## 1AC – ADA – Crypto-Colonialism

**Plan: The United States federal government should prohibit artificial centralization of distributed ledger technology networks as an anti-competitive business practice**

### Advantage 1 – Crypto-Colonialism

#### Blockchain is expanding faster than the law can keep up – this leads to a collapse in antitrust enforcement and legitimacy.

Schrepel 19 [Thibault, Assoc Prof of Law at VU Amsterdam Univ, Faculty Affiliate at Stanford Univ CodeX Center, blockchain expert appointed to the World Economic Forum, “Is Blockchain the Death of Antitrust Law? The Blockchain Antitrust Paradox,” *Georgetown Law Technology Review* 3.2, heinonline, JCR] \*edited for ableist language

Because the future evolution of blockchain is unknown, it is difficult to evaluate the scope of the practices that will develop along with it. This article has identified several unilateral anticompetitive practices. They are most likely to occur on private blockchains. However, most of the usual mechanisms of antitrust law will be ineffective in the face of blockchain. 2 3 8 Even with the "regulatory infiltration" proposed using a "law is code" approach, some of the instruments which are used today, such as emergency measures or commitments, will be ineffective in their current form. 239 In the face of blockchain, current antitrust law may well be eliminated. In fact, three factor corroborate this hypothesis. First, antitrust law will probably become ineffective without regulatory infiltration. For the first time in its history, antitrust law will have to be greatly supplemented by regulations taking the form of a "law is code" approach. Indeed, antitrust law will not have complete answers to three issues: how to detect the anticompetitive practices committed on the blockchain, how to identify the actor responsible for these practices, and finally, how to remedy them for the future. While the author of an anticompetitive blockchain can sometimes be identified, the effectiveness of sanctions and remedies may be ~~crippled~~ [undermined] by blockchain's immutability. Presciently, the home page of the Ethereum Project reads: "Build unstoppable applications."240 Thus, even where antitrust law finds a way to regulate blockchains, it may die because it is no longer a creator of welfare on its own. Think of it as the unfortunate death of jazz: the music still exists and has listeners, but jazz no longer creates debate or leads to any movement that ventures beyond its own framework. Second, public blockchains will limit monopolization even when new governance mechanisms are implemented. In particular, predatory pricing and refusal to deal appear to be exceedingly unrealistic, while tying, margin squeezing, exclusionary dealing, loyalty rebates, and exploitative and discriminatory abuses are unlikely to occur. Furthermore, because the transactions implemented on public blockchains are visible to all, the incentive to engage in anticompetitive practices is reduced since market surveillance and industry monitoring can easily root out illegal activity. However, some perpetrators will be protected by the "opacity effect" created by the characteristics of the technology. This is particularly true for private blockchains where entering it, absent regulation infiltration, is technically impossible. In short, anticompetitive practices are expected to be rare on public blockchains, but these practices could be plentiful on private blockchains that operate below authorities' radar. The same issues arise outside the scope of unilateral practices, namely, for collusive agreements where the identification of colluders and the unsuitability of existing mechanisms to stop and punish such practices is equally problematic.241 The third and final reason to expect the death of antitrust law is tied to its foundations. Without a doubt, regulators will find ways to submit blockchains to the law, whether it is by way of regulatory infiltration-which is recommended-or other ways that place the technology at risk, such as the regulation of end users, transportation layers, information intermediaries, blockchain intermediaries, transaction processors or code, architecture or hardware manufacturers-which is not recommended.m But even if antitrust law remains as a body of positive law,24 3 the regulator may end up protecting the existence of antitrust law even though its initial goals are no longer fulfilled. After all, modern antitrust law is built on the premise that the Sherman Act is concerned with trusts.2 44 Without trusts, are antitrust laws needed? This is the "blockchain antitrust paradox": antitrust laws' potential lack of legitimacy (and efficacity) on the one hand and the need to stop anti-competitive practices on the other. Furthermore, the death of antitrust law might not be solely linked to blockchain technicalities. The fate of antitrust law might also be determined by the inherent conflict between the logic of blockchain technology and the logic of antitrust law. Recall that there is no trustee in the sense of a third-party fiduciary within the framework of blockchain. In other words, the target of antitrust laws is absent.245 Blockchain challenges the raison d'etre of antitrust law. Conversely, antitrust law was created for, and is applied by, centralized regulatory agencies, such as the FTC, the DOJ, and the European Commission. Enforcing antitrust law amounts to imposing vertically designed rules and concepts on a technology built around the desire for decentralization.246 But blockchain is used not only for "philosophical" reasons related to its decentralized nature but also because it is practical, and in fact, blockchain's practicability results from its decentralization.247 In short, this opposition between the vertical nature of antitrust law and the horizontal or decentralized nature of blockchain raises a legitimacy concern. The cultural and sociological factors that led to the development of blockchain technology cannot be ignored by the law. As a consequence, on top of all the challenges related to blockchain technicalities, another concern is the legitimacy of antitrust law with respect to this technology. To address this concern, a way must be found to decentralize antitrust law and antitrust authorities.248 This will require a minima to design and implement new governance models using blockchain.250 Antitrust authorities can no longer rely on pyramidal structures nor continue to operate in a closed circle on the model of nation-state-led government. Antitrust law as we know it must die and be reborn. If not, it soon will be illegitimate.

#### U.S. companies are leading the push – business investments now are expected to project for years.

Kirimi 2/3 (Arnold Kirimi, Cointelgraph reporer, 2-3-2022, North America to lead growth in blockchain market, new report says, Cointelegraph, <https://cointelegraph.com/news/north-america-to-lead-growth-in-blockchain-market-new-report-says>) MAM

A new report indicates that the blockchain industry is set for astronomical growth in the next decade, with the North American market leading the way. The report by Fortune Business Insights, titled “Blockchain Market Analysis Research Report, 2021–2028,” mentions that the global blockchain market size is expected to reach a whopping $104.19 billion by 2028, exhibiting at a CAGR of 55.8% across the forecast period. The presence of major industry players such as IBM, Microsoft, Oracle, AWS, Digital Asset Holdings and others in the North American market is expected to have a significant impact during the forecast period. For comparison, the regional market was valued at $1.44 billion in 2020. According to the research, the pandemic has expedited demand for cloud-based services and software, resulting in a market ripe for blockchain innovation. The demand for secure and transparent data management is greater than ever, with more and more organizations seeking to establish virtual work platforms. The report highlights that blockchain's increasing popularity is due to enterprises' need for software as a service to maintain business continuity. According to the study, small business enterprises (SMEs) utilize Blockchain-as-a-Service solutions to protect their digital assets and validate human identities, implying that demand for BaaS services will continue to rise. The growing concern over data security is expected to drive demand for blockchain technology in the future. The technological demands, including cross-border transactions, clearing and settlements, trade finance platforms, digital identity verification and credit reporting, are expected to fuel future growth in the blockchain sector. Blockchain technology has seen initial implementation across several major industries such as banking and financial services, media and entertainment, logistics and transportation, healthcare, retail, public sector, food and beverages, energy, and utilities. Big tech companies are increasingly shifting focus to the blockchain space to capitalize on the increasing demand for distributed ledger technology. As Cointelegraph reported, Google's parent company, Alphabet, is looking into using the innovative technology in its core products and services, such as YouTube and Google Maps.

#### Unfettered access to the blockchain allows tech to escape regulation and decks governance.

Schrepel 21 [Thibault, Assoc Prof of Law at VU Amsterdam Univ, Faculty Affiliate at Stanford Univ CodeX Center, blockchain expert appointed to the World Economic Forum, *Blockchain + Antitrust: The Decentralization Formula*, p.238-9, JCR]

Opting for a confrontational approach will put blockchain ecosystems at risk. Let me generalize my findings and return to the MOAF approach to explain why that is. First, a confrontational approach would not be desirable from the regulators' point of view. Aggressive law enforcement would indeed threaten the fundamental principles of encryption and immutability. While that might deter some illegal behaviors, it would also threaten all sorts of beneficial practices that rely on either of these two principles. Thus, the accuracy level would remain low because it would entail numerous false positives and eventually deprive regulators of blockchain's contribution to the common good. In terms of manageability, a confrontational approach would put blockchains under the regulator's control. Enforcing and monitoring costs would be extremely high. This approach would require costly deanonymization services and expansive practices altering the registers, stopping smart contracts and carrying out forks. Second, this approach would also be detrimental to blockchain communities. In terms of objectivity, regulations of this sort could be relatively predictable for private actors, but objectivity would suffer from the resistance of certain blockchain communities. Technical innovations would rapidly emerge to escape regulation, forcing the regulator to continually adapt its regulations and apply them inconsistently. In terms of flexibility, this confrontational regulation would open the blockchain fortress with a tank. It would be highly coercive. New regulations would forcibly impose enforcement mechanisms on all blockchain communities — or, at the very least, on a (large) part of them — by eliminating some of the technology core characteristics. In other words, implementing regulations of this sort would be like using a sledgehammer to crack a nut. This is not a pretty picture." Blockchain is still a burgeoning technology and adopting a confrontational approach would end up removing some essential features for its survival against other species (i.e., centralized ecosystems). Alternatively, these regulations would be ineffective, as communities would work to escape the rule of law. If confrontational law lags behind the technology, its enforcement will partially be held in check for the reasons I have discussed. If, on the contrary, confrontational law is ahead of technology, the latter will circumvent and escape it by eliminating control mechanisms and changing governance and incentives (not always for the better). This will be limited, as only the most advanced part of the community would succeed; but that fraction would take a chunk of the users with it. The rule of law would not regain its full primacy. In fact, we have seen this already. When the New York State Department of Financial Services imposed a requirement to obtain a "BitLicense" before engaging in Bitcoin activities?' several startups moved to New Jersey. If developers cannot vote with their computers, they vote with their feet by relocating their operations. This affects all users. In a nutshell, one must reject the confrontational approach because it allows neither the law (here, antitrust) nor the technology (here, blockchain) to fully achieve its objective. One must find another way to enter blockchain ecosystems. I offer an alternative option in that regard.

#### Blockchain is being used as a mechanism for “green grabbing” as an extension of neo-colonial control – results in the abstraction of the environment, destruction of North-South trade flows, and geographies of inequality.

Howson 20 (Peter Howson, Senior Lecturer in the Social Science Department at Northumbria University, 5-13-2020, Climate Crises and Crypto-Colonialism: Conjuring Value on the Blockchain Frontiers of the Global South, Frontiers, <https://www.frontiersin.org/articles/10.3389/fbloc.2020.00022/full>) MAM

Green Grabs for Cryptocarbon

Blockchain technology is being leveraged to address the multiple technical faults of global carbon-offsetting mechanisms like Reducing Emissions from Deforestation and Forest Degradation (REDD +). The REDD + mechanism was established by the UN in 2007 to incentivize conservation and make tropical forests more valuable standing than cut down. However, since its inception many REDD + initiatives have become implicated in “green grabbing” (Howson, 2018). Green grabbing can be understood as part of an on-going debate on neo-colonial “land grabbing” more generally (Pearce, 2013), involving the appropriation of land and resources with pro-environmental motives. This form of appropriation includes the transfer of land as property, use rights and control over natural resources that were once publicly or communally owned – or not the subject of ownership – from marginalized groups into the hands of the powerful (Fairhead et al., 2012). Green grabbing is not the same as a simple, agreed transfer of ownership or sale. It is a central characteristic to processes of accumulation and dispossession (Harvey, 2005). It is an emotive term because it is unjust. This form of grabbing often entails the expulsion of existing land claimants in order to release resources for private capital (Fairhead et al., 2012).

Blockchain projects, including Infinite Earth’s Veridium Labs, a Hong Kong-based private company working in partnership with IBM and Stellar, are developing a platform to sell REDD + carbon off-sets as crypto-tokens. The value of Veridium’s token, Verde, will be derived from the platf orm’s ability to facilitate micro-payments of carbon credits produced mainly from Infinte Earth’s Rimba Raya forest in Central Kalimantan (Howson, 2019). Despite the coordinated appearance of this vertically integrated consortium, the Rimba Raya project office in Indonesia remains uninformed of this approach to trading local people’s forest resources. It is not clear how many options for future off-sets have been sold. There also remains no plan to offer financial compensation to local people. According to Enrici and Hubacek (2018), the Rimba Raya reserve is the only project of its kind in Indonesia to secure funding from global carbon markets. None of this income is shared with those paying the highest costs, such as those displaced by conservation efforts. Another cryptocarbon initiative, Impact Earth, have stated their intent toward incentivizing forest communities living in and around Zimbabwe’s Kariba conservation area, via payments of their Ethereum-based Earth Token. Impact Earth state that, “People just like you can invest in a sustainable future and share in the success of this enormous opportunity” (in Howson et al., 2019, p. 6). However, no transfer of tokens could ever be made within the current global governance regime of crypto-commodity markets. Impact Earth specifically excludes investors from “high-risk” jurisdictions, as defined by the US Department of the Treasury’s Financial Action Task Force and Office of Foreign Assets Control, which includes Zimbabwe (Lang, 2018b; Sullivan, 2018).

Athelia3, a private fund based in the tax haven of Luxembourg, is providing carbon credits associated with the Cordillera Azul National Park to its strategic Maltese partner, Poseidon, for use on their Ocean platform. Poseidon’s platform allows consumers and retailers to track and offset their carbon footprints. Poseidon has also partnered with Liverpool City Council and the London store of Ben & Jerry’s ice cream. The Rimba Raya reserve, as well as the Cordillera Azul National Park were established in 2007 and 2014 respectively. Off-setting one’s emissions via the protected areas’ blockchain platform enables the sale of carbon credits which have therefore already been produced. The profits from these sales repay the projects’ private investors based overseas, rather than their local host communities. They do not directly incentivize any additional tree planting activities, or carbon “additionality.” As Lang (2018a) suggests, with many market-based conservation projects, there is an unnecessary level of complexity in the funding arrangement, along with opportunities for only a small group of financiers, auditors, and consultants in the Global North to cash in along the way.

