# 1NC vs Wake BP

## OFF

### 1NC – T – USFG

#### Interpretation: Topical affirmatives must instrumentally defend an increase by the United States federal government in prohibitions on anticompetitive business practices by expanding the scope of core antitrust laws

#### United States federal government means the three branches of government

USA.gov 13 "USA.gov is the U.S. government's official web portal" http://www.usa.gov/Agencies/federal.shtml

U.S. Federal Government - The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.

#### Prohibitions protect parties against a type of business conduct

Craco et al. 92 – Attorney for American Institute of Certified Public Accountants

Louis A. Craco, Brief of American Institute of Certified Public Accountants as Amicus Curiae in Support of Respondent, Reves v. Ernst & Young, 1992 U.S. S. Ct. Briefs LEXIS 452, Supreme Court of the United States, June 1992, LexisNexis

The Senate Report also notes that, by "effectively remov[ing] the criminal figure from the particular corrupt organization[,]" the "prohibition is not a penalty against any individual[,]" but "instead a protection of the public against parties engaging in certain types of businesses after they have shown that they are likely to run the organization in a manner detrimental to the public interest." S. Rep. No. 91-617, supra, at 82 (emphasis added).

#### “Expand the scope” means broadening the range of claims that can be brought by plaintiffs

Barrera 96 – J.D., Wayne State University Law School

Lise A. Barrera, “Is the Courtroom the New Front for the Resolution of Publishing Disputes?,” The Wayne Law Review, Vol. 42, Summer 1996, LexisNexis

It is important to note the distinction between the expansion of the scope of section 43(a) and the standard that courts apply in granting relief to claims under this section. The scope of section 43(a) allows plaintiffs to claim the section provides them with protection and thus should grant them relief. The expansion of the scope allows a much broader range of claims to be brought legitimately under section 43(a). Once the scope of the statute allows the claim to be brought, the courts apply a standard to the claim in order to determine whether a plaintiff should be granted relief.22 The standard applied is also the product of years of judicial interpretation. While the scope of section 43(a) is expanding, however, the standard for relief seems to be becoming higher and harder to meet.

#### Business practices” are a pattern of conduct by a private entity

Wohl 17 – Partner at Paul Hastings LLP

Jeffrey D. Wohl, Halley V. Target Corporation, Declaration of Jeffrey D. Wohl and Request for Judicial Notice in Support of Defendant Target Corporation’s Motion to Dismiss or, in Alternative, to Stay Because of Earlier-Filed Litigation, LexisNexis

51. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over 2 a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and 3 CLASS MEMBERS.

#### The “core antitrust laws” are the Sherman and Clayton Acts

Felsenfeld 93 – Professor of Law, Fordham University School of Law

Carl Felsenfeld, “The Bank Holding Company Act: Has It Lived Its Life?,” Villanova Law Review, Vol. 38, January 1993, LexisNexis

It is well established that, despite the "extensive blanket of state and federal regulation of commercial banking, much of which is aimed at limiting competition,"480 the United States' core antitrust statutes (the Sherman and Clayton Acts) apply to banks.481 There is respectable opinion that "existing antitrust laws are fully adequate to guard against anticompetitive mergers or acquisitions, or other anticompetitive activity, in the banking industry."482 A proposal to remove the BHCA, however, is not a suggestion that only the Sherman and Clayton Acts would impose antitrust limitations on banks. The other bank laws and regulations would continue in effect.483

#### Two impacts ---

#### 1] Preserving the game – games cannot operate unless both sides can be confident in advance they have a chance of winning---leaving the neg guessing until the round starts about what they need to do to win locks in losses, makes research futile, and creates a game without rules that’s meaningless and unenjoyable

#### 2] It turns the Aff---their interp incentivizes the aff to run to the margins and pick topics that give the neg nothing to say---a model of disagreement is better for achieving any of the benefits they hope to gain than a monologue

### 1NC – C/A

#### The United States federal government should:

-increase the scope of antitrust laws to break up monopolies

-create public utilities in the energy, health, finance, and environment sectors

-create a comprehensive, universal social safety net for all people in the United States

#### Embracing the state’s ability to distribute resources is key to substantive equality – the C/A centers political commitments towards embracing anti-domination as a method of redressing disparities in power – turns the aff

Rahman 18 – Associate professor of law at Brooklyn Law School and former visiting professor of law at Harvard Law School.

K. Sabeel Rahman, “Book Review: Reconstructing the Administrative State in an Era of Economic and Democratic Crisis,” *Harvard Law Review*, vol. 131, 2018, pp. 1682-1689, https://harvardlawreview.org/wp-content/uploads/2018/04/1671-1712\_Online.pdf.

A. Privatization and the Challenge of Contesting Economic and Social Structure

The regulatory state did not simply come into being because of the complexity of modern governance; rather, in its key moments of institutional innovation and development, the rise of modern administration has always been closely tied to substantive aspirations to counteract inequalities, hierarchies, and disparities of power generated by a changing social and economic order. As Michaels writes, the socioeconomic upheavals of industrialization led an "increasingly inclusive and mobilized public" to demand "greater protection from the vagaries, deceptions, and dangers of the marketplace" (p. 41). As a result, a "State newly tasked with these weighty and extensive responsibilities (and newly attuned to the disciplining effects of a more demanding, empowered, and diverse electorate) could no longer get away with being small or amateurish" (p. 41). The outcome of these demands was a burst of institutional innovation and state formation that created the explosion of new administrative bodies, commissions, and bureaucrats in the Progressive Era, accelerating with President Roosevelt's New Deal. While Michaels is certainly right to highlight the ways in which the professionalization and proceduralization of these new administrative powers were central to their legitimation, the rise of the modern regulatory state -- and its political and normative valence -- has to be understood in context of these substantive aspirations and concerns arising from the industrial economy.

The upheavals of industrialization generated more than simple economic dislocation; they provoked a deep political crisis. 26 Late nineteenth-century thinkers, lawyers, and reformers saw industrial capitalism as a fundamental threat to existing institutions and political ideals. Industrialization produced widespread immiseration, dislocation, and precarity. 27 But it also produced very clear and threatening new forms of economic power: the power of managers over workers and the rise of new corporate titans like J.P. Morgan, the Vanderbilts, and the Rockefellers, whose corporate control over finance, rail, oil, and other foundational goods and services placed whole towns and business sectors at their mercy. 28 At the same time, political institutions themselves were already viewed as captured, corrupt, or otherwise incapable of meeting these challenges: legislative corruption was a widespread concern, and a conservative judiciary posed a threat to basic state police powers aimed at protecting workers, health, and safety -- and curbing these new forms of corporate power. 29 This context generated social movements across the country, from the Farmers' Alliance (which would become the widespread Populist movement), to the largely urban, middle-class Progressive movement, to the growing organized labor movement. 30

While these movements were themselves highly diverse and heterogeneous in their members and demands, they shared a common set of ideas: that the industrial economy was a highly unequal one shaped by new forms of domination and power, and that for economic and political liberty to survive industrialization, new institutions would have to be created to empower the public and check the excesses of industrialization. First, the problem of industrial capitalism was not just one of income inequality or maldistribution. More critically, it was a problem of economic power. 31 For antitrusters and crusaders like Louis Brandeis, a key problem was that a variety of private actors, from monopolies and trusts, to finance, to corporations more broadly, had accumulated a degree of quasi-sovereign control over the economic vitality and well-being of individuals and communities -- yet were not subject to the kinds of checks and balances and norms of public justification that would have accompanied equivalent exercises of public power. 32 This problem of economic power also appeared in Progressive Era critiques of the market system itself. On this view, as thinkers like Robert Hale and John Dewey suggested, what might appear as impersonal "market forces" that, for example, drove wages down or prices up, were in fact the cumulative result of thousands of microscale transactions and bargains, each of which took place under (legally determined) disparities of power. Law constructed markets -- and thus shaped market forces themselves. 33

Second, if the problem of capitalism was really a problem of power, then the remedy required the construction of new forms of civic capacity empowered to contest such private and market power. Thus, for Progressive Era reformers, a key challenge was the challenge of action-ability. 34 As Dewey put it in his influential book, The Public and Its Problems, the problem of the modern public was that it was too scattered, diffuse, and disorganized, incapable of asserting its interests in the face of the pressures of the industrial economy. 35 By its very nature, economic inequality in an industrializing economy could not be counteracted at an individual level; the background disparities of power were systemic and could be altered only by equally systemic changes to the background rules of the marketplace itself. Indeed, this was one of the central insights of legal realist scholars and progressive economists like John Commons, Robert Hale, Richard Ely, and others, who saw the prospects for economic equity as requiring expansive efforts to restructure the background rules of the market itself. 36 By creating new institutions like regulatory bodies, reformers made it more possible to act on these seemingly powerful and diffuse forces; by situating these bodies in a larger context of public-oriented, democratic politics, these agencies could fairly be seen as agents of the public good. Thus, private power would be made contestable and governable by democracy. 37

These are the kinds of aspirations that fueled the experimentation with the expansion of the administrative state: starting at the state and local level with the efforts by cities to municipalize private utility companies and by state governments to create railroad oversight commissions and agencies to address labor, poverty, and public health, and then reaching the federal level as the Progressive Era Administrations of Presidents Theodore Roosevelt and Woodrow Wilson began to experiment with antitrust and economic regulatory oversight. 38 As Professor William Novak has convincingly argued, this proliferation of state and local regulatory experiments shaped a generation of legal scholars and policymakers, giving rise to the modern techniques of administrative governance and making the later New Deal creation of the modern administrative state possible. 39 The rise of administration, then, was inextricably related to the rise of democracy, in two related senses: first, the building of state regulatory capacity provided the democratic public as a whole with new tools through which to make a vision of socioeconomic order possible; second, these tools were at the outset oriented, at least in part, toward a substantive vision of democratic accountability and equality, not just of governmental actors, but perhaps even more importantly, of private economic actors whose unchecked private and market power posed a threat to democratic opportunity.

This relationship between democratic political agency and capacity, substantive ideals of democratic equality, and the administrative state also animated important episodes of regulatory institutional development and innovation in the mid- and late twentieth century. As the growing literature on "administrative constitutionalism" suggests, the frontline battles for economic, racial, and gender equality often involved the building and deploying of bureaucratic capacity, and internal battles between social movements and bureaucrats. 40 It was through the creation of regulatory institutions that labor rights, nondiscrimination protections, and access to federal welfare programs from Medicare to poverty assistance were made possible. Furthermore, it was through the pressures exerted on these bureaucracies by social movements that these regulatory tools were gradually repurposed toward enforcing and implementing equity- and inclusion-enhancing programs.

Consider, for example, Professor Karen Tani's recent work on the administration of welfare rights. As Tani documents, the development of a modern welfare rights regime involved a hard-fought shift away from a view of welfare as charitable support for the needy to welfare as a right that was an entitlement owed to members of the polity. 41 This shift had to be negotiated and was driven in large part by bureaucrats within the Social Security Administration, who asserted their specific vision of welfare as entitlement over the resistance of local welfare system administrators. To make the idea of welfare rights a reality, these bureaucrats experimented with implementing greater process protections for claimants. 42 These federal officers also developed new approaches to training and hiring bureaucrats, socializing them into a way of doing their day-to-day work that took as an axiom this more robust commitment to welfare as entitlement. 43 The success or failure of this effort turned not so much on the role of judicial interpretations of constitutional doctrine or presidential directives, but rather on more bureaucratic concerns: jurisdictional turf battles between local and state administrators more hostile to expanded welfare benefits and federal agencies seeking to expand access, difficulties of sourcing enough trained personnel who shared this larger mission, and the like. 44

A similar story can be told about the construction of equal access to Medicare. As Professor David Smith details in his historical account, it was the politics of regulation that constructed the reality of equal access to Medicare as a universal entitlement. 45 This outcome was neither obvious, nor predetermined. Rather, it was the contingent result of a complex interplay of bureaucratic innovation, social movement pressure, and regulatory policymaking. As Smith argues, in the early days of Medicare, there was a very real threat that the program would be administered in racially discriminatory and exclusionary ways. 46 The health system emerging in the mid-twentieth century reflected the legacy of racial exclusion and hierarchy in the Jim Crow South, marked by segregated and geographically concentrated hospital systems, and driving vastly divergent health outcomes and mortality rates between whites and African Americans. 47 Civil rights movement groups like the NAACP, Southern Christian Leadership Conference, Student Nonviolent Coordinating Committee, and Congress of Racial Equality, made the integration of hospitals and the healthcare system a key focal point -- taking the lead from African American health professionals who drove these campaigns. 48 Pressure from civil rights leaders led to a major shift in Department of Health, Education, and Welfare leadership and culture. By December 1965, the agency issued a new internal memo that declared its mission to include the compliance with an enforcement of civil rights goals, through the administering of Medicare funding for hospital systems. 49 The agency created an Office of Equal Health Opportunity in February 1966 to enforce Title VI compliance for any hospital receiving Medicare payments. 50 This new office in turn hired teams of investigators, coordinating with civil rights groups to train them and to identify hospitals that might be violating civil rights requirements. 51

The rise of the administrative state was thus not a politically neutral endeavor. The checks and balances that legitimate administrative authority in essence make possible (but do not guarantee) the contestation of deep forms of economic and social inequality, subordination, or hierarchy. This is not to say that administrative authority is always equality or inclusion promoting -- hardly. But in a reality where background economic, social, and historical conditions already encode structural disparities of wealth, opportunity, power, and influence, eliminating regulatory agencies and tools that are potentially capable of addressing these disparities (even if they are not always deployed in these ways) precludes much of equality- or inclusion-promoting public policy from getting off the ground in the first place. The dismantling of administrative institutions, then, is similarly nonneutral. Scholars of the administrative process have long warned of the dangers of special interest capture of regulatory agencies, which would cause administrative authority to be redirected to serve some interests over others. 53 But agencies can also be captured and neutered through inaction -- through what political scientists call "drift," where highly resourced and sophisticated players are able to produce substantive policy change simply by holding existing rules in place in the face of changing external conditions. 54 Dismantling agencies altogether would be an even more extreme form of opposition to these potential uses: rather than trying to capture or simply neuter the agency, more radical efforts to deconstruct regulatory institutions cut off the very possibility by eliminating the regulatory capacity itself, a kind of complete and total capture through deconstruction.

This substantive valence of administrative power and its potential deconstruction adds an important layer to Michaels's critique of privatization. Michaels alludes to the ways in which privatization risks permanently dismantling institutional tools and capacities that are difficult to rebuild. As Michaels warns, under privatization, "we will have hollowed out the government sector to such an extent that we may well lack the capacity, infrastructure, and know-how to reclaim that which has increasingly been outsourced or marketized" (p. 12). He rightly notes that privatization emerged as a "pivot[]" strategy in the Reagan era, a "second-best" to dismantling regulatory bodies themselves (p. 97). This is a problem in particular because "the Market, at least in its pure, idealized state, is not democratic, deliberative, or juridical. . . . It is the world of Schumpeter and Coase, not Montesquieu or Madison" (p. 5). Private corporate governance, meanwhile, cannot replicate the kinds of checks and balances that the separation of powers principles require (p. 164).

Dismantling administration and returning to private ordering is therefore troubling for democracy in three senses. First, given prior background structural patterns of exclusion and disparities of wealth, power, and opportunity, a return to private economic and social ordering is by definition a return to economic inequality, social hierarchy, and exclusion. Second, the dynamics of market competition or of corporate governance cannot replicate or replace public institutions of democracy or of checks and balances. They operate fundamentally differently and are not substitutes. Third, a dismantling of regulatory institutions removes some of the most vital and effective mechanisms through which we as a democratic public seek to contest and reshape these background structural inequities and exclusions: without tools of general administrative policymaking and enforcement, these structural inequities are harder to overcome and reshape.

## CASE

### 1NC – presumption

#### Vote neg on presumption:

#### A] no reason the ballot’s key—nothing about this debate spills out of the Zoom room to solve their impex

#### B] solvency is non falsifiable—academics have written about the 1AC’s content—no reason erring the content of the 1AC in debate is key

### 1NC – Undercommons

#### Retreating into the undercommons is bad – Remains trapped within and against which eviscerates its subversive and emancipatory potential

Love 15—Associate Professor at the University of Pennsylvania [Heather, ““Doing Being Deviant: Deviance Studies, Description, and the Queer Ordinary,” *differences* Vol. 26, No. 1, p. 89-91]

Today, queer studies—prestigious but unevenly institutionalized— still signals absolute refusal or criticality—all anti- and no normativity. In their influential 2004 essay, “The University and the Undercommons” (and in the 2013 book that followed from it), Fred Moten and Stefano Harney rely on such an understanding of queer (as well as concepts borrowed from black studies, feminism, ethnic studies, and anticolonial thought). They **call for betrayal, refusal, theft, and marronage** as modes of resisting the iron grip of the academy, pointing to an uncharted, underground, and collective space they call the undercommons. “To enter this space,” they write, “is to inhabit the ruptural and enraptured disclosure of the commons that fugitive enlightenment enacts, the criminal, matricidal, queer, in the cistern, on the stroll of the stolen life, the life stolen by enlightenment and stolen back, where the commons give refuge, where the refuge gives commons” (103). Moten and Harney speculate whether the “thought of the outside” (105) is possible inside the university and suggest that if there is an outside, it is along the margins and at the bottom. **Yet their imagination of that outside is** indebted to the inside, in particular to the **conception of deviance produced** within **sociology**. Their account of the undercommons reads like a rap sheet, **a list of the** traditional topics **of deviance studies**: theft, homosexuality, prostitution, incarceration.

Moten and Harney do not describe the undercommons, but rather ask their readers to join it, to participate in active revolt against professional and disciplinary protocols. To offer an objective account of the social position of radical academics would be to further business as usual in the academy; dwelling in the undercommons requires giving up on the usual protocols of description. Moten and Harney argue against the traditional role of the “critical academic” (105), which they see as just another turn of the professional screw, since work that opposes the academy does not challenge its basic structure or everyday operations. They argue that “to be a critical academic in the university is to be against the university, and to be against the university is always to recognize it and to be recognized by it, and to institute the negligence of the internal outside, that unassimilated underground, a negligence of it that is precisely, we must insist, the basis of the professions” (105). In contrast to the figure of the critical academic, they forward the image of the “**subversive intellectual**” who is “in but not of” the academy (101). Without dismissing the galvanizing effect of such a call to the undercommons, it is **important to consider the limits of the refusal of objectification as a strategy**. **To be unlocatable**, to be nowhere, to be in permanent revolt: Moten and Harney describe the path that queer inquiry laid out for itself. Objectification—recognition, description, critique—can be a way to reinforce the status quo, but it **is also a way of** acknowledging **one’s institutional position** and the real differences between inside and outside. Even the most subversive **intellectuals in the academy are “on the stroll” in a metaphorical but not a material sense.** The fate of those who came “under false pretenses, with bad documents, out of love” (101), if they survive, is to become “superordinates” in Becker’s sense.

