# GMU AL – Open Source Round 5 Kentucky

### 1NC – T USFG

#### 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.

### 1NC – Cap

#### Avoiding institution-building abdicates the potential for communal power and reduces revolution to static bursts of energy

Srnicek & Williams ‘15 (Nick, Theorist and activist, and Alex, PhD student at the University of East London, *Inventing the Future: Postcapitalism and a World Without Work,* ebook)

To invoke modernity is ultimately to raise the question of the future. What should the future look like? What courses should we set? What does it mean to be contemporary? And whose future is it? Since the emergence of the term, modernity has been concerned with unravelling a circular or retrospective notion of time and introducing a rupture between the present and the past. With this break, the future is projected as being potentially different from and better than the past.14 Modernity is tantamount to ‘the discovery of the future’ and has therefore found itself intimately linked with notions such as ‘progress, advance, development, emancipation, liberation, growth, accumulation, Enlightenment, embetterment, [and the] avant-garde’.15 Suggesting that history can progress through deliberate human action, it is the nature of this progress that competing definitions of modernity have struggled over.16 Historically, the left has found its natural home in being oriented towards the future. From early communist visions of technological progress, to Soviet space utopias, to the social democratic rhetoric of the ‘white heat of technology’, what set the left apart from the right was its unambiguous embrace of the future. The future was to be an improvement over the present in material, social and political terms. By contrast, the forces of the political right were, with a few notable exceptions, defined by their defence of tradition and their essentially reactionary nature.17 This situation was reversed during the rise of neoliberalism, with politicians like Thatcher commanding the rhetoric of modernisation and the future to great effect. Co-opting these terms and mobilising them into a new hegemonic common sense, neoliberalism’s vision of modernity has held sway ever since. Consequently, discussions of the left in terms of the future now seem aberrant, even absurd. With the postmodern moment, the seemingly intrinsic links between the future, modernity and emancipation were prized apart. Philosophers like Simon Critchley can now confidently assert that ‘we have to resist the idea and ideology of the future, which is always the ultimate trump card of capitalist ideas of progress’.18 Such folk-political sentiments blindly accept the neoliberal common sense, preferring to shy away from grand visions and replace them with a posturing resistance. From the radical left’s discomfort with technological modernity to the social democratic left’s inability to envision an alternative world, everywhere today the future has largely been ceded to the right. A skill that the left once excelled at – building enticing visions for a better world – has deteriorated after years of neglect. If the left is to recover a sense of progress, however, it cannot simply adopt the classic images of history headed towards a singular destination. Progress, for these approaches, was not only possible, but in fact woven as a necessity into the very fabric of history. Human societies were thought to travel along a pre-defined pathway towards a single outcome modelled after Europe. The nations of Europe were deemed to have developed capitalist modernity independently, and their historical experiences of development were considered to be both necessary and superior to those of other cultures.19 Such ideas dominated traditional European philosophy and continued on in the influential modernisation literature of the 1950s and 1960s, with their attempts to naturalise capitalism against a Soviet opponent.20 Partly endorsed by both early Marxism and later Keynesian and neoliberal capitalisms, a one-size-fits-all model of historical progress positioned non-Western societies as lacking and in need of development – a position that served to justify colonial and imperial practices.21 From the standpoint of their philosophical critics, these notions of progress were disparaged precisely for their belief in preconceived destinations – whether in the liberal progression towards capitalist democracy or in the Marxist progression towards communism. The complex and often disastrous record of the twentieth century demonstrated conclusively that history could not be relied upon to follow any predetermined course.22 Regression was as likely as progress, genocide as possible as democratisation.23 In other words, there was nothing inherent in the nature of history, the development of economic systems, or sequences of political struggle that could guarantee any particular outcome. From a broadly left perspective, for example, even those limited but not insignificant political gains that have been achieved – such as welfare provision, women’s rights and worker protections – can be rolled back. Moreover, even in states where nominally communist governments took power, it proved far more difficult than expected to transition from a capitalist system of production to a fully communist one.24 This series of historical experiences fuelled an internal critique of European modernity by way of psychoanalysis, critical theory and poststructuralism. For the thinkers of postmodernism, modernity came to be associated with a credulous naivety.25 In Jean-François Lyotard’s epochal definition, postmodernity was identified as the era that has grown to be suspicious of the grand metanarrative.26 On this account, postmodernity is a cultural condition of disillusionment with the kinds of grandiose narratives represented by capitalist, liberal and communist accounts of progress. To be sure, these critiques capture something important about the chronological texture of our time. And yet, the announcement of the end of grand narratives has often been viewed by those outside Europe as being absolutely of a piece with modernity.27 Further, with the benefit of thirty years’ hindsight, the broader impact of the cultural condition diagnosed by Lyotard has not been the decline of belief in metanarratives per se, but rather a broad disenchantment with those offered by the left. The association between capitalism and modernisation remains, while properly progressive notions of the future have wilted under postmodern critique and been quashed beneath the social wreckage of neoliberalism. Most significantly, with the collapse of the Soviet Union and the rise of globalisation, history does appear to have a grand narrative.28 Throughout the world, markets, wage labour, commodities and productivity-enhancing technologies have all expanded under the systemic imperative to accumulate. Capitalism has become the destiny of contemporary societies, happily coexisting with national differences and paying little heed to clashes between civilisations. But we can draw a distinction here between the endpoint (capitalism) and the pathway towards it. Indeed, the mutual entanglement of countries means that the European pathway (heavily reliant on exploiting colonies and slavery) is barred for many of the newly developing countries. While there are broad paradigms of development, each country has had to find its own unique way to respond to the imperatives of global capitalism. The path of capitalist modernisation is therefore instantiated in different cultures, following different trajectories and with different rhythms of development.29 Uneven and combined development is the order of the day.30 Progress is therefore not bound to a single European path, but is instead filtered through a variety of political and cultural constellations, all directed towards instantiating capitalist relations. Today, modernisers simply fight over which variant of capitalism to install. Recuperating the idea of progress under such circumstances means, first and foremost, contesting the dogma of this inevitable endpoint. Capitalist modernity was never a necessary outcome, but instead a successful project driven by various classes and a systemic imperative towards accumulation and expansion. Various modernities are possible, and new visions of the future are essential for the left. Such images are a necessary supplement to any transformative political project. They give a direction to political struggles and generate a set of criteria to adjudicate which struggles to support, which movements to resist, what to invent, and so on. In the absence of images of progress, there can only be reactivity, defensive battles, local resistance and a bunker mentality – what we have characterised as folk politics. Visions of the future are therefore indispensable for elaborating a movement against capitalism. Contra the earlier thinkers of modernity, there is no necessity to progress, nor a singular pathway from which to adjudicate the extent of development. Instead, progress must be understood as hyperstitional: as a kind of fiction, but one that aims to transform itself into a truth. Hyperstitions operate by catalysing dispersed sentiment into a historical force that brings the future into existence. They have the temporal form of ‘will have been’. Such hyperstitions of progress form orienting narratives with which to navigate forward, rather than being an established or necessary property of the world. Progress is a matter of political struggle, following no pre-plotted trajectory or natural tendency, and with no guarantee of success. If the supplanting of capitalism is impossible from the standpoint of one or even many defensive stances, it is because any form of prospective politics must set out to construct the new. Pathways of progress must be cut and paved, not merely travelled along in some pre-ordained fashion; they are a matter of political achievement rather than divine or earthly providence.

#### Capitalism locks in extinction – it depoliticizes the left, collapses the environment causes endless war, and a backsliding into fascism that accelerates their impacts – the status quo can and will get worse absent the alternative

Shaviro 15 – (Steven Shaviro is an American academic, philosopher and cultural critic whose areas of interest include film theory, time, science fiction, panpsychism, capitalism, affect and subjectivity. He earned a PhD from Yale in 1981. “No Speed Limit: Three Essays on Accelerationism” <https://track5.mixtape.moe/qdkkdt.pdf> rvs)