Blockchain for Clean Development

Environmental assets (or natural capital), are a monetized representation of the services natural systems provide for free. Off-sets and any crypto-tokens associated with them, derive their value from the health of conserved biophysical systems. Due to the dynamic nature of atmospheric CO2, in the context of the global climate system, it does not matter where in the world emissions are avoided. Global markets for saved carbon can be used to ensure net emissions are reduced at the cheapest price. For this reason, most of the world’s carbon-offset initiatives are located in the Global South, where land, labor and other necessary inputs can be sourced cost-effectively for maximum potential profit (Howson, 2018). The problem with producing environmental derivatives in this way is that an abstract “nature,” people and their livelihoods are arranged as underlying assets for the “real” source of value in the neoliberal green economy (Büscher, 2010). For-profit companies such as Adaptation Ledger, Climate Trade and Climate Futures have launched blockchain platforms for carbon off-setting, green financing and sustainable investments. The 1Planet blockchain platform developed by Climate Futures enables purchases of environmental assets from energy efficiency initiatives in Africa, Latin America and India. Individuals and companies can purchase carbon credits as blockchain tokens to reduce their net emissions by supporting, for example, the installation and distribution of fuel-efficient cooking stoves in Zambia. The value of these credits are derived from the assumption that concrete stoves reduce wood-use for cooking compared to traditional open fires. The projects’ carbon offsets are certified through the UN Clean Development Mechanism and are marketed toward international airlines specifically, to help them meet climate change obligations under the UN Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The implication here is that forest communities in the Global South, collecting dry wood for cooking and often living with a near neutral carbon footprint (Gazull and Gautier, 2014), are framed as more responsible for climate change, compared to frequent flyers and large multi-national corporations in the Global North.

The Green Assets Wallet has been developed to help scale the green debt market, primarily in Africa. The blockchain platform functions as a tool for green bond validation and impact reporting and has been developed by a consortium including the German International Development Agency (GIZ) and the German Federal Ministry for Economic Cooperation and Development (BMZ) (Green Assets Wallet, 2019). Green bonds operate just like conventional debt instruments, with similar calculations of risk and credit rating. However, dividends are actioned against contracted sustainability outcomes, usually including a calculation of achieved emissions reductions from the associated investment. As a debt instrument, Green bonds in Africa are generally high-risk due to the poor credit ratings of recipient countries. Using blockchain to bring trust to these transactions risks **maintaining pre-existing North-South trade and investment flows** and neo-colonial geographies of inequality that render much of the global south increasingly marginalized. Scaling up green debt markets in Africa restricts the organic growth of green enterprises as they risk their returns disappearing to international investors, whose income may be guaranteed by public sector entities (Bracking, 2019). The most environmentally-effective solution for companies and individuals with high carbon footprints, whose sites of production are located in the Global North, is obvious – prevent excessive pollution at source. The most cost-effective solution is usually more creative, requiring innovative financial instruments and accounting methodologies, and the ongoing externalization of environmental costs toward the Global South.

In opposition to traditional North-South investment flows, rather than monetizing removals only from the Global South, the Nori Marketplace uses blockchain technology to incentivize land-owners in the Global North. Farmers in the US can receive rewards for adopting regenerative practices that mitigate climate change and improve the carbon content of soils. Individuals and businesses can purchase NORI tokens that are tradable via cryptocurrency exchanges (Siegel, 2019). Tokens represent verified Nori Removal Tonnes (NRTs), which each represent one tonne of CO2 removed from the atmosphere for a minimum of 10 years. Retirement of the NRTs is immediate and generates a certificate that is permanently recorded on the Ethereum blockchain. The platform’s developers suggest that Nori enables a win-win outcome for consumers and the climate (Gambill, 2019). However, as with any carbon off-set, these assets are a fetishized abstraction of an unfathomably complex biophysical system (Howson et al., 2019). Blockchain tokens are not capable of representing much more than a rough estimate concerning temporarily removed carbon over time. Knowing what will happen from one year to the next, or what might have happened in the absence of a farmer’s intervention is impossible. To add to the uncertainty, Nori’s verification methodology also requires the input of trusted third party intermediaries. Which begs the question, why use a blockchain at all?

#### This extension of market expansion accelerates climate change, structural violence, and extinction – preventing market expansion and business deregulation allows for the acceleration of inequality and disproportionate destruction.

Sparke 16 (Matthew Sparke is Professor of Geography, International Studies and Global Health at the University of Washington, USA, where he also serves as the Director of Integrated Social Sciences, “Health and the embodiment of neoliberalism: pathologies of political economy from climate change and austerity to personal responsibility,” in *The Handbook of Neoliberalism*, pgs. 237-247)

Neoliberalism is commonly understood in terms of the expanding global influence of disembodied market forces and rationalities. However, unlike the invisible hands and competitive calculations it unleashes on the world, neoliberalism’s implications for health are neither intangible nor abstract. Instead, they are materially embodied in ways that are deeply consequential for life and death (Navarro 2007). Evoked in book titles such as The Deadly Ideas of Neoliberalism, Dying for Growth, Sickness and Wealth, Infections and Inequalities, Pathologies of Power, Blind Spot, and, in the aftermath of the 2008 financial crisis, The Body Economic: Why Austerity Kills, neoliberalism and associated forms of inequality, austerity and precarity have been tied by health scholars to a vast variety of embodied suffering, disease-vulnerability and low life expectancy right across the planet (Rowden 2009; Kim et al. 2000; Fort et al. 2004; Farmer 2001, 2005; Keshavjee 2014; Stuckler and Basu 2013). Rallying against these lethal links, a gathering of the World Social Forum in Tunis in 2015 recently concluded that today’s global crises in health, health services and social protection are ‘in fact the consequence of neoliberal politics globally’ (WSF 2015). Meanwhile, amid all the crises, individuals are also now routinely told that their health is simply their own responsibility, a form of resilience that will only endure if they invest in it with the same individualistic and entrepreneurial prudence that is the trademark of personalized neoliberalism more generally (Brown and Baker 2012). As a result, all sorts of embodied health challenges – hunger and obesity being two especially physical examples – are repeatedly recoded as personal management problems even as they embody neoliberal socio-economic developments in society at large (Carney 2015; Guthman 2009).

How then can we better theorize the processes through which neoliberalism becomes embodied in health? While the ill-effects of neoliberal policies and practices have been spreading across borders like an infectious outbreak, neoliberalism is clearly not a biological disease agent itself. Even if it is conceptualized as an epidemic in terms of transnational health impacts, its extraordinarily diverse sequelae do not constitute a singular medical syndrome (Schrecker and Bambra 2015). The etiologies of illness involved are extremely complex, multi-causal and as geographically uneven as they are historically and economically interconnected (Labonté et al. 2009). Whether it is the global consequences of the cutbacks in health care caused by neoliberal austerity, or the impact of business deregulation, privatization and user fees introduced in national neoliberal reforms, or the everyday destabilization of communities caused by increasing income inequalities, social insecurity and environmental deterioration, the varieties of experiences, processes and time-space scales to consider are extremely heterogeneous. And then, on the other side of the ledger, there are the health benefits claimed by the privileged for neoliberal innovations in personal risk management, customized medicine, medical tourism and pharmaceuticals – benefits that also sometimes come with increased risks for others such as organ donors and experimental subjects recruited for drug trials in poor countries (Parry et al. 2015; Sparke 2014). Across such a wide range of economic, political and social life, ‘neoliberalism’ – the term – means many different things. Thus before proceeding here to offer a survey of research on the health outcomes that can be diagnosed as embodiments of neoliberalism, this chapter begins by first unpacking what the term means and how we can best theorize its ties to health.

Defining neoliberalism in relation to health

Put most simply, neoliberalism names a way of governing capitalism that emphasizes liberalizing markets and making market forces the basis of economic coordination, social distribution, and personal motivation (Sparke 2013).At a macro scale these developments can be seen as comprising ‘neoliberal governance’, a set of governmental norms including privatization, business deregulation, and trade liberalization, that reconstitute politics in the shape of the market and repurpose the state as an entrepreneurial actor that governs through proliferating public–private partnerships in the interests of business classes and global investors (Brown 2015; Harvey 2005). At a more intimate scale of personal behaviour it becomes ‘neoliberal governmentality’, a suite of practices in which individuals across a much wider set of social classes are enlisted into becoming competitive agents who invest in their human capital as entrepreneurs and who reimagine the meaning of their lives, citizenship and individuality – including their personal health – as calculating consumers constantly comparing metrics of ownership, mobility and social ranking (Brown 2015; Dardot and Laval 2013; Lemke 2001). And at once enabling and mediating developments across these different scales, neoliberalism is also a set of economic-turned-political ideas: ideas (like von Hayek’s view of health as just another consumer choice) that keep evolving as adaptive and protean yet hegemonic common-sense about market norms and necessities, and ideas that thereby continue to inspire both the macro policies and micro practices of neoliberalization in different ways in different places (Gaffney 2014; Mirowski 2013; Peck 2010). All these accounts of neoliberalism are useful, but, as has been widely cautioned (including by many of the authors cited above), each one risks turning the term into a singular and seemingly inevitable metanarrative when divorced from attention to the historical-geographical circumstances in which neoliberal ideas and discourses actually shape assemblages of neoliberal governance and governmentality (Ong 2006; Sparke 2006; Springer 2012). This is precisely where studying neoliberalism in terms of embodiment becomes so critical, offering a way of coming to terms with how all the global-to-local processes of neoliberalization come together materially to condition and, too often, to shorten and diminish human life.

Not surprisingly, scholars of health have already led the way in reconceptualizing neoliberal- ism in terms of embodiment. They are not all necessarily informed directly by the account of illness as ecosocial embodiment offered by epidemiologist Nancy Krieger (2001, 2005; but see Birn et al. 2009). All sorts of other ecologies and ‘epidemiologies of inequality’ have been charted as well (Heggenhougen 2005): some stressing the ties between ill-health and the high in-country inequalities created by neoliberal reform (Wilkinson and Pickett 2009; De Vogli, Schrecker and Labonté 2013); others surveying the severe constraints placed on poor country primary health care, health services and, more recently, on health systems strengthening by the structural adjustments and neoliberal austerity imposed by international finance and its polit- ical representatives (Birn and Dmitrienko 2005; Gloyd 2004; Kim et al. 2000; Pfeiffer and Chapman 2010); others highlighting in turn the complex biosocial mechanisms through which everything from dam-building to user fees, curtailed drugs programmes, and other structural adjustments materialize as structural violence on the poor (Farmer 2005; Farmer et al. 2013); and yet others identifying the particular routes through which poor people’s bodies, blood and bio- logical material have been turned into new molecular frontiers for capitalist growth amid the crises and speculative leaps of neoliberal globalization (Cooper 2008; Crane 2013; Rajan 2007). These varied epidemiologies are informed in turn by varied analyses of the pathways through which neoliberalization comes to be embodied. Some stress the transfer mechanisms of neolib- eral ideas through international financial institutions, free trade deals and NGOs (Labonté and Schrecker 2007; Rowden 2009; Keshavjee 2014). Others emphasize the class interests and policy reforms of neoliberal governance, including health services privatization (Navarro 2007; Schrecker and Bambra 2015; Schwiter et al. 2015). And yet others address the prudential risk- management practices of neoliberal governmentality, whether as they are practiced by consum- ers of personalized medicine in privileged contexts (Brown and Baker 2012; Lupton 2015), or as they are extended, however unevenly and incompletely, to aid enclaves of therapeutic citi- zenship in desperately poor contexts (Ngyuen 2010).

The main focus in what follows is on the pathways that can be addressed in terms of conditionalization, including under this heading the diverse developments through which neoliberalism in macro political-economic governance has become embodied in various forms of premature mortality and morbidity. Given limited space, less attention is paid here to the various forms of personalized responsibilization through which more micro modes of neoliberal governmentality have come to be embodied in individual experiences of risk and biomedical self-management. However, by way of a conclusion, the last part of the chapter points to how both conditionalization and responsibilization are increasingly coming together to shape contemporary global health formation: the formation of a field of research, intervention and outcomes in which we see micro neoliberal innovations in personalized health risk management frequently being advanced as answers to the destructive legacies of macro neoliberal structural adjustment. It is a field in which neoliberal market failures are at once acknowledged and contested even as neoliberal assumptions still strongly shape the ways that corrective counter-measures to the legacies of neoliberal structural violence are imagined, assessed and defended (Kenworthy 2014; Mitchell and Sparke 2016). But to understand the global health problems in poor countries that corrective global health interventions are designed to address we first need to come to terms with the ways in which embodied experiences of health have been structured by neoliberal conditionalization.

Neoliberalization as global political-economic conditionalization

Last year, our imperfect world delivered, in short order, a fuel crisis, a food crisis, and a financial crisis. It also delivered compelling evidence that the impact of climate change has been seriously underestimated. All of these events have global causes and global consequences, with serious implications for health. They are not random events. Instead, they are the result of massive failures in the international systems that govern the way nations and their populations interact. In short: they are the result of bad policies.... In far too many cases, economic growth has been pursued, with single-minded purpose, as the be-all, end-all, cure-for-all. The assumption that market forces could solve most problems has not proved true.

(Margaret Chan 2009)

She did not use the word neoliberalism itself, but, in 2009, in one of the most critical speeches ever made by a Director General of the World Health Organization, Margaret Chan delivered a damning diagnosis of the effects of neoliberal policy-making on health outcomes around the world. At the centre of the ‘bad policies’ she targeted for critique in this way was the single- minded pursuit of economic growth, and her subsequent references to globalization, market forces, and trade liberalization indexed, in turn, wider neoliberal developments as the underlying causes of the widening global crises. Coming on the heels of the 2008 global financial crisis, Dr Chan thereby summed up a widespread realization that the neoliberal norms tied to market-led global growth were creating massive problems of inequality, volatility and precarity. ‘Something,’ she said, ‘has gone horribly wrong.’

Dr Chan’s diagnosis was by no means just a rhetorical response to a bad year. It built upon a comprehensive assessment of the WHO’s own Commission on the Social Determinants of Health, which had already reached similar conclusions collected together in a report that was published in 2008 before the full scope of the global financial crisis even became clear (WHO 2008). ‘Social injustice is killing people on a grand scale,’ announced this report (ibid.: 26).And, as well as presenting voluminous data to buttress their critique, the commissioners also sought to chart some of the pathways of causal connection linking high mortality and morbidity around the world to the structural force of neoliberal policies and associated economic impera- tives. The report also did not use the term ‘neoliberalism’. It only showed up once in a reference to an online paper on uneven health outcomes and neoliberalism in Africa (republished as Bond and Dor 2007). But as they endeavoured to describe the market-made and market-mediated ‘structural drivers’ that set the conditions in which people ‘are born, grow, live, work, and age’, and as they documented how these political-economic forces are experienced and thus embodied as ill-health, the commissioners effectively underlined a form of conditionalization linked to globalization that others would clearly recognize as neoliberalization. ‘This toxic combination of bad policies, economics, and politics’, they argued, ‘is, in large measure, responsible for the fact that a majority of people in the world do not enjoy the good health that is biologically possible’ (WHO 2008, 26).