**Whose side are we on?** Can we hold onto the critical and polemical energy of queer studies as well as its radical experiments in style and thought while acknowledging our implication in systems of power, management, and control? **Will a more explicit avowal of disciplinary affiliations** and methods snuff out the utopian energies of a field that sees itself as a radical outsider in the university? To date, both the political and the methodological antinormativity of queer studies have made it difficult to address our implicationin the violence of knowledge production, pedagogy, and social inequality. **Such violence is** inevitable**,** and critical histories of the disciplines—and the production of knowledge about social deviance—are essential. Undertaking such work, however, will not allow escape into a radically different relation to our objects because we are (as Moten and Harney also argue) **part of that history**—we are its contemporary instantiation. To imagine a social world in which those relations are transformed—in what Moten and Harney refer to as the “prophetic organization” (102)—may be crucial for the achievement of social justice, but to deny our own implication in existing structures is also a form of violence.

#### Their theory of racialization is wrong – can never move beyond fugitivity and relies on a misapplication of Fanon and Heidegger.

Marriott 16—Professor of Humanities at UC Santa Cruz [David, “Rhizomes: Cultural Studies in Emerging Knowledge,” *rhizomes*, Vol. 29, p. 1-5, <http://www.rhizomes.net/issue29/pdf/marriott.pdf>]

[4] Crucially, Moten presents his argument not as a 'refusal' of Fanon, but as a 'demand that we read' his texts as if 'for the first time'.[9] This would mean that any reading of Fanon must begin naively (etymologically speaking), without prejudice or prescription: it's a demand that recalls phenomenology's approach to things/sachen (an approach in which reading is both a bracketing and a reduction). This scene is immediately complicated, however, in that naïve reading, which in this hypothesis or story is to begin without judgment, reappears in the prescription that we read naively. Indeed, if naivety is demanded what would it mean to prescribe Fanon's texts as the addressee of that naivety? And if one accepted, with Moten, that such naïve reading constitutes neither a refusal nor judgment of Fanon, and if it were decided that such reading could also be named a refusal of refusal (of Fanon's disavowing claim), then the complication only spreads. That demand for naivety, which describes itself as black optimism, is in turn derived from a certain reading of Heidegger. It is from the latter that Moten rapidly determines what it means to give the 'case' of blackness a hearing, to register the optimism of its outpouring despite the 'horror of its making', or the horror from which it was made.[10] The word 'case' must be understood as both a tribunal and its hearing, but 'case' too in the sense of psychopathology: here Moten does not explain why, nominally speaking, the case of blackness should take the form of a juridical dispute between Fanon and Heidegger, nor why that dispute should be settled by the latter's account of 'representational thinking'.[11] In terms of the law applicable to this case, Fanon's crime, then, would be his failure to think beyond law or pathology, or to imagine a new set of possibilities as defined by Heidegger's ontological naivety—but also that the latter's claim to return representation to its ontological ground (as too in Moten's constant implicit claim to give blackness a hearing) merely means that Fanon's own critique of ontology is inevitably reduced to a litigious politics of representation.

[5] We know that the case of blackness (and its juridical rhetoric) includes at least two questions: what is this thing called blackness and how is it to be represented? The junction at which these two questions meet in Peau noire, masques blancs is that of a flaw: this flaw is born very specifically from an experience of ruination 'that interdicts any ontological explanation'.[12] In the colony, the phenomenological form of social power is never immediate, that is to say, a relation of representation, but a confrontation that designifies, and, at the same time, resignifies social relations once they are racially determined, a confrontation in which both being and law acquire new significations born out of disavowal (what Fanon defines as the lactifying desire for substitution or separation of the black from the négre, and of the white from its other) and of amplification (the recoding of the social and symbolic order by racial signifiers of precarity and threat, fear and impoverishment). Saying that there is a question whether blackness is disavowed in Fanon, a disavowal whose meaning is in dispute, does not, however, explain why Moten continues to use the language of ontology and of law to explain Fanon's writing on blackness as a phenomenology. The etymology of the word 'case' also includes that of contingency and of fall (lapsus); that is to say, the meaning of blackness is not prescribed, and has no prior signification before it is raced. This contingency or fall (the lapsus or trauma of racialization) denotes not a prescribed imperfection but refers to the time, paradoxically enough, in which the black comes face to face with its own contaminating filiation with the négre, a confrontation that is never simply in the order of an object, but is that of an exposure that is also the work of a certain concealment; it is a moment in which any simple history (of escape or confinement, mimicry or identification) is necessarily the impure avowal of an imaginary longing for a colorless presence, meaning, or proximity. If one accepts, along with Moten, that blackness always escapes its positioning in either law or representation, and if it were to be shown that neither that law (or its history) nor that representation (or its history) can capture 'the case blackness makes for itself in spite of and by way of every interdiction', according to which this case names both a specific pathology and object, then why hold onto this juridical rhetoric (with respect to the case) to present that which apparently always escapes law and representation?[13]

[6] By writing blackness as ceaseless fugitivity, Moten has moved towards a position in which blackness is only black when it exceeds its racist disavowal. Or, the blackness of blackness can only be recognized as black in so far as it escapes the racism of its history: but what allows us to see this escape is not blackness, but its racist disavowal. Or, in order to reconcile blackness with that which blackness supposedly is, Moten has to rely on the narrative of its constraint or pathology, which he cannot do without: this pathology enables Moten to avoid the disavowing naiveties of Fanon but only in so far as he too reads naively, or optimistically. A third possibility would make this disavowing claim, that Moten wants to make deliver up its secrets, a sign of how Moten himself disavows how racist disavowal complicates his reading of what he describes as Fanon's phenomenology, in which impurity inevitably generates a pathological meaning. Or again: if Fanon hears what Moten does not hear (in terms of his reading of the case), this is because Moten can only affirm blackness as affirmation, not because it escapes pathology, but because blackness is experienced only as the activity of escape, but one which never escapes the ontology of such production. It follows that blackness cannot escape its own fugitivity; its constitutive moment is traversal (or, what constitutes it is its force of subversion with regard to the pathological classifications of blackness). If Fanon fails 'to investigate more adequately the change from object to thing', one could also suggest this failure fails to address, or forecloses, that other scene in Fanon; in short, how the very distinction between object and thing refuses to engage with the Fanonian unconscious (in which the object is neither simply represented nor simply fugitive to the languages of law, ontology, or difference).[14] The form of this problem seems to be linked to what can appear to be a persistent equivocation in Moten's reading of Fanon between apparently ontological claims and the use of the aesthetic-political to somehow escape ontology. This situation, which would demand new formulations of the relationship between ontology and the aesthetic-political, is perhaps programmed by the logic of a presentation which needs to see a radical break between them, a necessity whose prescription is also thus disavowed.

[7] This scenario is not an easy one to follow, and might therefore be described as itself Fanonian. Moten defines as black a situation in which the obligation to steal away goes along with a 'movement of escape' that is not criminal and cannot be 'enframed' as such. Moten states this movement as follows: blackness is 'an ensemble always operating in excess of that ancient juridical formulation of the thing', it is 'a stolen, transplanted organ always eliciting rejection', and, 'the lived experience of blackness is, among other things, a constant demand for an ontology of disorder, an ontology of dehiscence' and so on.[15] Aside from noting the logical instability of this 'always': namely, if x is always escaping then it cannot be said to ever entirely escape, it is clear that, according to Moten's own logic, these descriptions leave it completely undecidable whether blackness is fugitive because it never quite escapes (its enslavement, its impurity), or whether it always thereby escapes how it is rendered black, or not, precisely because it is not an object. Moten refers to this situation as the 'special ontic-ontological fugitivity of/in the slave' which he says is 'necessarily unaccounted for in Fanon'.[16] I am not going to provide any detailed commentary on this word 'necessarily', although it would not be difficult to construct an argument showing that Fanon, in so far as he insists on the necessary mis-recognition of blackness as black, is in fact in some senses the most radical discourse of why blackness remains unaccounted for. Nor would it be difficult to argue that Fanon escapes the hold of the pathological/normative opposition. I shall also try to resist the temptation of denouncing a very general tendency to present the operation of disavowal as a 'critique' of what Fanon himself says about racist disavowal, of assuming that when Fanon says that black lived experience names both a specific discourse of misrecognition and the symptom of that misrecognition, that attempts to name misrecognition, such as Moten's, which attempt to position Fanonism as a misrecognition of what blackness is, would themselves not generate further cases of misrecogniton, or escape the naivety of such optimism. Instead, I shall narrow down the scenario still further and consider something like the logic of escape in Moten's engagement with phenomenology, especially with respect to his own representations of the aesthetic-political. This restriction will seem only the more excessive in that I shall appeal to only a very small part of Moten's case history, ignoring notably all of what he says about art here, and concentrating on what he says about theft, in the sense of stolen from or dispossession.

[8] After citing Heidegger's famous reading of the jug in the essay, "Das Ding", Moten argues that Fanon confuses the black's 'becoming-object' for the thing that blackness is, which exceeds the jurisdiction of racist discourse and its formulation of an 'impure, degraded, manufactured (in)human who moves only in response to inclination, whose reflexes lose the name of action'.[17] So that in contradistinction to Fanon, Moten wants to present 'the inadequacy of any ontology to blackness' as the inadequacy of 'calculation to being in general' and then show how blackness as lived is 'a constant demand for an ontology of disorder, an ontology of dehiscence'.[18] The problem with this approach is its particular determination of history as filiation: Moten's commitment to black social life, to its vitality, leads him to provide, in section one, an anything-but-Fanonian history of racist philosophy (in which blackness is always the sign of negation). This is the context in which Fanon sets out his reading of blackness as interdiction or flaw. Because he fails to read this context, Moten is obliged to read the figure of impurity as part of a history of philosophy rather than as one of Fanon's essential points critiquing philosophical historicity, which queries how the being of the black has been understood in both the history of philosophy and the philosophical history of the concept of 'race'. Consequently, Fanonism is viewed as an aberrational consequence of that history, rather than one of its sharpest critiques.

[9] This leads Moten to present a history of Fanonism that puts Fanon in the same company as that of Daniel Patrick Moynihan (!)—suffice it to say I think that it's a horrible philosophical travesty of Fanon to present his work as the antecedent of this anti-black moralist from the US. Moten knows all this too. Whence the effect of decontextualisation: the price paid for the naivety of his reading never essentially goes beyond a restricted set of prescriptions that, even when they take the form of endless questioning, are necessarily disavowed. One consequence of this is that Moten's own placing of Fanon in a tradition dominated by the representation of black pathology is also dominated by the need to present Fanonism as, paradoxically, a pathological object. Lastly, let us recall that Moten's philosophical reading of Fanon wants to question what he sees as a particular, pessimistic inflection, which is marked by the absence of black social life. It's a reading in whose exposition the discontinuity of black social life is determined as a kind of pious optimism, or in Moten's terms a paraontological form of resistance. The case of blackness, in Moten's transcription of Heidegger, has no code of law or body of jurisprudence or rule of representation to determine its ontology for 'its relation to law is reducible neither to simple interdiction nor bare transgression.'. The law for the case of blackness must be found, invented. But if the black judge or critic has no law at hand, it would seem that the possibility of judging is given in the name of an aesthetic-political optimism: our task here (that of 'judging Fanon') puts us in the situation of having to judge the case which thus prescribes judgment – of blackness as pathology—without grounding its being in or as pathology: Moten therefore repeats the pathological presupposition of a judgment (of black pathology) in the attempt to judge it non-pathologically. The phrase 'Fanon is too pessimistically black' names an example (which cannot just be an example) of this situation. Fanon is too black (or not black enough) because he can only see blackness as instituted out of violence and pathology, out of the lived experience of racism, and this violence returns to question the institution of black social life even as it constitutes it. In a brilliant article called "The Social Life of Social Death", Jared Sexton, wondering what happens when blackness determines itself as essentially 'pathological' (Moten's word), suggests that Fanon (as opposed to his blackness) names the limits of this very situation.[19] The question of the pathologization of blackness is then, says Sexton, 'a reinscription of (black) pathology that reassigns its cause and relocates its source without ever getting inside it'; 'another way of putting this might be to say that they [the thinkers of blackness as pathology] are caught in a performative contradiction enabled by disavowal'.[20] If, for Sexton, Moten is a repetition of that 'black' disavowal, then Fanon is another, displaced, repetition of Moten's repetition.

### 1NC – Cap

#### Aff has staked out the position that racial capitalism is bad because it “accepts the ontological status of person-as-property” – that means the aff must reject the existence of ALL capitalist property relations – we are impact-turning that

#### Our political economy is better – you can reject “person-as-property” without rejecting capitalist property relations more broadly – only distinguishing between neoliberalism as it pertains to competitive markets and neoliberalism as it pertains to social policy creates optimal societal outcomes

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(Joseph V., “Economizing the Totalitarian Temptation: A Risk-Averse Liberal Realism for Political Economy and Competition Policy in a Post-Neoliberal Society,” 59 Santa Clara L. Rev. 703)

The implication of the foregoing is that the most pressing task for competition policymakers may not involve a rethinking of first principles. The principles of neoliberal competition policy may have ultimately been proven justified by an unprecedented period of economic growth, technological progress and reductions in poverty, and should presumably remain operative as long as they remain the best framework for bringing about these ends. Neither, as we have suggested, must the capitalist entrepreneur be lost in the process. The totalitarian temptation to submit to general state control of the economy-whether it be in the form of communism from below or fascism from above should be resisted so as to preserve and build upon the great prosperity Western Civilization has managed to achieve.

This statement will no doubt be highly unsatisfactory to many critics of neoliberalism who seek more fundamental and revolutionary changes. Surely, they suggest, there must be some principled basis for critiquing the neoliberal status quo with which so many are frustrated. Indeed, there very well may be, and none of the arguments in this article should be understood to the contrary. The goal of this article has been limited to a tailored defense of neoliberal principles only as they relate to competition policy, broadly understood. It does not suggest that neoliberal monetary, trade, and fiscal policies are also sound-let alone a neoliberal social order, where all the core institutions within society are organized according to the neoliberal principles of wealthmaximization, empiricism, and the rest.129 This is to say that even if neoliberalism is a sound theory as applied to the area of competition policy, neoliberal monetary policy, for example, may be problematic and a just target for contemporary critics. Similarly, claiming that competition policy should be enforced using a consumer welfare standard does not mean that all the organs of law and civil society should be oriented to maximize wealth or consumer welfare, even if this economic inquiry is nonetheless informative. 30 It is well known that several prominent neoliberals have expanded the neoliberal policy apparatus beyond the regulation of market capitalism with which antitrust is concerned to domains typically understood to be beyond a purely utilitarian purview.' 3 ' However, whatever the merits of these broader neoliberal policy programs, the competition policy baby, so to speak, should not be thrown out with the bathwater.

Consider the charge that neoliberal policies have increased wealth inequality in the United States. Some commentators attempt to link this increased inequality with a decline in competition'3 2 and, by implication, consumer welfare competition policy. Notwithstanding the interest such theories appeared to have garnered from highly distinguished economists and policymakers, such as Nobel Laureate Joe Stiglitz,133 one might alternatively consider whether increasing wealth inequality and the resultant social strife are far more a result of policies in other areas, such as monetary policy. 134 At the same time as Chicago School antitrust policy took root, the American economy began to undergo sustained expansions in the money supply and reductions in interest rates that, at least in theory, disproportionately reward the owners of financial assets, who are more likely to be wealthy. 135

#### First, markets are the only way to distribute resources – we should make them more democratic instead of rejecting them

Posner and Weyl 18 – Eric A. Posner is Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago. E. Glen Weyl is an economist and researcher at Microsoft Research New England.

Eric A. Posner and E. Glen Weyl, “Epilogue: After Markets?” *Radical Markets: Uprooting Capitalism and Democracy for a Just Society*, Princeton University Press 2018, Epub (email [arg5180@gmail.com](mailto:arg5180@gmail.com) for relevant text).

Markets as Miracles

As we saw in chapter 1, many economists who were committed to the market economy also considered themselves “socialists.” Yet in the early twentieth century, socialism became identified with central planning, thanks to the role of Marxism and the French Revolution in inspiring and justifying the economic policies of the Soviet Union. Central planning also received a boost from World War I, where national control of the economy for the purpose of war production was more successful than advocates of laissez-faire could ever have imagined. This led to a heated debate about whether central planning should be used in peacetime as well.

In the popular imagination, central planning could not succeed because it provided individuals with no incentives to work. People needed the prospect of riches, or at least wages, to get them out of bed in the morning. Yet incentives were quite strong in the Soviet Union, stronger, in many ways, than they are in capitalist countries. While there was less chance under Communism to grow rich, any prisoner of the Gulag knew the fate of those who “malingered.”

Another popular argument against central planning was advanced by Nobel Laureate Friedrich Hayek in 1945. Hayek argued that no central planner could obtain information about people’s tastes and productivity necessary to allocate resources efficiently.1 The genius of the market was the way that the price system could, in disaggregated fashion, collect this information from everyone and supply it to those who needed to know it, without the involvement of a government planning board.

A related version of this argument, less well-known than Hayek’s but actually more compelling, was made a few decades earlier. The brilliant economist Ludwig von Mises argued that the fundamental problem facing socialism was not incentives or knowledge in the abstract but communication and computation.2 To see what Mises meant, consider an illustrative parable proposed by Leonard Read in his 1958 essay, “I, Pencil.” 3

Read tells the “life story” of a pencil. Such a simple thing, one would at first think. And yet as you begin to reflect, you realize the enormously complex layers of thought and planning it would require to make a pencil from scratch. The wood must be chopped, cut, shaped, polished, and honed. The graphite must be mined, chiseled, and shaped. The ferrule—the collar that connects the wood shaft and the eraser—is an alloy of dozens of metals, each of which must be mined, melted, combined, and reformed. And so forth.

Yet what is most remarkable about the pencil is not its complexity but the complete lack of understanding that anyone involved in the manufacture of the eventual pencil has about any of these steps in the process. The lumberjack knows only that there is a market for his wood and some price that induces her to buy the needed tools, cut down trees, and sell lumber down the line of production. The lumberjack may never even know that the wood is used for a pencil. The pencil factory owner knows only where to purchase the needed intermediate materials and how to run a line assembling them. The knowledge and planning of the pencil’s creation emerge organically from the process of market relations.

Now suppose that we were to try to replicate the market relationships with a central planning board. The board would determine how much wood to chop and when, the number of workers to employ at each stage of production, the correct places and times to produce, ship, and build. Yet, to do this effectively the board would have to understand a great many things. It would have to learn from each of these specialized producers the unique knowledge of her domain of expertise that allows her to earn a living—for example, whether the lumber would have a more valuable use elsewhere in the economy (to build houses or ships or children’s toys) than as an input for pencils. Absorbing all this information and constantly receiving and processing the necessary updates to keep abreast of evolving conditions in each of these steps of the process, would overwhelm the capacity of even the most skilled managers.

