicated (non-exclusively dark, non-exclusively white) sousveillance. Thinking about surveillance from this standpoint could have made more explicit the tensions between the blackness of surveillance, on the one hand, and on the other, what the Dutch research and design studio Metahaven term ‘black transparency’: that is, the potentially disruptive uses of counter-information. Oscillating between the accidental disclosure of secrets and the systemic concealing of information, black transparency is not a straightforward remedy, and certainly not the contrary of surveillance. It is rather a counter-weapon acknowledging that surveillance is an exercise of power, and a reminder that, **because it is not blind, surveillance can never be subverted by simply being dodged, played around or reversed.**

#### They cite Wynter’s theory for being human – we read blue

McKittrick 14 Katherine McKittrick (2014) Mathematics Black Life, The Black Scholar, 44:2,16-28, DOI: 10.1080/00064246.2014.11413684, mcmc

Trust the lies. One of the most ubiquitous representations of blackness in our archives is of the "Rear view of former slave reveal-ing scars on his back from savage whip-ping, in photo taken after he escaped to be-come Union soldier during Civil War" (see figure 1 ). This image, also known as "The Scourged Back, 1863," has been widely re-produced with the black man being identi-fied as "Gordon."14 For those interested in black history and transatlantic slavery, this image of Gordon is familiar. It is an image that emerges throughout many research projects. We never see Gordon once, we never see him twice; we see him numer-ous times. The scourged back is everywhere. Here, "the unimaginable assumes the guise of every day existence."15 For the researcher, the scourged back is commonplace and in some instances predictable. And, if we are not very careful, the image becomes so ordi-nary that the pleasures of looking, again and again, incite a second order of violence.16 She says. Rachel Hall writes that the photograph of Gordon is representative of the black vi-sual history that accompanied and in some cases replaced oral and written accounts of slavery. Indeed, Hall notes that such photo-graphic images of suffering slaves conveyed truths-truths more truthful than written ac-counts-that would complement abolitionist struggles and elicit white sympathyY The image of Gordon, importantly, pictures "a history of violence written on the slave's body and in the master's hand ... in the scarred back the viewer reads a narrative in-scribed by the slave owner himself."18 The scarred back, therefore, has I ittle to do with Gordon himself but very much to do with the ways in which brutal acts of white suprem-acy actively mark blackness as they erase black lived experiences and interpretations of slavery.19 Our archival proclivities have so much embraced "Scourged Back" that it is has become a ubiquitous representation of violence--both mundane and spectacular-that can be enumerated in multiple ways: whips, lash counts, reprinted and circuitous and repetitive circulation of Gordon's pain, calculable white disciplinary markings, an-other accountable pathway to our doomed future of unfreedom. Or, Gordon's photo-graph is a visual archive of black suffering, deposited there precisely because it records violence, deposited there because it can tell a truth more truthful than claims written and told by black people: she says she was born free. The archives are full of truthful lies and bloodshed. With this in mind I suggest, riffing off of Merle Hodge, that we are presently living in the "shadow of the whip."20 In these shadows-where the legacy of the plantocracy underwrites and anticipates the historically present persistence of anti-black violence-we might not simply access black suffering and white supremacy but perhaps generate new ways of encountering the his-tory of blackness.21 As noted, access to new world blackness dwells on the archival dis-play of the violated body, the corpse, the death sentences, the economic inventories of cargo, the whip as the tool that writes blackness into existence. How might we take this evidence and venture toward an-other mode of human being-so that when we encounter the lists, the ledgers, the com-modities of slavery, we notice that our col-lective unbearable past, which is unrepre-sentable except for the archival mechanics that usher in blackness vis-a-vis violence, is about something else altogether. There are strategies in place worth not-ing. Carrie Mae Weems rewrites "Scourged Back" to evidence the unutterable of con-tours of violence.22 A different kind of stra-tegic un-voicing of the unbearable can be found in Incidents in the Life of a Slave Girl-where a different unwritten narrative resides between the lines.23 Aunt Hester's scream, too, as it "open[ed] the way into the knowl-edge of slavery and the knowledge of free-dom" for Frederick Douglass and post-slave populations.24 Militant slaves, mass suicide, At The Full and Change of Moon.25 The un-raveled asterisk: Margaret Garner's decision to kill her children so they would not have to endure the brutalities of slavery as recast in Beloved as a story of survival. The choke-cherry tree.26 We can think of more. These strategies allow us to read the archives not as a measure of what happened, but as indicators of what else happened. Notably, the strategies above rest on encountering, think- ing about and articulating black absented presences: the unspeakable, the unwritten, the unbearable and unutterable, the unsee-able and the invisible, the uncountable and unindexed, outside the scourge, that which cannot be seen or heard or read but is always there. We are therefore also asked to imag-ine those lives that are so inconceivable, so unworthy of documentation, so radically outside our archives, that they are merely psychic impressions of life and livingness: lies and truths and new stories and familiar scars that, because they are unindexed, can-not provide us with the analytical tools to analytically take black life away. In many ways, these kinds of strategies tell different stories that are tethered to the scourged back. In many ways, the racial economy of the archive begins a story that demands our betrayal of the archive itself. It gives us the scourged back as a commonly available image that is also an asterisk of history-the archive lies as it tells a truth. Which begs the question: What if we trust the lies-she says she was born free-and begin to count it all out differently? What if we harness ourselves to the brutalities of the violence that began all of this, while also honoring the impossibility of understanding exactly what the scars of history mean for post-slave diasporic peoples? Punishment during slavery was, as Gor-don's back might reveal for some, intimately linked to counting; lashings are the soundtrack to slavery, four, ten, fifty, one hundred, two hundred.27 Indeed, the black musical texts that reference this soundtrack and revisit the crack of the whip are nu-merous, although the work of The Wailers ("Slave Driver," from Catch a Fire) and Nas ("Intra" to his album It Was Written) stand out for me. To be sure, the body, the lashings, the counting, culminates to affirm crass and familiar itemization, the corporeal con-sequences of rational reason: counting the cracks discloses measurable discipline. But again: What if we trust the lies-she says she was born free-and begin to count it all out differently? As we all know, numbers signify measurable items, but they also invite chaos. In her essay "Digital Epidermaliza-tion: Race, Identity and Biometrics," Sim-one Browne importantly asks: How do we understand the body when it is made into data? Analyzing the technologies of the border-fingerprints, passports, eye scans, facial recognition technology-Browne looks at the ways in which particular bodies are cast out of normalcy based on the "arithmetics of skin."28 I borrow the arithmetics of skin from Browne because her work uncov-ers the ways in which contemporary surveil-lance practices are inflected with the relief of neutrality as they track biocentric human markers: race, gender, a two-sexed system. Put another way, the seeming neutrality of mathematics-the governmental trust in the technologies that calculate the textures of skin, eyes, hair-is trusted as innocuously objective, thus providing an alibi for racism. A glance above: one drop of blood/the ac-cusation was/2.1 percent/genetic merit. As Browne's research shows, biometrics-the measurement of the living body-are, in fact, laden with digital epidermalization wherein the logic of whiteness is the measuring stick through which other racial technologies are understood. The white living body-spacing between the eyes, fingerprint ridges, hair, skin, thickness of the mouth-is the mathematical measuring stick through which all other bodies are calculated. Indeed, and looking the other way, Browne's research also importantly shows that contemporary surveillance practices can be linked to the tracking of escaped slaves-the black en-slaved body, the black escaping body, was recorded and coded as biometrically know-able (or findable and searchable).29 The fu-ture of the scourged back is revealed and Nas's album cover (figure 2) makes good sense. How then might we recast the arith-metics of skin, the truthful lies of the archive, and the making of black subjecthood that is always tethered to that status of nonperson?