Irrespective of the terminology used, one of the most useful lessons of the analyses offered by the WHO chief and the 2008 WHO report on the social determinants of health is their focus on the processes of conditionalization through which global structural forces become embodied in health outcomes. ‘Conditionalization’ is a useful term to employ here for two reasons. First of all, it indexes the many indirect ways through which neoliberalization around the world has set the basic conditions in which people strive to live their everyday lives. Conditioning connects in this way to vital processes of social reproduction, as well as communicating as a verb – ‘to condition’ – how living conditions, in turn, become embodied in people’s health. Inequality, financial volatility, and the so-called ‘race to the bottom’ tendencies associated with the relentless global competition for investment and jobs are all important aspects of neoliberal health conditioning in this respect, as too are the massive challenges of climate change, pollution, and food and water insecurity, all of which have been further exacerbated by market liberalization and associated efforts to attract and accommodate business interests globally. More directly, the second reason for using the term ‘conditionalization’ is that it also points to the very specific neoliberal policies known as ‘conditionalities’ comprising the rules imposed on poor countries around the world by the IMF,World Bank and US Treasury Department as conditions for sup- port with debt management from the debt crises of the 1980s onwards. Also known as the ‘Washington Consensus’, the rules of conditionality – rules that included privatization, trade liberalization, financial deregulation, austerity, cuts to health programmes, user fees for health services, cuts to food and fuel subsidies, and diverse experiments in export-led development – constituted the main components of the so-called Structural Adjustment Programmes or SAPs administered by the three agencies based in Washington, DC. These same SAPs have subsequently become the subject of a powerful set of critical studies documenting the structural violence and suffering that structural adjustment imposed on societies across the global South, violence and suffering that has, in turn, been embodied in a whole series of diminished health outcomes (Pfeiffer and Chapman 2010). Let us now examine these contextual and structural patterns of health conditionalization in more detail, starting with the most generalized and global conditioning affect of all: namely, climate change.

Neoliberalism and the contextual conditioning of health

Climate change is viewed by many health scholars as ‘the biggest global health threat of the 21st century’ (Costello et al. 2009). Even if the ties to neoliberalization are not always noted, the health risks of climate change can also, in turn, be examined as being increased and intensified by neoliberal developments globally (Goodman 2014).The freeing-up of market capitalism has undoubtedly freed-up additional carbon as gas and put it straight into the atmosphere, creating the basic conditioning effect – the greenhouse effect – needed to create anthropogenic climate change. The liberalization in neoliberalization takes on a whole new meaning in this regard. As Naomi Klein puts it, ‘the liberation of world markets, a process powered by the liberation of unprecedented amounts of fossil fuels from the earth, has dramatically sped up the same process that is liberating Arctic ice from existence’ (Klein 2014: 20–1). These liberalization links noted, it would be mistaken simply to blame neoliberalism alone for climate change.The Keynesian welfare-state capitalism of the pre-neoliberal West was itself the world’s greatest greenhouse gas generator until market-led globalization brought developing countries into the club of big carbon emitters. Looked at like this over longer time-spans, economic development based on energy supplied largely in the form of fossil fuels was always going to lead to the greenhouse effect. Neoliberalism has undoubtedly accelerated the process and enabled recent phenomena such as fracking and tar sands exploitation by blunting government regulation of energy corpo- rations and legitimating new norms for extractive development (Finewood and Stroup 2012; Preston 2013). But, many other older aspects of global development have been contributing to carbon build-up for far longer.

Pre-neoliberal pollution noted, when it comes to how climate change impacts human health, and how societies might mitigate or adapt to the dangers, neoliberalism makes a very big difference indeed (Fieldman 2011). As Klein underlines, ‘we have not done the things that are necessary to lower emissions because those things fundamentally conflict with deregulated capitalism’ (Klein 2014: 18). Mitigation has thereby been repeatedly mitigated, leading to a series of dead-ends in global climate negotiations from Kyoto to Copenhagen to Cancún to Durban (Bond 2012a).The same economistic appeals to the inevitability of market logics that have helped to naturalize neoliberal globalization have also helped in this way to make shifts away from carbon-intensive energy production seem impossible to political elites. As a result, whatever worries endure about climate change are generally transformed into new market-friendly and market- mediated ‘adaptive’ opportunities through developments such as carbon credit markets, weather derivatives, patented climate-ready crops and public forest land grabs privatized as carbon sinks (Bond 2012b; Cooper 2010; Dempsey and Robertson 2012). Thus the dominant neoliberal response to climate change has been to focus on the depoliticizing development of so-called resilience, turning market tools and techniques for risk management into new climate adaptation products for those who can afford to invest in insurance and insulation from the most health-threatening implications of climate change (Bracking 2015; Felli 2015; Gilbertson and Reyes 2009; MacNeil and Paterson 2012; Parr 2015). And far from the centres of financialized climate adaptation, the bodies of the poor are simultaneously left vulnerable under neoliberalism to the floods, storms, desertification, droughts, heat waves, and disease outbreaks that the Inter- national Panel on Climate Change describes as being created or worsened by climate change, as well as all the associated shortages of reliable food and secure water supplies (IPCC 2014).

The hazardous contexts for human life created by deregulated risk-evading industry impose risks on human health through more than just greenhouse gas emissions (e.g. Mudu 2009). There are many other health-damaging ecologies ensuing from the ways in which the neoliberal competition to attract and retain investment globally has led to diminished controls over corporate activities ranging from power generation to farming, fishing, logging and mining to chemical and pharmaceutical production to the management of food and workplace safety. Ocean acidification, aquifer depletion, overfishing, biodiversity loss, and carcinogenic chemical exposure all threaten the ecological systems that support the reproduction of healthy human bodies, and they are all intensified by neoliberalization (Castree 2010). Similarly, the ‘race to the bottom’ on (and for) factory floors created by the creation of the increasingly neoliberal global division of labour (i.e. competitive, contingent and highly precarious ‘flexible’ labour markets) has led to the sidelining of occupational health and safety protections as well as to the undermining of unions and the historic health and pension benefits secured by collective bargaining (Mogensen 2006). The deaths and injuries of workers through hyper-exploitation, suicide, factory fires, building collapses and other industrial disasters are, in this sense, just the most egregious embodiments (indeed disembodiments in some cases) of more pervasive tendencies towards increasing work-related stress, vulnerability and ill-health (Baram 2009; Ngai and Chan 2012). Most vulnerable of all, the precarious sub-citizenship of poor migrant workers in today’s global economy – many of them forced into migration by the impact of neoliberalization on domestic economies – leads directly to broken bodies, painful insecurities and, as Megan Carney puts it in her powerful analysis of the food insecurity facing women migrants on both sides of the US– Mexican border, unending hunger (Carney 2015; see also Holmes 2013).

While many workers suffer injury and deprivation in labouring to produce food and other consumer goods and services for the global economy, another way in which workers’ bodies come to embody neoliberal precarity is as consumers too. The free market deregulation of cor- porate activity and other policy shifts away from social welfare protection put populations at increased health risks by exposing consumers, and especially poor and poorly educated consumers, to an increasingly inescapable ‘corporate-consumption complex’ (Freudenberg 2014). Freudenberg’s name for this hybrid assemblage of business interests and networks also underlines – with its echo of the military-industrial complex – the huge importance of public health research into the dangers posed to consumers by industries ranging from alcohol, tobacco and fast food to firearms, petrochemicals and pharmaceuticals (Mercille 2015;Wipfli and Samet 2009). With the increasing globalization of the corporate consumption complex we also return to a form of public health conditionalization highlighted by WHO Director Chan in her account of the rising chronic disease and non-communicable disease dangers associated with market-led devel- opment. Unfortunately, though, such structural conditioning is simultaneously being down- played in individualistic approaches to behavioural responsibilization in public health, approaches that focus on cultivating healthy consumer ‘choices’ and which constitute a form of neoliberal governmentality that is now travelling transnationally to many of the same consumers being chased by global corporations themselves (Cairns and Johnston 2015; Hughes Rinker 2015; Ormond and Sothern 2012; Parry 2013; Sun 2015). While these micro neoliberal approaches have been theorized as bringing opportunities for customized medicine at the molecular level, and while it is suggested that this new biological citizenship comes without the racial exclusions and other biases of national twentieth-century biomedicine, empirical studies show that they often contribute to personal shame and guilt that leads in turn to the denial of structural conditioning and related forms of vulnerability and dependency (compare Rose 2007, with Eliason 2015; LeBesco 2011; Peacock et al. 2014; and Wehling 2010).Thus, insofar as this per- sonalized neoliberal individualization of risk management obscures the socialized neoliberal production of heath risks, it presents what Sara Glasgow and Ted Schrecker usefully refer to as ‘the double burden of neoliberalism’ in global public health (Glasgow and Schrecker 2015).

#### Blockchain is the newest vehicle for green capitalist expansion at the expense of the Global South, the newest “frontier” dictating social-spatial relations.

Howson 20 (Peter Howson, Senior Lecturer in the Social Science Department at Northumbria University, 5-13-2020, Climate Crises and Crypto-Colonialism: Conjuring Value on the Blockchain Frontiers of the Global South, Frontiers, <https://www.frontiersin.org/articles/10.3389/fbloc.2020.00022/full>) MAM

Anthropogenic greenhouse gas emissions present unprecedented, and not evenly distributed, challenges for human development globally. Each year, an average of 24 million people are displaced because of increasingly frequent extreme climatic events. By 2050, 143 million people across the Global South will become climate refugees (Kinstler, 2019). There is also broad consensus that climate change is exacerbating a mass-extinction of biodiversity with no historical equivalence (Bálint et al., 2011). Addressing such crises is becoming a boom industry; a source of substantial economic growth in a variety of sectors (Büscher and Fletcher, 2020). It is also inspiring new technical fixes using blockchain technology. Despite promises of transforming the opaque world of climate finance (Marke, 2018), providing disaster preparedness solutions for local communities in the Global South (Thomason et al., 2018), and improving natural resource governance (Kshetri, 2017), like any powerful technology, the social and political costs and benefits of nascent blockchain applications remain **ambiguous.**

This commentary explores how international development and climate change adaptation and mitigation credentials are being called upon to justify “crypto-colonialism” – neo-colonial processes (Stoneman and Suckling, 1987) whereby blockchain technology is enabling new forms of resource appropriation from the Global South. These appropriations include land, labor, data and other resources needed to facilitate economic growth elsewhere. The term Global South is used here to distinguish between spaces still suffering the scars of colonial expansionism, from those that have historically benefited from these processes (Kapoor, 2004). As with many past development agendas imposing structural economic reform, the contemporary crypto-colonial exercises discussed here are often framed as part of a “will to improve” (Li, 2007) – a quest for betterment enabling the powerful to use development and conservation discourses to legitimize particular claims at the expense of others (van Teijlingen and Hogenboom, 2016). Tsing(2005, p. 57) suggests that through such speculative enterprises, “profit must be imagined before it can be extracted; the possibility of economic performance must be conjured like a spirit to draw an audience of potential investors.” The following section explores how investors are drawn to the sustainable development frontiers – the code/spaces where crypto-colonial conjuring manifests. The paper then discusses three ways blockchain is implicated in colonial processes, exploring: (1) how the technology plays into ongoing narratives of “green grabbing,” enabling the liquidation of resources for green investment, (2) how blockchain impacts persistent North-South trade and investment inequalities, and (3) how a new power asymmetry is enabled by the technology through data colonialism and surveillance capitalism. The paper concludes by discussing how more equitable outcomes might be realized.

Climate Crises, Crypto-Colonialism and the Global South

Despite being distributed, blockchain applications do not occupy an algorithmic place apart. They are always messily embedded in places (Zook and Blankenship, 2018; Lally et al., 2019). Governance frameworks of blockchain applications are heavily entangled with **social-spatial relations** in multiple ways (Dodd, 2018). The intertwining of code and materiality creates complex **manifestations of “code/space**” (Kitchin and Dodge, 2011). Within each code/space a unique assemblage of interests gain access to (or are excluded from) sites of crypto-economic production. The geographical character of the blockchain should be understood both in terms of the identification and spatial location of the infrastructure of, for example, private servers and data centers, where the distributed network is thought to materialize, as well as the “bundle of experimental algorithmic techniques acting upon the threshold of perceptibility itself” (Amoore, 2018, p. 12).

The costs and benefits of blockchain-based conservation, community development, and disaster relief, are rarely evenly distributed (Howson, 2020). Blockchain-based interventions in the Global South, though rooted in an obvious will to improve (Li, 2007) still call upon traditions of frontier investment – the belief that being bold and early in underexplored spaces **enables the highest rewards** (Li, 2014). As Bridge (2001) argues, frontiers are imagined (and constructed) as sites of bountiful emptiness. They are fecund spaces, empty but full. For their proponents, these sites are empty of other entrepreneurial ideas, histories and claims, but full of potential for new and improved use. As Tsing (2005, p. 28) explains, a frontier is “an edge of space and time: a zone of not yet – not yet mapped, **not yet regulated**. […] The landscape itself appears inert: ready to be dismembered and packaged for export.” Conjuring the plausibility of frontier resources for global crypto-economic exchange requires promoters to overlook the presence of people who remember long histories of recurrent dispossession and neo-colonial imposition.

Transnational market-based approaches to sustainable development, such as appropriations of land for community development, biodiversity conservation, and climate change adaptation and mitigation, are playing an increasingly central role in the global capitalist economy (Büscher and Fletcher, 2018). It should not be surprising when such market logic influences the development of “blockchain-for-good” initiatives. In doing so, blockchain projects enable new manifestations of the now well-established narrative of “**disaster capitalism**” (Klein, 2007). This thesis contends that neoliberal capitalism both precipitates disasters associated with climate change, while employing these same crises as an opportunity to facilitate the expansion of a neoliberal “green economy”1. Klein (2019) suggests that through the use of Blockchain technology the climate crises is enabling new forms of “crypto-colonialism.” The term crypto-colonialism2 was coined before the invention of blockchain to refer to neo-colonial expansions toward host countries seeking to acquire greater political independence. This was at the expense of greater economic dependence upon the neo-colonial power. The term is used here in a slightly different way, to make sense of how blockchain technology enables new forms of “green grabbing” for global carbon markets, maintains North-South disparities using climate finance instruments, and enables data colonialism through the provision of humanitarian assistance for climate refugees. These projects are all legitimized under a banner of sustainable development in

#### Climate change amplifies every threat and causes irreversible environmental damage – hidden fragilities exacerbate the impact.