And even if the board somehow had an unlimited capacity to absorb this information, it would still have the unmanageable problem of trying to act on this sea of data. Prices, supply and demand, and production relations in markets arise through a complex interplay of individuals each helping to optimize a tiny part of a broad social process. If, instead, a single board had to plan this entire dance, it would force a small number of individuals to contemplate an endless sequence of choices and plans. Such elaborate calculations are beyond the capacity of even the most brilliant group of engineers.

Mises wrote decades before the rise of the fields of computer science and information theory and lacked any way to formalize these intuitive ideas. Many of Mises’s arguments were dismissed by mainstream economists, whose increasingly narrow mathematical approach to the field Mises disdained. Mises’s critics, including Oskar Lange, Fred Taylor, and Abba Lerner, argued that the market mechanism was but one of many ways (and far from the most efficient way) to organize an economy. They viewed the economy purely mathematically, rather than computationally, and saw no difficulty in principle with solving a (very large) system of equations relating the supply and demand of various goods, resources, and services.

In a simplified picture of the economy, ordinary people perform dual functions as producers (workers, suppliers of capital, etc.) and consumers. As consumers, people have preferences regarding different goods and services. Some people like chocolate, others like vanilla. As producers, they have different talents and capacities. Some people are good at doing math, others at mollifying angry customers. In principle, all we need to do is figure out people’s preferences and their talents, and assign jobs to people who do them best, while distributing the value created by production in the form of goods and services that people really want. Rewards and penalties need to be determined to give people incentives to reveal their preferences and talents, and to ensure that they actually do what they are supposed to do. All of this can be represented mathematically and solved. That’s why socialist economists viewed the economy as a math problem the solution of which only required a computer.

Yet the later development of the theory of computational and communication complexity vindicated Mises’s insights. What computational scientists later realized is that even if managing the economy were “merely” a problem of solving a large system of equations, finding such solutions is far from the easy task that socialist economists believed. In an incisive computational analysis of central planning, statistician and computer scientist Cosma Shalizi illustrates how utterly impossible “solving” a modern economy would be for a central planning board. As Shalizi notes in his essay, “In the Soviet Union, Optimization Problem Solves You,” the computer power it takes to solve an economic allocation problem increases more than proportionately in the number of commodities in the economy.4 In practical terms, this means that in any large economy, central planning by a single computer is impossible.

To make these abstract mathematical relationships concrete, Shalizi considers an estimate by Soviet planners that, at the height of Soviet economic power in the 1950s, there were about 12 million commodities tracked in Soviet economic plans. To make matters worse, this figure does not even account for the fact that a ripe banana in Moscow is not the same as a ripe banana in Leningrad, and moving it from one place to the other must also be part of the plan. But even were there “merely” 12 million commodities, the most efficient known algorithms for optimization, running on the most efficient computers available today, would take roughly a thousand years to solve such a problem exactly once. It can even be proven that a modern computer could not achieve even a reasonably “approximate” solution—and, of course, today there are far more goods, services, transport choices, and other factors that would go into the problem than there were in the Soviet Union in the 1950s. Yet somehow the market miraculously cuts through this computational nightmare.

Markets as Parallel Processors

But all of this raises a question. If the problem is so hard to solve, how is it possible for the market to solve it? Consider Lange’s quote from our epigraph.5 The market is just a set of rules enforced by the government—not much different from a computer algorithm, although a very complex one. It’s true that no single person invented the market. Yet the rules of the market are well understood, and economists are constantly telling people to implement them. Imagine that a new country is created, and its leaders ask a western economist how best to create an economy. The economist will tell them how to set up a market—the rules of contract and property law, for example. (Indeed, economists have been running around the halls of government of developing countries and the floors of start-ups for decades doing just this.) Aren’t the economists just supplying a kind of computer program to the leaders, who by implementing it are engaging in a style of centralized planning?

To understand how the market solves the “very large system of equations,” you need to know the key ideas of distributed computing and parallel processing. In these systems, complicated calculations that no one computer could perform are divided into small parts that can be performed in parallel by a large number of computers distributed across different geographic locations. Distributed computing and parallel processing are best known for their role in the development of “cloud computing,” but their greatest application has gone unnoticed: the market economy itself.

While the human brain is wired differently from a computer, computational scientists estimate that a single human mind has a computational capacity roughly ten times greater than the most powerful single supercomputer at the time of this writing.6 The combined capacity of all human minds is therefore tens of billions of times greater than this most powerful present-day computer. The “market” is then in some sense a giant computer composed of these smaller but still very powerful computers. If it allocates resources efficiently, it does so by harnessing and combining their separate capacities.

Adopting this perspective, we must ask how the market is “programmed” to achieve this outcome. The economy consists of a variety of resources and human capacities at a range of locations, along with a system for transmitting data about these resources among individual human beings. A standard approach in parallel processing is to take information local to one location in, say, a picture or puzzle and assign this to one processor, integrating these inputs on still other processors in a hierarchical fashion. Now apply this image to the economy. In every place, we take one of the computers (humans) available to us and assign it to collect information about that location’s needs and resources and report some parsimonious “compressed” summary of all that data to other computers. For example, there might be a hierarchical arrangement of computers, with those responsible for particular locations on the ground reporting to a higher “layer” that integrates local areas and then upward from there.

Consider the following example. A person works on a farm and is in charge of ensuring that the farm is productive and that her family is happy. This person sends information about the farm and her family, not in its full richness and complexity, but in broad strokes, to district managers. One manager specializes in understanding the resources that farms need to operate—seeds, fertilizer— while another understands the resources that people living on farms need in order to be happy, including food and clothing. These managers would then aggregate these data and convey them to the next layer, perhaps a national wheat distributor or a regional supplier of products for use on farms. At every level of this chain, some information would need to be lost for the parallel processing to remain parallel and tractable: the farm manager could not detail every way in which a slightly better paved road would help in conveying goods to market or how slightly cleaner water would protect her crops. But at least she could report the largest and most important needs and hope that the loss of information only slightly reduces the efficiency of the resulting solution.

This arrangement has a flavor of central planning but also resembles a market economy. People specialize in different parts of the production chain and operate under limited information, yet are able to coordinate their behavior because the information takes a certain form. While people are experts on local conditions, they know little about economic conditions elsewhere. They know that grain prices are high and tractor prices are low, but not why this is the case. When they buy a tractor or sell grain, they don’t tell the vendor or purchaser their life story, all the conditions on their farm, and so forth. They just place an order or offer so much grain at the going price.

This “price system” thus greatly simplifies communication between different parts of the economy. In fact, economists have shown that prices are the minimum information that a farmer needs to plan her operations effectively. So long as every important way that the farm could benefit or draw down resources from the outside world has a price attached to it, this is all the information the farmer needs to make economic decisions. Any greater information would be a waste, from a purely economic efficiency perspective, though it might be interesting from time to time to develop personal relationships. Conversely, if these prices were not available, there would be no way for a farmer to know whether it pays to use new tractors or rely instead on more labor, nor would she know how many seeds to plant for next season. The farmer without such prices could easily produce too little or waste resources on a tractor that could be better used for more labor, seed, or even consumption.

In this sense, prices are the “minimum” information necessary for rational economic decision-making.7 No other system of distributed computing can be equally productive and yet require less communication.

Markets elegantly exploit distributed human computational capacity. In doing so they allocate resources in ways that no present computer could match. Von Mises was right that central planning by a group of experts cannot replace the market system. But his argument was mistakenly taken as implying that the market is “natural” rather than a human-created program for managing economic resources. In fact, there is nothing natural about market institutions. Human beings create markets—in their capacity as judges, legislators, administrators, and even private business people who frequently set up organizations that create and manage markets.

Markets are powerful computers, but whether they produce the greatest good or not depends on how they are programmed. We advocate “Radical Markets” because we believe that in the present stage of technological and economic development, when cooperation has grown too large to be managed by moral economies, the market is the appropriate computer to achieve the greatest good for the greatest number. If we see it as such, we can fix the bugs in the market’s code and enable it to generate more wealth that is distributed more fairly.

By sharpening our understanding of the role and value of markets, the computational analogy clarifies our claim that the solutions we propose are based on extending the reach of markets. The COST on wealth radicalizes markets as it puts greater responsibility on individuals to articulate their values and gives them greater ability to claim things they value highly. QV does the same in the political sphere. Our ideas on migration give individuals more scope for determining the best path for where they live and work. Our proposals on antitrust and data valuation break up centralized power and place greater responsibility on individuals and small firms to compete, innovate, and make rational economic choices to allow for the distributed computation of optimal economic allocations. But all these proposals raise the question: if the market is just a computer program that harnesses the power of individual human intellects, will it still be necessary as computer power increases?

#### Second, markets are key to tech innovation

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(Tom, “Digital Competition With China Starts With Competition At Home,” <https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_digital_competition_china_wheeler_v3.pdf>)

The United States and China are engaged in a technology-based conflict to determine 21st-century international economic leadership. China’s approach is to identify and support the research and development efforts of a handful of “national champion” companies. The dominant tech companies of the U.S. are de facto embracing this Chinese policy in their effort to maintain domestic marketplace control. Rather than embracing a China-like consecration of a select few companies, America’s digital competition with China should begin with meaningful competition at home and the allAmerican reality that competition drives innovation.

America’s dominant tech companies have seized upon the competition with China as a rationale for why their behavior should not be subject to regulatory oversight that would, among other things, promote competition. “China doesn’t regulate its companies” has become a go-to policy response. When coupled with “of course, we support regulation, but it must be responsible regulation,” it throws up a smokescreen that allows the dominant tech companies to make the rules governing their marketplace behavior.

At the heart of digital competition — both at home and abroad — is the capital asset of the 21st century: data. Initiatives such as machine learning and artificial intelligence are data-dependent, requiring a large data input to enable algorithms to reach a conclusion. China’s immense population of almost 1.5 billion gives it an advantage in this regard. By definition, a population that approaches five times the size of the U.S. population produces more data. The previously “backward” nature of the Chinese economy has resulted in another Chinese data advantage: New smartphone-based apps, created in place of the digital integration that China previously lacked, produce a richer collection of data. This bulk and richness of Chinese data creates an inherent digital advantage when compared to the United States.

If the United States will never out-bulk China in the quantity and quality of data, it must out-innovate China. Here, the United States has an advantage, should it choose to take it. The centralized control of the Chinese digital economy is an anti-entrepreneurial force. In contrast, innovation is the hallmark of a free and open market. But the domestic market must, indeed, be free, open, and competitive.

Currently, the American digital marketplace is not competitive. A handful of companies command the marketplace by hoarding the data asset others need to compete. As innovative as America’s tech giants may be, they represent a bottleneck that starves independent innovators of the mother’s milk of digital competition. If America is to out-innovate China, then American innovators need access to the essential data asset required for that innovation.

The nation’s response to Chinese competition must not be the adoption of China-like national champions, nor the “China doesn’t regulate its companies that way” smokescreen. American public policy should embrace the all-American concept of competition-driven innovation. This begins with breaking the bottleneck that withholds data from its competitive application. This does not necessarily mean breaking up the dominant companies, but it does mean breaking open their mercenary lock on the assets essential for competition-driven innovation.

#### Tech innovation prevents nuclear conflict—US lead is key

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Matthew Kroenig and Bharath Gopalaswamy, "Will disruptive technology cause nuclear war?," Bulletin of the Atomic Scientists, 11-12-2018, <https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war/>

Rather, we should think **more broadly** about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory identifies rapid shifts in the balance of power as a primary cause of conflict.

International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage.

You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power.

For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full displayin its ongoing intervention in Ukraine.

Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.”

If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war.

If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member.

Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation.

This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly.

When it comes to new technology, this means that the United States should seek to maintain an innovation edge. Washington should also work with other states, including its nuclear-armed rivals, to develop a new set of arms control and nonproliferation agreements and export controls to deny these newer and potentially destabilizing technologies to potentially hostile states.

These are no easy tasks, but the consequences of Washington losing the race for technological superiority to its autocratic challengers just might mean nuclear Armageddon.

#### Third, competitive markets are key to space colonization

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Harvard Business Review, 2-12-2021, "The Commercial Space Age Is Here," <https://hbr.org/2021/02/the-commercial-space-age-is-here>

There’s no shortage of hype surrounding the commercial space industry. But while tech leaders promise us moon bases and settlements on Mars, the space economy has thus far remained distinctly local — at least in a cosmic sense. Last year, however, we crossed an important threshold: For the first time in human history, humans accessed space via a vehicle built and owned not by any government, but by a private corporation with its sights set on affordable space settlement. It was the first significant step towards building an economy both in space and for space. The implications — for business, policy, and society at large — are hard to overstate.

In 2019, [95%](https://brycetech.com/reports) of the estimated $366 billion in revenue earned in the space sector was from the space-for-earth economy: that is, goods or services produced in space for use on earth. The space-for-earth economy includes telecommunications and internet infrastructure, earth observation capabilities, national security satellites, and more. This economy is booming, and though [research shows](https://hbsp.harvard.edu/product/716037-PDF-ENG) that it faces the challenges of overcrowding and monopolization that tend to arise whenever companies compete for a scarce natural resource, [projections for its future](https://hbsp.harvard.edu/product/720027-PDF-ENG) are optimistic. Decreasing costs for launch and space hardware in general have enticed new entrants into this market, and companies in a variety of industries have already begun leveraging satellite technology and access to space to drive innovation and efficiency in their earthbound products and services.

In contrast, the space-for-space economy — that is, goods and services produced in space for use in space, such as mining the Moon or asteroids for material with which to construct in-space habitats or supply refueling depots — has struggled to get off the ground. As far back as the 1970s, [research](https://ntrs.nasa.gov/citations/19780004167) commissioned by NASA predicted the rise of a space-based economy that would supply the demands of hundreds, thousands, even millions of humans living in space, dwarfing the space-for-earth economy (and, eventually, the entire terrestrial economy as well). The realization of such a vision would change how all of us do business, live our lives, and govern our societies — but to date, we’ve never even had more than [13 people](https://www.space.com/6503-population-space-historic-high-13.html) in space at one time, leaving that dream as little more than science fiction.

Today, however, there is reason to think that we may finally be reaching the first stages of a true space-for-space economy. SpaceX’s [recent achievements](https://www.nasa.gov/press-release/nasa-s-spacex-crew-1-astronauts-headed-to-international-space-station/) (in cooperation with NASA), as well as upcoming efforts by [Boeing](https://www.nasa.gov/feature/boeing-s-starliner-makes-progress-ahead-of-flight-test-with-astronauts), [Blue Origin](https://www.blueorigin.com/news/nasa-selects-blue-origin-national-team-to-return-humans-to-the-moon), and [Virgin Galactic](https://spacenews.com/virgin-galactic-prepares-to-transition-to-operations) to put people in space sustainably and at scale, mark the opening of a new chapter of spaceflight led by private firms. These firms have both the intention and capability to bring private citizens to space as passengers, tourists, and — eventually — settlers, opening the door for businesses to start meeting the demand those people create over the next several decades with an array of space-for-space goods and services.

Welcome to the (Commercial) Space Age

In our [recent research](https://www.hbs.edu/faculty/Publication%20Files/jep.32.2.173_Space,%20the%20Final%20Economic%20Frontier_413bf24d-42e6-4cea-8cc5-a0d2f6fc6a70.pdf), we examined how the model of centralized, government-directed human space activity born in the 1960s has, over the last two decades, made way for a new model, in which public initiatives in space increasingly share the stage with private priorities. Centralized, government-led space programs will inevitably focus on space-for-earth activities that are in the public interest, such as national security, basic science, and national pride. This is only natural, as expenditures for these programs must be justified by demonstrating benefits for citizens — and the citizens these governments represent are (nearly) all on earth.

In contrast to governments, the private sector is eager to put people in space to pursue their own personal interests, not the state’s — and then supply the demand they create. This is the vision driving SpaceX, which in its first twenty years has entirely upended the rocket launch industry, securing 60% of the global commercial launch market and building ever-larger spacecraft designed to ferry passengers not just to the International Space Station (ISS), but also to its own promised [settlement on Mars](https://www.spacex.com/media/making_life_multiplanetary_transcript_2017.pdf).

Today, the space-for-space market is limited to supplying the people who are already in space: that is, the handful of astronauts employed by NASA and other government programs. While SpaceX has grand visions of supporting large numbers of private space travelers, their current space-for-space activities have all been in response to demand from government customers (i.e., NASA). But as decreasing launch costs enable companies like SpaceX to leverage economies of scale and put more people into space, growing private sector demand (that is, tourists and settlers, rather than government employees) could turn these proof-of-concept initiatives into a sustainable, large-scale industry.

This model — of selling to NASA with the hopes of eventually creating and expanding into a larger private market — is exemplified by SpaceX, but the company is by no means the only player taking this approach. For instance, while SpaceX is focused on space-for-space transportation, another key component of this burgeoning industry will be manufacturing.

[Made In Space, Inc.](https://madeinspace.us/capabilities-and-technology/archinaut/) has been at the forefront of manufacturing “in space, for space” since 2014, when it 3D-printed a wrench onboard the ISS. Today, the company is exploring other products, such as high-quality fiber-optic cable, that terrestrial customers may be willing to pay to have manufactured in zero-gravity. But the company also recently received a [$74 million contract](https://www.nasa.gov/press-release/nasa-funds-demo-of-3d-printed-spacecraft-parts-made-assembled-in-orbit) to 3D-print large metal beams in space for use on NASA spacecraft, and future private sector spacecraft will certainly have similar manufacturing needs which Made In Space hopes to be well-positioned to fulfill. Just as SpaceX has begun by supplying NASA but hopes to eventually serve a much larger, private-sector market, Made In Space’s current work with NASA could be the first step along a path towards supporting a variety of private-sector manufacturing applications for which the costs of manufacturing on earth and transporting into space would be prohibitive.

Another major area of space-for-space investment is in building and operating space infrastructure such as habitats, laboratories, and factories. Axiom Space, a current leader in this field, recently [announced](https://www.theverge.com/2021/1/26/22250327/space-tourists-axiom-private-crew-iss-price) that it would be flying the “first fully private commercial mission to space” in 2022 onboard SpaceX’s Crew Dragon Capsule. Axiom was also [awarded](https://spacenews.com/nasa-selects-axiom-space-to-build-commercial-space-station-module/) a contract for exclusive access to a module of the ISS, facilitating its plans to develop modules for commercial activity on the station (and eventually, beyond it).

This infrastructure is likely to spur investment in a wide array of complementary services to supply the demand of the people living and working within it. For example, in February 2020, Maxar Technologies was awarded a [$142 million contract](https://www.builtincolorado.com/2020/02/03/maxar-technologies-142m-nasa-contract) from NASA to develop a robotic construction tool that would be assembled in space for use on low-Earth orbit spacecraft. Private sector spacecraft or settlements will no doubt have need for a variety of similar construction and repair tools.