The problem may be summarized as follows. Capitalism has indeed created the conditions for general prosperity and therefore for its own supersession. But it has also blocked, and continues to block, any hope of realizing this transformation. We cannot wait for capitalism to transform on its own, but we also cannot hope to progress by appealing to some radical Outside or by fashioning ourselves as militants faithful to some “event” that (as Badiou has it) would mark a radical and complete break with the given “situation” of capitalism. Accelerationism rather demands a movement against and outside capitalism—but on the basis of tendencies and technologies that are intrinsic to capitalism. Audre Lord famously argued that “the master’s tools will never dismantle the master’s house.” But what if the master’s tools are the only ones available? Accelerationism grapples with this dilemma. What is the appeal of accelerationism today? It can be understood as a response to the particular social and political situation in which we currently seem to be trapped: that of a long-term, slow-motion catastrophe. Global warming, and environmental pollution and degradation, threaten to undermine our whole mode of life. And this mode of life is itself increasingly stressful and precarious, due to the depredations of neoliberal capitalism. As Fredric Jameson puts it, the world today is characterized by “heightened polarization, increasing unemployment, [and] the ever more desperate search for new investments and new markets.” These are all general features of capitalism identified by Marx, but in neoliberal society we encounter them in a particularly pure and virulent form. I want to be as specific as possible in my use of the term “neoliberalism” in order to describe this situation. I define neoliberalism as a specific mode of capitalist production (Marx), and form of governmentality (Foucault), that is characterized by the following specific factors: 1. The dominating influence of financial institutions, which facilitate transfers of wealth from everybody else to the already extremely wealthy (the “One Percent” or even the top one hundredth of one percent). 2. The privatization and commodification of what used to be common or public goods (resources like water and green space, as well as public services like education, communication, sewage and garbage disposal, and transportation). 3. The extraction, by banks and other large corporations, of a surplus from all social activities: not only from production (as in the classical Marxist model of capitalism) but from circulation and consumption as well. Capital accumulation proceeds not only by direct exploitation but also by rent-seeking, by debt collection, and by outright expropriation (“primitive accumulation”). 4. The subjection of all aspects of life to the so-called discipline of the market. This is equivalent, in more traditional Marxist terms, to the “real subsumption” by capital of all aspects of life: leisure as well as labor. Even our sleep is now organized in accordance with the imperatives of production and capital accumulation. 5. The redefinition of human beings as private owners of their own “human capital.” Each person is thereby, as Michel Foucault puts it, forced to become “an entrepreneur of himself.” In such circumstances, we are continually obliged to market ourselves, to “brand” ourselves, to maximize the return on our “investment” in ourselves. There is never enough: like the Red Queen, we always need to keep running, just to stay in the same place. Precarity is the fundamental condition of our lives. All of these processes work on a global scale; they extend far beyond the level of immediate individual experience. My life is precarious, at every moment, but I cannot apprehend the forces that make it so. I know how little money is left from my last paycheck, but I cannot grasp, in concrete terms, how “the economy” works. I directly experience the daily weather, but I do not directly experience the climate. Global warming and worldwide financial networks are examples of what the ecological theorist Timothy Morton calls hyperobjects. They are phenomena that actually exist but that “stretch our ideas of time and space, since they far outlast most human time scales, or they’re massively distributed in terrestrial space and so are unavailable to immediate experience.” Hyperobjects affect everything that we do, but we cannot point to them in specific instances. The chains of causality are far too complicated and intermeshed for us to follow. In order to make sense of our condition, we are forced to deal with difficult abstractions. We have to rely upon data that are gathered in massive quantities by scientific instruments and then collated through mathematical and statistical formulas but that are not directly accessible to our senses. We find ourselves, as Mark Hansen puts it, entangled “within networks of media technologies that operate predominantly, if not almost entirely, outside the scope of human modes of awareness (consciousness, attention, sense perception, etc.).” We cannot imagine such circumstances in any direct or naturalistic way, but only through the extrapolating lens of science fiction. Subject to these conditions, we live under relentless environmental and financial assault. We continually find ourselves in what might well be called a state of crisis. However, this involves a paradox. A crisis—whether economic, ecological, or political—is a turning point, a sudden rupture, a sharp and immediate moment of reckoning. But for us today, crisis has become a chronic and seemingly permanent condition. We live, oxymoronically, in a state of perpetual, but never resolved, convulsion and contradiction. Crises never come to a culmination; instead, they are endlessly and indefinitely deferred. For instance, after the economic collapse of 2008, the big banks were bailed out by the United States government. This allowed them to resume the very practices—the creation of arcane financial instruments, in order to enable relentless rent-seeking—that led to the breakdown of the economic system in the first place. The functioning of the system is restored, but only in such a way as to guarantee the renewal of the same crisis, on a greater scale, further down the road. Marx rightly noted that crises are endemic to capitalism. But far from threatening the system as Marx hoped, today these crises actually help it to renew itself. As David Harvey puts it, it is precisely “through the destruction of the achievements of preceding eras by way of war, the devaluation of assets, the degradation of productive capacity, abandonment and other forms of ‘creative destruction’” that capitalism creates “a new basis for profit-making and surplus absorption.” What lurks behind this analysis is the frustrating sense of an impasse. Among its other accomplishments, neoliberal capitalism has also robbed us of the future. For it turns everything into an eternal present. The highest values of our society—as preached in the business schools—are novelty, innovation, and creativity. And yet these always only result in more of the same. How often have we been told that a minor software update “changes everything”? Our society seems to function, as Ernst Bloch once put it, in a state of “sheer aimless infinity and incessant changeability; where everything ought to be constantly new, everything remains just as it was.” This is because, in our current state of affairs, the future exists only in order to be colonized and made into an investment opportunity. John Maynard Keynes sought to distinguish between risk and genuine uncertainty. Risk is calculable in terms of probability, but genuine uncertainty is not. Uncertain events are irreducible to probabilistic analysis, because “there is no scientific basis on which to form any calculable probability whatever.” Keynes’s discussion of uncertainty has strong affinities with Quentin Meillassoux’s account of hyperchaos. For Meillassoux, there is no “totality of cases,” no closed set of all possible states of the universe. Therefore, there is no way to assign fixed probabilities to these states. This is not just an empirical matter of insufficient information; uncertainty exists in principle. For Meillassoux and Keynes alike, there comes a point where “we simply do not know.” But today, Keynes’s distinction is entirely ignored. The Black-Scholes Formula and the Efficient Market Hypothesis both conceive the future entirely in probabilistic terms. In these theories, as in the actual financial trading that is guided by them (or at least rationalized by them), the genuine unknowability of the future is transformed into a matter of calculable, manageable risk. True novelty is excluded, because all possible outcomes have already been calculated and paid for in terms of the present. While this belief in the calculability of the future is delusional, it nonetheless determines the way that financial markets actually work. We might therefore say that speculative finance is the inverse—and the complement—of the “affirmative speculation” that takes place in science fiction. Financial speculation seeks to capture, and shut down, the very same extreme potentialities that science fiction explores. Science fiction is the narration of open, unaccountable futures; derivatives trading claims to have accounted for, and discounted, all these futures already. The “market”—nearly deified in neoliberal doctrine—thus works preemptively, as a global practice of what Richard Grusin calls premediation. It seeks to deplete the future in advance. Its relentless functioning makes it nearly impossible for us to conceive of any alternative to the global capitalist world order. Such is the condition that Mark Fisher calls capitalist realism. As Fisher puts it, channeling both Jameson and Žižek, “it’s easier to imagine the end of the world than the end of capitalism.”

**The alternative is to affirm the model of the Communist Party – only the Party can provide effective accountability mechanisms and praxis necessary to mobilize communities, and connect local struggles to a movement for international liberation**

**Escalante 18** – (Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. “PARTY ORGANIZING IN THE 21ST CENTURY” September 21st, 2018 <https://theforgenews.org/2018/09/21/party-organizing-in-the-21st-century/>)