Or how do we, as Nourbese Philip asks, find freedom within these limitations?3° Can we really count it out differently? I hold close the technologies of slavery and the archives that produce the scourged back. I can't let go of the incomplete stories and brutal violence, in part, because let-ting go might involve not seeing how these violent acts are reproduced now. It might involve reading Nas's album cover through what Rinaldo Walcott calls "global nigger-dam," thus underscoring that the making of racial subjectivities-all kinds of racially marked subjectivities that inhabit our white supremacist planetary slums-is a process that is tethered to a violent past and there-fore demands a different future.31 Indeed, I want to hold on to the numbers because "it's the evidence of what transpired" and "the bones actually ground you.'132 The numbers set the stage for our stories of survival-what is not there is living. The numbers, the arith-metics of the skin, the shadow of the whip, inspire our insurgency as they demonstrate the ways in which our present genre of the human is flawed. Indeed, numbers, like the archives, are truthful lies that can push us toward demonic grounds, a place not where one must choose between white supremacy and oppression, but rather honors the ways in which blackness is archived as a violent beginning and, to be sure, does not consider this beginning as inevitably tied to trajectory that leads to something rightful or natural or ethical. Put differently, we might emphasize how the demonic-in physics and math-ematics-is a nondeterministic schema; it is a process that is hinged on uncertainty and nonlinearity because the organizing princi- pie cannot foresee the future. This schema, this way of producing or desiring an unan-ticipated outcome, calls into question "the always non-arbitrary pre-prescribed" param-eters of sequential and classificatory linear-ity.33 This forecloses the descriptive analytics of violence. The methodological and intel-lectual work of black studies, I am suggest-ing, is embedded with this organizing prin-cipal precisely because the mathematics of blackness and white supremacy are seemingly knowable (because accountable and counted) and always laden with a chaotic uncertainty. This schema understands arith-metical-epidermal history as a violent un-finishing with numeric bursts that uncover a logic that fosters the anti-colonial human being as praxis. This is the future that black studies, at its best, has given me. What is not there is living. This forces us, in my view, to wrestle with our present anew, and think seriously about what Saidiya Hartman calls the "incomplete project of freedom" and imagine that Sylvia Wynter's being human as praxis does not, in fact, embrace a bitter return to the scourged back, breathe a sigh of presently emanci-pated post-race relief, or find comfort in the dismal dance of authenticity-for all of these strategies refuse to take us anywhere new.34 Instead, I trust that the unindexed lies of our world and the evidence of what trans-pired are not blueprints for emancipation, or maps to our future, but instead are indicators of the ways in which the brutalities of racial encounter demand a form of human being and being human that newly iterates black-ness as uncomfortably enumerating the un-anticipated contours of black life. She says she was born free.