#### A slew of black swans make extinction inevitable. Moral hedging necessitates space habituation

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Marko Kovic, “Why space colonization is so important,” Medium. November 10, 2018. <https://medium.com/@marko_kovic/space-colonization-why-nothing-else-matters-a877723f77d4>

Space or bust: Why we must reach for the stars

Why should we pursue space colonization in the first place? Don’t we have more pressing problems today, on Earth?

Yes, we do have many problems on Earth today, and we should try to solve them. But space colonization is just that: A strategy for dealing with certain problems. An the problems that space colonization would be dealing with are, arguably, among the greatest problems of them all: Existential risks; risks that might lead to the extinction of humankind [1]. Currently, all of our proverbial existential eggs are in the same basket. If a natural existential risk strikes (for example, a large asteroid colliding with Earth) or if a man-made existential risk results in a catastrophic outcome (for example, runaway global warming [2, 3]), all of humankind is at risk because humankind is currently limited to planet Earth. If, however, there are self-sustainable human habitats beyond Earth, then the probability of an irreversibly catastrophic outcome for all of humankind is drastically reduced.

Investing in space colonization today could therefore have immense future benefits. Using resources today in order to make space colonization possible in the medium-term future is not a waste, but a very profitable investment. If humankind stays limited to Earth and if we go extinct as a consequence of doing so, then we will all the billions of life years and billions of humans who might have come to exist — and who would have experienced happiness and contributed to humankind’s continued epistemic and moral progress.

### 1NC – Extinction

#### Extinction is a categorically distinct phenomenon that outweighs other considerations

Burke et al., Associate Professor of International and Political Studies @ UNSW, Australia, ‘16

(Anthony, Stefanie Fishel is Assistant Professor, Department of Gender and Race Studies at the University of Alabama, Audra Mitchell is CIGI Chair in Global Governance and Ethics at the Balsillie School of International Affairs, Simon Dalby is CIGI Chair in the Political Economy of Climate Change at the Balsillie School of International Affairs, and, Daniel J. Levine is Assistant Professor of Political Science at the University of Alabama, “Planet Politics: Manifesto from the End of IR,” Millennium: Journal of International Studies 1–25)

8. Global ethics must respond to mass extinction. In late 2014, the Worldwide Fund for Nature reported a startling statistic: according to their global study, 52% of species had gone extinct between 1970 and 2010.60 This is not news: for three decades, conservation biologists have been warning of a ‘sixth mass extinction’, which, by definition, could eliminate more than three quarters of currently existing life forms in just a few centuries.61 In other words, it could threaten the practical possibility of the survival of earthly life. Mass extinction is not simply extinction (or death) writ large: it is a qualitatively different phenomena that demands its own ethical categories. It cannot be grasped by aggregating species extinctions, let alone the deaths of individual organisms. Not only does it erase diverse, irreplaceable life forms, their unique histories and open-ended possibilities, but it threatens the ontological conditions of Earthly life.

IR is one of few disciplines that is explicitly devoted to the pursuit of survival, yet it has almost nothing to say in the face of a possible mass extinction event.62 It utterly lacks the conceptual and ethical frameworks necessary to foster diverse, meaningful responses to this phenomenon. As mentioned above, Cold-War era concepts such as ‘nuclear winter’ and ‘omnicide’ gesture towards harms massive in their scale and moral horror. However, they are asymptotic: they imagine nightmares of a severely denuded planet, yet they do not contemplate the comprehensive negation that a mass extinction event entails. In contemporary IR discourses, where it appears at all, extinction is treated as a problem of scientific management and biopolitical control aimed at securing existing human lifestyles.63 Once again, this approach fails to recognise the reality of extinction, which is a matter of being and nonbeing, not one of life and death processes.

Confronting the enormity of a possible mass extinction event requires a total overhaul of human perceptions of what is at stake in the disruption of the conditions of Earthly life. The question of what is ‘lost’ in extinction has, since the inception of the concept of ‘conservation’, been addressed in terms of financial cost and economic liabilities.64 Beyond reducing life to forms to capital, currencies and financial instruments, the dominant neoliberal political economy of conservation imposes a homogenising, Western secular worldview on a planetary phenomenon. Yet the enormity, complexity, and scale of mass extinction is so huge that humans need to draw on every possible resource in order to find ways of responding. This means that they need to mobilise multiple worldviews and lifeways – including those emerging from indigenous and marginalised cosmologies. Above all, it is crucial and urgent to realise that extinction is a matter of global ethics. It is not simply an issue of management or security, or even of particular visions of the good life. Instead, it is about staking a claim as to the goodness of life itself. If it does not fit within the existing parameters of global ethics, then it is these boundaries that need to change.

9. An Earth-worldly politics. Humans are worldly – that is, we are fundamentally worldforming and embedded in multiple worlds that traverse the Earth. However, the Earth is not ‘our’ world, as the grand theories of IR, and some accounts of the Anthropocene have it – an object and possession to be appropriated, circumnavigated, instrumentalised and englobed.65 Rather, it is a complex of worlds that we share, co-constitute, create, destroy and inhabit with countless other life forms and beings.

The formation of the Anthropocene reflects a particular type of worlding, one in which the Earth is treated as raw material for the creation of a world tailored to human needs. Heidegger famously framed ‘earth’ and ‘world’ as two countervailing, conflicting forces that constrain and shape one another. We contend that existing political, economic and social conditions have pushed human worlding so far to one extreme that it has become almost entirely detached from the conditions of the Earth. Planet Politics calls, instead, for a mode of worlding that is responsive to, and grounded in, the Earth. One of these ways of being Earth-worldly is to embrace the condition of being entangled. We can interpret this term in the way that Heidegger66 did, as the condition of being mired in everyday human concerns, worries, and anxiety, to prolong existence. But, in contrast, we can and should reframe it as authors like Karen Barad67 and Donna Haraway68 have done. To them and many others, ‘entanglement’ is a radical, indeed fundamental condition of being-with, or, as Jean-Luc Nancy puts it, ‘being singular plural’.69 This means that no being is truly autonomous or separate, whether at the scale of international politics or of quantum physics. World itself is singular plural: what humans tend to refer to as ‘the’ world is actually a multiplicity of worlds at various scales that intersect, overlap, conflict, emerge as they surge across the Earth. World emerges from the poetics of existence, the collision of energy and matter, the tumult of agencies, the fusion and diffusion of bonds.

Worlds erupt from, and consist in, the intersection of diverse forms of being – material and intangible, organic and inorganic, ‘living’ and ‘nonliving’. Because of the tumultuousness of the Earth with which they are entangled, ‘worlds’ are not static, rigid or permanent. They are permeable and fluid. They can be created, modified – and, of course, destroyed. Concepts of violence, harm and (in)security that focus only on humans ignore at their peril the destruction and severance of worlds,70 which undermines the conditions of plurality that enables life on Earth to thrive.

### 1NC – Turns

#### The aff’s rejection of the claim that “we have to do something” rejects the left’s ability to reclaim institutional power – that forecloses our ability to solve climate change, fascism, and inequality

Dorman 16

Peter Dorman, Faculty in the Political Economy Department at Evergreen State College, “The Climate Movement Needs to Get Radical, but What Does that Mean?,” Nonsite. May 26, 2016. http://nonsite.org/editorial/the-climate-movement-needs-to-get-radical-but-what-does-that-mean

2. The cultural turn has gone too far. Of course, the deciphering of discourses has much to recommend it; all social action takes place in a context of meanings—shared, contested or both. It’s remarkable, however, that a high profile book that claims to be about radical social change, and which has won widespread approval across the leftward half of the political spectrum, could sidestep any sustained consideration of wealth and power altogether.

Why have governments failed to act to counter the threat of catastrophic climate change? Is it solely because of faulty thinking, or could it be that there exists a gross imbalance of power in every modern capitalist country, such that business interests are firmly in control? What institutions wield this power and what methods do they use? Crucially, how can those who struggle for democratic collective action contest this power? What types of organizations can be effective? What structural changes should be prioritized to rebalance power and enable rational solutions to overriding problems like climate change? I wouldn’t fault Klein for failing to provide answers—who has? What is astonishing, however, is that the questions are never posed, not even in passing. What does it mean to espouse radical politics and never take up the issue of power?

But a second absence is even more telling. At variou–s points Klein refers to the need for a price to be placed on carbon; it clearly is not her main interest, since she devotes no space at all to the political struggle required to achieve this, but she recognizes it is an important part of the story. What’s missing, however, is any serious consideration of how much money this will be, out of whose pockets it will be extracted and to whose pockets it will be transferred. I cannot emphasize how extraordinary it is for a book to be ostensibly about capitalism but pay so little attention to money.

The reality is that carbon revenues will be immense. If even approximately sufficient global action is undertaken, the sums will be in the trillions of dollars. And despite Klein’s moral calculus, the actual, real-life operation of carbon pricing will guarantee that it is the public at large—everyone who purchases a good or service with a carbon energy component—that will pay it. This is visible in gasoline taxes today, which consumers pay at the pump; a carbon price, whether it is engineered by a tax or a cap on permits, will be the same sort of tax writ very, very large. Such a tax will be regressive, and lower income people will effectively be taxed at a higher rate.

This is potentially catastrophic on multiple levels. It is intolerable from a social justice perspective in an age of rampaging inequality. It would also be impossible to disguise from voters, making it difficult to impossible to get majority support for a stiff carbon price. Klein blithely recommends using this new source of revenue to finance green investments, but she doesn’t inquire whose money is being spent, nor does she consider that, in practice, governments will simply shift a lot of the investments they would have made anyway over to this new revenue spigot, freeing up more money for their other pet projects. The one word that sums up Klein’s attitude toward this trillion-dollar question is uninterested.

Of course, there are ways to turn around the economics of carbon pricing. The money can be returned to the public on an equal per capita basis, which would have the effect of turning an otherwise regressive transfer system into a progressive, inequality-reducing one. Given the amount of money at stake, this will require a massive political mobilization, but it is worth fighting for. To repeat, however, the purpose of bringing up this issue is not to proselytize for a different system of carbon pricing, but simply to point out the glaring incongruity of an ostensibly radical, anti-capitalist book (a rather long one at that) which ignores the single most important principle for how things work in a capitalist society: follow the money!

3. The left has adapted to powerlessness. This Changes Everything practically exudes triumphalism, especially in the final hundred pages or so. Vibrant, righteous movements are springing up everywhere, we are told, and through their proliferation they will change the world.

Except, of course, they won’t. They do not have the means to change the world to something different, only to obstruct the bits of the existing world they can get their bodies in front of. That is important to do, and it can play a crucial role in a larger movement to contest power—if that movement can come into existence. If no larger movement arises, the local fires will be put out one by one. A radical political vision cannot abjure politics, and it is politics which is missing from Klein.

Here it is necessary to step back and consider the historical context. In the English-speaking world, and to a lesser extent in other wealthy, capitalist countries, the past several decades have seen profound defeat and demobilization on the left. In no country is there a mass political party with a program to transform the existing political economic order into something else. Unions, where they have any clout at all, have been fighting a rearguard struggle to retain as many of the gains of former times as they can. Of course, there have also been substantial victories for racial, gender and other social equalities and a general drift toward less authoritarian cultural norms. But the core institutions of wealth and power are more firmly entrenched now than they have been in generations, and the left as a political force is hardly noticeable.

How have those who still identify with the left coped with this epoch of powerlessness? There are many answers, but all of them express some form of disengagement. For instance, redefining politics as the performance of moral virtue rather than the contest for power can provide consolation when political avenues appear to be blocked. Activities of this sort are evaluated according to how expressive they are—how good they make us feel—rather than any objective criterion of effectiveness in achieving concrete goals or altering the balance of political forces. This is how I would interpret Blockadia, for instance, in the absence of a broader movement that includes both direct action and political contestation: Klein can devote page after page to how righteous these activists are without any attention to whether they have had or have any prospect of having an impact on carbon emissions. Their very activism constitutes its own victory, which is convenient if the more conventional sort of victory is believed to be out of reach. (It is bad form to even bring this up: why, some will ask, am I dwelling on the negative with so much positive energy to celebrate?)

Another response is to collapse social change into personal choices over lifestyle and philosophy. If you believe that the threat of climate change can be defeated by a shift to more modest consumption habits and rejection of the false intellectual gods of globalization and economic growth, one individual at a time, then each moment of conversion constitutes its own little victory. The reader of Klein’s book, feeling a sense of unity with that consciousness and its program to downshift consumption, can experience this victory first hand. This is very gratifying, and it reinforces the message that powerlessness in conventional terms is irrelevant, since the change we are part of is at a deeper level than governments and their laws or corporations and their assets. After all, what can be more subversive than thinking new thoughts?

One of Klein’s favorite adaptations is the conflation of wishes and operative political programs. Again and again she holds up statements of intent—protect Mother Earth, treat all people equally, respect all cultures, live simple, natural, local lives—as if they were proposals whose implementation would have these outcomes. It’s all ends and no means. This is a double convenience: first it eliminates the need to be factual and analytical about programs, since announcing the goal is sufficient unto itself, and second, it evades the disconcerting problem of how to deal with the daunting political challenge of getting such programs (if they even exist) enacted and enforced. I believe the treatment of goals as if they were programs is the underlying reason for the sloppiness of this book on matters of economics and law. Klein can say we should finance a large green investment program by taxing fossil fuel profits, or we should simultaneously shrink the economy and increase the number of jobs, because in the end it doesn’t matter whether these or other recommendations could actually prove functional in the real world. The truth lies in the rightness of the demand, not the means of fulfilling it. But this too is an adaptation to powerlessness.

To close, I wish to emphasize that this critique is ultimately not directed at a single individual. On the contrary, even if we consider only this one book, it is clear that its writing was a team effort; the long acknowledgments section identifies both paid assistants and an army of internal reviewers. But what I find diagnostic is the warm reception it received from virtually every media outlet on the English-speaking left. This suggests that Klein is moving with the political tide and not against it, and that the problems that seemed obvious to me were either invisible to her reviewers or regarded as too insignificant to bring up. The view that capitalism is a style of thinking, progress is a myth, and political contestation is irrelevant to “true” social change belongs not just to this one book but to all the commentators who found nothing to criticize. That’s the real problem.

#### And, the aff’s premise that “anti-monopolization is an antiblack settlerist enterprise” forecloses the ability to reclaim antitrust towards radical end – that’s the only way to solve racialized economic exploitation, which turns the aff

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

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 3-14, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

In spite of this suffering and sacrifice, the future for predominantly white corporate monopolists has never been brighter. Excessive and unrestrained capitalism has enriched a small group of wealthy elite corporations and individuals by concentrating the nation’s economic and political power under their control—a mutually reinforcing, vicious cycle. Between March 18 (the unofficial beginning of the pandemic in the US) and November 24, 2020, 644 billionaires increased their combined wealth by $931 billion dollars (from $2.95 trillion to $3.88 trillion, or a rise of 31.6 percent).2 This occurred even as poverty deepened and the October unemployment rate hit nearly double its pre-pandemic low. Some in this elite class of corporations and individuals have used their accumulated power to concentrate markets that are fundamental to human thriving (e.g., technology, agriculture, financial services, and health care) by forming massive corporate monopolies.

Corporate monopoly is bad for workers, consumers, and for our democracy. Our nation’s founders were keenly aware of the danger of monopoly. In fact, the US revolution was sparked by anger directed at the monopolistic power of the British Crown. Though popularly taught as being about unjust taxation, the Boston Tea Party was actually a rebellion ignited by rage directed at the East Indian Trading Company, a monopoly chartered by the British monarchy.3 Additionally, in 1787, Thomas Jefferson wrote to James Madison that the proposed US Constitution should include a Bill of Rights that explicitly excluded monopolies.4 Though the language did not make it into the final Constitution, this letter demonstrates that the distrust of monopoly is justified and runs deep in our nation’s ethos.

Efforts to rein in the “robber barons” of the Gilded Age (i.e., Andrew Carnegie, J.D. Rockfeller, Cornielius Vanderbelt, and J.P. Morgan) are monumental in the history of anti-monopoly government action in the US. Victories following this period include government action to break up several large monopolies in the railroad and oil and gas industries. Additionally, this period normalized many worker protections that we take for granted today, such as a 40-hour workweek and overtime pay.

Unfortunately, though the start of the 20th century saw robust anti-monopoly government action, the government rapidly retreated from anti-monopoly enforcement in the second half of the century. Since, the federal government and the federal courts have aided—not prevented—the exponential growth in monopoly power in nearly every sector of our economy, including technology, telecommunications, food supply chains, banking, and health care. In 2015, for example, the US saw a record number of corporate mergers, totalling $3.8 trillion in merger and acquisition activity.5 Mergers that year involved massive companies, such as Time Warner Cable, AnheuserBusch, and Berkshire Hathaway, becoming more massive. In 2020, T-Mobile—the third-largest wireless carrier in the US— acquired Sprint,6 and Morgan Stanely acquired online stock trading company E-Trade.7

The economic problems created by monopoly power have been widely studied, and many solutions to curtail it have been developed by experts. Unfortunately, like so many large-scale and so-called “race-neutral” policy efforts, anti-monopoly policy ideation and implementation have left people of color behind. In researching this paper we found limited research or policy ideation on the impact of monopoly power on people of color. We believe that the absence of grassroots leaders of color in anti-monopoly policy conversations can be attributed to this disconnect.

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

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

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

SECTION 1 Monopoly Power Is Corporate Power Magnified and Maximized

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

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

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example,8 the Athena Coalition has successfully leveraged grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected.

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

How Corporate Monopolies Show Up in Today’s World

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

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

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

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

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

Big Tech

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

Big Pharma

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

Big Agriculture

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

Big Banks

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

These are just four examples of industries that have been taken over by monopolies, but they are in no way exclusive. Many other critical industries in our economy have been corrupted by monopolies, including the energy, health insurance, hospital, for-profit college, and delivery service industries.

One note of caution on monopolies: While all corporate monopolies are harmful, some government monopolies can be critical to providing essential programs and services. Examples of government monopolies include public K–12 schools, publicly owned utilities, and the United States Postal Service (USPS). In fact, the USPS is codified in the US constitution to ensure that all people—even those in remote rural areas—can send and receive mail. Today, the USPS is an important employer to people of color, particularly Black people, in providing competitive wages and quality health and retirement benefits.

The predation of corporate monopolies creates racial wealth inequality. Low-wage employers that employ people of color, such as Walmart—the nation’s largest private employer—often set the wage floor for local communities and the nation.22 Agribusinesses and pharmaceutical monopolies set prices at a “poverty premium” where people of color pay more for food and life saving drugs. Also, bank monopolies set the prices that people of color pay for basic financial services, and they provide capital to predatory lenders, including payday and car title lenders.