I would argue that within the base building movement, there is a move towards party organizing, but this trend has not always been explicitly theorized or forwarded within the movement. My goal in this essay is to argue that base building and dual power strategy can be best forwarded through party organizing, and that party organizing can allow this emerging movement to solidify into a powerful revolutionary socialist tendency in the United States. One of the crucial insights of the base building movement is that the current state of the left in the United States is one in which revolution is not currently possible. There exists very little popular support for socialist politics. A century of anticommunist propaganda has been extremely effective in convincing even the most oppressed and marginalized that communism has nothing to offer them. The base building emphasis on dual power responds directly to this insight. By building institutions which can meet people’s needs, we are able to concretely demonstrate that communists can offer the oppressed relief from the horrific conditions of capitalism. Base building strategy recognizes that actually doing the work to serve the people does infinitely more to create a socialist base of popular support than electing democratic socialist candidates or holding endless political education classes can ever hope to do. Dual power is about proving that we have something to offer the oppressed. The question, of course, remains: once we have built a base of popular support, what do we do next? If it turns out that establishing socialist institutions to meet people’s needs does in fact create sympathy towards the cause of communism, how can we mobilize that base? Put simply: **in order to mobilize the base which base builders hope to create, we need to have already done the work of building a communist party.** It is not enough to simply meet peoples needs. Rather, we must build the institutions of dual power in the name of communism. We must refuse covert front organizing and instead have a public face as a communist party. When we build tenants unions, serve the people programs, and other dual power projects, we must make it clear that we are organizing as communists, unified around a party, and are not content simply with establishing endless dual power organizations. We must be clear that our strategy is revolutionary and in order to make this clear we must adopt party organizing. By “party organizing” I mean an organizational strategy which adopts the party model. Such organizing focuses on building a party whose membership is formally unified around a party line determined by democratic centralist decision making. The party model creates internal methods for **holding party members accountable**, unifying party member action around democratically determined goals, and for educating party members in communist theory and praxis. A communist organization utilizing the party model works to build dual power institutions while simultaneously educating the communities they hope to serve. Organizations which adopt the party model focus on propagandizing around the need for revolutionary socialism. They function as the forefront of political organizing, empowering local communities to theorize their liberation through communist theory while organizing communities to literally fight for their liberation. A party is not simply a group of individuals doing work together, but is a formal organization unified in its fight against capitalism. Party organizing has much to offer the base building movement. By working in a unified party, base builders can ensure that local struggles are tied to and informed by a unified national and international strategy. While the most horrific manifestations of capitalism take on particular and unique form at the local level, we need to remember that our struggle is against a material base which functions not only at the national but at the international level. The formal structures provided by a democratic centralist party model allow individual locals to have a voice in open debate, but also allow for a unified strategy to emerge from democratic consensus. Furthermore, **party organizing allows for local organizations and individual organizers to be held accountable for their actions.** It allows criticism to function not as one independent group criticizing another independent group, but rather as comrades with a formal organizational unity working together to sharpen each others strategies and to help correct **chauvinist** ideas and actions. In the context of the socialist movement within the United States, such **accountability is crucial**. As a movement which operates within a settler colonial society, imperialist and colonial ideal frequently infect leftist organizing. Creating formal unity and party procedure for dealing with and correcting these ideas allows us to address these consistent problems within American socialist organizing. Having a formal party which unifies the various dual power projects being undertaken at the local level also allows for base builders to not simply meet peoples needs, but to pull them into the membership of the party as organizers themselves. The party model creates a means for sustained growth to occur by unifying organizers in a manner that allows for skills, strategies, and ideas to be shared with newer organizers. It also allows community members who have been served by dual power projects to take an active role in organizing by becoming party members and participating in the continued growth of base building strategy. It ensures that there are formal processes for educating communities in communist theory and praxis, and also enables them to act and organize in accordance with their own local conditions. We also must recognize that the current state of the base building movement precludes the possibility of such a national unified party in the present moment. Since base building strategy is being undertaken in a number of already established organizations, it is not likely that base builders would abandon these organizations in favor of founding a unified party. Additionally, it would not be strategic to immediately undertake such complete unification because it would mean abandoning the organizational contexts in which concrete gains are already being made and in which growth is currently occurring. What is important for base builders to focus on in the current moment is building dual power on a local level alongside building a national movement. This means aspiring towards the possibility of a unified party, while pursuing continued local growth. The movement within the Marxist Center network towards some form of unification is positive step in the right direction. The independent party emphasis within the Refoundation caucus should also be recognized as a positive approach. It is important for base builders to continue to explore the possibility of unification, and to maintain unification through a party model as a long term goal. In the meantime, individual base building organizations ought to adopt party models for their local organizing. Local organizations ought to be building dual power alongside recruitment into their organizations, education of community members in communist theory and praxis, and the establishment of armed and militant party cadres capable of defending dual power institutions from state terror. Dual power institutions must be unified openly and transparently around these organizations in order for them to operate as more than “red charities.” Serving the people means meeting their material needs while also educating and propagandizing. It means radicalizing, recruiting, and organizing. **The party model** remains the most useful method for achieving these ends. The use of the party model by local organizations allows base builders to gain popular support, and most importantly, to mobilize their base of popular support towards revolutionary ends, not simply towards the construction of a parallel economy which exists as an end in and of itself. It is my hope that we will see future unification of the various local base building organizations into a national party, but in the meantime we must push for party organizing at the local level. If local organizations adopt party organizing, it ought to become clear that **a unified national party will have to be the long term goal of the base building movement.** Many of the already existing organizations within the base building movement already operate according to these principles. I do not mean to suggest otherwise. Rather, my hope is to suggest that we ought to be explicit about the need for party organizing and emphasize the relationship between dual power and the party model. Doing so will make it clear that the base building movement is not pursuing a cooperative economy alongside capitalism, but is pursuing a revolutionary socialist strategy capable of fighting capitalism. The long term details of base building and dual power organizing will arise organically in response to the conditions the movement finds itself operating within. I hope that I have put forward a useful contribution to the discussion about base building organizing, and have demonstrated the need for party organizing in order to ensure that the base building tendency maintains a revolutionary orientation. The finer details of revolutionary strategy will be worked out over time and are not a good subject for public discussion. I strongly believe party organizing offers the best path for ensuring that such strategy will succeed. My goal here is not to dictate the only possible path forward but to open a conversation about how the base building movement will organize as it transitions from a loose network of individual organizations into a unified socialist tendency. These discussions and debates will be crucial to ensuring that this rapidly growing movement can succeed.

## Case

### Presumption

#### 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.

#### Neoliberalism is a discursive politics that relies on the work of the market metaphor. The AFF’s articulation of the social world in economic language re-constitutes all life as market, cementing the neoliberal dream and leading to the economization of life.

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Neoliberalism as a Discursive Politics of the Market

Many critics of neoliberalism have tried to capture the exuberance of the market imagery in neoliberalism. The cultural critic Thomas Frank for instance, documents in One Market under God (2001) how the market has become an important cultural icon which invaded public discourse and our cultural imaginations. Frank (2001, 29) for instance points out how a variety of cultural techniques, ranging from advertising, business journalism, management books, to cultural studies have created a brand of “market populism” – he cites Newsweek columnist Robert Samuelson’s locution “the Market ‘R’ Us” – in which ‘the market’ is equated with ‘the people’ to the point that the market became to be seen as more democratic than conventional institutions of a democracy. In an attempt to address the excessive market imagery of neoliberalism, critics resort to all sorts of market-based neologisms. Like Thomas Frank, one turns for instance to religious imagery to speak of neoliberalism as a “market theology,” or the gospel of “freemarket religion” (e.g. Cox 1999). In secular terms, one invokes the image of a “free market mythology” (viz. Perelman 2006) or “The Cult of the Market” (Boldeman 2011). The market is especially concatenated with political images, as in Frank’s “market populism,” or when neoliberalism is put down as a form of “market democracy” (Chomsky 1999), “market liberalism,” or instead described as a form of “market dictatorship” (Attali 1997). The specter of terrorism is once more raised to bring out the character of neoliberalism, for instance by Henry Giroux in his book, The Terror of Neoliberalism (2004). It has especially become fashionable to refer to neoliberalism and its policies as a form of “market fundamentalism,” a depiction that has been popularized by the likes of George Soros (e.g. 1998) and notably Joseph Stiglitz (2002) in his critique of the IMF. These examples indicate that with neoliberalism, the market has emerged as a powerful image that spectacularly altered our thought and speech not only in political and policy discourse but public discourse at large. I imagine that major market philosophers from the past such as Adam Smith, Karl Marx and even Friedrich Hayek or Milton Friedman would have great difficulties understanding what is meant by some of these terms. The perceived exuberance of neoliberalism can therefore be traced to how the image of the ‘market’ was mobilized and developed into a powerful signifier to re-imagine and rearticulate many important spheres of life.

The New Yorker cartoon pointedly makes clear that neoliberalism relies on the work of metaphor. Rather than straightforwardly instructing the participants in the boardroom that terrorism should be fought at the market, the message is to fight terrorism as if it were a market. Neoliberalism, I would claim, always entails mobilizing the market in a metaphorical sense. The message of neoliberalism is consistently a metaphorical one: think of … as a market, (and govern it accordingly).6 Neoliberalism invites us to imagine virtually everything as a market, ranging from health care, universities to the military, pensions, personal relationships, families, ethics, aesthetics and the state and politics itself. The excessive quality of neoliberalism is therefore found in its use of the market as a metaphor and its ability to displace the state.

The assessment in this thesis of the challenge of neoliberalism and its politics of the market, will therefore begin by distinguishing literal references to the market from metaphorical ones. Others pointed out before that in assessing the politics of markets it is important to recognize that we often speak of markets in metaphorical terms. In Contested Commodities, the legal philosopher Margaret Radin (1996) begins her analysis of what goods can properly be bought and sold, by distinguishing literal from metaphorical markets. As against literal markets where goods are exchanged for money, at metaphorical markets there are no actual exchanges involving money but entails interactions that “are talked about as if they did” (3). Radin employs the term market rhetoric to refer to the vocabulary or discourse in which metaphorical markets emerge. Radin claims that on a theoretical level for instance, Chicago scholars such as Becker and Posner engage in market rhetoric, and “in doing so they extend the market, metaphorically at least, beyond what we are conventionally comfortable with” (4). In her view, by conflating literal and metaphorical markets, market rhetoric may give way to what she calls universal commodification. It means that goods are solely viewed as alienable market goods and only have exchange value. In her book, Radin argues for the importance of incomplete commodification. This is the view that complete commodification is not, and should not be applicable to most cases of goods. Without further engaging with the details of Radin’s account, her conceptual distinction between literal and metaphorical markets raises an important insight. Among other things, her book analyzes some of the normative implications of the metaphorical extension of the market. While she exclusively concentrates on the metaphorical extension of the market in (mostly economic) theory, I would argue that neoliberalism is founded on an analogous use of metaphorical markets, but in political discourse. Neoliberalism relies on metaphorical markets and market rhetoric to rearticulate our political understandings. Without her calling it as such, Radin’s book could be read as a normative analysis of the metaphorical politics of neoliberalism.

By drawing attention to the fact that neoliberalism relies on metaphorical markets and market rhetoric, the intellectual challenge posed by neoliberalism is to further specify the nature of its political project. Apart from the question which will be addressed in chapter 3, whether neoliberalism should be construed as either ideology, policy agenda or rather something else, it needs to be determined what kind of political project it amounts to. The hypothesis of this thesis is that neoliberalism is best understood as a kind of discursive politics. By discursive politics, I broadly mean a type of politics that achieves its goals discursively, by rearticulating a prior structure of understanding. Every form of politics of course avails itself of discourse, for example when ‘neoliberals’ call for the liberalization of certain markets. The concern here is however not with this more narrowly defined discourse of politics, but rather with the politics of discourse (viz. Connolly 1993, 221).