Beard et al. 21 (S.J. Beard; Senior Research Associate and Academic Programme Manager at the Centre for the Study of Existential Risk, S.J. Beard, Lauren Holt, Asaf Tzachor, Luke Kemp, Shahar Avin, Haydn Belfield; Centre for the Study of Existential Risk research associates, Phil Torres of Torres 16; visiting scholar at the Centre for the Study of Existential Risk at Leibniz Universität Hannover, Assessing climate change’s contribution to global catastrophic risk, Futures Volume 127, March 2021, 102673, [https://www.sciencedirect.com/science/article/pii/S0016328720301646#](https://www.sciencedirect.com/science/article/pii/S0016328720301646)!, MAM)

While most of the impacts of climate change so far have fallen within the range of what was experienced during the Holocene, the rate of change is **faster than** in **the Holocene** and we are now beginning to see climate change push **beyond these boundaries**. In the latest edition of the planetary boundaries’ framework, climate change is placed in the zone of increasing risk, implying that while this boundary has been breached, there remains some **potential** for normal functioning and recovery (Steffen et al., 2015). It thus lies between what the authors identify as the ‘safe zone’ and other ‘high risk’ transgressions, such as disruption to the biochemical flows of nitrogen and phosphorus and loss of biosphere integrity. As part of their discussion of BRIHN Baum and Handoh (2014) note that climate change is the planetary boundary for which the risk to humanity has received most meaningful consideration and they suggest that this attention is deserved. Yet little research attention has been paid to climate change’s extreme or catastrophic effects. Kareiva and Carranza (2018) argue that, despite currently falling outside of the area of high risk, climate change has the clear potential to push humanity across a threshold of irreversible loss by “changing major ocean circulation patterns, causing massive sea-level rise, and increasing the frequency and severity of extreme events… that displace people, and ruin economies.” Even if humanity was resilient to each of these individual impacts, a global catastrophe could occur if these impacts were to occur **rapidly and simultaneously**. One scenario that has received comparatively more attention is that of the global climate crossing a tipping point that would trigger environmental feedback loops (such as declining albedo from melting ice or the release of methane from clathrates) and cascading effects (such as shifting rainfall patterns that trigger desertification and soil erosion). After this point, anthropogenic activity may cease to be the main driver of climate change, making it accelerate and become harder to stop (King et al., 2015). Other scenarios can be discerned from the numerous historical cases in which the modest, usually regional, climatic changes experienced during the Holocene have been implicated in the collapse of previous societies, including the Anasazi, the Tiwanaku, the Akkadians, the Western Roman Empire, the lowland Maya, and dozens of others (Diamond, 2005, Fagan, 2008). These provide a precedent for how a changing climate can trigger or contribute to societal breakdown. At present, our understanding of this phenomena is limited, and the IPCC has labelled its findings as “low confidence” due to a lack of understanding of cause and effect and restrictions in historical data (Klein et al., 2014). Further study and cooperation between archaeologists, historians, climate scientists and global catastrophic risk scholars could overcome some of these limitations by identifying how the impacts of climate change translate into social transformation and collapse, and hence what the impacts of more rapid and extreme climatic changes might be. There is also the potential for larger studies into how global climate variations have coincided with collapse and violence at the regional level (Zhang, Chiyung, Chusheng, Yuanqing, & Fung, 2005; Zhang et al., 2006). However, these need to be interpreted and generalized with care given the differences between pre-industrial and modern societies. Societies also have a long history of adapting to, and recovering from, climate change induced collapses (McAnany and Yoffee, 2009). However, there are two reasons to be sceptical that such resilience can be easily extrapolated into the future. First, the relatively stable context of the Holocene, with well-functioning, resilient ecosystems, has greatly assisted recovery, while **anthropogenic climate change** is more rapid, pervasive, global, and severe. Large-scale states did not emerge until the onset of the Holocene (Richerson, Boyd, & Bettinger, 2001), and societies have since remained in a surprisingly narrow climatic niche of roughly 15 mean annual average temperature (Xu, Kohler, Lenton, Svenning, & Scheffer, 2020). A return to agrarian or hunter-gatherer lifestyles could thus have more devastating and long-lasting effects in a world of rapid climate change and ecological disruption (Gowdy, 2020).7 Second, modern human societies may have developed **hidden fragilities that amplify the shocks** posed by climate change (Mannheim 2020) and the complex, tightly-coupled and interdependent nature of our socio-economic systems makes it more likely that the failure of a few key states or industries due to climate change could cascade into a global collapse (Kemp, 2019). A third set of plausible scenarios stem from climate change’s broader environmental impacts. Apart from being a planetary boundary of its own, Steffen et al. (2015) point out that climate change is intimately connected with other planetary boundaries (see Table 1). Climate change is thus identified by the authors as one of two ‘core’ boundaries with the potential “to drive the Earth system into a new state should they be substantially and persistently transgressed.” This transformative potential was elaborated on in subsequent work exploring how the world could be pushed towards a ‘Hothouse Earth’ state, even with anthropogenic temperature rises as low as 2 ◦C (Steffen et al., 2018). The connection between climate change and biosphere integrity (the survival of complex adaptive ecosystems supporting diverse forms of life) is particularly strong. The IPCC is highly confident that climate change is adversely impacting terrestrial ecosystems, contributing to desertification and land degradation in many areas and changing the range, abundance and seasonality of many plant and animal species (Arneth et al., 2019). Similarly, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has reported that climate change is restricting the range of nearly half the world’s threatened mammal species and a quarter of threatened birds, with marine, coastal, and arctic ecosystems worst affected (Diaz et al., 2019). According to one estimate, climate change could cause 15–37 % of all species to become ‘**committed to extinction’** by mid-century (Thomas et al., 2004). Disruption to biosphere integrity can have profound economic and social repercussions, ranging from **loss of ecosystem services and natural resources** to the **destruction of traditional knowledge and livelihoods.** For instance, desertification, which threatens a quarter of Earth’s land area and a fifth of the population, is already estimated to cost developing nations 4–8 % of their GDP (United Nations, 2011). Many other rapid regime shifts involving loss of biosphere integrity have been observed, including shifts in arid vegetation, freshwater eutrophication, and the collapse of fish populations (Amano et al. 2020). There is a theoretical possibility of still more profound regime shifts at the global level (Rocha, Peterson, Bodin, & Levin, 2018). However, the contribution of loss of biosphere integrity to GCR is yet to be assessed. Kareiva and Carranza (2018) argue that it is unlikely to threaten human civilization, due both to a lack of plausible mechanisms for this threat and the fact that “local and regional biodiversity is often staying the same because species from elsewhere replace local losses.” However, in their classification of GCRs, Avin et al. (2018) suggest the potential for ecological collapse to threaten the safety boundaries of multiple critical systems with diverse spread mechanisms at a range of scales, from the biogeochemical and anatomical to the ecological and sociotechnological. Note that both these studies were conducted for largely conceptual purposes and should not be taken as rigorous analyses of this risk, this topic warrants further investigation.

[Trade inequality impact]

### Advantage 2: Algorithmic Injustice

#### Unregulated blockchain solidifies and legitimizes data colonialism and surveillance capitalism – a more robust regulatory framework is key

Howson 20 (Peter Howson, Senior Lecturer in the Social Science Department at Northumbria University, 5-13-2020, Climate Crises and Crypto-Colonialism: Conjuring Value on the Blockchain Frontiers of the Global South, Frontiers, <https://www.frontiersin.org/articles/10.3389/fbloc.2020.00022/full>) MAM

Data Colonialism and Climate Refugees

Appropriations of things, including data, are legitimized by a necessity for urgent climate action. Data colonialism for environmental ends combine the extractive practices of historical colonialism with the abstract quantification methods of computing that works at every point in space where people and/or things are attached to everyday communication infrastructures (Couldry and Mejias, 2018). This mode of colonialism could also be thought of as surveillance capitalism, whereby the territory claimed by climate-minded blockchain projects includes land, labor and other resources, but also private human experience to be used as “behavioral data” for “prediction products” (Zuboff, 2019). Unlike traditional forms of colonialism, data colonialism involves not one center of colonial power (the West), but multiple. These centers include, for example, Facebook, Palantir, Accenture and Microsoft, and according to Kinstler (2019) these players are seeing extractive opportunities from human migration caused by climate change. In 2017, ~24 million people were displaced because of extreme climatic events (Podesta, 2018) and by 2050, over 143 million people across the Global South are predicted to become climate refugees (Rigaud et al., 2018). The acceleration of people on-the-move provides challenges for development agencies committed to achieving various Sustainable Development Goals (SDGs) efficiently. These include SDG 16.9 (provide legal identity for all, including birth registration, by 2030), and SDG 17.19 (provide statistical capacity-building to increase the proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration. Every major aid-granting agency is either incubating, researching, or piloting a digital identity program for those displaced (Kinstler, 2019).

To enable the distribution of cash-for-food aid, the World Food Programme’s (WFP) Building Blocks initiative is collecting personal data, including biometrics, from over 500,000 Syrian refugees in Jordan (Rugeviciute and Mehrpouya, 2019). Personal data, entitlements and transaction logs are stored on the Ethereum blockchain providing a virtual bank account and ID for each refugee. While the Building Blocks platform is a demonstrable success, the agency should be concerned that conducting iris scans on refugees in shops robs them of dignity. Sensitive, personally identifiable information for some of the most vulnerable people in the world is also being generated and made accessible across agencies, inevitably introducing greater risk of data breaches. Some for-profit start-ups have also developed blockchain tools to manage sensitive information. PassBase is a self-sovereign ID platform that uses government-issued documents, linked social media accounts, and biometric signatures. Where these blockchain platforms are deployed, refugees and other vulnerable people, might find themselves forced to give up personal (including biometric) information about themselves, stored for as long as there is a functioning internet on an immutable archive, in return for temporary support with basic necessities. This data could also be used in the future to make decisions about individuals with far-reaching consequences. Some may suffer punitive restrictions based on decisions made using biased algorithms calculating, for example, risk of absconding or working without a permit. Some may struggle to access credit or insurance on the basis of patterns in historical datasets. Wrongful convictions, incomplete medical histories, or errors concerning ones affiliations are immutable on a blockchain.

Owning ones ID as a citizen of a specific state might prove unproblematic in many instances. However, groups such as the Rohingya are continually displaced by climatic events and their citizenship is often contested between the state and the individual. Bank accounts, passports, access to credit or insurance are restricted even where clear jus soli (citizenship rights by birth) exist. Rohingya refugees are often considered legally “stateless” and denied the necessary proofs to enable a digital ID granting them legal attachment to their birthplace (Bremner, 2020). The blockchain development start-up, Rohingya Project, understand that the central problem is not identity per se, as being officially recognized as Rohingya is rarely useful. The Rohingya Project aims to create a self-sovereign ID platform that does not rely on any state entity or other third-party intermediary to issue supporting documents. Users of the platform in Malaysia will be able to access credit and other services via a crypto-wallet to encourage entrepreneurship and financial sustainability within the Rohingya community (Rohingya Project, 2020). Data shared by some of the most persecuted on a blockchain, highlights the obvious need for a more robust regulatory framework to effectively mitigate the risks associated with data protection, privacy and human rights.

Conclusion

Blockchain is enabling new opportunities for speculative investment through climate crises globally. This commentary has explored how international development, disaster relief, and climate change mitigation credentials are being called upon to legitimize crypto-colonialism – the extraction of economic benefits from those suffering the scars of empire in the Global South. Climate-smart blockchain platforms enable ongoing narratives of “green grabbing,” perpetuating North-South trade and investment inequalities, whilst allowing new power asymmetry through data colonialism and surveillance capitalism. Despite blockchain’s ongoing disruption of most economic, political and social institutions, the main challenge for the technology is to protect itself from the inherent tendencies of modern capitalist society and the associated concentrations of wealth and power in the Global North (De Filippi and Loveluck, 2016). There continues to be a lot of hype surrounding blockchain applications, fanciful use-cases and sinks for speculative investment. Despite there still being few successful examples, there is a clear need for more situated critical analysis of active case-studies. Only by doing case-study analysis can critical scholars reveal the inequitable terrain of project-benefit distributions to expose the likely winners and losers. The most effective means of engaging exploitative blockchain platforms is by supporting and enacting alternate techno-economic strategies, such as platform cooperatives, within and outside of blockchain. If any project, blockchain or otherwise, claims to be emancipatory, the foremost step is to abandon the claims of a technology as a starting point, and instead give autonomy and agency to local communities to design and manage their own future, rather than having outside interests, or technologies themselves, determine a future for them (Crandall, 2019). The crypto-colonial endeavors, explored throughout this commentary, remain ultimately about advancing capitalist forms of governance. Until the focus shifts toward achieving more equitable outcomes, not only will blockchain solutions lead to an oversimplification of socio-ecological complexity, but will further embed colonial responses to climate crises.

#### This legitimation of platform capitalism ensures corporate control over digital technology at the hands of monopolies – cements global inequality as inevitable.

Srnicek 17

(Nick Srnicek, Visiting Lecturer at City University and the University of Westminster, PhD from London School of Economics, *Platform Capitalism*, epub edition, pgs. 116-121)

We began this chapter by arguing that twenty-first-century capitalism has found a massive new raw material to appropriate: data. Through a series of developments, the platform has become an increasingly dominant way of organising businesses so as to monopolise these data, then extract, analyse, use, and sell them. The old business models of the Fordist era had only a rudimentary capacity to extract data from the production process or from customer usage. The era of lean production modified this slightly, as global ‘just in time’ supply chains demanded data about the status of inventories and the location of supplies. Yet data outside the firm remained nearly impossible to attain; and, even inside the firm, most of the activities went unrecorded. The platform, on the other hand, has data extraction built into its DNA, as a model that enables other services and goods and technologies to be built on top of it, as a model that demands more users in order to gain network effects, and as a digitally based medium that makes recording and storage simple. All of these characteristics make platforms a central model for extracting data as raw material to be used in various ways. As we have seen in this brief overview of some different platform types, data can be used in a variety of ways to generate revenues. For companies like Google and Facebook, data are, primarily, a resource that can be used to lure in advertisers and other interested parties. For firms like Rolls Royce and Uber, data are at the heart of beating the competition: they enable such firms to offer better products and services, control workers, and optimise their algorithms for a more competitive business. Likewise, platforms like AWS and Predix are oriented towards building (and owning) the basic infrastructures necessary to collect, analyse, and deploy data for other companies to use, and a rent is extracted for these platform services. In every case, collecting massive amounts of data is central to the business model and the platform provides the ideal extractive apparatus.