### 1NC – Heg

#### U.S. influence abroad is good – retrenchment blows up the world

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Thomas Wright, director of the Center on the United States and Europe, senior fellow in the Project on International Order and Strategy at the Brookings Institution, contributing writer for The Atlantic, and nonresident fellow at the Lowy Institute for International Policy, The Folly of Retrenchment: Why America Can’t Withdraw From the World, March/April 2020, https://www.foreignaffairs.com/articles/2020-02-10/folly-retrenchment

For seven decades, U.S. grand strategy was characterized by a bipartisan consensus on the United States’ global role. Although successive administrations had major disagreements over the details, Democrats and Republicans alike backed a system of alliances, the forward positioning of forces, a relatively open international economy, and, albeit imperfectly, the principles of freedom, human rights, and democracy. Today, that consensus has broken down.

President Donald Trump has questioned the utility of the United States’ alliances and its forward military presence in Europe, Asia, and the Middle East. He has displayed little regard for a shared community of free societies and is drawn to authoritarian leaders. So far, Trump’s views are not shared by the vast majority of leading Republicans. Almost all leading Democrats, for their part, are committed to the United States’ traditional role in Europe and Asia, if not in the Middle East. Trump has struggled to convert his worldview into policy, and in many respects, his administration has increased U.S. military commitments. But if Trump wins reelection, that could change quickly, as he would feel more empowered and Washington would need to adjust to the reality that Americans had reconfirmed their support for a more inward-looking approach to world affairs. At a private speech in November, according to press reports, John Bolton, Trump’s former national security adviser, even predicted that Trump could pull out of NATO in a second term. The receptiveness of the American people to Trump’s “America first” rhetoric has revealed that there is a market for a foreign policy in which the United States plays a smaller role in the world.

Amid the shifting political winds, a growing chorus of voices in the policy community, from the left and the right, is calling for a strategy of global retrenchment, whereby the United States would withdraw its forces from around the world and reduce its security commitments. Leading scholars and policy experts, such as Barry Posen and Ian Bremmer, have called on the United States to significantly reduce its role in Europe and Asia, including withdrawing from NATO. In 2019, a new think tank, the Quincy Institute for Responsible Statecraft, set up shop, with funding from the conservative Charles Koch Foundation and the liberal philanthropist George Soros. Its mission, in its own words, is to advocate “a new foreign policy centered on diplomatic engagement and military restraint.”

Global retrenchment is fast emerging as the most coherent and ready-made alternative to the United States’ postwar strategy. Yet pursuing it would be a grave mistake. By dissolving U.S. alliances and ending the forward presence of U.S. forces, this strategy would destabilize the regional security orders in Europe and Asia. It would also increase the risk of nuclear proliferation, empower right-wing nationalists in Europe, and aggravate the threat of major-power conflict.

This is not to say that U.S. strategy should never change. The United States has regularly increased and decreased its presence around the world as threats have risen and ebbed. Even though Washington followed a strategy of containment throughout the Cold War, that took various forms, which meant the difference between war and peace in Vietnam, between an arms race and arms control, and between détente and an all-out attempt to defeat the Soviets. After the fall of the Soviet Union, the United States changed course again, expanding its alliances to include many countries that had previously been part of the Warsaw Pact.

Likewise, the United States will now have to do less in some areas and more in others as it shifts its focus from counterterrorism and reform in the Middle East toward great-power competition with China and Russia. But advocates of global retrenchment are not so much proposing changes within a strategy as they are calling for the wholesale replacement of one that has been in place since World War II. What the United States needs now is a careful pruning of its overseas commitments—not the indiscriminate abandonment of a strategy that has served it well for decades.

RETRENCHMENT REDUX

Support for retrenchment stems from the view that the United States has overextended itself in countries that have little bearing on its national interest. According to this perspective, which is closely associated with the realist school of international relations, the United States is fundamentally secure thanks to its geography, nuclear arsenal, and military advantage. Yet the country has nonetheless chosen to pursue a strategy of “liberal hegemony,” using force in an unwise attempt to perpetuate a liberal international order (one that, as evidenced by U.S. support for authoritarian regimes, is not so liberal, after all). Washington, the argument goes, has distracted itself with costly overseas commitments and interventions that breed resentment and encourage free-riding abroad.

Critics of the status quo argue that the United States must take two steps to change its ways. The first is retrenchment itself: the action of withdrawing from many of the United States’ existing commitments, such as the ongoing military interventions in the Middle East and one-sided alliances in Europe and Asia. The second is restraint: the strategy of defining U.S. interests narrowly, refusing to launch wars unless vital interests are directly threatened and Congress authorizes such action, compelling other nations to take care of their own security, and relying more on diplomatic, economic, and political tools.

In practice, this approach means ending U.S. military operations in Afghanistan, withdrawing U.S. forces from the Middle East, relying on an over-the-horizon force that can uphold U.S. national interests, and no longer taking on responsibility for the security of other states. As for alliances, Posen has argued that the United States should abandon the mutual-defense provision of NATO, replace the organization “with a new, more limited security cooperation agreement,” and reduce U.S. commitments to Japan, South Korea, and Taiwan. On the question of China, realists have split in recent years. Some, such as the scholar John Mearsheimer, contend that even as the United States retrenches elsewhere, in Asia, it must contain the threat of China, whereas others, such as Posen, argue that nations in the region are perfectly capable of doing the job themselves.

Since Trump’s election, some progressive foreign policy thinkers have joined the retrenchment camp. They diverge from other progressives, who advocate maintaining the United States’ current role. Like the realists, progressive retrenchers hold the view that the United States is safe because of its geography and the size of its military. Where these progressives break from the realists, however, is on the question of what will happen if the United States pulls back. While the realists favoring retrenchment have few illusions about the sort of regional competition that will break out in the absence of U.S. dominance, the progressives expect that the world will become more peaceful and cooperative, because Washington can still manage tensions through diplomatic, economic, and political tools. The immediate focus of the progressives is the so-called forever wars—U.S. military involvement in Afghanistan, Iraq, Syria, and the broader war on terrorism—as well as the defense budget and overseas bases.

Although the progressives have a less developed vision of how to implement retrenchment than the realists, they do provide some guideposts. Stephen Wertheim, a co-founder of the Quincy Institute, has called for bringing home many of the U.S. soldiers serving abroad, “leaving small forces to protect commercial sea lanes,” as part of an effort to “deprive presidents of the temptation to answer every problem with a violent solution.” He argues that U.S. allies may believe that the United States has been inflating regional threats and thus conclude that they do not need to increase their conventional or nuclear forces. Another progressive thinker, Peter Beinart, has argued that the United States should accept Chinese and Russian spheres of influence, a strategy that would include abandoning Taiwan.

IS LESS REALLY MORE?

The realists and the progressives arguing for retrenchment differ in their assumptions, logic, and intentions. The realists tend to be more pessimistic about the prospects for peace and frame their arguments in hardheaded terms, whereas the progressives downplay the consequences of American withdrawal and make a moral case against the current grand strategy. But they share a common claim: that the United States would be better off if it dramatically reduced its global military footprint and security commitments.

This is a false promise, for a number of reasons. First, retrenchment would worsen regional security competition in Europe and Asia. The realists recognize that the U.S. military presence in Europe and Asia does dampen security competition, but they claim that it does so at too high a price—and one that, at any rate, should be paid by U.S. allies in the regions themselves. Although pulling back would invite regional security competition, realist retrenchers admit, the United States could be safer in a more dangerous world because regional rivals would check one another. This is a perilous gambit, however, because regional conflicts often end up implicating U.S. interests. They might thus end up drawing the United States back in after it has left—resulting in a much more dangerous venture than heading off the conflict in the first place by staying. Realist retrenchment reveals a hubris that the United States can control consequences and prevent crises from erupting into war.

A U.S. pullback from Europe or Asia is more likely to embolden regional powers.

The progressives’ view of regional security is similarly flawed. These retrenchers reject the idea that regional security competition will intensify if the United States leaves. In fact, they argue, U.S. alliances often promote competition, as in the Middle East, where U.S. support for Saudi Arabia and the United Arab Emirates has emboldened those countries in their cold war with Iran. But this logic does not apply to Europe or Asia, where U.S. allies have behaved responsibly. A U.S. pullback from those places is more likely to embolden the regional powers. Since 2008, Russia has invaded two of its neighbors that are not members of NATO, and if the Baltic states were no longer protected by a U.S. security guarantee, it is conceivable that Russia would test the boundaries with gray-zone warfare. In East Asia, a U.S. withdrawal would force Japan to increase its defense capabilities and change its constitution to enable it to compete with China on its own, straining relations with South Korea.

The second problem with retrenchment involves nuclear proliferation. If the United States pulled out of NATO or ended its alliance with Japan, as many realist advocates of retrenchment recommend, some of its allies, no longer protected by the U.S. nuclear umbrella, would be tempted to acquire nuclear weapons of their own. Unlike the progressives for retrenchment, the realists are comfortable with that result, since they see deterrence as a stabilizing force. Most Americans are not so sanguine, and rightly so. There are good reasons to worry about nuclear proliferation: nuclear materials could end up in the hands of terrorists, states with less experience might be more prone to nuclear accidents, and nuclear powers in close proximity have shorter response times and thus conflicts among them have a greater chance of spiraling into escalation.

Third, retrenchment would heighten nationalism and xenophobia. In Europe, a U.S. withdrawal would send the message that every country must fend for itself. It would therefore empower the far-right groups already making this claim—such as the Alternative for Germany, the League in Italy, and the National Front in France—while undermining the centrist democratic leaders there who told their populations that they could rely on the United States and NATO. As a result, Washington would lose leverage over the domestic politics of individual allies, particularly younger and more fragile democracies such as Poland. And since these nationalist populist groups are almost always protectionist, retrenchment would damage U.S. economic interests, as well. Even more alarming, many of the right-wing nationalists that retrenchment would empower have called for greater accommodation of China and Russia.

A fourth problem concerns regional stability after global retrenchment. The most likely end state is a spheres-of-influence system, whereby China and Russia dominate their neighbors, but such an order is inherently unstable. The lines of demarcation for such spheres tend to be unclear, and there is no guarantee that China and Russia will not seek to move them outward over time. Moreover, the United States cannot simply grant other major powers a sphere of influence—the countries that would fall into those realms have agency, too. If the United States ceded Taiwan to China, for example, the Taiwanese people could say no. The current U.S. policy toward the country is working and may be sustainable. Withdrawing support from Taiwan against its will would plunge cross-strait relations into chaos. The entire idea of letting regional powers have their own spheres of influence has an imperial air that is at odds with modern principles of sovereignty and international law.

A fifth problem with retrenchment is that it lacks domestic support. The American people may favor greater burden sharing, but there is no evidence that they are onboard with a withdrawal from Europe and Asia. As a survey conducted in 2019 by the Chicago Council on Global Affairs found, seven out of ten Americans believe that maintaining military superiority makes the United States safer, and almost three-quarters think that alliances contribute to U.S. security. A 2019 Eurasia Group Foundation poll found that over 60 percent of Americans want to maintain or increase defense spending. As it became apparent that China and Russia would benefit from this shift toward retrenchment, and as the United States’ democratic allies objected to its withdrawal, the domestic political backlash would grow. One result could be a prolonged foreign policy debate that would cause the United States to oscillate between retrenchment and reengagement, creating uncertainty about its commitments and thus raising the risk of miscalculation by Washington, its allies, or its rivals.

Realist and progressive retrenchers like to argue that the architects of the United States’ postwar foreign policy naively sought to remake the world in its image. But the real revisionists are those who argue for retrenchment, a geopolitical experiment of unprecedented scale in modern history. If this camp were to have its way, Europe and Asia—two stable, peaceful, and prosperous regions that form the two main pillars of the U.S.-led order—would be plunged into an era of uncertainty.

#### Reactionary “anti-Imperial” ethics sanction authoritarian intervention and condemn millions to death

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Shadi Hamid, “Is a Better World Possible Without U.S. Military Force?,” The Atlantic, October 18, 2016, <https://www.theatlantic.com/international/archive/2016/10/american-intervention-syria/504512/>.

The eight years of the Obama presidency have offered us a natural experiment of sorts. Not all U.S. presidents are similar on foreign policy, and not all (or any) U.S. presidents are quite like Barack Obama. After two terms of George W. Bush’s aggressive militarism, we have had the opportunity to watch whether attitudes toward the U.S.—and U.S. military force—would change, if circumstances changed. President Obama shared at least some of the assumptions of both the hard Left and foreign-policy realists, that the use of direct U.S. military force abroad, even with the best of intentions, often does more harm then good. Better, then, to “do no harm.”

This has been Barack Obama’s position on the Syrian Civil War, the key foreign-policy debate of our time. The president’s discomfort with military action against the Syrian regime seems deep and instinctual and oblivious to changing facts on the ground. When the debate over intervention began, around 5,000 Syrians had been killed. Now it’s close to 500,000. Yet, Obama’s basic orientation toward the Syrian dictator Bashar al-Assad has remained unchanged. This suggests that Obama, like many others who oppose U.S. intervention against Assad, is doing so on “principled” or, to put it differently, ideological grounds.

Despite President Obama’s very conscious desire to limit America’s role in the Middle East and to minimize the extent to which U.S. military assets are deployed in the region, there is little evidence that the views of the hard Left and other critics of American power have changed as a result. (Yes, the U.S. military is arguably involved in more countries now than when the Obama administration took office, but—compared to Iraq and Afghanistan before him—Obama’s footprint has been decidedly limited, with a reliance on drone strikes and special-operations forces.) As for those who actually live in the Middle East, a less militaristic America has done little to temper anti-Americanism. In the three countries—Egypt, Jordan, and Lebanon—for which Pew has survey data for both Bush’s last year and either 2014 or 2015, favorability toward the U.S. is significantly worse under Obama today than it was in 2008. Why exactly is up for debate, but we can at the very least say that a drastic drawdown of U.S. military personnel—precisely the policy pushed for by Democrats in the wake of Iraq’s failure—does not seem to have bought America much goodwill.

Despite the fact that Assad and Russia are responsible for indiscriminate attacks on civilians and civilian infrastructure, including hospitals, many leftists have viewed even the mere mention of the U.S. doing anything in response as “warmongering.” We have had the unfortunate situation of someone as (formerly) well-respected as Jeffrey Sachs arguing that the U.S. should provide “air cover and logistical support” to Bashar al-Assad. We have had Wikileaks’ attacks on the White Helmets, who have risked—and, for at least 140, lost—their lives in the worst conditions to save Syrian lives from the rubble of Syrian and Russian bombardment. Of course, it is not an absurd position to be skeptical of any proposed American escalation against Assad, and many reasonable people across the political spectrum have made that case. But it is something else entirely to apply such skepticism selectively to the U.S. and not to others, especially when the others in question deliberately target civilians as a matter of policy. It can be a slippery slope. While no one would accuse Obama of liking Putin, coordinating with and enabling Russia in Syria is effectively U.S. policy. As the New York Times columnist Roger Cohen noted in February, well before the current disaster in Aleppo: “The troubling thing is that the Putin policy on Syria has become hard to distinguish from the Obama policy.”

The Left has always had a utopian bent, believing that life, not just for Americans, but for millions abroad, can be made better through human agency (rather than, say, simply hoping that the market will self-correct). The problem, though, is that the better, more just world that so many hope for is simply impossible without the use of American military force. At first blush, such a claim might seem self-evidently absurd. Haven’t we all seen what happened in Iraq? The 2003 Iraq invasion was one of the worst strategic blunders in the history of U.S. foreign policy. Yet, it’s not clear what exactly this has to do with the Syrian conflict, which is almost the inverse of the Iraq war. In Iraq, civil war happened after the U.S. invasion. In Syria, civil war broke out in the absence of U.S. intervention.

What all of this suggests is that attitudes toward the U.S. military, and by extension the United States, are often “inelastic,” meaning that what the U.S. actually does or doesn’t do abroad has limited bearing on perceptions of American power. As a general proposition, many leftists, for example, seem to believe that there is something intrinsically wrong with the use of military force by the United States. In other words, when America does it, it is a bad thing, irrespective of the outcomes it produces, and therefore should be opposed outright. There is rarely any real effort to explain why it’s bad—after all, if it were purely a moral stand against the killing of innocents, the use of Russian or Syrian military force would have to be considered much worse.

But, for the use of American power abroad to be intrinsically wrong or immoral, all uses of military force would have to be either immoral or ineffective, or both. However, as a factual matter, this is simply not the case. There was no way to stop mass slaughter and genocide in Bosnia or Kosovo without U.S. military force, buttressed, as it should be, by broad regional or international consensus. In those two cases, a U.S.-led coalition acted. In those cases where the international community did not act, genocide did, in fact, occur, as we witnessed in Rwanda. What became clear then—and what has become clear once again in Syria—is that a world where others than the U.S. take the initiative to stop such slaughter does not exist, and is unlikely to exist at any point in the foreseeable future. While they may be less common, there are also cases where dictators will not only kill their own people but try to forcefully invade and conquer their neighbors. As in the first Gulf War, the gobbling up of Kuwait could not have been prevented without a U.S.-led coalition, again with broad international support.

The list goes on. From a moral standpoint, no one should have to suffer under the indignities of ISIS rule. From a strategic standpoint, having an extremist state the size of Indiana in the middle of the Middle East, needless to say, does not suggest the coming of a better, more secure world. While Obama was late to act against the organization and while the anti-ISIS campaign has been deeply flawed, the amount of territory that ISIS controls has been reduced significantly, due in large part to U.S. airstrikes, intelligence, and special-operations forces. No one, not Turkey, Saudi Arabia, or anyone else, was going to seriously confront ISIS without U.S. coordination and leadership, and it’s U.S. coordination and leadership that is facilitating the current battle for the Islamic State’s Iraqi stronghold in Mosul. This is the faulty—and ultimately quite dangerous—premise behind one of the founding assumptions of Obama’s foreign policy: that if the U.S. steps back, others will step in. Even when “others” do step in, the results are often destructive, since America’s allies and adversaries alike do not generally share its values, interests, or objectives.

Of course, U.S. military force may be necessary, but it can never be sufficient on its own. This is where the judgment, morality, and strategic vision of politicians and policymakers can make the crucial difference. The United States has not been the “force for good” that many Americans would like to think it’s been. There is a tragic history of intervention abroad that more Americans should be aware of, whether it’s overthrowing democratically elected leaders in Latin America or backing brutal dictators in the Middle East. There is no reason to think the U.S. is necessarily doomed to repeat those mistakes indefinitely. But even if it was, there would still be instances where only U.S. military force could be counted on to stop genocide.

The alternative to a proactive and internationalist U.S. policy is to “do no harm,” and this might seem a safe fallback position: Foreign countries and cultures are too complicated to understand, so instead of trying to understand them, let’s at least not make the situation worse. The idea that the U.S. can “do no harm,” however, depends on the fiction that the most powerful nation in the world can ever be truly “neutral” in foreign conflicts, not just when it acts, but also when it doesn’t. Neutrality, or silence, is often complicity, something that was once the moral, urgent claim of the Left. The fiction of neutrality is growing more dangerous, as we enter a period of resurgent authoritarianism, anti-refugee incitement, and routine mass killing.