Put very schematically – although the dividing lines are ultimately hard to draw – my idea of neoliberalism as a discursive politics differs from conventional conceptions of politics in claiming that in important respects neoliberalism depends on language and discursive means to attain political effects. The basic idea is that discursive interventions impact the way we perceive the organization of the social world and how we conceive of the good life. Where traditional, for instance liberal conceptions of politics take the organization of social life largely as given and view politics as a contest of preferences and opinions, discursive politics affects the constitution of our social world and our conceptions of the good life. Rather than asking for the liberalization of markets, the discursive politics of neoliberalism mobilizes the metaphor of the market to rearticulate how we to think of a certain area of life.

The idea of discursive politics as pursued in this thesis, is not unique but inspired by a longer tradition within poststructural political thought and discourse theory as found with Laclau and Mouffe (2001), Butler (1993, 1997), Shapiro (1981, 1984), or Connolly (1993). One of its insights is that discourse is inherently political because discursive constructions inevitably privilege certain aspects over others. The flip-side of this insight is however that any discursive construction is fundamentally unstable and subject to rearticulation. Laclau (e.g. Laclau 1996, 2000, 2008) at times emphasizes that rhetorical displacements or “tropological substitutions” are indispensable in mediating the rearticulation of existing discursive structures. Shifts in discourse are always tropological as they allow for the making and breaking of the discursive field. The political power of metaphor then is its capacity to rearticulate a certain discursive field. Since the market metaphor performs such a function in neoliberalism, it seems particularly relevant to approach neoliberalism as a discursive form of politics. Neoliberalism is then best characterized as the discursive politics of the market metaphor. Not all politics surrounding neoliberalism is always necessarily discursive in this strong sense and no doubt also amounts to conventional contests over preferences and opinions. Our first brush with neoliberalism here however suggests that its most important challenge is its discursive politics.

This thesis studies the discursive politics of neoliberalism, both theoretically and empirically. Since the discursive politics of the market continues to have a tremendous impact on contemporary political discourse, it is relevant to assess its effects. As the discursive market politics of neoliberalism particularly challenges our traditional views of the interrelation between the market and the state, the main question is to determine how the discursive politics of neoliberalism re-imagines the way this relation is perceived. This way, neoliberalism calls for a re-evaluation of the intersections between economics and politics. How do the manifold ways of spreading market metaphors displace and destabilize existing understandings of the relation between markets and states? What is at stake in the invitation of neoliberalism to imagine markets for everything and especially as a substitute for the state? As we will see, the central issue behind neoliberalism’s rewriting of the relation between the market and the state is that the latter challenge our traditional view of how to govern and how to conceive of government. The argument of this thesis is that the discursive market politics of neoliberalism inaugurates new ways of conceiving of government. The main task of this thesis is to assess exactly how neoliberalism is rewriting our view of government, and to determine what its political consequences are.

#### Their description of policy debate as a monopoly and debate as a ‘market economy’ is reason alone to reject the 1AC. They assume human interaction can and should be explained in economic terms, securing capitalism’s hegemony.

Kip Austin Hinton 15, Assistant Professor, The University of Texas Rio Grande Valley, “Should We Use a Capital Framework to Understand Culture? Applying Cultural Capital to Communities of Color,” Equity & Excellence in Education, 48(2), 299-319, 2015.

Influence of an Economic Metaphor on Communities of Color

It makes sense for a neoliberal economist to embrace the prism of social or cultural capital, because economic research frequently interprets the world as a primarily economic sphere. But what about when a social justice educator embraces social or cultural capital? Many social justice advocates do not define the world in economic terms, and do not see market forces as the primary solution to oppressive systems. Capitalism promotes hegemony, not social justice. The agenda of capital has always run counter to the goals of community empowerment: “Within this transformed system, capital demanded that the household function as a factory” (Perelman, 2000, p. 74). According to Weber, the mere existence of family relationships presents an obstacle to capitalism (Collins, 1986, p. 269). Decades ago, Apple (1971) warned that schools were slipping into a marketplace orientation, prioritizing “maintenance of the same dominant world-view” (p. 27). Public institutions have indeed become more market-driven, focused on capital in a way that disempowers communities of color, making it harder to enact democratic reforms (Apple, 2006; Clawson & Leiblum, 2008). Metaphorical capital does not contribute to this directly, but rather indirectly—through metaphor.

Across metaphorical capitals, each framework is fundamentally economic. Research on funds of knowledge and community cultural wealth mimic economic vocabulary without a conception of investment or of supply and demand. Looking to the source, Bourdieu’s (1977) prominent theories are influenced by the economic work of Marx (2011). This makes it particularly notable that Bourdieu himself ignores most aspects of economic capital when he applies it to cultural interaction. Bourdieu does not theorize systems of exchange, return on investment, loans, entrepreneurship, or the actions of cultural capitalists. In fact, Bourdieu’s original concept is somewhat analogous to money, not to capital. Successive theorists have been reluctant to move beyond Bourdieu’s initial, imprecise articulations (Dika & Singh, 2002; Lin, 1999). So, although it may be unusual to come across a theory of race that ignores racism, it is common for a theory of capital to ignore capitalism.

Metaphors have influence. In a metaphor, one domain of human thought is superimposed on a different domain, creating important influence on the receiving domain (Barcelona, 2003). Lakoff (2004) and others have explained how a repeated metaphor reifies in our consciousness, even altering neural processes (Kovecses, 2010). The way any issue is framed, writes Mehta (2013), ¨ “changes the nature of the debate” (p. 292). A problem’s definition is a political consideration, deeply influencing which questions we ask, and which solutions we consider (Lakoff & Pinker, 2007; Sandikcioglu, 2003). This is illustrated by prominent metaphors in the languages of industrialized nations. We use money metaphors to think about time (spend time, living on borrowed time); we use war metaphors to think about arguments (defend a position, surrender a point). As Lakoff and Johnson (2003) explain, we do not explain arguments using a dance metaphor (p. 5), but if we did, it would influence the way we see our opponents/partners.

In the case of culture, are there limits to what education researchers are willing to characterize as capital? Derrida and Moore (1974) warn us of “deploying” metaphors “without limit”: “Consequently the reassuring dichotomy between the metaphorical and the proper is exploded” (p. 74). S. Smith and Kulynych (2002) claim social capital confuses analytical categories because capital is inextricably tied to economic discourse; this critique applies to all forms of metaphorical capital. In public consciousness, capital will not be divorced from capitalism. Deployments of metaphorical capital, therefore, impose the economic worldview of capitalism. These theories position capital and wealth as the normal ways of defining a relationship. Even if such theories were revised to reflect money instead (e.g., “cultural currency”), they would still precariously assume that human interaction can and should be explained in economic terms.

Metaphorical capital advances an economic framework that interprets educational or cultural situations as capitalist, neoliberal, and market-based. We have adopted a specific paradigm, and now that paradigm dictates policy options (P. Hall, 1993). Neoliberal solutions, including standardized testing and charter schools, already dominate education reform (Jones & Vagle, 2013). Political and social critiques are central to critical race theory—yet are marginalized by neoliberal discourse. It is significant that Friedman (1997), one of the most influential proponents of capital and capitalism, advocated privatization of all public schools through vouchers. Rather than functioning as independent fields, education and economics are deeply connected, often in destructive ways. In the past decades, education research has seen an increase in both capitalrelated social theory and the influence of economics. Privatization and corporatization have increased throughout education systems (Saltman, 2012). Aside from the direct harm caused by market-based reform (Burch, 2009; Saltman, 2000), corporatization has reinforced the economic worldview that was embodied by metaphorical capital. Education reports are filled with finance-related vocabulary: funds, investment, value-added, stakeholder, productivity, buy-in. Economic perspectives infringe on discussions about students, even when topics are ostensibly unrelated to money. “This is the extent of capitalism’s hegemony, that it has colonized our capacity to imagine alternatives” (Hickel & Khan, 2012, p. 221). Language influences thought, and educators begin to accept the market mindset. We normalize an inequitable power structure. The capitalist viewpoint becomes the normal way to see everything, and its opportunistic oppression, likewise, becomes normal. It is not surprising, then, that the assets of communities of color go unrecognized—and as I write this, I struggle to explain the limitations of a capitalist frame without reproducing that frame, with my problematic word choice, “assets.”

Freire (1970) has been influential among scholars who rely on metaphorical capital to write about students of color. It is significant that Freire employs economic metaphors to represent the problem (Oughton, 2010): “Banking education” is his name for the method that dehumanizes students (Freire, 1970, p. 73). Freire recognizes economic power as a destructive force at play in the lives of the poor. He consistently opposes multiple elements of the neoliberal agenda, especially the prioritization of capital (Carnoy, 1998; Freire, 1998). Throughout his work, Freire offers ways to counter the commodification of students and promote true democracy (Marginson, 2006). A Freirean analysis of metaphorical capitals, then, notices the neglect of power relations and the depiction of human relationships as economic exchanges.