This new business form has intertwined with a series of long-term trends and short-term cyclical movements. The shift towards lean production and ‘just in time’ supply chains has been an ongoing process since the 1970s, and digital platforms continue it in heightened form today. The same goes for the trend towards outsourcing. Even companies that are not normally associated with outsourcing are still involved. For instance, content moderation for Google and Facebook is typically done in the Philippines, where an estimated 100,000 workers search through the content on social media and in cloud storage.90 And Amazon has a notoriously low-paid workforce of warehouse workers who are subject to incredibly comprehensive systems of surveillance and control. These firms simply continue the secular trend of outsourcing low-skill workers while retaining a core of well-paid high-skill labourers. On a broader scale, all of the post-2008 net employment gains in America have come from workers in non-traditional employment, such as contractors and on-call workers. This process of outsourcing and building lean business models gets taken to an extreme in firms like Uber, which rely on a virtually asset-less form to generate profits. As we have seen, though, **much of their profitability after the crisis has stemmed from holding wages down.** Even the Economist is forced to admit that, since 2008, ‘if the share of domestic gross earnings paid in wages were to rise back to the average level of the 1990s, the profits of American firms would drop by a fifth’.91 An increasingly desperate surplus population has therefore provided a considerable supply of workers in low-wage, low-skill work. This group of exploitable workers has intersected with a vast amount of surplus capital set in a low interest rate world. Tax evasion, high corporate savings, and easy monetary policies have all combined, so that a large amount of capital seeks out returns in various ways. It is no surprise, then, that funding for tech start-ups has massively surged since 2010. Set in context, the lean platform economy ultimately appears as an outlet for surplus capital in an era of ultra-low interest rates and dire investment opportunities rather than the vanguard destined to revive capitalism.

While lean platforms seem to be a short-lived phenomenon, the other examples set out in this chapter seem to point to an important shift in how capitalist firms operate. Enabled by digital technology, platforms emerge as the means to lead and control industries. At their pinnacle, they have prominence over manufacturing, logistics, and design, by providing the basic landscape upon which the rest of the industry operates. They have enabled a shift from products to services in a variety of new industries, leading some to declare that the age of ownership is over. Let us be clear, though: this is not the end of ownership, but rather the concentration of ownership. Pieties about an ‘age of access’ are just empty rhetoric that obscures the realities of the situation. Likewise, while lean platforms have aimed to be virtually asset-less, the most significant platforms are all building large infrastructures and spending significant amounts of money to purchase other companies and to invest in their own capacities. Far from being mere owners of information, these companies are becoming owners of the infrastructures of society. Hence the monopolistic tendencies of these platforms must be taken into account in any analysis of their effects on the broader economy.

#### Broad use of algorithms and faulty access to data facilitates discrimination – garbage in, garbage out.

Slaughter 21 [Rebecca, Federal Trade Commissioner, “Algorithms and Economic Justice: A Taxonomy of Harms and a Path Forward for the Federal Trade Commission,” *Yale Journal of Law & Technology*, August, https://bit.ly/3wdFFfx, JCR]

A taxonomy of algorithmic harms, describing both the harms themselves and the technical mechanisms that drive them, is a useful starting point. This section is divided into two subparts. The first addresses three flaws in algorithm design that frequently contribute to discriminatory or otherwise problematic outcomes in algorithmic decision-making: faulty inputs, faulty conclusions, and failure to adequately test. The second subpart describes three ways in which even sophisticated algorithms still systemically undermine civil and economic justice. First, algorithms can facilitate discrimination by enabling the use of facially neutral proxies to target people based on protected characteristics. Second, the widespread application of algorithms both fuels and is fueled by surveillance capitalism. Third, sophisticated and opaque use of algorithms can inhibit competition and harm consumers by facilitating anticompetitive conduct and enhancing market power. These six different types of algorithmic harms often work in concert—with the first set often directly enabling the second—but before considering their interplay, it is helpful to describe them individually. Of course, the harms enumerated herein are not, and are not intended to be, an exhaustive list of the challenges posed by algorithmic decision-making. This taxonomy, however, does help identify some of the most common and pervasive problems that invite enforcement and regulatory intervention, and therefore is a helpful framework for consideration of potential enforcement approaches. A. Algorithmic Design Flaws and Resulting Harms The first three categories of algorithmic harms generally stem from common flaws in the design and application of specific algorithms. Faulty Inputs The value of a machine-learning algorithm is inherently related to the quality of the data used to develop it, and faulty inputs can produce thoroughly problematic outcomes. This broad concept is captured in the familiar phrase “garbage in, garbage out.” The data used to develop a machine-learning algorithm might be skewed because individual data points reflect problematic human biases or because the overall dataset is not adequately representative. Often skewed training data reflect historical and enduring patterns of prejudice or inequality, and when they do, these faulty inputs can create biased algorithms that exacerbate injustice.16 One recent example is Amazon’s failed attempt to develop a hiring algorithm driven by machine learning, an effort ultimately abandoned before deployment because the algorithm systematically discriminated against women. This discrimination stemmed from the fact that the resumes used to train Amazon’s algorithm reflected the male-heavy skew in the company’s applicant pool, and despite the engineers’ best efforts, the algorithm kept identifying this pattern and attempting to reproduce it.17 Faulty inputs also appear to have been at the heart of problems with standardized testing during the COVID-19 pandemic.18 The International Baccalaureate (IB), a prestigious global degree program for high school students, cancelled its in-person exams and instead relied on an algorithm to “predict” student test scores based on inputs such as teacher-estimated grades and past performance by students at a given school. The result? Baffling test scores with life-altering consequences. For example, relying on schools’ past average test scores likely disadvantaged high-achieving students from low-income communities—many of whom had taken these courses to receive college credit and save thousands of dollars in tuition.19 According to the IB, 60 percent of US public schools that offer IB classes are Title I schools,20 and numerous IB students reportedly saw their college scholarships or admissions offers rescinded because the algorithm assigned them unexpectedly low test scores.21 In a similar case, the United Kingdom used an algorithm to replace its A-Level exams—which play a pivotal role in university admissions there— before ultimately retracting the scores in response to widespread protests. Critics pointed out that the inputs, which were similar to those used in the IB algorithm, unfairly stacked the deck against students at lower-performing schools.22 Education should help enable upward social mobility, but the inputs in these instances reflected structural disadvantages and socioeconomic differences.23 As the BBC noted in its coverage, “it locks in all the advantages and disadvantages—and means that the talented outlier, such as the bright child in the low-achieving school, or the school that is rapidly improving, could be delivered an injustice.”24 In short, when developers use faulty data to train an algorithm, the results may replicate or even exacerbate existing inequalities and injustices.

#### Proxy discrimination masks injustice through the promise of neutrality – opacity makes it uniquely pernicious.

Slaughter 21 [Rebecca, Federal Trade Commissioner, “Algorithms and Economic Justice: A Taxonomy of Harms and a Path Forward for the Federal Trade Commission,” *Yale Journal of Law & Technology*, August, https://bit.ly/3wdFFfx, JCR]

In addition to the flaws in algorithmic design and implementation enumerated above, the promise of algorithmic decision-making is also tempered by its systemic contributions to broader social harms. One such pernicious harm at work in recent examples of algorithmic bias is a problem scholars have termed “proxy discrimination.”55 When algorithmic systems engage in proxy discrimination, they use one or more facially neutral variables to stand in for a legally protected trait, often resulting in disparate treatment of or disparate impact on protected classes for certain economic, social, and civic opportunities.56 In other words, these algorithms identify seemingly neutral characteristics to create groups that closely mirror a protected class, and these “proxies” are used for inclusion or exclusion. Facebook’s use of Lookalike Audiences that facilitated housing discrimination presents one of the clearest illustrations of proxy discrimination. According to allegations by the Department of Housing and Urban Development (HUD), Facebook offered customers that were advertising housing and housing-related services a tool called “Lookalike Audiences.”57 An advertiser using this tool would pick a “Custom Audience” that represented her “best existing customers,” then Facebook identified users who shared “common qualities” with those customers, who then became the ad’s audience. To generate a Lookalike Audience, Facebook considered proxies that included a user’s “likes,” geolocation data, online and offline purchase history, app usage, and page views.58 Based on these factors, Facebook’s algorithm created groupings that aligned with users’ protected classes. Facebook then identified groups that were more or less likely to engage with housing ads and included or excluded them for ad targeting accordingly. According to HUD, “by grouping users who ‘like’ similar pages (unrelated to housing) and presuming a shared interest or disinterest in housing-related advertisements, [Facebook]’s mechanisms function just like an advertiser who intentionally targets or excludes users based on their protected class.”59 This problem may persist across advertising algorithms, which are designed to maximize clicks and conversions. Even when the advertiser requests a broad audience and more inclusivity, an algorithm may skew ads to demographic segments that are expected (based on historical performance) to generate more clicks. In one recent study, researchers specified an identical audience for three different job postings: a lumber industry position, a supermarket cashier position, and a taxi position.60 Despite the request for the same audience, the lumber job went to an audience that was 72 percent white and 90 percent male, the supermarket cashier went to an 85 percent female audience, and the taxi position went to a 75 percent Black audience.61 The dangers of proxy discrimination, amplified by machine learning and optimization, likely affect the credit sphere as well.62 The combination of an expanding and innovative FinTech market paired with alternative credit scoring has the potential to extend credit to more people who need it. But FinTech innovations can also enable the continuation of historical bias to deny access to the credit system or to efficiently target high-interest products to those who can least afford them.63 Indeed, these biases can be exacerbated through the use of algorithms, because the algorithms automate decisionmaking—giving the appearance of impartiality—while simultaneously obscuring visibility into both the inputs and the formulae used to make those decisions. That opacity can make the bias even harder to identify. A recent study illustrates both the promise and residual peril of algorithmic lending decisions for credit discrimination.64 The study found that in loans made by face-to-face lenders, Latinx and Black borrowers pay considerably more in interest for home-purchase and refinance mortgages.65 The study also found that FinTech algorithms discriminate 40 percent less than lenders—but that significant discrimination harming the Latinx and Black borrowers still occurs.66 The scholars could not conclude definitively what caused the discriminatory outcomes from the FinTech platforms, but they surmised it was likely due to some type of optimization based on a neutral characteristic that aligned with minority status, just as we saw in the examples above.67 Proxy discrimination is not a new problem—the use of facially neutral factors that generate discriminatory results is something that society and civil rights laws have been grappling with for decades.68 In the context of algorithms, sometimes this flaw might be accidental.69 For example, proxy discrimination was one of the reasons that the health care algorithm discussed earlier ultimately produced biased outcomes, but we have no reason to believe that the hospital or manufacturer of the algorithm in question was trying to disadvantage Black patients. It is important to note, however, that proxy discrimination can also be intentional, and the obscurity provided by black-box decision-making can allow bad-faith actors to effectively launder bias and discrimination through their algorithms in pursuit of illegitimate profits or to maintain oppressive hierarchies.70 Proxy discrimination that results in disparate impact is always pernicious, whether or not we can identify underlying intent, and it can and should give rise to legal liability even if it is not intentional.71

#### The aff’s regulation on the blockchain kills momentum for DLTs in the market – increases fears of volatility that drive away investors.

Nikolai Kuznetsov 18, financial analyst and professional trader writing for Forbes, The Next Web and Investing.com, “Regulations And Their Influence On Cryptocurrency Prices,” Cointelegraph, 2-24-2018, <https://cointelegraph.com/news/regulations-and-their-influence-on-cryptocurrency-prices>

2017 saw cryptocurrencies swing wildly in valuations daily. Despite a mostly upward trajectory, the market remains susceptible to unpredictable and sometimes extreme fluctuations in prices.

While some of this volatility can be attributed to how the current cryptocurrency model was conceived—namely its deflationary nature—and the fact that most coins are still viewed mainly as investment and speculative assets, there have been external factors that drive price momentum as well.

The increased spotlight on Bitcoin and its digital contemporaries led the original cryptocurrency to skyrocket in value. This meteoric rise results in widespread market participation, inviting retail investors in droves to the crypto industry. However, it also focused the gaze of governments and international actors on the industry, a factor that has and could still play a large role in this volatility, especially if past regulatory efforts are any indication.

A prominent example of how regulations can lead to unintended consequences in financial markets comes courtesy of the post-crisis Dodd-Frank Act. Due to the restrictions placed on deposit-taking banks, many prominent financial institutions were forced to reduce their market-making activities in certain asset classes to reach higher capital ratios required by the regulations. In effect, the reduction in market-making liquidity harmed the price discovery process. Especially in the bond market, which is not as liquid as foreign exchange or stock markets, it can conceivably result in a snowball effect that amplifies directional price movements instead of reducing overall volatility.

Despite regulators’ best intentions, cryptocurrencies’ values remain heavily tied to speculation and optimism. For this reason, drastic policy changes can have an outsized impact on short-term direction, as several prominent examples revealed over the past year.

Nonetheless, the long-term impact is slightly hazier, as many of these regulations are only months old. Even so, while they could lead to a more stable market in the future, an abundance of questions surrounding the matter shows just how effective regulations will really be, and to what degree they will impact prices in the future.

Why regulations affect prices

The original boom in cryptocurrencies occurred in an unregulated environment. Even as news outlets and investors paid closer attention to the market, regulators and international actors remained largely distant from the action, and prices continued to soar unabated.

While in 2017 regulatory bodies take their first steps toward reining in the market, the previous near-decade saw cryptocurrencies evolve and grow relatively unrestricted. For regulators, this means attempting to box in a system that grew chaotically mostly by design.

This trend was largely visible thanks to the explosive growth in ICO funding many Blockchain companies attained last year. In 2017 new Blockchain-based companies reach an unheard-of $4 bln in funding even as regulators like the Securities and Exchange Commission began to circle. The capital raising was not without its flaws, with several well-publicized incidents underlining the relative lawlessness of the current model.

Hartej Sawhney - Co-founder of Hosho – a Blockchain and smart contracts auditing and security firm who’ve seen and audited a vast amount of smart contracts noted:

"There is currently no regulatory body that is enforcing standard practices for companies within the Blockchain ecosystem.

The number of successful high-profile attacks and data breaches are also indicative of the security weaknesses that many companies and organizations have, but choose to ignore due to lack of regulation which is a big factor to the volatility of cryptocurrency prices.

Sophisticated projects within the Blockchain ecosystem will only grow a stronger support from investors and exchanges upon the rise of a regulatory environment.

Having clarity on laws is better than none. Gibraltar is a great example of a nation that has made its stance on regulation of the Blockchain space clear, thus companies globally are flocking to incorporate there."

This ‘wild west’ the cryptocurrency market catalyzed has had a psychological impact on investors. Due to the decentralized nature and lack of power structures inherent in cryptocurrencies, many view regulations as a tactic that could stunt this explosive growth, and reduce the volatility that has been a hallmark of the industry.

Market reaction

The result is a market in which news or speculation of upcoming regulation leads to massive moves in one direction or another, as investors rush to sell off coins or purchase them, creating instability in prices and wild swings in valuations. Bitcoin, for example, lost nearly half of its value as popular exchange Coinbase launched an internal investigation into fraudulent practices and potential market manipulation on their platform.