This is the built-in contradiction of what might be called the “anti-imperialist Left.” They are against empire, and there is only one country powerful enough to reasonably be considered “imperial.” (Russia, of course, engages in bloody imperial ventures, but it gets a pass since it is acting against the United States.) But to insist that the fundamental problem in today’s world is American imperialism is to have only the most outdated “principles”—principles that, in the case of Syria, Rwanda, Bosnia, Kosovo, and even Libya, have left, or would have left, the most vulnerable and suffering without any recourse to safety and protection.

If the United States announced tomorrow morning that it would no longer use its military for anything but to defend the borders of the homeland, many would instinctively cheer, perhaps not quite realizing what this would mean in practice. But that is the conundrum the Left is now facing. A world without mass slaughter, of the sort of we are seeing every day in Syria, cannot ever come to be without American power. But perhaps this will prove one of the positive legacies of the Obama era: showing that the alternative of American disinterest and disengagement is not necessarily better. For those, though, that care about ideology—holding on to the idea that U.S. military force is somehow inherently bad—more than they care about actual human outcomes, the untenability of their position will persist. That, too, will be a tragedy, since at a time when many on the Right are turning jingoistic or isolationist, there is a need for voices that not just believe in U.S. power, but believe that that power—still, for now, preeminent—can be used for better, more moral ends.

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### 2NC – TVA

#### Here’s a solvency advocate that explicitly says this is topical and connects to the 1AC’s theory of power

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Sandeep Vaheesan, “Accommodating Capital and Policing Labor: Antitrust in the Two Gilded Ages,” *Maryland Law Review*, vol. 78, no. 4, 2019, pp. 816-825, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3832&context=mlr.

IV. How Remaking Antitrust Law Could Help End the New Gilded Age

Congress, the antitrust agencies, and federal courts should restore the original anti-monopoly, pro-worker vision for the antitrust laws. For much of their history, these laws had a pro-capital, anti-worker orientation. Notwithstanding this record, these laws can be reoriented to police capital and accommodate labor in accord with the intent of Congress. In passing these laws, Congress aimed to curtail the power of capital and also preserve space for workers to organize. 392 The antitrust agencies and federal courts should reject the ahistorical and deficient efficiency paradigm and embrace the political economy framework of the sponsors of the antitrust laws. Specifically, they need to reinterpret antitrust to restore competitive market structures and limit the power of large businesses over consumers, producers, rivals, and citizens. Along with imposing checks on the power of large businesses, Congress, the agencies, and the courts must preserve freedom of action for workers acting in concert.

New statutes and executive and judicial reinterpretation of antitrust law, in accord with congressional intent, would help remedy many economic and political injustices in the United States today. Monopoly and oligopoly appear to contribute to a host of societal ills. These include increased inequality, 393 diminished income for workers 394 and other producers, 395 and declining business formation. 396 At the same time, protecting workers' collective action against antitrust challenges would create more space for workers to organize and claim a fairer share of income and wealth. 397 Restoring antitrust law to its original goals would likely produce a more just and equitable society. Although no means a panacea for what ails the United States, antitrust law should be part of a broader social democratic agenda that reduces the yawning inequalities in wealth and power today. 398

## Counteradvocacy

### 1NR – counteradvocacy

#### Administrative state is key to solve multiple existential risks – only reclaiming power towards progressive ends solves

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Kate Jackson, “All the Sovereign’s Agents: The Constitutional Credentials of Administration,” *William & Mary Bill of Rights Journal*, 8 July 2021, pp. 2-7, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3813904.

We face no less than four urgent crises: an ongoing pandemic1; racial injustice and its consequent civil unrest2; an economic depression approaching the pain inflicted in 1929; and the accumulating, existential threat of climate change.4 Citizens must rely on their state to tackle these burning perils.5 Yet critics both left 6 and right 7 would tear down its institutional capacity to do so. Some denounce the exercise of administrative power as illiberal, unconstitutional and obnoxious to the rule of law.8 Others impugn it as undemocratic, paternalistic, and corrupt.9 Yet without some kind of agent to carry out collective solutions, these perils may very well proceed unabated.

Pushing an anti-administravist10 agenda, libertarians continue their “long war”11 against government agencies by insisting that they are an unconstitutional fourth branch of government. For them, administration is a kind of “absolutism”12 that violates the separation of powers and defies the principle of limited government.13 They contend that agencies’ discretionary rulemaking offends the liberal commitment to the rule of law. 14 Accordingly, they would punt agencies’ responsibility for social, economic, and environmental problems to courts and legislatures. 15 Regulation would thus be placed at the mercy of an undemocratic judiciary who increasingly “weaponizes” the First Amendment in favor of big business16 – or of a Congress whose already inefficient decision-making is crippled by hyperpolarization17 and distorted by the kind of material inequalities that the welfare state is meant to ameliorate. 18

Conservatives with a more authoritarian inflection seek to recall administration from its constitutional exile by subsuming it under presidential power. 19 Such critics would lend administration some democratic credentials by bootstrapping them to the president’s electoral accountability. Yet ridding agencies of their independence by placing them under the discretion of the president grants the president personal control over agency policymaking and adjudication without the checks provided by Congress, the courts, or an independent civil service.20 It thus, arguably, solves a separation-of-powers problem by introducing a new one.21 More ominously, empowering the president with the patina of democratic legitimacy emits a strong whiff of Schmittian politics.22 The prospect of a largely unbound executive officer claiming a popular mandate to hire and fire civil servants on a whim should alarm any that followed the Trump Administration’s treatment of refugees, civil protestors, polluters, and political cronies.

Agency power likewise fares poorly in the hands of the left. 23 They blame administrative technocracy for a variety of social and political ailments: the reification of social differences and the juridification of human nature24; corruption, privatization and regulatory capture25; the depoliticization of economic issues and the subsidization of globalized financial capitalism26 and, ultimately, the constellation of conspiratorial populist politics currently threatening liberal democratic states.27 Their preferred solutions include democratizing agency decision-making28 and constraining Congress’ capacity to delegate its lawmaking function. 29 While their interventions are welcome, they may deprive government of the nimble expertise necessary to address environmental and economic crises.30 Moreover, as illustrated by the president’s extraordinary powers to shape national immigration policy despite its “notoriously complex and detailed statutory structure,” increasing the amount of formal legislation may only expand agencies’ enforcement discretion.31 Agency democratization, furthermore, risks reproducing, perhaps under the cover of ostensible public consensus, the same social, economic and political inequalities that distort Congressional lawmaking. 32

In this essay, I contend that this multi-pronged anti-administravist attack stands upon shaky conceptual foundations. Each builds atop a theory of constitutionalism that embraces a too-literal conception of popular sovereignty.33 It is a conception that posits that there is, in fact, a “people” with a sovereign “will.” It is a “will” that can be clearly identified (through elections); straightforwardly transcribed (through lawmaking); mechanically applied (by administrators) and constrained (by judges). 34 But in a country of hundreds of millions, the diverse multiplicity of citizens could never find a common will.35 It is even more impossible that it could ever be accurately expressed through the lawmaking of elected representatives.36 As a result, critics of administration often grant statutory lawmaking more democratic credentials than it deserves. 37 The non-delegation doctrine purports to prevent the delegation of something that simply may not exist.

Critics commit another mistake when they invoke a theory of constitutionalism that analytically divides functions that cannot, as either a moral or empirical matter, be disentangled. First, they incorrectly posit two separate, autonomous processes: the collective formation of ends (lawmaking) and the implementation (execution) and application (adjudication) of those ends. 38 But we cannot presume that judges and administrators can mechanically apply and enforce the law without importing into the process their own value-laden, and therefore political, judgments.39 “They who will the end will the means” is a naïve argument that occludes the power wielded by unelected actors.40 It is also a mistake to presume that the legislative branch concerns itself only with value-laden final ends, and not with the means required to execute them.41 Indeed, most of our most bitter political fights are fights conducted precisely over means: how best to grow the economy; how best to care for the sick; how best to mitigate climate change, etc. 42 As a result, the theories overemphasize and distort the purpose of separating powers.43

Critics commit yet another mistake when they divorce the constitutional functions of (1) protecting rights and limiting government power, and (2) providing the decision-making procedures necessary for democratic will-formation. 44 They isolate elections and lawmaking from the process of enforcing rights and the rule of law – as if they have nothing to do with one another. Yet quarantining rights from democracy requires reliance on an outsourced moral order external to the political system itself – a reliance inappropriate for contemporary secular polities.45 They therefore lend judges too many liberal credentials while denying any to mechanisms of popular feedback.

Rather than critiquing agencies for violating the separation of powers, for their over-reliance on unelected technocrats, or for their indifference to universalizable legal principles, I argue that administration does indeed carry constitutional liberal democratic credentials – credentials borne out by political theory’s “representative turn.”46 By understanding agencies as embedded in a system of representative democracy that aims to set the conditions by which citizens can relate to each other as political equals, we can assess the legitimacy of government agencies without any “idolatrous”47 commitments to a fictitious popular sovereign or legal formalism. I suggest that agency institutions should be measured against the notion that popular sovereignty demands not consensus and consent, but instead institutions that permit citizens to understand themselves as co-equal participants in the collective decision-making process.

#### State engagement doesn’t inevitably reproduce pornotroping – the c/a’s theory of antidomination is oriented towards universalizing freedom, which is the only way to resolve antiblackness

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Aziz Rana, “Conclusion: Democracy and Inclusion in the Age of American Hegemony,” *The Two Faces of American Freedom*, Harvard University Press 2010, pp. 328-337.

Even with such developments, however, the present moment is not without its resources for confronting both the internal decline of free citizenship and the globalized commitment to pacification. And these resources are closely tied to the politics of inclusion and its implications in the post– New Deal order. This is because the previous vision of more robust equality has never entirely died. In fact, recent reform efforts have had a second and competing trajectory, although this trajectory is often obscured at present. For radical reformers, inclusion required overcoming the general reduction in the meaning of citizenship and thus recovering the historic project of independence— only now expanded to incorporate everyone. In the process, this meant fundamentally dismantling the structures of authority at home and abroad that undermined self-rule and made free citizenship impossible. At its most expansive, the American civil rights movement of the 1950s and 1960s in particular combined arguments about internal freedom and external power, while at the same time claiming a popular capacity to speak for the common good. This often-submerged legacy of the movement hints at the continued potential for thinking systemically about today’s problems. It also provides the connective historical link between nineteenth- century mass mobilization and reform projects in the present day, which similarly would seek to defend a universal and nonimperial ideal.

Despite the demise of settler empire, the American practice of international police power and global primacy persists in treating outsiders as instruments for the achievement of national ends. In the nineteenth century, these ends took the form of rich internal accounts of liberty and political possibility. Now, however, they increasingly appear to be domestic security as such and the indefinite protection of American status. In effect, the United States’ orientation to the world combines some of the most problematic ideological features of the settler past without its emancipatory aspirations. It continues to view outsiders— including immigrants within our borders— as part of a dependent periphery, to be used for the extension of national wealth and dominance. Yet these practices have become detached from the meaningful provision of economic and political self-rule for Americans. In a sense, the key challenge for the present is to invert such developments, to revive accounts of self-rule, and to dissolve their connections to external subordination at home and abroad— to make freedom truly universal. These final pages employ arguments from the civil rights period to draw out the contemporary implications of this project and to suggest current possibilities for connecting efforts at inclusion with a broader revision of the substance and goals of collective membership.

The Two Civil Rights Movements

Since the entrenchment of the New Deal order, the civil rights movement has embodied the most sustained effort to revive both the vision of liberty as self-rule and to connect this vision with a critique of empire. Today this legacy is almost entirely forgotten, in large measure because the mid-twentieth-century struggle for black equality always had two conflicting dimensions. On the one hand, efforts to end racial segregation and formal legal discrimination sought to incorporate blacks fully into American projects of hegemony abroad and security at home. They emphasized social mobility for middle- class blacks and inclusion for some into arenas of corporate, professional, and political power. These features are perhaps most tellingly illustrated by the legal prong of black attempts to end racial inequality. The best-known civil rights litigation of the 1950s involved segregated primary schools, but the earliest test cases of the National Association for the Advancement of Colored People (NAACP) focused on postgraduate professional study— especially law school. One of the first serious victories in the NAACP legal strategy was 1938’s Missouri ex rel Gaines v. Canada, which held that Missouri violated equal protection guarantees by failing to provide in-state law school education for black students. A decade later, Sweatt v. Paint er (1950) went further, holding that individuals could in no way be denied access to law school on the basis of race.1 For these NAACP lawyers, equality was crucially about winning for blacks the opportunity to achieve professional status and to participate at the highest echelons of corporate and political leadership.

In the mid-1960s, in the wake of tremendous popular unrest and mobilization across the American South, President Lyndon Johnson pressed Congress to end legalized segregation and to provide all blacks with voting rights. In many ways, these reforms embodied a choice by white politicians at the national level to protect New Deal liberalism by removing the eyesore of southern segregation and by making regional practices consistent with those prevailing elsewhere in the country. In other words, such reforms sought to preserve American domestic economic and political stability while strengthening U.S. moral standing internationally. This essentially preservative role was shared by many in the black middle class, who had long viewed the civil rights struggle in terms of liberal inclusion and elite social mobility. In fact, much of the traditional leadership within the black community was opposed to combining a critique of legal discrimination with either more extensive domestic reform initiatives or with challenges to U.S. global power, particularly in the context of Vietnam. For instance, Whitney Young, the head of the Urban League, warned activists at the NAACP’s 1966 convention that the League would denounce any groups that tied issues of “domestic civil rights with the Vietnam Conflict.”2

The long-term victory of these voices within the civil rights movement not only has set the terms for today’s discussions of race but also has shaped the very meaning of those previous struggles and therefore our political inheritance as Americans. In particular, it has meant that goals of black equality in the United States are largely disconnected in the political imagination from broader independence struggles in Asia, Latin America, and Africa. Racial equality is understood as a specifically American project of integration, one that primarily consists of providing worthy elements within the black community with an equal opportunity to achieve professional and middle-class respectability. There is no doubt that this project has brought with it clear benefits, especially the steady reduction of those everyday forms of humiliation— from name calling to formal discrimination and random violence— that historically marked the black experience. Yet the focus on incorporating black elites into the structures of American authority has also come at a clear cost. It has involved nothing less than ignoring our most recent collective attempt to create a truly inclusive community premised on democratic self-rule—to imagine inclusion as a call to elevate everyone to the status of free citizens.

For many civil rights activists, the goal of popular mobilization and the hope embedded in the project of black emancipation lay precisely in the fulfillment of this vision. At the end of his life, W. E. B. Du Bois warned civil rights leaders that simply eliminating legal segregation would not alter the position of economic and political subordination confronting most blacks. Shortly before leaving for exile in newly independent Ghana, Du Bois told a college audience in North Carolina that although the United States was “definitely approaching . . . a time when the American Negro will become in law equal in citizenship to other Americans,” this represented only “a beginning of even more difficult problems of race and culture.” Ending formalized in equality was only a prerequisite for creating a community grounded in the substantive freedom of its members. Such freedom required challenging corporate and governmental hierarchies, which denied most individuals, regardless of race, economic independence and daily control over their work life. Only if these hierarchies were dislodged would Americans finally “restore the democracy of which we have boasted so long and done so little.”3

Moreover, Du Bois directly tied this project of freedom at home to confronting empire in all its manifestations, including the persistent and informal modes of external control wielded by powerful states. Du Bois understood the black experience in the United States as a particular variant of Europe’s larger colonial legacy and thus believed that any meaningful commitment to eliminating the vestiges of colonialism meant supporting its elimination everywhere. It was no accident that Du Bois chose to live the remainder of his life in Nkrumah’s Ghana, as a symbol of anti-imperial unity. Du Bois hoped that blacks in the United States would take the lead in reshaping America’s position in the world and in making common cause with colonized peoples throughout the globe to alter their conditions of political and economic dependence. In the words that echoed the United States’ own postcolonial founders, he imagined a truly free Africa, which “refuse[d] to be exploited by people of other continents for their benefits and not for the benefit of the peoples of Africa” and that would “stress peace and join no military alliance and refuse to fight for settling European quarrels.”4

One leader who not only heard Du Bois’s call but struggled to situate it as the basis of an organized social movement— capable of standing as a government behind the government— was Martin Luther King Jr. Today King is widely viewed as the patron saint of civil rights activism, conceived largely as an effort to end legal discrimination and to provide upwardly mobile blacks with an equal opportunity to achieve social power. However, his actual views and those of many of his supporters were far more expansive. In King’s final book before his death, Where Do We Go from Here? (1967), he explicitly joined his vision of liberty to the universal republican ideals of radical Populists and Progressives. King argued that the black condition in the United States was that of “educational castration and economic exploitation” and that overcoming racism required more than merely ending formal segregation; it entailed “a radical restructuring of the architecture of American society.” According to him, black subordination drew sustenance from the same forces that concentrated wealth and political control in fewer and fewer hands while justifying the permanent global extension of America’s military footprint. In his view, the “evils of racism, poverty and militarism” were deeply intertwined and had to be overcome by actions that addressed both American international police power and the domestic elimination of popular authority.5

The first challenge for King was not to assert a particular programmatic agenda but rather to reclaim collective agency, eroded by the rise of centralized corporate and state institutions. He hoped that the civil rights movement would develop new organizational means by which a constituency within society could be permanently mobilized to wield democratic control. He argued that without such a social base, government would “elude our demands” and that whatever measures it passed would be for “use as supplicants” rather than products of a self- actualizing public will. According to him, for democracy to exist in practice, there had to be more than regular elections; individuals had to participate directly in shaping collective life. As King wrote, “We must develop, from strength, a situation in which the government finds it wise and prudent to collaborate with us.” In a sense, he hoped that civil rights groups and their supporters would replace the nineteenth-century laboring community as the stand-in for the public writ large. Rather than relying on the presumed virtue of those in power, or “wait[ing] passively until the administration had somehow been infused with . . . blessings of goodwill,” such mobilized agency would direct politics to conform to ideals of self-rule. Like the old collectivity of farmers and wage earners, this new constituency had the potential to connect its particular interests— in economic and political freedom— to the interests of all. It thus could serve as a voice of popular power, compelling state and economic elites to impose needed structural changes.6

Like Weyl, King outlined these changes by beginning from the recognition that American society was marked by tremendous abundance; in fact, the black position in the United States was that of “poverty amid plenty.” As such, it was time to abandon prevailing efforts “to compress our abundance into the overfed mouths of the middle and upper classes until they gag with superfluity.” Instead, social wealth should be employed not simply to free individuals from the most extreme forms of immiseration but also to establish the conditions for everyone to enjoy creative and meaningful work. In calling for the abolition of poverty, especially through measures such as a guaranteed income for all, King did not see the provision of economic security as an end in itself. Rather, he imagined it as an essential requirement for a society committed to making labor an activity of personal fulfillment— or, as Kallen would have phrased it, to transforming labor into leisure. To this end, he quoted at length from Henry George’s Progress and Poverty (1879), a classic text of the nineteenth- century’s robust populist tradition:

The fact is that the work which improves the condition of mankind, the work which extends knowledge and increases power and enriches literature, and elevates thought, is not done to secure a living. It is not the work of slaves, driven to their task either by the lash of a master or by animal necessities. It is the work of men who perform it for their own sake, and not that they may get more to eat or drink, or wear, or display. In a state of society where want is abolished, work of this sort could be enormously increased.