Hegemonic cultural values, says Gramsci (2011), are those that are accepted as inevitable. The status quo of the economic system cannot be separated from the status quo of the education system. Gramsci embraces education, believing the development of working class intellectuals will reshape the status quo. Gramsci recognizes resistance and promotes agency, in ways that are echoed by community cultural wealth. Though Gramsci opposes economism, he never claims culture, education, and economics are independent (Jessop & Sum, 2006). These are multiple facets of a single, comprehensive system of power. That is to say, there is no such thing as a non-economic policy goal. Do we choose capital as a metaphor because it is the best metaphor, or because it is the one we are familiar with? A Gramscian analysis by Torres (2013) examines the way a neoliberal framework asserts itself as common sense within educational reforms. In a capitalist system, power is allocated to the financially powerful, structuring our self-definitions. As participants in a capitalist system, capital is our common sense, our default, so it is not a surprise that we append the word even when it is unnecessary. These are “tacit, discursive endorsements of neoliberal ideology” (Ayers, 2005, p. 535). From a social justice perspective, metaphors are not arbitrary tools to assign without consequence. They make claims about truth, using rhetoric that “cannot be neutral” (Derrida & Moore, 1974, p. 41). Discourse matters, whether within controversies over Native American mascots (King & Springwood, 2001) or a politician’s description of a war as a “crusade” (Kellner, 2007). Power relations connect seemingly innocuous discursive practices to broader practices of political rhetoric, discrimination, and global financial institutions (McKenna, 2004). In an analysis of community college mission statements, Ayers (2005) concludes that “neoliberal discourse” directs attention to market concerns, so “curriculum is likely to become heavily laden with a market ideology that reinforces and reproduces power asymmetries” (p. 546). By repeating neoliberal vocabulary, frameworks of metaphorical capital have potentially weakened democracy by re-inscribing a framework of capitalism. Even when a particular study’s content works against oppression, language choices may not.

Although market-based education reforms have become more powerful, those who promulgate theories of metaphorical capital have become less likely to have academic understanding of capital itself (Dika & Singh, 2002). Cultural neglect of students of color cannot be logically separated from the economic exclusion they face, as irrelevant curriculum leads to higher pushout rates (M. Fine, 1991; Solorzano & Yosso, 2001). Yes, the cultures of black, Latina/o, Native ´ American, and Asian American students deserve equal footing inside classrooms, and this is true even—or especially—when those cultural practices are not easily framed as a form of capital. I am inspired by Yosso (2005) in her referral to Anzaldua’s (1990) call for a more empowering ´ theory. Yet I think of Lorde’s (1984) warning, “the master’s tools will never dismantle the master’s house,” because those tools keep a part of us stuck within “the master’s relationships” (p. 123). Wealth and capital are the capitalist’s tools, the capitalist’s relationships. These are not ethical relationships (Schweickart, 2002). The dominance of financial vocabulary empowers non-human (and inhumane) relationships, through capitalism. These are the relationships between supply and demand; between capital and commodity; between powerful and powerless; between legislation and corporation. As argued by Giroux and Giroux (2006), global capital is responsible for making the wealth and achievement gaps worse for black and Latina/o communities.

I specifically claim that this supposed metaphorical capital is not capital at all. As social justice researchers, we are not neutral; we seek ways to fight oppressive conditions. Yet by basing our metaphors on capital, our theoretical frameworks promote a worldview that is inconsistent with our own goals. Letting go of the metaphor of capital, we may find more relevant and more ethical ways to theorize culture.

#### The disappearance of antitrust law from public discourse has cemented corporate power. A paradigm shift is possible, but requires making monopolies a political issue again, and advocating legal change.

David Dayen 15, author of *Monopolized: Life in the Age of Corporate Power (2020)* and *Chain of Title: How Three Ordinary Americans Uncovered Wall Street's Great Foreclosure Fraud*, “Bring Back Antitrust,” The American Prospect, Vol. 26, No. 4, Fall 2015, lexis.

In 1964, historian Richard Hofstadter gave a speech at the University of California, Berkeley, titled "What Happened to the Antitrust Movement?" He wondered why anti-monopoly sentiment ceased to become the subject of public agitation. "Once the United States had an antitrust movement without antitrust prosecutions," Hofstadter said. "In our time, there have been antitrust prosecutions without an antitrust movement."

Now we have lost both the movement and the prosecutions. When we talk about banks that are too big to fail, we're talking about antitrust. When we talk about the high cost of health care, we're talking about antitrust. So many of our key domestic issues are fundamentally questions about whether we should tolerate monopolies, or dismantle them. But this formulation-a centerpiece of public debate in the last robberbaron era between the 1880s and 1910s-has all but disappeared from popular discourse.

Can anti-monopoly sentiment be revived? When New York's Working Families Party first recruited Zephyr Teachout to run for governor, she said she would only do it if she could talk about monopolies. "They polled it, and they were correct that nobody knew what I was talking about," Teachout says. But when she eventually ran an insurgent campaign against incumbent Andrew Cuomo, she was determined to talk about it anyway.

"The minute you got past the sound-bite level, people responded to the concentration of power," Teachout says. They did campaign events at places where people paid their cable bills, using the pending Comcast-Time Warner merger, eventually abandoned, as the hook. She engaged farmers in upstate New York about monopsony power, and discussed Amazon and big banks on the stump. And it resonated. After only one month of campaigning, Teachout won 35 percent of the vote, with particular strength in upstate counties where farming issues were prominent.

"The Tea Party talks to people and says, 'You're out of power because government is taking it away from you,"' Teachout says. "Far too often, Democrats say, 'You're wrong, you're not out of power.' That's dissonant with our lived experience. You're out of power ... because your priorities don't matter and JPMorgan's do."

Beyond Teachout, you can see through the haze the stirrings of a grassroots antitrust agenda. The greatest anti-monopoly victory of the modern age, the Federal Communications Commission's net-neutrality rules, owed much to a smart, tech-savvy movement that leveraged big protest platforms. Web-native activists fought for the decentralized power of the Internet, without gatekeepers collecting tolls along the way. And they made the connection to things like the Comcast-Time Warner merger, which failed amid public outcry.

"After this existential threat to the Web, you see the same groups becoming interested in the deep history of anti-monopoly laws," Teachout says. "It's kind of an exciting intellectual moment, a fusion between old-school farmers who have been complaining for 30 years and new net-neutrality dreamers."

Monopolists have long used technological advances to consolidate power, from Gilded Age tycoons leveraging control of railroads and telegraphs to Amazon using its first-mover status in e-commerce to squeeze book producers, or Google harvesting traffic to their market-leading search engine to serve ads. It's easy to translate the need for a neutral platform for websites into the same need for book sales or car ride-sharing.

The European Union, in fact, did file formal antitrust charges against Google, accusing it of forcing search engine users into its own shopping platforms, and bundling Android phones with their own apps, to prevent competitors from performing the same functions. The FTC shut down its own investigation into Google over the same concerns in 2013. But an inadvertent disclosure revealed that the agency's Bureau of Competition recommended bringing a lawsuit, arguing that Google's conduct "has resulted-and will result-in real harm to consumers and to innovation in the online search and advertising markets." The political leadership ignored the recommendation.

The next administration must show "leadership that has a certain intellectual curiosity," says Maurice Stucke, pointing to the Google case as a missed opportunity. An alteration in posture would make enforcement far more vigorous, and bringing more cases will give litigators more experience and confidence to negotiate the judicial barriers. The American Antitrust Institute plans to create a transition document for the incoming administration, as they did for the Obama transition.

But at a time of political disempowerment, teaching about the dangers of monopolies and how we have the laws on the books to fight them, and creating upward pressure to do it, offers great potential for a paradigm shift. Connecting Senator Elizabeth Warren's fight against a rigged financial system and Al Franken's fight against media concentration can spark broader political energy.

You could see this potential in Washington, D.C., where in August, the city's Public Service Commission rejected a merger between energy firms Exelon and Pepco, citing "more active participation by parties and interested persons than any other proceeding in the Commission's more than a century of operations." Activists argued a giant Exelon conglomerate would fail to devote resources to the city's clean-energy goals, connecting anti-monopolization with fighting climate change.

There are a lot of reasons for runaway monopolies: an intellectual hijacking by Chicago-school conservative economists, the over-financialization of the economy, a failure of federal antitrust enforcement. But perhaps the biggest reason is that antitrust policy has become divorced from politics, confined to specialized lawyers and mathematicians instead of citizens and activists. Without grassroots momentum, politicians and enforcement agencies can safely ignore the issue. That's the challenge for a small band of academics, think-tank fellows, and activists: to make monopolies a vital issue again, connecting with the severe economic anxiety Americans feel.

#### Corporate power harms working people, fuels racial injustices, coopts all politics, and makes climate crises inevitable. It is at the root of every modern harm, but its prevalence is not inevitable.

Stacy Mitchell and Susan R. Holmberg 20, Co-Director of ILSR and directs our Independent Business Initiative, and Senior Editor and Researcher on the Independent Business team and a political economist, respectively, “America’s Monopoly Problem: Why It Matters and What We Can Do About It, “Institute for Local self-Reliance, July 2020, https://ilsr.org/fighting-monopoly-power/americas-monopoly-problem-and-why-it-matters/

Covid-19 has laid bare fractures in our society that have been deepening for decades. While the fortunes of the few have reached, unprecedented levels earnings for the average worker have barely moved, leaving many Americans with no cushion to blunt the force of this downturn. Too many rural communities and urban neighborhoods alike have been bypassed by economic opportunities and left to get by without basic services like grocery stores and hospitals. The racial disparities that have long oppressed people of color have only been exacerbated by this pandemic. Meanwhile, our political process has been so ~~hobbled~~ [stymied] by powerful interests that it’s unable to respond to even the most urgent and pressing risks, from the new coronavirus to the climate crisis.

There are many drivers of these longstanding trends, including the anemic bargaining power of American workers; government budgets that have insisted on austerity for ordinary people while lavishing subsidies on the rich; a distorted tax system; and a long history of racial segregation and oppression. But there is one phenomenon in particular that has profoundly shaped all of these dynamics, and every single sector of our economy — the consolidation of corporate power.