## 2AC

#### Racial hierarchies are socially constructed and malleable.

Zack 18—Professor of Philosophy at the University of Oregon [Naomi, 2018, *Philosophy of Race An Introduction*, Chapter 6: Social Construction and Racial Identities, pgs 123-5, Palgrave, DOI: 10.1007/978-3-319-78729-9]

Before the construction of race in science, there were ideas of different human groups but no conceptual system of difference applying to all humankind. The construction of race in science drew on existing societal ideas and created abstract typologies that in turn became the cognitive ele- ment of race in society. However, at this time, after typologies of race have been discarded in the biological sciences, racial constructions in society endure and continue to be reconstructed. Socially constructed race has a momentum of its own that people live out, and social scientists, scholars, and those in the creative arts continue to study and suggest ways to change. The construction and reconstruction of race in society has legal, social, economic, and cultural components, all of which taken together, in differ- ent combinations, or in isolated experience, make it seem to individuals that race is natural and inevitable, instead of human-made and historically and geographically contingent. Individuals have different physical traits that have already been selected as racial traits before their birth and that prior selec- tion forms a reality to be experienced—lived with compliance or resistance, or both. Such compliance reproduces or maintains and furthers preexisting social race, over time. Resistance has the potential to change the background of racial construction, although any particular act of resistance has unpre- dictable consequences, because it has to be interpreted, supported, and duplicated by other people, in order to be effective. Individuals belong to or are associated with racial groups that are imagined to have general traits and the individual herself comes to have pat- terns of behavior, expectations, and beliefs that pertain to how she regards and presents herself in racial terms. That is, although race is already present in the social world that a child and adult live in, the child and then the adult has the task of forming a racial aspect of the self and presenting that racial identity to others. Society identifies people racially and people come to have racial identities, both as single units and as parts of the groups with which they identify and to which they belong. Thus, to say that race is socially con- structed may refer to only one side of the process of social construction. Society, which is to say, other people, have constructed ideas about race and systems regulating behavior based on race. But human individuals are not mere mirrors of social institutions and the thoughts and actions of other individuals. A complete account of the social construction of race, therefore, includes its construction on the level of individual identities. The social construction of race and racial identities affect many aspects of human life in societies with racial systems, often in profound, unin- tended, and unpredictable ways. There are social constructions that are benign or neutral, for example, the money system and weather reports. Such benign and neutral social constructions usually do not purport to be caused by different underlying physical facts about members of distinct groups, which determine their nature. Race, however, is not a benign social con- struction, because it purports to be based on real biological differences that do not exist. Human aptitudes and capabilities are randomly distributed within different social racial groups, so that differences in achievement are not caused by those traits that society continues to consider racial traits— there are no biological racial traits in the scientific sense and no differences in human value or moral worth based on biological race. Rather, differences in achievement between racial groups are the result of the fact that social racial systems are hierarchical. Racial identities come with predetermined social status and differences in power. Another way of describing this is to say that disadvantaged racial groups and their members are oppressed by more advantaged racial groups and their members. Oppression is unjust treatment or control and when the objects of oppression are racial groups and their members, it is usually called racism. Racism will be the subject of Chapter 7, but it can be difficult to separate racism from the construction of race itself. One clear difference is that even though racial hierarchy is in itself oppressive, not everyone who bene- fits from a system of constructed race or racial hierarchy is necessarily a racist person. There are also aspects of oppression that do not begin from within positions of racial hierarchies, but originate in other hierarchies, such as wealth or gender. In order to account for the emergence of race as an idea and system in modernity, it is necessary to understand the non-racial forms of oppression that preceded race and led to the construction of race. Because racial systems are not caused by natural aspects of race—which do not exist—the underlying motivations for constructing those systems may be masked to participants, by ideology. Racial ideology is a false sys- tem of claims and beliefs about racial differences and racial groups that jus- tifies racial oppression, as well as racial disadvantage. After systems of race have been constructed, racial ideology may be used to justify the actions of oppressive groups and individuals. But racial ideology is psychic and sym- bolic, a form of discourse. To implement racial ideology and serve underly- ing powerful economic and political interests, social technologies of race are necessary (for example, new racial identifications). Ideology and social technologies of race may lead to new constructions of race and with them, new racial identities. The sections of this chapter address several aspects of the social construc- tion of race and identity. First, racial construction for economic reasons will be explored in terms of colonialism and global development. This will be followed by subjects pertaining to processes that occur inside of functioning systems of race: social technologies of race and racism; individual racial iden- tities; models for resisting and deconstructing race.

#### Blockchain shifts power to the people and cooperation between them, which dismantles systems of socioeconomic and semiotic hierarchy.

**Beller 21** (Jonathan, Professor of Humanities and Media Studies and Critical and Visual Studies at Pratt Institute, 2021, “*The World Computer: Derivative Conditions of Racial Capitalism”*, Duke University Press) MAM

The answer requires the full socialization and indeed ecologicalization of information. Economy, information, embodiment, and institutional organization are social products, are of a piece, and are cybernetically networked with the bios. The redesign of economic media will democratize the reorganization process of these social relations. I will be unable to review here the current computational designs of cryptocurrencies, but let us just say that their ledgers are archives and, like cinema, like national monies: their circulation and the circulation of their tokens generates their value through the matrixial dynamics of machine-mediated attention. A blockchain is composed of a series of blocks (composed of transaction records) indexing a robust sociality. In other words, a blockchain is an archive of the attention a currency aggregates—attention represented as exchanges, the interest in real abstraction—and that attention organized by the qualities and capacities of the network is the medium for its value aggregation. Cathexis is on a narrative or a narrative of narratives—a meta-narrative. A blockchain is thus a unique record of resources and practices bound up in a specific socioeconomic undertaking. As with a standard computational hash, which could be generated, for example by taking the second word on every page of this book, one cannot reverse engineer the entire text from the hash, but one could only generate the hash from the specific text from which it was generated. Just as one could not reengineer Moby-Dick from a string composed of the second word at the top of each page, one cannot reengineer the universe of investments represented in the transaction record, the blockchain, for Bitcoin. These minimal, unique, unforgeable records of complex processes are part of the information compression that allows for a decentralization of token issuance and accounting that is validated peer-topeer by means of proof of work, but currently such a record is not an adequate representation of user sociality—at least when compared to the robust character of other media. But some success must be acknowledged: peer-to-peer validation through the random selection of a block leader for each new block on the blockchain—based upon the successful solving of a cryptographic puzzle, whose solution is pursued in parallel by all machines on the network, by a particular machine that could not be identified in advance—creates an architecture that changes the social contract by disintermediating “trusted” third parties from archive creation. It also displaces the performance factor of value denomination from the nation state and the national central bank onto the distributed computational platform and the organization of users and communities that support the token. The value of Bitcoin comes from the price of its resource consumption and its overall aggregation of attention. Despite its loudly decried and indeed horrendous energy consumption, bitcoin is the first example of and probably still the best example of a functional, long-standing decentralized blockchain-based nonnational global currency. **However, by itself it is not the revolution—far from it**. Rather it encourages a kind of anarchocapitalism, disintermediating third parties and states but not replacing their messaging with anything but the pure Hayekian price signal that is the Bitcoin brand. Well, that’s not quite true. As our discussion of denomination above would indicate, the price signal is in fact tied to a message: a message which says that decentralized, computationally secure finance is not only possible but it is the future and that Bitcoin, as the longest standing and most successful cryptocurrency, serves and will continue to serve as crypto’s standard. It is this promise and all the energy, in every sense of the word, that goes into it that sustains its price. This price is based upon a perception of Bitcoin’s future, its futurity as a global standard of a new value-form. In other words, the value is denominated in Bitcoin which is not just its information but is platformation. But as I have tried to show, Bitcoin is not the only possibility for a new field of endeavor called Cryptoeconomic Design. Put another way, using a very loose analogy: if Bitcoin is the twenty-first-century version of Fritz Lang’s Metropolis (or should it be The Wizard of Oz?), what might the twenty-first-century version of Dziga Vertov’s Man with a Movie Camera look like? Or The Battle of Algiers, Killer of Sheep, or the economic media version of Girlhood? One might hope that these new currencies would enable a post-Fordist version of a global general strike in which deterritorialized and otherwise disaggregated workers and beings begin to withdraw their labor from capital and offer their contributions directly to one another through forms of social cooperation that enfranchise them, remediate their precarity and remunerate their solidarity. Clearly, this task cannot be left to white guys, to white crypto-bros. And it can not be left to businesses and start-ups. Can the hashed blocks that archive currency transactions be made more expressive, more robust, such that they surface the informationally collapsed qualities of progressive social interaction and acts of radical care? Are these archives of relation the future substrates of images and data visualizations that at the same time allow people to enfranchise one another and thereby make our activism and care sustainable? Will social derivatives detach themselves from the virtuosity of capitalist production and reproduction in order to script communist performance and communist futures? Can archives of socioeconomic relationships achieve the eloquence of a literary text, the precision and affective power of cinema, the precise distribution of computational networks? Can they be the mediated entanglements that constitute a new era of poetry and poetics? As Hito Steyerl (2012) seems to ask in her essay “The Poor Image”: Can visual bonds of solidarity—visible in the poor image only as the quality degradation resulting from constant retransmission by who-knows-who—be translated into the solidarity of a socialist or cooperative system of expressive valuation? This would imply, as Steyerl does, that solidarity is not just noise as it is in the poor image, or volatility in the derivative contracts created by synthetic finance, for that matter, but that it is a new type of signal. One question for artists, activists, political theorists, and dreamers seems to be: Will filmmaking, along with the other arts and cryptoeconomic design, join forces to consciously transform social media and cultural media in order to rewrite the contracts by which aesthetic sensibility is bound to financialization? Can struggle and social movements using social derivatives issue their own expressive currencies to produce nonhierarchical forms of valorization that are themselves platforms for liberation—rather than providing content for Twitter? Can the world computer be hacked? Can the subsumption of society by information be reversed? I ask these questions because we have shown here that, in the current regime of the world computer, nearly all expressivity feeds capital accumulation. This capture implies not only the collapse of all social values into the price signal mediating the traffic of the value-form but also that an aesthetics without a self-conscious, materialist practice of value, no matter how seemingly radical, is doomed to recapitulate the algorithms of value extraction—whether distributed in the museum, the university, the festival circuit, or on YouTube. Only a reprogramming of the sociosemiotic that takes seriously the productive power of the people who in one way or another interface with computational media (all of us) will be able to shift the world from its self-destructive path of hierarchy, violence, racism, sexism, and fascism. **And only media practices that materially vest participants in the worlds they posit**, rather than merely using these digitized imaginary worlds as means of value extraction, can hope to directly challenge capitalist exploitation and the racism, sexism, imperialism, and genocide that are endemic to extractive economies. What is called for here is a redesign of the processes of real abstraction, which is to say of the practices of exchange, which is to say of computational and social processes scripting interaction. Otherwise, and as much as it hurts to say, revolution ultimately makes the rich richer—and we cannot afford that.

#### Blockchain is an avenue for economic reorganization – this allows for organization around principles of community remediation that makes broader forms of solidarity possible.

**Beller 21** (Jonathan, Professor of Humanities and Media Studies and Critical and Visual Studies at Pratt Institute, 2021, “*The World Computer: Derivative Conditions of Racial Capitalism”*, Duke University Press) MAM

This vision, for the decolonization of financial mediation demands **a redesign of the protocol layer** of money, of its fourth determination, in ways that accord with and **valorize socialist** modes of **exchange**. As Alex Galloway wrote in what was perhaps an optimistic moment, “It is through protocol that one must guide one’s efforts, not against it” (2004: 17). Such cryptoeconomic redesign of monetary protocol should and indeed must be able to interface with the existing capitalist economy **without being subsumed by it**. It must provide the liquidity necessary to survive in capitalism while **facilitating a buildout** to postcapitalist futures. Utilizing decentralized computing and decentralized issuance tools, anarchocommunist movements will create **more robust messaging** than fixed capital–bound informatics can deliver, messages capable of aggregating attention in new ways, transmitting qualified values, and **enfranchising participants with equity** in projects struggling directly against wage exploitation and attention-scraping in media capitalism. More democratically programmed financial control means that, unlike with the current internet, qualities will not be collapsed in price signals by content-indifferent monetization. The indifference to content is not “indifference” but the politics of the generalization of what Nick Srnicek calls “platform capitalism” (2016). Utilizing money’s fourth determination—itself a historical result of strugle of capital’s endeavor to outpace efforts for survival against enclosure and foreclosure— qualified values will be preserved through transactions denominated in new money-forms bound to sociopolitical missions. Postcapitalist media can and must have a financial component that is democratically programmable. What is required is not the content indifference of the network but the content sensitivity of the network. This will be created not by the disintermediation accomplished by existing blockchain in which human agency is effectively excluded and software functions autonomously **so long as computers run the code,** but by remediation, the introduction of an infinity of points in which everyday people can inflect the value signal by qualifying, on a peer-to-peer basis, the network that hosts the values its users intend to create. Value will be platformed on community. Such a network will have to be peer2peer and have the capacity to horizontalize the issuance of credit and debt. We will issue our own liquidity by issuing it to one another. And we will succeed only to the extent that we do not repeat at a higher level of abstraction the extant forms of violence inherent in the hierarchies of social difference—that is, only to the extent that the new currencies express the value of antiracist, feminist, decolonial, queer, anarchocommunist planetary becoming in its great diversity of forms. Indeed, we must say here that **if, and only if**, women, lgbtq persons, people of color, the colonized, the incarcerated, and the subaltern become the authors of our various futures will the historical development of the fourth determination of money that is information open up to emancipation. The global struggle for subaltern representation has become archival, informatic, and financial in addition to being social, practical and semiotic—such are the domains of encounter and such will be the mode of solidifying solidarity so that it might transform politics and economy. To conclude, we may glimpse how something like a radical detournement of finance may approach radical filmmaking, writing, and indeed poetry—and, conversely, how radical filmmaking and radical practices of the other arts may approach communist finance. Here we walk in the footsteps of the late Randy Martin. We must refuse the compression and collapse of our care, affect, and world-making capacities into information that is an instrument of racial capital. The catalytic approach of a new form of Third Cinema that will be communist economic media will be more than an affective flash point—it will be an instrument to collectively create cooperative forms of life. We will give each other credit, take on communal debt, and organize our solidarity around points of cathexis from which to make narratives and practices of emancipation economically viable and sustainable. We will give convertibility to one another’s value creation, and do so on our own terms.

#### Material improvements that alleviate suffering are consistent with afro-pessimism---denying this is paternalistic, internally contradictory, and sanctions violence against millions.