For King, as for Henry George before him, freedom entailed both economic self-rule and practical political control through mobilized and assertive social constituencies.7

Moreover, precisely because of the historic black position of exclusion, King saw any project of emancipation as admitting no color line or national barrier. At home this required imagining the civil rights movement as properly a poor people’s movement that incorporated blacks, impoverished whites, and immigrant communities (particularly from South and Central America). Since each group found itself denied both the benefits of economic independence and basic political authority, according to King, “only through their combined strength” would it be possible “to overcome the fierce opposition we must realistically anticipate.”8

Internationally, King’s commitment to self-rule meant following in Skidmore’s and Bourne’s footsteps and seeing the interconnections between in equality at home and continuing practices of global expropriation. In King’s view, “Equality with whites will not solve the problems of either whites or Negroes if it means equality in a world stricken by poverty and in a universe doomed to extinction by war.” In the context of the Cold War, he considered the ideological power of communism as in large measure a product of Western efforts to sustain systems of formal and informal rule across much of the globe. King wrote, “Communism is a judgment on our failure to make democracy real and to follow through the revolutions that we initiated. Our only hope today lies in our ability to recapture the revolutionary spirit and go out into a sometimes hostile world declaring eternal opposition to poverty, racism, and militarism.”9

In practice this meant two basic transformations in American foreign policy. First, it entailed repudiating the emerging modes of global authority, which, just as Nkrumah had worried, undermined the formal sovereignty of newly in de pen dent states and reduced large swaths of the global south to the de facto control of external forces. King saw the legacy of the Monroe Doctrine in Latin America as “tremendous resentment of the United States,” resentment motivated by permanent U.S. interference with local economic and political practices:

The life and destiny of Latin America are in the hands of the United States corporations. The decisions affecting the lives of South Americans are ostensibly made by their governments, but there are almost no legitimate democracies alive in the whole continent. The other governments are dominated by huge and exploitative cartels that rob Latin America of her resources while turning over a small rebate to a few members of a corrupt aristocracy.10

According to King, American complicity in local authoritarianism and economic expropriation was ultimately due to its commitment to maintaining an international police power. As a consequence, the second key transformation needed in American foreign policy involved the ideological rejection of such interventionism and the dismantling of the global military footprint that supported it. This police power asserted the right to intervene whenever and wherever the United States believed that democratic order was imperiled. King contended that, rather than promoting actual self- determination, American actions had the tendency to freeze disputes in ways that undermined lasting resolution or served external interests rather than local publics. They also propped up regimes with little internal legitimacy, which meant that these regimes could stay in power only with the continual investment of yet greater economic and military resources. King saw American support for apartheid governments across southern Africa— through corporate capital investments, trade, and defense alliances— as stark proof of how international police power, and its stated aims of promoting peace, had been transformed into an instrument of pop u lar suppression.

For King, the most explicit consequence of this American orientation to the world was that, rather than creating an actual condition of peace, it ultimately justified greater military adventurism. It treated local communities as means to the end of U.S. ideological ambitions and as instruments for the perpetual extension of global power. Precisely because of the need to overcome international disorder no matter where it existed, the United States was trapped in a project of endlessly extending its geographic footprint and defense commitments. According to King, such realities underscored how “the leaders of nations again talk[ed] peace while preparing for war.”11 It also meant that America found itself, as in Vietnam, forever subject to local insurrections and new potential dangers, which in turn warranted even greater military spending and territorial presence.

In his view, as in the view of republicans dating back to Harrington, the logic of the United States’ military infrastructure brought with it the steady reduction of economic and political freedom at home. It necessitated the centralization of power and entailed that America’s unprecedented social wealth be diverted from its appropriate task— creating an inclusive community committed to economic independence and the democratic elevation of all its members. Looking at an America marked by internal inequalities and external interventionism, King remarked, “A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.”12

In the years since King’s death, his account of universal republican freedom— let alone his stark warning to fellow Americans— has more or less been ignored in the public discourse. While King is deified as a twentieth- century hero, one to stand alongside the founders, his actual views are quietly discarded. To the extent that the civil rights agenda is pursued at all, it mostly involves further incorporating black elites into the institutions of American economic and political power. The notion of tying economic subordination within the United States to global patterns of inequality, let alone the democratic ideal of a permanently mobilized social agent, is hardly ever broached. Nonetheless, it is precisely this vision that holds out the possibility of restructuring collective institutions and of combining a mass politics of inclusion with a broad-based commitment to self-rule at home and abroad.

Humanitarian Imperialism, Immigration, and the American Periphery

King’s vision, as well as the more expansive legacy of the civil rights movement, raises a basic question for the current moment. What spaces exist not only for locating arguments about dependence but also for developing the popular potential to confront prevailing frameworks? Answering this question involves imagining the social constituencies and reform initiatives capable of pursuing an ideal of self-rule. It therefore means linking the concrete material interests of specific groups to the larger common good and thus showing how experiences of inequality or subordination illuminate a more pervasive social predicament. In particular, it involves addressing today’s twin realities: the retreat of robust ideals of collective possibility and the seemingly permanent expansion of American power. This power, although now disconnected from internal freedom as self-rule, continues to generate relations of external control as well as to justify the near limitless growth of presidential authority. These external relations both instrumentalize outsiders and transform U.S. dominance into an end in itself. Such realities are most strikingly highlighted by the dramatic alteration in the place of immigrants in collective life, from co-ethnic participants in settler empire to nonwhite members of a dependent periphery— one that exists even within our borders. In a sense, sustaining the expansive civil rights legacy means confronting this fact. It also suggests a new politics of inclusion, one with the potential to rehabilitate self-rule as a general and guiding social commitment.

#### The C/A is key to confronting the neoliberal fiction that colorblind market forces can equitably distribute outcomes – only attention to the role of contingent economic and legal forces in producing antiblackness resolves racial justice

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James W. Fox Jr, “Black Progressivism and the Progressive Court,” *The Yale Law Journal Forum*, 6 January 2021, pp. 414-420, https://www.yalelawjournal.org/pdf/FoxEssay\_81a8zrrr.pdf.

IV. BLACK PROGRESSIVISM AND THE PROGRESSIVE COURT

There are two important themes evident in each of these writings from early Black progressives: the systemic nature of racism and the essential connection between racial and economic justice. For each of these authors, racism was far too complex and pervasive for it to be addressed by any single front. Indeed, to limit antiracism in that way would in fact support racism by allowing it to accumulate and solidify power across other spheres. This was one of the things Wells and Du Bois found so problematic with Booker T. Washington's accommodationism and its hyperfocus on industrial education. 77And while Washington and the progressives may have agreed on the importance of economic development generally, Washington's cultivation of millionaires like Andrew Carnegie made the anticapitalist strand of Black progressivism unpalatable for conservative Bookerites.

Comparing the Black progressive thought sketched here with the Court's "pro-rights" cases of the middle period of the Lochner era, it becomes clear that the isolated and status-quo enhancing nature of the opinions meant they would, in the minds of Black progressives, have little chance of success. 78For instance, when the Court struck down the Alabama peonage law in Bailey it explicitly abjured race as a basis for its decision. 79Rather, the Court focused on how the law criminalized a breach of contract and thus converted a personal-service contract into a type of servitude. 80Certainly the outcome of the case was welcome to Black progressives, who had been highlighting the injustice of peonage laws for almost thirty years. For Black progressives, however, the issue was not that the law criminalized contract relations, but that peonage re-established racial slavery. By divorcing its reasoning from the problem of race, the Court avoided confronting how this peonage law was part of a system of racial oppression that also violated the Reconstruction Amendments. Doing so would have required looking behind cases like Giles, Plessy, and the Civil Rights Cases and the related doctrines supporting states' rights and limited federal powers. Instead, the Court could rely on a contract-enhancing analysis arguably consistent with Lochner to provide some enforcement heft to the Thirteenth Amendment while not displacing established Jim Crow jurisprudence.

Similarly, the Court in Buchanan overturned a Louisville ordinance prohibiting Black people from moving into a majority-white neighborhood. A full-throated Black progressive analysis of such a law might well have argued for the unconstitutionality of legal segregation and separation of the races. This was a perfect case to embrace Du Bois's idea that social rights were fundamental rights, or to declare that laws implicitly targeting race were invalid class legislation much as the Court had looked at the implied purposes of the labor regulations in Lochner. But this would have required overturning the underlying justification for Plessy and Pace; indeed, the Louisville ordinance was drafted to fit neatly within those cases because it also barred white purchasers from moving into majority-black neighborhoods. Overturning the ordinance seemed to require a confrontation with the Pace-Plessy doctrine. The Court again sidestepped this conflict. The Court emphasized the need to protect the property rights of the white owner. While the Black progressives working with the interracial NAACP, which brought the case, were clearly pleased with the result, the fact that the Court dodged the racial equality issues meant that, under the doctrine of Buchanan, residential segregation would remain divorced from systemic racism. And since the Court's opinion ended up supporting the rights of white property owners, it meant that Black people could only benefit if they could find a sympathetic white owner to sell to them. Whereas Black progressivism focused on the broadly unequal distribution of property caused by centuries of slavery, the Court's focus on protection of de facto property distributions not only avoided this problem but arguably upheld it, for if white people had the constitutional right to sell to Black people they also had the right not to. Residential segregation by custom--which Du Bois, Fortune, and Wells all viewed as on par with legal segregation--was legally secured under the rule of Buchanan.

The Court's penchant to avoid systemic issues was also apparent in the voting-rights case of Guinn v. United States. Oklahoma, soon after obtaining statehood, rewrote its election laws to exclude Black people from suffrage. It did so by implementing a literacy test and excepting white Americans through a grandfather clause timed to coincide with a date prior to the Fifteenth Amendment. The Court overturned the grandfather clause, but expressly upheld the literacy test as being race-neutral, clinging to (although not citing) its 1898 holding in Williams. From the perspective of Black progressivism this type of surgical constitutionalism served only to support the vast swath of racially discriminatory election laws. While enforcement of the Fifteenth Amendment was clearly cheered (the NAACP had argued as an amicus in the case), the failure to address the system of suffrage discrimination itself served to support that discrimination in its effects, a problem the NAACP and other would spend decades combatting. This fact--that in each case the Court managed to address a narrow issue and that the cases had relatively little systemic impact--highlights another aspect of the Black progressive critique. As Michael Klarman has observed, victories in cases such as Guinn were essentially meaningless precisely because litigation strategies required extensive financial resources and extended civil-society networks. 81But absent significant economic development in Black communities, resources for long-term test litigation strategies were thin indeed. The economic and wealth critique advanced early on by Thomas Fortune still rang true: So long as wealth remained primarily in the hands of white corporations and property owners and wages remained low and discriminatory, sporadic cases like Buchanan, Bailey, and Guinn provided no de facto equality, even on the very topics they addressed. Without the federal government's willingness to fund basic citizenship programs, such as broad-based educational reforms, labor protections, or equal-suffrage enforcement, little progress could be made. As Ida Wells had observed and predicted, mass disenfranchisement in the South produced political paralysis on race issues nationally, and the Lochner-era Court's concurrent doctrines that greatly constrained federal powers only layered on more obstacles to racial justice. 82

So, did the Court's post- Lochner race jurisprudence matter? To the extent it reflected and revealed tensions, fissures, and cracks in the Court's constitutional doctrines, they may have helped some. And given the limited range of options, they were some of the few tools available for the NAACP to build its long-term strategies. It also may have helped that there was some movement on other progressive fronts, including a spate of constitutional amendments and some state and local advances outside the South. But as Black progressives understood better than either white progressives or procapitalist libertarians, no ideological or jurisprudential approach--not liberty of contract, not prolabor progressivism, not property rights--could lead to broad-based racial quality. So long as racial equality was not a central doctrinal and political goal, so long as equal protection and equal citizenship were seen as occasional byproducts rather than animating ideals, and so long as the challenges to the historical intertwining of racial and labor oppression and punishment remained politically and economically fragmented, law was unlikely to be much help in realizing the hopes of Black Abolition and Reconstruction.

This brief inquiry into the jurisprudence of the Progressive Court and the critique of Black Progressives also speaks to our contemporary conflicts about the nature of constitutional equality and freedom both in the Court and on the ground. Much like the Progressive Era, the modern Court has embraced a procapitalist, antilabor approach to constitutional powers and individual rights. 83And much like the early Progressive Era Court, the modern Court has curtailed a prior generation's civil-rights and racial-justice advances. 84But rather than simply identifying this historical parallel on the Court, the above focus on Black Progressivism asks us to also consider the parallels between Black Progressivism and modern Black and antiracist writers and activists. And some of the parallels are striking. Ida Wells and the Niagara Movement both identified how the southern criminal-justice systems replicated slavery relations, blocked efforts to advance racial equality, and entrenched white supremacy's national political power. That critique continues today with the movement for prison abolition and other fundamental criminal-justice reforms, including efforts to decouple criminalization from voting eligibility. 85Thomas Fortune, Ida Wells, and W.E.B. Du Bois all identified the relationship of racial oppression and race-based capital and wealth accumulation as deeply unjust and dangerous for democracy. Living now during the second Gilded Age, with wealth inequality just as stark as that which motivated the Progressive Movement, we too must ask how and why the stubborn persistence of racial injustice maps onto the ever widening wealth and income chasm. 86As Ta-Nehisi Coates, Richard Rothstein, Thomas Mitchell, and others keep telling us, modern racial oppression is fundamentally inseparable from governmental, legal, and economic structures of wealth and class distribution, a point that would have not surprised Black Progressives of the 1890s and 1900s. 87And just as Fortune, Wells, and Du Bois each challenged judicial doctrines and categories such as the tripartite civil-political-social rights rubric or the condemnation of class legislation, so today do we need to critique facially neutral doctrines like colorblindness in equal-protection law and the irrelevance of racial-bias fourth amendment law. 88

Of course none of these parallels should be asked to bear too much of the load of our current efforts to create racial justice in law. Current conflicts, doctrines, and structures have a multivariate history, some of which trace back to the Progressive era and before, and some of which have newer manifestations. Still, the critiques presented by Black Progressives should help us remain vigilant about how racial oppression and economic and class dynamics have a long history of reinforcing and reconstructing each other. White wealth was built in large part by enslaved and segregated Black labor. The contemporary Black Lives Matter civil-rights movement is not just an extension of the resistance to organized and governmental violence that Wells and others presented over 100 years ago. It is also an argument about how economic exclusion and oppression--the lack of employment and educational opportunities, unsafe and unaffordable housing, lack of access to medical care--interlock to maintain racial injustice, of how the injustice itself is simultaneously denied by and essential to the dominant political and legal ideologies. Absent full attention to racial justice as a primary goal, other ideologies, whether libertarian or communitarian, liberal or conservative, leftist or reactionary, are going to leave undone the equality mission embedded in the Reconstruction Amendments, like the prolabor, probusiness, or Progressive ideologies of the early 1900s. But just as importantly we can also see how current doctrines can be rhetorically turned in the direction of justice, as Wells did by identifying segregation as itself the worst type of class legislation and as the NAACP did in using Lochner Court's libertarianism as one of its tools to challenge Jim Crow. Resistance to the Court's current doctrines must involve both the development of alternative doctrinal paths and the reconfiguration of those paths the Court has already taken, and they must, like Wells, Fortune, and Du Bois, always keep one eye on the lived experiences of inequality that show us why the work is important.

#### C/A uniquely avoids their offense – it transforms unjust power structures and is oriented towards the expression of popular democratic agency

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Amna A. Akbar, “Demands for a Democratic Political Economy,” *Harvard Law Review Forum*, vol. 134, 2020, pp. 98-106, https://harvardlawreview.org/wp-content/uploads/2020/12/134-Harv.-L.-Rev.-F.-90.pdf.

I. NON-REFORMIST REFORMS

As a matter of rhetoric, the left often fashions itself as against reform and outside of formal politics -- characterizations that liberals and scholars echo. 51But today's left social movements are turning to demands, reforms, and policy platforms. 52This is not a rejection of electoral and legislative politics: it is a cautious embrace, marking a shift for the emergent left. The demands are amplified by an increasingly organized strategy to elect left and socialist candidates to office, to challenge the Democratic Party's ties to corporate money and the billionaire class, and to redefine the realm of the possible. 53Congressional Representatives Alexandria Ocasio-Cortez, Ilhan Omar, and the growing Squad are supported by a developing constellation of organizations focused on electoral strategy -- and these elected officials have become important amplifiers for radical demands. 54The turn to reform undoubtedly reflects the defeat of the revolutionary politics of the New Left and Black Power era -- itself an index of frustration with what the civil rights movement achieved 55-- as well as a recognition of the immensity of U.S. military and police power that rose up to crush movements here and around the world. 56But it also reflects a sober assessment of the limited scale of left, working-class, and poor people power amid decades of state repression and the rise of the neoliberal agenda Klarman documents. 57It is a bid for power that recognizes that mass disenfranchisement is central to the elite's hold on the state and the economy. A growing number of organizers now understand the need to organize poor, working-class, Black, brown, and immigrant people to effectuate transformational change. 58

Reform has long been a central question in debates about left and socialist strategy, 59with a range of terms to capture the aspiration for a reform program aimed at a larger project of transformation. 60Organizers are increasingly invoking non-reformist reforms, the term coined in the 1960s by French economist-philosopher and socialist André Gorz. 61In Strategy for Labor, Gorz defined a non-reformist reform as one that does not comport with "capitalist needs, criteria, and rationales." 62Instead it advances a logic of "what should be" and requires "implementation of fundamental political and economic changes." 63Whether the change is "sudden" or "gradual" is immaterial: non-reformist reforms require a "modification of the relations of power," in particular "the creation of new centers of democratic power." 64

The non-reformist reform framework is prevalent in abolitionist organizing against the prison industrial complex 65and deployed by those who embrace racial justice, anticapitalism, and socialism more broadly. 66In Golden Gulag, Professor Ruth Wilson Gilmore calls for non-reformist reforms, which she defines as "changes that, at the end of the day, unravel rather than widen the net of social control through criminalization." 67Through decades of campaigns against carceral infrastructure, abolitionist campaigns have produced rubrics demarcating an approach to reform focused on reducing the scale, power, tools, and legitimacy of the carceral state. 68The focus on the ideological scaffolding of carceral control -- the equation of policing with safety, for example -- signals a keen understanding of the interlocking ideological and material infrastructure of our lives. 69In turn, it suggests, like Gorz did, that a revolutionary program of reform must continually deepen consciousness around the violence and exploitation of the status quo as it advances the possibility of alternatives.