Corporate concentration has reached a level today not seen since years before the Great Depression, when industrial monopolies dominated the American landscape and the American economy. We’ve lost 65,000 small independent retailers in the last decade. Walmart accounts for one in four dollars that Americans spend on groceries and captures more than half of grocery sales in 43 metropolitan areas. One in three local banks has disappeared over the last ten years, leaving one-third of U.S. counties without a local financial institution. All of this financial power has shifted to Wall Street, where just four big banks control more than $7 trillion in assets, or 41 percent of the assets of the entire U.S. banking system. Four giant meatpacking corporations control 85 percent of beef processing. Two telecom corporations dominate Internet access. Even the beer we drink is controlled by monopolies; three corporations make a staggering three-quarters of the beer Americans consume.

Meanwhile, Amazon, Google, and Facebook have become powerful online gatekeepers that control a growing share of our commerce, news, and information. Some 2,000 counties now lack daily newspapers, a trend that is in part a result of Google and Facebook’s appropriation of digital ad dollars tied to content viewed on their platforms but generated by struggling media outlets.

State and local officials, and their citizens, are on the frontlines of the problems caused by excessive concentration, from the lack of good jobs, to unaffordable prescription drugs, to failing farms. They’re grappling with how to solve these problems and build thriving communities. This guide is designed to help them do that. Each chapter outlines how concentration is affecting one part of the economy and then details specific policy changes that can loosen the grip of dominant corporations, spur of new businesses, and generate new vitality.

The Impacts

The stakes are high. Growing evidence shows that corporate concentration is a significant factor behind many of our most pressing problems.

Monopoly Power Undermines Small Businesses — Small businesses are rapidly disappearing in most industries, while the number of new businesses started each year has fallen sharply. The problem is not that small businesses can’t compete. It’s that dominant corporations, empowered by policies that tilt the playing field, are muscling them out and, in the process, destroying the economic vitality of many communities.

Monopoly Power Harms Working People — Concentration of employer power squeezes workers from all sides. Research has found that a major reason that wages haven’t risen in recent decades is that industries are now dominated by a handful of corporations that have outsized power to set wages and face little competition for labor. Concentration has also reduced the number of real jobs (by 13 percent according to one study), forcing many people to rely on “gig” jobs.[1]

Monopoly Power Fuels Racial Injustice — Monopoly works hand-in-hand with systemic racism to impose barriers on communities of color while extracting wealth from them. The consolidation of banking has deprived Black and Latinx business owners of capital, while levying higher interest rates on those who do receive credit. Consolidation in the grocery industry — and its byproduct, the proliferation of dollar store chains — means poor communities of color especially have limited access to fresh, healthy food. The grip of incumbent telecom monopolies is driving a digital divide that leaves many Black and Latinx households without fast, affordable Internet.[2]

Monopoly Power Fails Consumers — Corporate concentration leaves Americans paying more and getting less. The U.S. has some of the highest broadband Internet prices in the world, and tens of millions of people live in regions with, at most, one provider to choose from. Consolidation in pharmacy is driving up the cost of prescription drugs, while leaving many towns and neighborhoods without a nearby pharmacy. And the market power of investor-owned electric utilities has driven up prices and hindered consumers’ ability to switch to clean energy.

Monopoly Power Kills Innovation — Research has shown that industries populated by a dynamic mix of both large and small businesses generate new products and processes at a faster clip than those consisting of a few giant corporations. In the tech sector in particular, Amazon, Facebook, and Google have slowed the once-brisk pace of technological innovation by buying smaller competitors before they become true threats.[3]

Monopoly Power Makes Our Economy Fragile — Covid-19 has revealed the fragility of our consolidated supply chains and how vulnerable we are to shortages. Meat processing is so consolidated that Covid-induced disruptions at a few giant slaughterhouses led to meat shortages in supermarkets across the country, while ranchers had nowhere to send their animals. Hospital mergers have contributed to a lack of hospitals in rural communities and led to an overall decline in hospital beds nationally, leaving the U.S. short of critical capacity.[4]

Monopoly Power Destabilizes Communities — Research shows that small businesses are integral to healthy communities. As locally owned businesses disappear, communities of all kinds are losing their sense of social connectedness and collective agency. For example, industrial agriculture has undermined rural communities and is connected with higher rates of crime and declining social cohesion. And when mega-retailers like Walmart dominate the local economy, it undermines civic participation and social capital.[5]

Monopoly Power Blocks Climate Progress — Monopoly electric utilities are impeding communities from building clean energy projects that reduce pollution. At the same time, they’re investing ratepayers’ dollars in costly and dirty energy sources that enrich shareholders. Waste conglomerates likewise have undermined our recycling systems to protect their profitable landfills, a major source of methane. Further, corporations typically place these toxic sites closest to those who have the least power to resist — namely, poor communities, often African American.[6]

Monopoly Power Corrupts Democracy — Underlying the many ways corporate power distorts our economy and exploits our communities is its broad, authoritarian threat to our democracy. Companies such as Amazon, Comcast, and PG&E exert so much power over our political process that efforts to make our society better are regularly crushed by powerful lobbying efforts. To protect our democracy, we need to take back control of our economy.

How We Got Here

During the last Gilded Age, when a handful of giant industrial and railroad corporations seized control of the economy and used it to funnel wealth to those at the top, people pushed their local leaders to take action. Workers, farmers, and shopkeepers rose up to fight for liberty and equality. In response, state policymakers led our country’s first efforts to break up the big trusts, limit the power of Wall Street, and empower working people to organize for better conditions.

The grassroots response was widespread. Farmers across the Great Plains banded together in cooperatives to resist the power of distant agribusinesses. North Dakota created a state-run bank in 1919 to end the control big banks held over its farming economy. People in big cities demanded public oversight of electric utilities and the prices they charged. Several states passed laws banning child labor decades before the federal government did, and the first minimum wage law was enacted by Massachusetts in 1912. And a group of states, starting with Kansas, passed their own antitrust laws before Congress adopted the first federal antitrust law, the Sherman Antitrust Act, in 1890.

States were thus the incubators for reforms that held corporate power in check and ensured the economic rights and liberties of ordinary people. Their efforts helped build momentum for federal action. Congress enacted more antimonopoly laws in the 1910s. But it wasn’t until the 1930s that the federal government finally addressed the monopoly problem comprehensively with new laws, institutions, and enforcement. That decade saw the wholesale restructuring of banking and commerce to break up concentrated power, disperse economic opportunity, and safeguard small businesses, workers, and farmers.

The period that followed, from the 1930s up to the 1970s, was the most stable, prosperous era in American history. Wages rose, the middle class swelled, and inequality declined. Several factors nourished these conditions, including strong union membership and public investment. But the restraint of corporate power and concentration was, without a doubt, a driving force.

One serious failing of this era was that people of color and women were excluded from many of these policies and their benefits, producing a period that was at once more broadly prosperous and persistently unequal and unjust.

Today, large corporations once again have incredible power and influence over our economy, our democracy, and our lives. These profound economic changes are not the byproduct of some inevitable, invisible force. They occurred because of deliberate decisions made by political leaders. In the 1970s, an ideological revolution that celebrated bigness and corporate scale swept through the fields of law and economics. One result was a radical change in how the antitrust laws are interpreted, such that their long-established goals of protecting competition and decentralizing power were abandoned. Instead, antitrust enforcement was reconfigured to favor consolidation on the theory that big business delivered greater efficiencies. These changes were embraced by both liberals and conservatives and have held ever since.[7]

This pivot towards corporate consolidation wasn’t limited to antitrust policy, however. It also resulted in dramatic shifts in policymaking in every area of the economy and across every level of government — as we detail throughout this guide. For example, it moved agricultural policy from providing economic security for farmers to a “get big or get out” system of subsidies for the wealthiest and largest farmers. It has resulted in state and local tax laws that put small businesses at a disadvantage, and in state laws that sustain the local monopolies of incumbent Internet providers. It also resulted in the degradation of state banking laws, which, along with other policy changes, opened the floodgates for­­­ a wave of bank mergers.

#### The AFF can’t escape the neoliberal university---gets coopted, diluted, and gentrified

Aidan Gnoth 19, PhD Graduate and Researcher at the National Centre for Peace and Conflict Studies at University of Otago, “A crisis of criticality? Reimagining academia in international peacebuilding,” Thesis for doctorate degree in Philosophy at the University of Otago, November 2019, https://ourarchive.otago.ac.nz/bitstream/handle/10523/9990/Gnoth%20Aidan%20-%20A%20Crisis%20of%20Criticality.pdf?sequence=1

Intellectuals, particularly within Western societies, occupy privileged positions which enable them to scrutinize the actions of those in power – having the time, expertise, and resources to analyse motives, expose lies, and imagine alternative futures. This ability is not a given however, and it manifests in a multitude of ways as academics’ epistemological and ontological biases, normative interests, and career security are continually renegotiated in the face of increasingly neoliberal rationales. Since the foundation of Peace and Conflict Studies over half a century ago, these pressures have played out along a problem-solving/critical theory dichotomy, in which problem-oriented scholars produce knowledge to improve the current system, while critical theorists seek to transform the entire paradigm and establish more emancipatory and positive types of peace. By assessing how this contestation has played out within the discourse of international peacebuilding, this thesis seeks to understand how critical theorists have challenged the status-quo by exposing and challenging the epistemic, discursive and institutional barriers to radical and transformative peacebuilding critique. To do this, it undertakes a critical discourse and citation network analysis of 111 prominent Peace and Conflict scholars writing on peacebuilding between 2005 and 2017, synthesised by observations drawn from over 40 interviews. It evaluates the scale and limits of critique by exploring the questions and problems that scholars concern themselves with, the extent to which their studies reflect on broader systemic and conflict promoting factors, the alternatives and possible futures that are envisioned, and the ways in which academia and surrounding institutions constrain and dilute radical critiques.