Hartman et al. ’17 [Saidiya, Frank Wilderson, Jared Sexton, Steve Martinot, and Hortenese Spillers; September 2017; Professor of African American Studies at Columbia University; Professor of Drama and African American Studies at the University of California, Irvine; Professor of African American Studies at the University of California, Irvine; Instructor Emeritus at the Center for Interdisciplinary Programs at San Francisco State University; Professor at Vanderbilt University; Racked and Dispatched Publishing, “Afro-Pessimism: An Introduction,” p. 10-41]

The challenges Afro-pessimism poses to the affirmation of Blackness extend to other identities as well and problematize identity-based politics. The efforts, on the part of such a politics, to produce a coherent subject (and movement), and the reduction of antagonisms to a representable position, is not only the total circumscription of liberatory potential, but it is an extinguishment of rage with reform—which is to stake a claim in the state and society, and thus anti-Blackness. Against this, we choose, following Afro-pessimism, to understand Black liberation as a negative dialectic, a politics of refusal, and a refusal to affirm; as an embrace of disorder and incoherence;10 and as an act of political apostasy.11 This is not to categorically reject every project of reform—for decreased suffering will surely make life momentarily easier—but rather to take to task any movement invested in the preservation of society. Were they not to decry every action that didn’t fit within their rigid framework, then they might not fortify anti-Blackness as fully as they do. It is in the effort to garner legitimacy (an appeal to whiteness) that reformism requires a representable identity and code of actions, which excludes, and actually endangers, those who would reject such pandering. This also places undo faith in politicians and police to do something other than maintain, as they always have and will, the institutions—schools, courts, prisons, projects, voting booths, neighborhood associations—sustaining anti-Blackness.

Afro-pessimism can also be used to critique prevalent liberal discourses around community, accountability, innocence, and justice. Such notions sit upon anti-Black foundations and only go so far as to reconfigure, rather than abolish, the institutions that produce, control, and murder Black subjects.12 Take for example the appeal to innocence and demand for accountability, too frequently launched when someone Black is killed by police. The discourse of innocence operates within a binary of innocent/ guilty, which is founded on the belief that there is an ultimate fairness to the system and presumes the state to be the protector of all. This fails to understand the state’s fundamental investment in self-preservation, which is indivisible from white supremacy and the interests of capital. The discourse goes that if someone innocent is killed, an individual (the villainous cop) must be held accountable as a solution to this so-called injustice. The structural reality of anti-Black violence is completely obfuscated and justice is mistook as a concept independent from anti-Blackness. Discrimination is indeed tragic, but systematic dispossession and murder is designedly more—it is the justice system—and no amount of imprisoned cops, body cameras or citizen review boards will eliminate this.

Furthermore, Afro-pessimist analysis exposes the often unacknowledged ways that radical movements perpetuate anti-Black racism. One such way is in the rhetoric repeatedly used that takes an assumed (historically oppressed) subject at its center—e.g., workers or women.13 This conflates experience with existence and fails to acknowledge the incommensurate ontologies between, for instance, white women and Black women. To speak in generalities, of simply workers or women, is to speak from a position of anti-Blackness, for the non-racialized subject is the white, or at least non-Black, subject. For this reason, movements against capitalism, patriarchy, or gender mean unfortunately little if they don’t elucidate ontological disparities within a given site of oppression; and if they don’t unqualifiedly seek to abolish the totality of race and anti-Blackness. This is not to privilege antiBlack racism on a hierarchy of oppression, but to assert—against the disparaging lack of analysis—the unlivability of life for Blacks over centuries of social death and physical murder, perpetuated (at varying times) by all non-Black subjects in society.

Finally, we should add that alongside the valuable theoretical offerings of Afro-pessimism, this reader was also motivated by a desire to contribute to the efforts of bringing these writings out of the ivory towers of the academy, the place from which all these writings originated. We wish to remove the materials from this stifling place and see them proliferate among those in the streets and prisons. The topics discussed here may have origins in a place of lofty theory, but they deal with the constant realities of millions of people. We therefore find it imperative that these theories directly inform the practices of everyone desiring a life other than this one—while not simply resorting to the empty gesture of empathy.14

We must acknowledge the fact that non-Black people are complicit in perpetuating anti-Blackness and face the necessity of abolishing all notions of the self and identity, practicing an antiracism with a view toward the total abolition of the state, and developing an anti-capitalism aimed at the destitution of race. We take heed of the following statement: “If we are to be honest with ourselves, we must admit that the ‘Negro’ has been inviting whites, as well as civil society’s junior partners, to the dance of social death for hundreds of years, but few have wanted to learn the steps.”15 Consider this project an opening sashay.

I.

Blacks and the Master/Slave Relation

Frank Wilderson

C. S. Soong: The question for today is how to properly situate Black people in today’s world? What is their position in relation to other people? And what is the nature of their vulnerability to violence? Those questions can be addressed in a number of ways. Conservatives, Liberals, and radicals offer perspectives that perhaps you’ve heard over time. The answer offered by my guest today is singular and provocative, not least because he calls Black people, all Black people, slaves. But what does Frank Wilderson, III mean by slave? Why does he argue that the master/slave relation cannot be analogized with the capitalist/worker relation? And what does he mean when he asserts that slavery is social death? And that slaves, that is Blacks, are subject to gratuitous violence because their masters, that is all non-Blacks, need to exercise that violence in order to give their lives, their non-Black lives, integrity and coherence? Frank Wilderson is a writer, professor of African American studies and Drama at UC Irvine, and founder of what’s called the Afro-Pessimism movement. His books include Red, White and Black: Cinema and the Structure of U.S. Antagonisms, and Incognegro: A Memoir of Exile and Apartheid. Frank spent five years in South Africa as an elected official in the African National Congress during that country’s transition from apartheid and he was a member of the ANC’s armed wing. When Frank Wilderson joined me recently in studio I began by asking how important Marxism has been to his understanding of capitalism.

Frank Wilderson: I think that when I began to study Marxism in college I understood that here was a theory that took a kind of attitude toward the world that was uncompromising. That was valuable to me because before that in junior high school and in high school I had seen the kind of performative political labor of people in the Panthers and people in the Students for a Democratic Society—part of that time was here—and I knew that these folks were on a mission that was more robust and more unflinching than the mission of certain types of Bobby Kennedy Democrats and members of the Civil Rights movement. When I actually began to study the theory I understood why their performance was so much more unflinching than other peoples’ performance. So I think the study of Marxism helped me get into thinking about relations of power, which I think is more important than simply thinking about the way power performs.

CSS: In other words, structures of power as opposed to how power tends to manifest itself in individual relations.

FW: Yes, and I also mean that if you kind of turn your head sideways and listen to most Americans on the Left talk about politics, what you’re going to hear is that the rhetorical weighting of their discourse tends to be heavily weighted on discriminatory actions, the effects of unfair relations on people. And so what we really don’t do so much in this country is—and this is what I found to be very different when I started traveling the world, when I went to Italy, and various places in South America and Africa—we’re not as readily able to think about power as a structure. We tend to think about power as a performance, a series of discriminatory acts. That’s okay if you’re a Liberal-Humanist-reformist, but if you’re a revolutionary, that simply leads you down a track of increasing wages or getting more rights for women or ending racial discrimination and you’re finding yourself in the same kind of cycle of performative oppression ten, twenty years later without an analysis of why the “fix” that you had years ago doesn’t last and isn’t working now.

CSS: Well, the antagonism according to the Marxists is that between capitalist and worker. Would you agree that the essential antagonism in social relations and political relations is in fact between capitalist on the one side and worker on the other?

FW: No. All of my work is an interrogation of that assumptive logic. I’m sometimes misunderstood to be saying that I have left Marxism. I’m sometimes misunderstood to be saying that the cognitive map that Marx gives us should be thrown out. That’s not what I’m saying. How do you throw out a cognitive map that explains political economy so well? What I’m saying is that in Das Kapital vol. I, Marx has two opportunities to think the relation between the slave and everyone else and each of those opportunities presents him with a kind of paradox, a conundrum; and instead of meditating on that he bounces off of it and continues to posit that the world is out of joint because there is a dichotomy between haves and have-nots, because there’s a dichotomy between those who accumulate capital and those who work for a wage. What I’m saying is that his hit on the slave and then bouncing off of that are a disavowal of the nature of the slave relation, which is symptomatic of the problems in political organizing and political thought on the Left. I’m saying that the antagonism in Das Kapital should be relegated to a conflict because there is an aspect of the thinking which presents itself with a coherent way out. The slave/non-slave, or the Black/human relation, presents us with a structural dynamic which cannot be reconciled and which does not have a coherent mode of redress.

CSS: Alright, you see the master/slave relation as the essential antagonism, so what do you mean by that? A lot of people would think, okay, slavery in the U.S., so Black slavery, and then 1865, the formal end of slavery. But then of course you have slavery today and we hear about issues with people in bondage, debt bondage, and other forms of bondage, so when you say the master/slave relation, what are you specifically referring to?

FW: There is no way I can actually answer that in a compact way, I think I have to step back a minute. So what Afro-pessimism—the conceptual lens or framework that myself and other people are working on—assumes is that you have to begin with an analysis of slavery that corrects the heretofore thinking about it. So the first thing that happens—and this is built on the work of Orlando Patterson’s 1982 tome Slavery and Social Death—the first thing we have to do is screw our heads on backwards. In other words, stop defining slavery through the experience of slaves. What happens normally is that people think of slavery as forced labor and people in chains. What Orlando Patterson does is shows that what slavery really is, is social death. In other words, social death defines the relation between the slave and all others. Forced labor is an example of the experience that slaves might have, but not all slaves were forced to work. So if you then move by saying that slavery is social death, by definition, then what is social death? Social death has three constituent elements: One is gratuitous violence, which means that the body of the slave is open to the violence of all others. Whether he or she receives that violence or not, he or she exists in a state of structural or open vulnerability. This vulnerability is not contingent upon his or her transgressing some type of law, as in going on strike with the worker. The other point is that the slave is natally alienated, which is to say that the temporality of one’s life that is manifest in filial and afilial relations—the capacity to have families and the capacity to have associative relations—may exist very well in your head. You might say, “I have a father, I have a mother,” but, in point of fact, the world does not recognize or incorporate your filial relations into its understanding of family. And the reason that the world can do this goes back to point number one: because you exist in a regime of violence which is gratuitous, open, and you are openly vulnerable to everyone else, not a regime of violence that is contingent upon you being a transgressed worker or transgressing woman or someone like that. And the third point is general dishonor, which is to say, you are dishonored in your very being— and I think that this is the nature of Blackness with everyone else. You’re dishonored prior to your performance of dishonored actions. So it takes a long time to build this but in a nutshell that’s it. And so that’s one of the moves of Afro-pessimism. If you take that move and you take out property relations—someone who’s owned by someone else—you take that out of the definition of slavery and you take out forced labor, and if you replace that with social death and those three constituent elements, what you have is a continuum of slavery-subjugation that Black people exist in and 1865 is a blip on the screen. It is not a paradigmatic moment, it is an experiential moment, which is to say that the technology of enslavement simply morphs and shape shifts—it doesn’t end with that.

CSS: If Orlando Patterson, who is a sociologist at Harvard, argues that forced labor is not a defining characteristic of slavery, if he says that naked violence is one of the key elements of social death, which is slavery, and if the violence directed at Blacks is not based on, as you said, this person transgressing in some way, being disobedient in some way, refusing to consent in some way to what the ruling class thinks or does, then why is violence freely directed at Blacks? What is the reason that the non-white or the master in the master/slave relation treats Blacks violently?

FW: The short answer is that violence against the slave is integral to the production of that psychic space called social life. The repetitive nature of violence against the slave does not have the same type of utility that violence against the post-colonial subject has—in other words, in the first instance, to secure and maintain the occupation of land. It does not have the utility of violence against the working class, which would be to secure and maintain the extraction of surplus-value and the wage. We have to think more libidinally and in a more robust fashion. This is where it becomes really controversial and really troubling for a lot of people because what Patterson is arguing, and what people like myself and professor Jared Sexton and Saidiya Hartman at Columbia University have extended, is to say that what we need to do is begin to think of violence not as having essentially the kind of political or economic utility that violence in other revolutionary paradigms have. Violence against the slave sustains a kind of psychic stability for all others who are not slaves.

CSS: When you say that—and I’ve read some of your writings on the subject—it seems like you’re suggesting that only if some population perceives another population as inferior, or so degraded that anything can be done to them—unless they have that other in mind that somehow, psychologically and psychically—they can’t have the integrity that they want. Is that correct? And why would that be the case psychologically? Why would somebody need to have some other person seen in that light in order to feel actualized, in order to feel worthy of life?

FW: It’s a very good question and we could spend several hours on it, but what I’m trying to do is give you short-hand answers that have integrity and hopefully your listeners will do some more reading and research to actually see how these mechanisms work. But let’s take it for one second outside of the way in which I and other Afro-pessimists are theorizing it. One of our claims is that Blackness cannot be dis-imbricated from slaveness—that is a very controversial claim; that claim is actually the fault line right now of African and Black Studies across the country, the claim that Blackness and slaveness cannot be dis-imbricated, cannot be pulled apart. But I can’t argue against everyone who disagrees with that right now. One of the points that Patterson makes at a higher level of abstraction is that the concept of community, and the concept of freedom, and the concept of communal and interpersonal presence, actually needs a conceptual antithesis. In other words, you can’t think community without being able to register non-community. His book Slavery and Social Death goes back thousands of years and covers slavery in China and all over the world and he says that communal coherence has a lot of positive attributes: this is my language, this is how I organize my polity, these are the anthropological accoutrements of how we work our customs—but at the end of the day what it needs to know is what it is not. So the idea of freedom and the idea of communal life and the idea of civic relations has to have a kind of point of attention which is absent of that or different from that. This is the function that slavery presents or provides to coherence so that prior to Columbus, for example, the Choctaw might have someone inside a Choctaw community who transgresses the codes of the community so fiercely that they’re given a choice, and the choice at this moment of a transgression, which is beyond-the-beyond, is between real death—“We will kill you in an execution”—or social death. Nothing changes in the mind of that person tomorrow or the day after he or she chooses social death. He or she still thinks they have a cosmology, that they have intimate family relations, but the point that Patterson is making is that everything changes in the structure of that person’s dynamic with the rest of the tribe. So now that that person is a slave, that person is socially dead. This is bad for that person, obviously, but what he is suggesting is that that type of action regenerates the knowledge of our existence for everyone else. Now where I and some others take Patterson further is to say that Black, Blackness, and even the thing called Africa, cannot be dis-imbricated, cannot be pulled apart from that smaller scale process that he talks about with respect to Chinese communities or the Choctaw. In other words, there is a global consensus that Africa is the location of sentient beings who are outside of global community, who are socially dead. That global consensus begins with the Arabs in 625 and it’s passed on to the Europeans in 1452. Prior to that global consensus you can’t think Black. You can think Uganda, Ashanti, Ndebele, you can think many different cultural identities, but Blackness cannot be dis-imbricated from the global consensus that decides here is the place which is emblematic of that moment the Choctaw person is spun out from social life to social death. That’s part of the foundation.