#### Technical discussions within antitrust debates are good---rigorous and iterative research gives us the tools to challenge violent corporate monopolization.

Greer and Rice 21 – Jeremie Greer and Solana Rice are Co-founders and Co-executives of Liberation in a Generation, a national movement-support organization working to build the power of people of color to transform the economy.

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It is critical that grassroots leaders of color are positioned to lead on anti-monopoly policy, as they are uniquely positioned to understand its impact on people of color at the household, community, and societal levels. This gives them a unique perspective in policy ideation efforts that should be valued and validated. These leaders also possess the unique skills to mobilize the people and public power that are necessary to force the government to reclaim its historic role of reining in runaway corporate monopoly power.

We at Liberation in a Generation believe that the power to change our economic systems rests with the organizers of color who are building the political strength of communities of color. Anti-monopoly research and advocacy need to better quantify, center, and reflect what people of color are experiencing and the ways that they are being harmed by monopoly power’s reach. These efforts should also better connect anti-monopoly policy and advocacy as tools to advance the existing priorities of leaders of color, such as the Green New Deal, Medicare for All, closing the racial wealth gap, and a Homes Guarantee. This paper aims to contribute a major step in the long journey of bridging the divide between anti-monopoly researchers and policy advocates and grassroots leaders of color. The first step on that journey is knowledge.

Recognizing that anti-monopoly work is a new policy issue to many grassroots leaders of color, this paper will serve as a primer to 1) educate grassroots leaders on the issue of corporate concentration, 2) connect the issue to racial justice, and 3) recommend a path forward for grassroots leaders as well as the researchers and advocates who need to embrace them. Our hope is that this paper provides a foundation of knowledge that grassroots leaders of color can use to build race-conscious solutions and mobilize for action to rein in runaway corporate monopoly power. To that end, the paper is organized into six sections.

SECTION 1 Monopoly Power Is Corporate Power Magnified and Maximized

In 1975, millions flooded theaters to see the blockbuster thriller Jaws. The story follows a police chief in a small resort town as he risks his life to protect beachgoers from a monstrous man-eating great white shark.

Monopolies are a lot like the shark in Jaws. While enormous, ruthless, dangerous, and scary, the movie’s monster is just a shark, and the police chief uses tools and community to defeat it. Comparatively, while also enormous, ruthless, dangerous, and even scary, monopolies are just corporations, and we, together, can confront them. Their massive power controls the wages we earn, the prices we pay, and the actions of the politicians who are supposed to represent us in DC, the statehouse, and city hall. In a representative democracy, we the people are at the top of the food chain, and it is within our power to make these monopolies fear us— and end their existence in the first place.

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example, the Athena Coalition8 has successfully leveraged grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected.

Though we believe that grassroots leaders of color have the experience and expertise necessary to challenge monopoly power, the question remains: Why should they lead this fight? Grassroots leaders of color are already engaged in high-stakes battles with the forces of corporate power on fundamental issues, including environmental justice, worker justice, housing justice, prison and police abolition, and voter and democratic justice. We believe that these efforts can be bolstered if anti-monopoly policy development and advocacy were incorporated into these existing efforts but then followed the lead of organizers. For example, the primary opponents of prison and police abolition are private prison monopolies, such as GEO Group and CoreCivic, which profit from the arrest and incarceration of Black and brown people. Opponents of the Green New Deal include energy monopolies BP and ExxonMobile, whose profits are derived from polluting Black and brown communities.10 Finally, opponents of the Homes Guarantee, and its call for creating 12 million units of social housing outside of the for-profit housing market, include big banks that profit from the commodification of affordable and low-income housing. Challenging these opponents by diminishing their monopoly power could prove to be a powerful weapon in the fight to dismantle unchecked corporate power and its real-life economic impact on people of color.