By systematically unpacking and assessing the problems addressed by academics and the arguments they make, the thesis identifies a lacuna of radical and imaginative writing which is further diluted and gentrified from within the academy itself as ideas are disseminated, popularized, and utilized. It finds that studies on international peacebuilding are overwhelming focused on perceived problematic ‘post-conflict’ locales within the Global South, and while the actions of Global North actors in these operations are often scrutinized, this does not extend beyond the immediate post-conflict environment. Paradigm critiques and reflexive challenges to institutions such as violence, the Westphalian state, and the international economic system are exceedingly rare and are most often problematized only in relation to the post-conflict paradigm. Furthermore, very few scholars engage with or offer a conceptualisation of peace which extends beyond status quo systems of management and order experienced by those within the Global North. Consequently, the possible futures and types of peace that are envisioned by scholars are iterative rather than revolutionary, seeking to integrate states within the existing international order rather than finding ways to challenge and produce new international orders which are more adept at responding to issues of environmental degradation and social justice.

Ultimately, the negotiation between critical and problem-solving theories has erred on the side of caution and reflected the interests of power and order in the face of uncertainty and change. Where more critical work has emerged, its emancipatory intent is overlooked and repurposed by the performances of academia itself which transmit realisable empirical findings and problematize operational elements of peacebuilding at the expense of fuzzy and difficult transformations. More broadly, the subservience of academia to power in the face of neoliberal pressures and self-regulation has relegated the role of speaking truth to power to the subaltern, and while critical scholars increasingly turn their gaze to these locales to amplify their voices and identify alternative orders, these efforts are continually subsumed into the status-quo as interventions delve deeper into the private sphere, placating resistance and reshaping transformation. A radical reassessment of pedagogy is needed that repurposes engagement with the post-conflict other in favour of sincere transformation and resistance, led by renewed and extensive reflexive critiques on the structures and systems of power within the West which exacerbate inequality and promote social injustice. The potential for peacebuilding to offer emancipatory transformation of the international system remains, but post-conflict societies cannot, and should not need to undertake this task without being met by equal reflexive and critical efforts within the Global North.

#### Legal engagement is the only way for social movements to build sustained countervailing power to change the status quo. Ceding the terrain of law dooms the AFF.

Kate Andrias and Benjamin I. Sachs 21, Kate Andrias is Professor of Law, University of Michigan Law School. Benjamin I. Sachs is Kestnbaum Professor of Labor and Industry, Harvard Law School, “Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” 130 Yale L.J. 546, January 2021, lexis.