While Gorz is remembered as a champion for non-reformist reforms, his work is decidedly ambivalent: a "very clear dividing line" will not always exist between "reformist" and "non-reformist reforms." 70Assessing a demand for "the construction of 500,000 new housing units a year," for example, would require an assessment of whether the proposal involved "the expropriation of those who own the required land, and whether the construction would be a socialized public service, thus destroying an important center of the accumulation of private capital; or if, on the contrary, this would mean subsidizing private enterprise with taxpayers' money to guarantee its profits." 71The non-reformist reform does not aim to create policy solutions to discrete problems; rather it aims to unleash people power against the prevailing political, economic, and social arrangements and toward new possibilities.

But whether something is non-reformist or reformist is about more than the nature of the demand and its particulars: it is also a question of how the campaign is waged. Consider another example: abolition of the death penalty. The conventional liberal approach emphasizes that death is too great a power for the state, and reassures the public that life sentences will continue to ensure safety of local communities. In this guise, the campaign aims to shrink the state's carceral power in one particular way but does not question mass human caging. As the campaign attempts to undermine the death penalty, its logic shores up the legitimacy, righteousness, and necessity of life sentences. 72A non-reformist approach would frame the problem of the death penalty as stemming from the larger violence of prisons and policing and its historical continuities with lynching and enslavement. Life without parole then is not the solution, it is illegitimate carceral violence: what abolitionist organizers in Pennsylvania have dubbed "death by incarceration." 73

If the same demand can be framed or implemented in reformist or non-reformist ways, the line is undoubtedly murky in practice. But this does not make the attempt to distinguish futile. Instead it clarifies that reform projects are contradictory gambits if the aim is transformation: they always have the possibility of reifying the status quo. Nonetheless, there are essential distinctions for developing transformative programs of reform that aim to undermine the prevailing order in service of building a new one.

The hallmarks of non-reformist reforms are three. First, non-reformist reforms advance a radical critique and radical imagination. 74Reform is not the end goal; transformation is. 75Non-reformist reforms are "conceived not in terms of what is possible within the framework of a given system and administration, but in view of what should be made possible in terms of human needs and demands." 76In advancing an agenda to meet human need, non-reformist reforms advance a critique about how capitalism and the carceral state structure society for the benefit of the few, rather than the many. They also posit a radical imagination for a state or society oriented toward meeting those needs.

By contrast, reformist reforms draw on and advance critiques of our system -- whether that be capitalism or the carceral state -- that do not question underlying premises or advance alternative futures. In fact, reformist reforms "reject[] those objectives and demands -- however deep the need for them -- which are incompatible with the preservation of the system." 77Here, one can think of the quick rejections by so many of defund the police or the Green New Deal -- despite the mounting evidence that liberal reforms have done little to limit police violence or to slow the speed at which we are hurtling toward increasingly frequent environmental disasters. 78Liberal reformism effectively shields the status quo from deep critique. 79The end goal of liberal reformism is just that: reform.

The non-reformist reform then provides a framework for demands that will undermine the prevailing political, economic, social system from reproducing itself and make more possible a radically different political, economic, social system. For abolitionists, the underlying system to undermine is the prison industrial complex and the horizon to build toward is abolition democracy. For socialists, the underlying system is capitalism and the horizon socialism. In theory and practice, these are intertwined, variegated, and debated political projects. 80

I am suggesting neither a false neatness within nor artificial distinctions between rich left traditions. But I mention it to make a point so obscured in legal discourse: that approaches to reform reflect ideological commitments, critiques of or acquiescence to underlying systems, aspirations for the future, and theories of change. Reforms communicate analyses of our conditions, tell stories about possibilities, and contribute to dynamic relations of power. So the target and object of the non-reformist framework will depend on one's political project and analysis, as will whether one accepts a reformist or non-reformist orientation.

Whereas reformist reforms aim to improve, ameliorate, legitimate, and even advance the underlying system, 81non-reformist reforms aim for political, economic, social transformation: for example, socialism or abolition democracy. They seek to delegitimate the underlying system in service of building new forms of social organization. Rather than relegitimate, they seek to sustain ideological crisis as a way to provoke action and develop public consciousness about the possibilities of alternatives and our collective capacity to build them together.

Second, non-reformist reforms must draw from and create pathways for building ever-growing organized popular power. 82They aim to shift power away from elites and toward the masses of people. This is a matter of substance and process, from where the demand comes, the vision it advances, and the space it creates. Whether through demands on the state or the workplace, non-reformist reform " always requires the creation of new centers of democratic power[,] . . . a restriction on the powers of State or Capital, an extension of popular power, that is to say, a victory of democracy over the dictatorship of profit." 83In their focus on power, non-reformist reforms challenge liberal legal frameworks that tend to obscure power relations. 84Non-reformist reforms are about building the power of people to wage a long-term struggle of transformation.

In contrast to reforms formulated by expert elites, non-reformist reforms come from social movements, labor, and organized collectives of poor, working-class, and directly impacted people making demands for power over the conditions of their lives and the shape of their institutions. 85People living under perilous conditions must generate analysis of those conditions, and advance solutions, in collective formations. 86 Collective processes -- whether in organizations, unions, or assemblies -- become schools of democratic governance in action: processes of enfranchisement and exercises in self-determination that build power and motivate further action. 87

Third, non-reformist reforms are about the dialectic between radical ideation and power building. Non-reformist reforms come from contestatory exercises of popular power. 88They attempt to expand organized collective power to build pathways for transformation. As such, they are not in themselves about finding an answer to a policy problem: They are centrally about an exercise of power by people over the conditions of their own lives. They aim to create "a vast extension of democratic participation in all areas of civic life -- amounting to a very considerable transformation of the character of the state and of existing bourgeois democratic forms." 89

Because the end goal is building power rather than identifying a policy fix, non-reformist reforms can only be effective when pursued in relation to a broader array of strategies and tactics for political, economic, social transformation. That includes protests and strikes as well as political education, mutual aid, organizing, and the building of alternative institutions.

Along with other strategies and tactics, reforms are in dialectical relationship with transformation: deepening consciousness, building independent power and membership, and expanding demands. 90As Gorz put it, reforms have to be imagined as part of a longer-term "strategy of progressive conquest of power by the workers." 91

#### Creating a new social world is key – antiblackness is mediated through contingent and concrete power relations that can be changed through radical transformation of the social world – the aff lapses into nihilism, which is profoundly individualistic and disempowering

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Lewis Gordon, “5: Thoughts on Afropessimism,” *Freedom, Justice, and Decolonization*, Routledge 2021, pp. 79-81.

In existential terms, then, many ancestors of the African diaspora embodied what Kierkegaard calls an existential paradox. All the evidence around them suggested failure and the futility of hope. They first had to make a movement of infinite resignation—that is, resigning themselves to their situation. Yet they must simultaneously act against that resignation. Kierkegaard, as we have seen, called this seemingly contradictory phenomenon “faith,” but that concept relates more to a relationship with a transcendent, absolute being, which could only be established by a “leap,” as there are no mediations or bridge to the Absolute whose distant is, as Kierkegaard put it, absolutely absolute. Ironically, if Afropessimism appeals to transcendent intervention, it would collapse into faith. If the Afropessimist’s argument rejects transcendent intervention and focuses on committed political action, of taking responsibility for a future that offers no guarantees, then the movement from infinite resignation becomes existential political action.

At this point, the crucial meditation would be on politics and political action. An attitude of infinite resignation to the world without the leap of committed action would simply be pessimistic or nihilistic. Similarly, an attitude of hope or optimism about the future would lack infinite resignation. We see here the underlying failure of the two approaches. Yet ironically, there is a form of failure at failing in the pessimistic turn versus the optimistic one, since if focused exclusively on resignation as the goal, then the “act” of resignation would have been achieved, which, paradoxically, would be a success; it would be a successful failing of failure. For politics to emerge, there are two missing elements in inward pessimistic resignation to consider.

The first is that politics is a social phenomenon, which means it requires the expanding options of a social world. It must transcend the self. Turning away from the social world, though a statement about politics, is not in and of itself political. As we have seen, the ancients from whom much Western political theory or philosophy claimed affinity had a disparaging term for an individual resigned from political life—namely, idiōtēs, a private person, one not concerned with public affairs, in English: an idiot. I mention “Western political theory” because that is the hegemonic intellectual context of Afropessimism; I have not come across Afropessimistic writings on thought outside of that framework. We do not have to end our etymological journey in ancient Greek. Recall that extending our linguistic archaeology back a few thousand years we could examine the Middle Kingdom (2000 BCE–1700 BCE) of Kmt’s Mdw Ntr word idi (deaf). The presumption, later taken on by the ancient Athenians and other Greek-speaking peoples, was that a lack of hearing entailed isolation, at least in terms of audio speech. The contemporary inward resignation of seeking a form of purity from the loathsome historical reality of racial oppression, in this reading, retreats ultimately into a form of moralism (private, normative satisfaction) instead of public responsibility born of and borne by action. The nonbeing to which Afropessimists refer is also a form of inaudibility.

The second is the importance of power. Politics makes no sense without it. As we have seen throughout our earlier reflections on power, Eurocentric etymology points to the Latin word potis as its source, from which came the word “potent” as in an omnipotent god. If we again look back farther, we will notice the Middle Kingdom Mdw Ntr word pHty, which refers to godlike strength. Yet for those ancient Northeast Africans, even the gods’ abilities came from a source. In the Coffin Texts, HqAw or heka activates the ka (sometimes, as we have seen, translated as soul, spirit, womb, or “magic”), which makes reality.20 All this amounts to a straightforward thesis on power as the ability with the means to make things happen.

There is an alchemical quality of power. The human world, premised on symbolic communication, brings many forms of meaning into being, and those new meanings afford relationships that build institutions through a world of culture, a phenomenon that Freud, we should recall, rightly described as “a prosthetic god.” It is godlike because it addresses what humanity historically sought from the gods—protection from the elements, physical maledictions, and social forms of misery. Such power clearly can be abused. It is where those enabling capacities (empowerment) are pushed to the wayside in the hording of social resources into propping up some people as gods that the legitimating practices of cultural cum political institutions decline and stimulate pessimism and nihilism. The institutions in Abya Yala and in Northern countries, such as the United States and Canada, very rarely attempt to establish positive relations to blacks, and Blacks the subtext of Afropessimism and this entire meditation.

The discussion points to a demand for political commitment. Politics is manifested under different names throughout the history of our species, but the one occasioning the word “politics” is, as we have seen, from the Greek pólis, which refers to ancient Hellenic city-states. It identifies specific kinds of activities conducted inside the city-state, where order necessitated the resolution of conflicts through rules of discourse the violation of which could lead to (civil) war, a breaking down of relations into those appropriate for “outsiders.” Returning to the Fanonian observation of selves and others, it is clear that imposed limitations on certain groups amount to impeding or blocking the option and activities of politics. Yet, as a problem occurring within the polity, the problem short of war becomes a political one.

Returning to Afropessimistic challenges, the question becomes this. If the problem of antiblack racism is conceded as political—where antiblack institutions of power have, as their project, the impeding of Black power, which in effect requires barring Black access to political institutions—then antiblack societies are ultimately threats also to politics defined as the human negotiation of the expansion of human capabilities or, more to the point, appearance, speech, and freedom.

Antipolitics is one of the reasons why societies in which antiblack racism is hegemonic are also those in which racial moralizing dominates; moralizing stops at individuals at the expense of addressing institutions the transformation of which would make immoral individuals irrelevant. As a political problem, it demands a political solution. It is not accidental that blacks continue to be the continued exemplars of unrealized freedom and against whom violence is waged against appearance and speech. As so many from Ida B. Wells-Barnett to Angela Y. Davis, Michelle Alexander, Angela J. Davis, Noël Cazenave have shown the expansion of privatization and incarceration is squarely placed in a structure of states and civil societies premised on the limitations of freedom (Blacks)—ironically, as seen in countries such as South Africa and the United States, in the name of freedom. 21

#### Aff alone is reductionist – should examine contingent and interlocking ] systems of domination is critical

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Olúfẹ́mi O. Táíwò, “A Unified Story for a Divided World,” *Dissent Magazine*, Summer 2021, https://www.dissentmagazine.org/article/a-unified-story-for-a-divided-world.

Wars of position rage between “race reductionists” who insist on the political primacy of race and their “class reductionist” counterparts. But some of us, especially those of us who make use of racial capitalism as a set of frameworks, insist that such debate is tired.

In Golden Gulag, Ruth Wilson Gilmore offers an intricate definition of racism: “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.” It follows that races are divisions of populations into hierarchies of vulnerability to premature death (the likely fate of the materially insecure).

What’s the difference between “race” and “class,” then? They are two, compatible ways of explaining how society is split into strata of material security. Class zooms in on how global production was and is organized: capitalists own the means of production, the proletariat owns its labor, enslaved people own neither, and Indigenous and colonized peoples are targeted for elimination or assimilation into one of the other categories. Alongside this hierarchy in function is a hierarchy of material security; to be a capitalist, after all, one must have secure access to the “means of subsistence,” and a proletariat becomes possible when this same security is unavailable for masses of people.

Race asks more generally: how is society organized? Slavery and indigeneity were legal and social statuses that approached rightlessness. The racial categorizations fashioned out of these colonial designations marked certain groups of people as available for plunder, domination, and subjugation in social life, well beyond the workplace. Indigenous and enslaved people have always faced systematically higher levels of social violence and predation of all kinds, and thus death. And this stratified distribution of security remains necessary to sustain exploitative social arrangements: as the South African activist Steve Biko once put it, “that we are oppressed to varying degrees is a deliberate design to stratify us not only socially but also in terms of the enemy’s aspirations.”

The history of racial capitalism helps explain how the broader racial organization of the whole of global society emerged from regional economic and political distinctions. Starting in 1492, European empires and descendant states atop the Atlantic system created racial governance systems to divide and rule their colonies, ranging from the straightforward to the dizzyingly complex. Justifications were varied—based on religion or pseudoscience—and were often helped along by a thick layer of convenient obfuscations (“racecraft,” as Barbara J. and Karen E. Fields famously put it) and longstanding habits of political thought.

The political stakes of racial divisions, however, were less variable than the myths that justified them. In the colonies, as a social stratum’s ancestral proximity to the European elite increased, so did its presumed share of social rights and protections. As a stratum’s ancestral proximity to the Atlantic system’s most exploited and plundered populations increased—those dispossessed of their land or labor—its presumed share of rights and protections dropped precipitously. This organization, and consequent differences in social and geographic distribution of rights and resources, proliferated and hardened over time as colonial conquests and economic links expanded. The system built across the Atlantic and Indian Oceans took over almost the entire world.

Today, many of the institutions and laws permitting explicitly racial stratifications of exploitation and predation have been effectively challenged. But stratifications remain, as do the organizational logics that inform them and the group social identities built out of them. Globally, racially marginalized communities are still the most polluted, policed, and preyed upon; progress on racial justice has been far less sweeping than advertised.

This history is a unified story about both kinds of division. Asking whether we should talk about class or race, it reveals, is like asking whether we should talk about guitars or musical instruments: confused. We could do both by doing either.

Some criticisms confuse the phrase “racial capitalism” with its analysis, such as the accusation that it focuses excessively on racial divisions (as opposed to gender, nationality, ability, and others). But the “what” of racial capitalism is less important than the “why”: the historical processes that explain why society is racially organized point us to the events that are formative of the same world order that is also unjust with respect to gender, nationality, ability, and countless other aspects of social life. By paying attention to this broad global and historical context, rather than focusing all of our attention on production, the racial capitalism approach can “open up, as opposed to foreclose, more complex analyses,” as Charisse Burden-Stelly recently argued.

This also helps answer another common criticism: how could race even be real, much less fundamental, if it means one thing in France and another in Brazil? One could just as easily notice that what counts as “middle class” differs even more wildly across different contexts, though people are curiously more reluctant to infer from this fact that class does not exist.

But the deeper answer is that racial capitalism is a way of thinking about the world’s history, not just any particular country’s. If we were focused on the networks that actually produce commodities and circulate capital rather than the ones that dominate political discussions—seems like the more materialist thing to do, right?—we might lose our appetite for the pretense that we live in separate social systems. Multinational institutions and investment patterns of shareholders half the world away govern the lives of people on this planet just as surely as their local and national governments—and in many cases, more so.

As the philosopher Vanessa Wills reminds us, it is production as a social process that is properly at the center of materialist thought, not class as an identity. Our economic systems are and have long been global: individual states (capitalist or not) are themselves components of a planetary economic system. Racial capitalism encourages us to think globally, which is essential in an era of global climate crisis.

If there’s reason to use “racial capitalism” over just “capitalism,” one would be to acknowledge the various African scholars and intellectuals who helped shape the term, from the South African revolutionaries like Neville Alexander who brought it into use to the Dar es Salaam school of intellectuals like Samir Amin, Marjorie Mbilinyi, and Issa G. Shivji, which further developed the world-systems approach that informed later theorizing on racial capitalism. But acknowledgement of these figures and their intellectual contributions doesn’t depend on the name we use for analyses of history or for the system we live in. Call it whatever you want. What matters are the substantive commitments we decide to take up, and what we do with them.

#### Deferring to the aff based SOLELY on antiblackness outweighing leads to cooption by neoliberal elites

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Many on the Left have taken a deferential posture toward Black Lives Matter. Some have celebrated this upsurge of activism as the return of black left militancy after decades of movement implosion and stagnancy. Even where they might disagree, many white leftists and some established black figures are clearly uncomfortable airing their ideological and strategic disagreements with millennial black activists for fear of being portrayed as insensitive or unsympathetic.

Those who assert that liberal anti-racism is a necessary phase en route to a more viable working-class left politics either suffer from bad faith or are engaging in the worst form of pandering — namely, supporting black-led political tendencies uncritically as a means of demonstrating one’s anti-racist commitments. Those who trade in such patronizing behavior either have not taken the time to study the history of black political life since the sixties or are simply willing to ignore the class contradictions that black communities share with the wider population. Those who cling to liberal anti-racism and defer to essentialist arguments about black interests fail to see that a politics that builds broad solidarity around commonly felt needs and interests is a form of anti-racism, one that we desperately need right now if we are to have any chance of ending the policing crisis and creating a more civilized society.

The hegemony of identitarianism has reshaped the terms of left political debate and action in at least three detrimental ways. First, it has engendered popular confusion about political life, leading many to falsely equate social identity with political interests. Second, it has distorted how we understand the work of building alliances not on identity as such, but on shared values and demonstrated commitment. Third, the practice of relying on racial or other identities as a means of authorizing speakers has had a corrupting effect on left political struggles. The result is a degraded public sphere where all manner of landmines prohibit honest discussion and impose limits on political constituency and left imagination, such as notions of “epistemic deference,” “mansplaining,” arbitrary stipulations about “being an ally,” and so forth.