How Corporate Monopolies Show Up in Today’s World

The distinguishing features of monopolies, when compared to your run of the mill corporation (large or small), are the reach and intensity of the corporate power that they wield. Monopoly power turbocharges the ills of corporate power and creates a wider impact of the overlapping consequences for people. In many ways, monopolies are created when corporate power becomes governing power.11 Their sheer size and market dominance allow them to govern markets, and their expansive wealth gives them the power to manipulate prices, crush workers, and steamroll governments. Ultimately, monopolies’ extreme economic power—which they use to gain outsized political power and then more economic power—undermines the collective power of workers, consumers, small businesses, local communities, and governments.

It has become difficult, and inadequate, to rely on legal definitions to identify monopolies. The legal definition of monopolization is highly technical and complicated by centuries of conflicting jurisprudence. It's been narrowed to exclusively focus on the negative impact that anticompetitive actions have on consumers.12 This narrower focus intentionally shielded monopolies from any accountability for anticompetitive harm inflicted on workers, the environment, local communities, government, and democracy. Federal enforcement of monopoly power is confined to the highly specialized legal practice of antitrust law enforcement.13 However, centuries of political power wielded by corporate monopolies and their acolytes (e.g., universities, think tanks, trade associations, and major law firms) have rendered much of antitrust law enforcement toothless.14

In the late 19th and early 20th century, the definition of monopoly was much wider and comprehensive. In this paper, we will expand the definition as well. Recognizing that this definitional work is in many ways a work in progress, we offer our definition as a point of discussion and debate for the larger field of anti-monopoly advocates.

In this paper, we define monopoly as a corporate entity (a single corporation or a group of corporations) whose sheer size and anticompetitive behavior grant it disproportionate economic power and governing influence. This negatively affects the well-being of workers, consumers, markets, local communities, democratic governance, and the planet.

Below are a few major industries that reveal how corporate concentration and monopolistic industries harm the economic lives of workers, consumers, and communities of color.

Big Tech

Four corporations comprise what has come to be known as “Big Tech”: Amazon, Apple, Facebook, and Alphabet (the parent company of Google). Each of these technology firms dominate an enormous share of their respective technology markets. Google, for example, controls 90 percent of the internet search market, and it controls the largest video sharing platform on the internet through its ownership of YouTube. Apple controls 50 percent of the cellphone market,15 and Amazon controls 50 percent of all ecommerce. Facebook and its many subsidiaries (such as WhatsApp and Instagram) dominate the social media and online advertising marketplace.16 Other technology firms, including Uber, Lyft, Microsoft, and Netflix, also demonstrate monopolistic, anticompetitive behavior in their respective markets. In many ways, these companies, and the people who control them, are the “robber barons” of our time.

Big Pharma

The world's largest pharmaceutical corporations, including Johnson & Johnson, Pfizer, Merck, Gilead, Amgen, and AbbVie, together comprise “Big Pharma.” These monopolies build their profits by controlling the prices of critical life-saving pharmaceuticals (e.g., insulin, drugs that regulate blood pressure, and critical antibiotics) and life-altering medical devices (e.g., heart stents and joint replacement devices). Between 2000 and 2018, a disproportionately small number of pharmaceutical companies made a combined $11 trillion in revenue and $8.6 trillion in gross profits.17 In 2014, the top 10 pharmaceutical companies had 38 percent of the industry’s total sales revenue.18 Much of these profits were gained driving up the price of critical drugs , extorting research and development (R&D) funding from the government, and leveraging Big Pharma’s political influence to weaken government oversight of the industry.19

Big Agriculture

Big Agriculture, or “Big Ag,” refers to monopolies that control major aspects of the global food supply chain. This includes companies such as Cargill, Archer Daniels Midland Company (ADM), Bayer, and John Deere. Though once a diffuse network of small farmers and supply chain companies, recent mergers have created a system comprising a small number of corporations that are crowding out smaller, family-run companies including small farms. Similar to Big Pharma, government subsidies are a massive component of the obscene profits made by Big Ag. Further, as often the largest employer in many small rural towns, these corporations often ruthlessly wield their monopoly power to drive down wages and benefits to workers, skirt government safety regulations, and bully (and even buy out) small farmers.

Big Banks

Known as the “Big Five,” five banks control almost half of the industry’s nearly $15 trillion in financial assets: JPMorgan Chase, Bank of America, Wells Fargo, Citigroup, and US Bancorp. Their collective importance to the nation’s financial system has led some to consider them “too big to fail.”20 In fact, in response to the financial crisis of 2008, the federal government provided trillions of dollars in relief to ensure that they did not collapse under the weight of the crisis.21 The Big Five have an incredible influence over the flow of money throughout our economy. They finance critical goods and services, such as housing, higher education, infrastructure, and renewable energy. They also finance extractive elements of our economy, such as fossil fuels and private prisons. But, most importantly, they set the rules for who can and cannot access loan capital, and their exclusionary practices have been widely linked to the growth of racial wealth inequality (as described in Section 3).