[\*548] INTRODUCTION Among the painful truths made evident by COVID-19 are the deep inequality of American society and the profound inadequacy of our social-welfare infrastructure. The nation's lack of comprehensive health care, 1Link to the text of the noteits underfunded and inefficient system of unemployment insurance, 2Link to the text of the noteand weak workplace safety and health guarantees, 3Link to the text of the notealong with nearly nonexistent paid sick leave, 4Link to the text of the notedebtor-forgiveness rules, 5Link to the text of the noteand tenant protections 6Link to the text of the noteleave poor and working-class communities--particularly communities of color--dangerously exposed to the ravages of this pandemic, both physical and economic. 7Link to the text of the noteAmerica's weak social safety net is, in turn, a product of a profound failure that has plagued American democracy for decades now: the wealthy exercising vastly disproportionate power over politics and government. 8Link to the text of the note [\*549] Indeed, public faith in American democracy is at near-record lows, and increasing numbers of Americans report that they no longer feel confident in the health of their democratic institutions. When asked why, many say that money has too much of an influence on politics and that politicians are unresponsive to the concerns of regular Americans. 9Link to the text of the noteResearch supports these fears, showing both that wealthy individuals are spending record sums on electoral politics 10Link to the text of the noteand that elected officials are at best only weakly accountable to nonwealthy constituents. 11Link to the text of the note [\*550] As political scientist Martin Gilens has observed, "[W]hen preferences between the well-off and the poor diverge, government policy bears absolutely no relationship to the degree of support or opposition among the poor." 12Link to the text of the note Of course, democracy does not require that policymaking always follow majority will or the median voter's preferences. But democracy, as well as the faith citizens have in their government, falters when lawmakers persistently disregard the priorities of nonwealthy citizens. Much of the legal scholarship (and public commentary) concerned with this democracy deficit focuses on the increased flow of money into electoral politics and advocates for stemming that flow. 13Link to the text of the noteScholars writing in this vein criticize the Supreme Court's jurisprudence, exemplified by Citizens United v. FEC, that has enabled unfettered campaign spending. 14Link to the text of the noteThey offer a range of reforms designed to limit the flow of money into elections, many of which would require a change in the composition of the Supreme Court or the ratification of a constitutional amendment. 15Link to the text of the noteA related group of scholars advocates for shielding the legislative and administrative process from money's influence through, for example, lobbying restrictions and disclosure requirements. 16Link to the text of the note [\*551] A second robust body of scholarship focuses not on insulating the political process from money but on trying to ensure equal rights of individuals to participate in the governance process through elections. These scholars criticize barriers to equal voting rights, including contemporary uses of gerrymandering and legislation that impose hurdles on individual voters' ability to exercise the franchise or minimize the effective voting power of particular constituents. 17Link to the text of the noteScholars urge both doctrinal and legislative reform that would ensure more equal rights of participation. In the last few years, a third approach has begun to emerge in the legal scholarship. This approach begins by recognizing the difficulty--both practical and constitutional--of keeping money out of politics. It also recognizes that while equal voting and participation rights are critical to the goal of combatting political inequality, they are not enough to ensure political equality in a system where wealth functions so prominently as an independent source of political influence. Thus, this third approach moves beyond campaign finance and individual participation rights and focuses instead on what we will call countervailing power. In particular, this approach is concerned with the ability of mass-membership organizations to equalize the political voice of citizens who lack the political influence that comes from wealth. 18Link to the text of the note The beneficial effects of countervailing, mass-membership organizations are well known to theorists and researchers of democracy. 19Link to the text of the notePut simply, such groups increase political equality by building and consolidating political power for the [\*552] nonwealthy, thus serving as counterweights to the political influence of the rich. Mass-membership organizations can serve in this capacity because, at bottom, they aggregate the political resources and political power of people who, acting as individuals, are disempowered relative to wealthy individuals and institutions. 20Link to the text of the noteMore particularly, mass-membership organizations enable pooling of politically relevant resources, including money, among individuals with fewsuch resources; they provide information to decisionmakers about ordinary citizens' views; they navigate opaque and fragmented government structures, thereby enabling citizens to monitor government behavior; and they allow citizens to hold decisionmakers accountable. And, in fact, when citizens are organized into mass-membership associations that are active in the political sphere, researchers find an exception to the general rule that policymakers are disproportionally responsive to the preferences and concerns of the wealthy. 21Link to the text of the note Over recent decades, however, there has been a decline in broad-based, massmembership organizations of low- and middle-income Americans. 22Link to the text of the noteThis decline in countervailing organizations has exacerbated the political distortions caused by the increase in political spending by the wealthy. But the capacity for countervailing organizations to address the distorting effects of wealth raises a critical question for legal scholars: How can law facilitate the construction of countervailing organizations among the nonwealthy? Put differently, how can law facilitate political organizing among Americans whose voices are drowned out by the distorting effects of wealth? That is the question we address in this Article. Recently, legal scholars have begun to address related topics. For example, K. Sabeel Rahman and Miriam Seifter have written about ways that participation in administrative processes can improve the organizational strength of citizen groups. Thus, Rahman argues for designing administrative processes in ways that enhance the countervailing power of ordinary citizens, 23Link to the text of the notewhile Seifter urges administrative-law scholars to pay attention to the characteristics of interest groups participating in the administrative process and to consider "looking [\*553] within interest groups," referencing the manner by which interest groups determine the views of their constituents, "to illuminate the quality and nature of participation in administrative governance." 24Link to the text of the noteTabatha Abu El-Haj has urged greater use of universal benefits and targeted philanthropy, to encourage the growth of mass-membership organizations, since both "create reasons to organize on the part of beneficiaries." 25Link to the text of the noteBoth of us have written about the countervailing role that labor organizations can play in politics. 26Link to the text of the noteAnd Daryl Levinson and one of us have written about the ways in which ordinary public policy often has the effect--and at times the intent--of mobilizing political organization around the policy. 27Link to the text of the note Meanwhile, another group of legal scholars has highlighted the importance of social movements and their organizations in legal change, focusing on how movements shape decisionmaking by courts, legislatures, and administrative agencies. 28Link to the text of the noteIn particular, a rich literature has developed on the relationship between popular mobilization and evolving constitutional principles, 29Link to the text of the noteand on [\*554] how "cause lawyers" can best serve social movements. 30Link to the text of the noteMore recently, there has been a resurgence of scholarship that "cogenerates legal meaning alongside left social movements, their organizing, and their visions." 31Link to the text of the noteThis work builds on an older tradition of critical legal studies and critical race theory that interrogates the limits of traditional legal rights in bringing about progressive social change given the political, economic, and social conditions that systematically disadvantage poor people and people of color. 32Link to the text of the note To date, however, no one has tackled directly the question that we pose here. 33Link to the text of the noteRather than asking how the enactment of substantive legislation or administrative-participation mechanisms might boost organizing, how social [\*555] movements can or hope to reshape law, or how a focus on traditional legal rights disables fundamental social change, we ask how law could be used explicitly and directly to enable low- and middle-income Americans to build their own socialmovement organizations for political power. The question is particularly urgent today as the COVID-19 pandemic has exacerbated society's existing inequalities. Working-class communities, especially low- and middle-income people of color, have experienced hardships as a result of the disease to a far greater extent than the wealthy--from massive unemployment to dangerous working conditions, from food insecurity to rising debt and risk of eviction. 34Link to the text of the noteThe suffering wrought by the pandemic, as well as by the financial crisis of 2008, has led to an upsurge in protests by low- and middle-income Americans, particularly among workers, tenants, and debtors. 35Link to the text of the noteAt the same time, endemic violence against Black communities, including the recent killing of George Floyd, has led to widespread organizing around issues of racial justice. 36Link to the text of the noteThese movements demand that government respond to the [\*556] concerns of ordinary Americans and attempt to elicit better treatment from powerful actors. Yet, despite their promise, such movements face significant obstacles in translating their members' anger into robust and lasting political power. 37Link to the text of the noteA pressing task, therefore, is to ask how law can facilitate and protect these new and revived protest movements, helping to create durable organizations that can exercise sustained power in the political economy.We start from the premise that the robustness of countervailing, mass-membership organizations should be understood as a problem both of and for law. The shape of civil society and organizational life is already a product of legal structures and rules. 38Link to the text of the noteAnd although law has frequently been a tool of oppression, rather than of empowerment, of poor and working-class people and movements, 39Link to the text of the notealternative legal regimes that encourage the growth of and the exercise of power by social-movement organizations of the poor and working class are possible. Indeed, for those who are committed to decreasing political inequality, alternative legal structures that encourage the growth of countervailing organizations are imperative. In analyzing how legal and institutional reforms could facilitate a different picture of organizational and political life in the United States, we draw from the successes and failures of labor law--the area of U.S. law that most explicitly and directly creates a right to collective organization for working people--while also moving beyond that context to literature considering "how, in what forms, and under what conditions social movements become a force for social and political change." 40Link to the text of the noteWe do not attempt to adjudicate priority among factors that [\*557] contribute to successful organizing, nor do we attempt to build an exhaustive list of such factors. Instead, we consolidate factors that have two attributes: (1) they are likely to contribute to the successful building of membership organizations among poor and working-class people, and (2) their existence or development might be enabled by law. We recognize that some factors, undoubtedly critical to successful organizing, are beyond the reach of our proposal. For example, sociologists and historians have demonstrated that several structural opportunities helped facilitate the growth of the Civil Rights movement, including the collapse of cotton; the increase in Black migration and electoral strength; and the advent of World War II and the Cold War. 41Link to the text of the noteThese kinds of objective structural conditions, exogenous to movements themselves, are frequently important to movement formation, but they cannot be directly affected by the kinds of legal reforms we suggest. Likewise, sociologists have shown that strategic leadership within organizations is critical to movement success, 42Link to the text of the notebut internal leadership dynamics are not easily affected through legal regulation. 43Link to the text of the note Three additional principles guide our analysis. First, because small-scale, concrete victories are essential to successful organizing, and because organizing tends to be most successful among people with shared identities and existing relationships, we focus on reforms that enable organizing within particular structures of authority and resource relations. By way of examples, we consider organizing among workers, tenants, debtors, and recipients of public benefits. We pick these contexts in part because they are ones rife with exploitation and [\*558] power imbalances and populated by the relevant income groups, and in part because they are home to important organizing efforts, both historical and contemporary. 44Link to the text of the noteWe do not suggest that these are the only relevant contexts in which our suggestions might be explored, nor do we in any sense imply that broader organizational development encompassing poor and working-class people as a whole is impossible or ineffective. In fact, the context-specific organizing regimes we envision might well facilitate broader community-based and political organization. However, we leave for another day exploration of how the law might directly enable broad-based political organization--say, a political organization of all poor people or a political-party system that incentivizes grassroots participation among nonwealthy individuals. 45Link to the text of the note Second, we focus on how law can build organization, as opposed to more amorphous configurations of insurgency. The organizations our reforms seek to facilitate are very much social-movement actors, in that they seek to change "elements of the social structure and/or reward distribution of a society." 46Link to the text of the noteBut the goal is to encourage enduring organization that can wield sustained, [\*559] countervailing power. 47Link to the text of the noteThus, our approach rejects the idea that formal structures facilitated by law are necessarily deradicalizing and inimical to social change. 48Link to the text of the note Finally, our focus is on how law can facilitate organizations of working-class and poor Americans--not on either of two other questions: one, how law could be designed specifically to enhance the political power of communities of color, or two, how law could encourage the formation of interest groups generally. The first question could not be more critical. Just as our government is disproportionately responsive to the wealthy, it is also disproportionately responsive to white people, 49Link to the text of the noteand the crisis of structural racism is perhaps the most acute we face as a nation. As such, a program for building political power among communities of color is just as necessary as a program for building power among workers and the poor. But it is also true that our focus on working and poor Americans ought, in practice, and in part due to the crisis of structural racism itself, to amount to a program for building power among and by communities of color. This is not the exclusive reach of our proposals, and continued attention must be paid to ensure that racial inequities do not infect the political organizing we aspire to enable. But because people of color are over-represented in the sectors of the population that we do address--low-income workers, tenants, government-benefits recipients, debtors--these communities would likely benefit from the success of our proposals. As to the second question, while a more expansive civil society may bring a host of benefits, including greater social cohesion and civic education, this Article's concern is with building organizations that can serve as a countervailing force to the extraordinary power of economic elites in our political economy. 50Link to the text of the note [\*560] We argue that a legal regime designed to enable this kind of organizing should have several components. First, the law should grant collective rights in an explicit and direct way so as to create a "frame" that encourages organizing. Second, as importantly, though more prosaically, the law should provide for a reliable, administrable, and sustainable source of financial, informational, human, and other relevant resources. Third, the law should guarantee free spaces--both physical and digital--in which movement organization can occur, free from surveillance or control. Fourth, the law should remove barriers to participation, both by protecting all those involved from retaliation--no worker may be fired, no tenant evicted, no debtor penalized, and no welfare recipient deprived of benefits because they are active in or supportive of the movement's efforts--and by removing material obstacles that make it difficult for poor and working people to organize. Fifth, the law should provide the organizations with ways to make material change in their members' lives and should create mechanisms for the exercise of real political and economic power, for example by providing the right to "bargain" with the relevant set of private actors and by facilitating organizational participation in governmental processes. Finally, the law should enable contestation and disruption, offering protections for the right to protest and strike. 51Link to the text of the note The particulars necessarily vary by context. For example, a law designed to generate organizing among tenants would start by affirmatively granting tenants the right to form and join tenant unions. It would grant such unions the right to access information and landlord property for organizational purposes. It would vest the organization with authority to collect dues payments through deductions from rent payments. It would mandate that landlords negotiate with tenants' organizations over rent and housing conditions. It would ensure that organizations have special rights of participation in administrative processes related to housing policy. And it would provide for the right of tenants to engage in rent strikes and protests, free from retaliation. A law designed to facilitate organizing among debtors would similarly create a collective frame, provide a mechanism for funding, protect against retaliation, mandate bargaining and [\*561] rights of participation in governance, and protect the right to protest and strike, but a debtor-organizing law might not provide for access to physical spaces, instead putting more emphasis on providing information and enabling online organizing. Some of our proposals will generate resistance--theoretical, legal, and political. And, indeed, we concede that our approach has limitations. For example, we do not attempt to articulate the optimal level of political influence that the organizations in question ought to enjoy, nor a way of measuring when and whether they have become sufficiently strong. As Richard Pildes has written in a related context, we believe it is possible to "identify what is troublingly unfair, unequal, or wrong without a precise standard of what is optimally fair, equal, or right." 52Link to the text of the noteIn addition, the scope of our inquiry is limited to problems of economic inequality. Yet we do not mean in any way to minimize other aspects of inequality, including racial and gender discrimination and hierarchy, which are both inseparable from economic inequality and worthy of separate examination and intervention. To that end, we believe law ought to require inclusion and nondiscrimination among poor and working people's social-movement organizations. 53Link to the text of the note Finally, we recognize both that our recommendations will not provide a panacea to the imbalance in power that characterizes our political economy and that our proposals will be difficult to enact. Indeed, although we suggest a range of possible reforms and explain how they could be achieved, the goal is to illuminate law's constitutive potential and to suggest a path for further work, not to provide a comprehensive blueprint. 54Link to the text of the noteIn short, analysis of what makes poor and working people's social-movement organizations succeed helps show that law [\*562] can make a difference--and that the absence of such law is a choice, one we believe our society cannot afford to make. 55Link to the text of the note