CSS: This is really provocative. Are you saying then—let’s just focus on the U.S.—that every African American, regardless of income or wealth or status, can and should be understood in the figure of the slave who is socially dead in relation to the master, who I presume is white?

FW: Well, the master is everyone else, whites and their junior partners, which in my book are colored immigrants. It’s just that colored immigrants exist in an intra-human status of degradation in relation to white people. They are degraded as humans, but they still exist paradigmatically in that position of the human. So yes, I am saying that. Now part of the reason is that one of the things that we are not doing is talking about the different ways in which different Black people live their existence as slaves. I’m willing to do that, but what’s interesting to me is the kind of anxiety that this theory elicits from people other than yourself. I mean this is the calmest conversation that I’ve had on this subject [laughter]. You could say to someone that you are a professor at UC Berkeley and there is a person in a sweatshop on the other side of the Rio Grande. This person in the sweatshop is working sixteen hours a day, cannot go to the bathroom, dies on the job from lack of medical benefits… and you are a kind of labor aristocrat. And they could say, “Okay, well that’s interesting.” And you could say to that person, “But if you read the work of Antonio Negri, the Italian communist, you come to understand that even though you live your life as a proletarian differently than a sweatshop laborer, you both stand in relation to capital in this same way, at the level of structural, paradigmatic arrangement.” That person would say, “Oh yeah! I get that, I get that.” You say to someone that all Blacks are slaves and that we’re going to change the definition of slavery because the other things are not definitions, they are actually anecdotes, and your teacher in third grade told you that you don’t use an anecdote to define something. And that person says, “Oh wait a minute, I know a person who’s richer than me and also Black and they live in the Tenderloin…” and it just goes off to the races. It’s a symptomatic response primarily because they understand that what Black people suffer is real and comprehensive but there is actually no prescriptive, rhetorical gesture which could actually write a sentence about how to redress that. Most Americans, most people in the world, are not willing to engage in a paradigm of oppression that does not offer some type of way out. But that is what we live with as Black people every day.

CSS: Let me take us on what sounds like a bit of a detour, but I think it will help you clarify certain concepts that you’re forwarding, and that’s to go to Antonio Gramsci’s work and think about a word that he had a very specific definition of, which is “hegemony.” And of course Gramsci, coming out of the Marxist tradition, was very interested in workers and capital and the struggle between capitalists and workers, although he was also interested in a lot of other things. What did Gramsci mean by the word hegemony?

FW: In 1922 Antonio Gramsci was working for the Comintern and he asked Lenin the following question: “How did you create this successful revolution and I can’t get it off the ground in Italy?” Lenin said, “Well there is no trough of civil society between our working class and the command modality of capitalism, the violent manifestations of the capitalist state. We go on strike and the Cossacks come out.” And Gramsci began to theorize: between working class suffering and state violence and state institutionality there’s this thing called civil society which captivates the workers—in other words, induces a kind of spontaneous consent to the values of capital. Guild associations, schools—today it would be talk shows, but not this talk show of course [laughter]—and he began to theorize that what Lenin meant by hegemony, which is the domination of imperialist countries over countries that are trying to evolve into a kind of revolutionary dispensation, is different than what he needed to develop his theory of hegemony and so he came up with three constituent elements: influence, leadership, and consent. By influence, leadership, and consent he means the influence of the ruling class—not the influence of one person or another, but the influence of a class—the leadership of its ideas—which is to say the idea of meritocracy, which was a very bad idea for a Marxist—and the consent of the working class to that influence and those ideas. What he sought to do was to find ways to break the spontaneous consent to those ideas. Once he could break the spontaneous consent to those ideas, then the working class of a Western, so-called devout country like Italy would be able to see what Marxists think of as the antagonism between them and the ruling class. Then it would move from a passive revolution to a real revolution, which would be a violent overthrow of the state. The European Gramscians actually leave out that last part, the violent overthrow of the state, but that was actually his dream.

CSS: Okay, so then we have on the one hand force and on the other we have consent. We have the force of the ruling class and we have consent, which you’re suggesting if it is withheld, if it is abrogated to such an extreme degree, there might be social and political revolution. But how does, in Antonio Gramsci’s conception, hegemony normally work in terms of the relationship between force and consent in a nominally stable society?

FW: When a state is stable in a capitalist dispensation, such as Canada, then there is an equilibrium between force and consent. In other words, one of the things you have in a “good” (for capitalists) dispensation is a smooth situation. So for the hundreds of years it took to develop capitalism, there was all this violence. Once people have been remolded from peasants and whatever else into workers, then in a capitalist dispensation, just as in a patriarchal dispensation, the violence goes into remission. That’s what Gramsci means by equilibrium. Violence goes in remission and it only needs to rear its ugly head in those singular moments, which hopefully are not global for the capitalist, when the working class refuses or transgresses those symbolic codes that it has consented to.

CSS: Such as general strikes, mass aggression against the capitalist order…

FW: Exactly.

CSS: So then this equilibrium between force and consent, which constitutes hegemony in Gramsci’s mind, how does that notion apply or not in your mind to the relationship between master and slave?

FW: Consent is never a constituent element of the slave relation. If only Marx had picked up on this, but he says in Capital that he doesn’t understand the slave to exist in a relation of pure force but then he moves away from that. So, why is that? Well, one of the things that Orlando Patterson points out is that any stratified society—by that he means for example a capitalist society—only comes into being through a kind of pre-history of violence—the violence that it takes to move from feudalism to capitalism. But once the state of capitalism is set up the violence goes into remission. But then he goes on to say that what’s interesting about the slave estate—the slave estate is actually a phrase from the Black feminist Hortense Spillers—or the slave relation is that the violent pre-history of the slave relation carries over and becomes the concurrent dynamic of the current history of slavery. And that is really, really profound. It is so profound, that it’s traumatic and painful even for Black politicos and Black writers and you see the pain of that coming through in slave narratives. In the film Twelve Years a Slave, there’s a lot of narrative energy put into making sense of how and why Edwin Epps beats his concubine, Patsy, and why his wife wants him to beat her. So it kind of looks like ordinary sadism and jealousy on the wife’s part and so it actually almost becomes a sort of sick love triangle. Alright, put the film away. Pick up the book and what you find is that the violence against the slaves in the book that became the movie actually has no utility, it has no rationale. For instance between a place like Berkley and San Jose there were about four hundred plantations—I know because my father is from one of those plantations—and you have what I would call a bacchanal of pleasure, not a kind of utilitarian need to extract work or obedience out of people, number one. Number two, what you find is that the families on these plantations all participate in the regular beating of slaves—children, wives, husbands… It sustains the psychic health of the people in the first ontological instance. In the second instance, it gets good sugar cane production out of them—and that could even be questioned.

CSS: If you believe the plight of Black people does not mirror the plight of the working class because of gratuitous, as opposed to reasoned, violence against Blacks, and that there is no consent coming from Black people as there is when workers buy into the capitalist order and agree to offer their services in ways that satisfy capitalists, then what about Native Americans? What do you say to those who say the plight of Black people mirrors the treatment of Native Americans?

FW: A lot of people have been genocided so the middle 88 pages of my book, Red, White and Black, first begins by honoring the destruction of Native Americans and what that has meant for white Americans. However, to make it really simple, to pare it down, I do think that there is, in the main, a utility to the genocide of Native Americans that does not mirror the prelogical “rationale” of the violence against Blacks. Indians are genocided, in the main, for the occupation of Turtle Island, which is primarily why so much Native American theorization builds upon Frantz Fanon’s The Wretched of the Earth and does not build upon Fanon’s Black Skin, White Masks. In other words, so much theorization under what I call the meta-commentary called Indigenism leads us back to thinking genocide as a mechanism for usurpation of cartography, of space. Violence against Black people is a mechanism for the usurpation of subjectivity, of life, of being. It’s great if you have a place to stay, but if you don’t have a sense of your own identity, that’s even worse. I think that the repetitive violence against Blacks, if we get back to social death, produces a regenerative form of being in everyone else.

CSS: In other words, settlers wanted Indian land so they killed Indians in large part to get the land, whereas what non-Blacks want from Blacks is not land but…

FW: …but being. If you look at the Dred Scott decision, there’s a really interesting three or four paragraphs in this two hundred and fifty-page decision where Judge Taney says to the lower court, “We are returning Dred Scott to slavery.” One lower court had said, “Dred Scott made it to Minnesota, so he’s not a slave, he made it to a free territory.” The next court said, “No, he never got released, manumission from his master so he is a slave.” The Supreme Court returns Dred Scott to slavery and then does what is known in jurisprudential logic as a “Herculean opinion.” It says to both courts, “We’re not siding with the court that returned him to slavery because he didn’t get freedom from his master; we are trying to correct your thinking in this. In order for Dred Scott to appear before the Bar, he had to become a jurisprudential subject and Africa is a place of non-community. As a result, we’re trying to teach you a lesson—there’s no such thing as a jurisprudential subject that can come out of Africa. We are returning him to slavery not because he didn’t get freedom from his master but because he had no standing before the Bar.” And then they go on to talk about Native Americans and they say that Native Americans actually have political community: “We recognize the arrangements of natality, affiliation, cartography. They have a degraded community in our eyes, and we’re trying to help them evolve to become a superior community, but they actually have community.” This is to say that the people on reservations are subjects worthy of jurisprudential adjudication. So in other words, return him to slavery not because he didn’t get permission to be freed, but because he is not a human being.

CSS: Well, let’s engage in a thought experiment. I’m thinking back to your claim about the master in the master/slave relation: unless they dole out violence to Blacks, they can have no psychic or psychological integrity or security. Let’s posit that all Blacks are wiped out. There is a genocide and all Blacks are removed. In that case, in a sense, you are saying by implication that humanity would cease to exist because the conceptual coherence that it needs would be absent.

FW: Exactly, and that will never happen. We need to bring people like David Marriott from UC Santa Cruz and Jared Sexton from UC Irvine to think more psychoanalytically about this. But in a nutshell, the reason that this will never happen is, remember, that the utility of violence against the slave is not the same as the utility of violence against the Indian, the post-colonial subject, the worker, or the woman. In Fanon’s Black Skin, White Masks, he’s negotiating between two dynamics: one is negrophilia—“I just love Black people, I love Black music, I want to sleep with them, I want to be around them…”—and one is negrophobia—“Yeah you can come over to my crib but don’t bring your friends.” And so, what he’s saying is that the psychic arrangement of the collective unconscious is manifest with the push/pull in the collective unconscious between negrophilia and negrophobia. It’s not important how that gets worked out. What’s important is that that is a process of psychic integration which is necessary for global community. So, one day there could be negrophobia in one psyche, the next day there could be negrophilia. One community could be completely, like teenage boys in the suburbs, negrophilic. Another community, like teenage boys in the deep south, could be completely negrophobic. The point is not that this gets worked out in a decisive way one way or the other because that would make Blacks like Indians, that they have something tangible to give up, like workers. The point is that it’s there that this is the push/pull of collective unconscious meditations. In that push/ pull, whether it’s negrophilia or negrophobia, the concept that has to be reiterated is that the Black is an implement of that negotiation. If the Black does not become an implement of that negotiation then you have not a crisis but an epistemological break, a catastrophe in the knowledge-arrangement of the world. We would find ourselves on the cusp of a new world order, but one that could not be predicted in the way that Marx does.

CSS: Let’s talk more about the Black experience of social death. I’m wondering specifically if you feel that African Americans in this country can in fact consciously acknowledge the violence, the structure of violence, in which they operate and encounter every day.

FW: Well, we can articulate it, but normally when we’re by ourselves. Because when we get into Progressive communities— first of all it’s not even heard of, I used to work in banking for eight years and you can’t even talk about this stuff—but in Progressive humanities there’s a policing action that happens, which is to say: “Make your grammar of suffering, your paradigmatic arrangement, your relationship to structural violence articulate with the other oppressed people in the room.” Once that happens we’re trapped. I mean we’re surrounded by white supremacists, militarization, the police, the military, but we’re also surrounded by people-of-color-consciousness that polices our capacity to flower, to expand upon theorization that I’m doing. A short anecdote: there was a conference years ago at UC Santa Cruz. At the end of the conference, Haunani-Kay Trask, the revolutionary from Hawai‘i, spoke and then we were supposed to break away into groups. The conference organizer said, “You must go into a breakaway room based upon your color—in other words how you are policed.” And immediately—this is how the antagonism manifests itself symptomatically—the Black people were like, “Yes! Now we get to be in a place where we can talk about how we are policed as Blacks.” But the people of color stalled by saying, “There’s no such thing as yellow. We’re Koreans, we’re Japanese, we’re Chinese, we’re Taiwanese. We’re not going to let you pigeonhole us into this position when we have our ethnic identities.” The Latinos did the same thing. The Native Americans did the same thing. My wife, who is white, went to the white room and they rejected the entire arrangement. They said, “We’re just going to talk about ourselves as Armenians, as women, as Jews.” It was the Black people who were energized by the prospect of leaving culture and identity by the wayside and having a conversation about how we fit into the gaze of the police. I think it was up to the other people to be authorized by that project and stop complaining about the fact that the exercise was putting them in a box that was positional and not cultural. But until that happens, there’s no real political coalition building that’s happening. What’s happening, as Jared Sexton says, is Black people become the refugees in everyone else’s political project.

CSS: Let me ask you a personal question, but you can of course refuse to answer. So your wife is white; given what you were telling me about the position of Blacks, what’s your sense that she could truly ever understand your consciousness, your positioning within society? And if she can’t, then what are the prospects of a relationship that could reach as deeply as, for example, two Black people or two white together could?

FW: Well, she can’t. She tries, but what’s interesting and important is that I would never put my marriage out there as a kind of example of what people could aspire to. As a kind of short hand, I call her my wife and she calls me her husband. But the reality is that I’m her slave. And that doesn’t change because we have sentimental—as I would say, contrapuntal—emotions to the contrary. In fact, oftentimes those contrapuntal emotions are mechanisms or means of disavowing the true nature of the relation. Now, I will give her a lot of props for the past eight years that she has actually inculcated this logic. She did her best at that Santa Cruz conference I talked about to tell the white people in that room, “We’re not here to think about how we think about ourselves, we’re here to think about our complicity as whites with policing. Not as women, not as gays, not Armenians, not as Jews, but as white.” On the other hand, if you read my book Incognegro, you’ll see that in the first eight years, there was nothing but resistance to that. So that resistance is as traumatizing as the second eight years are regenerative and I will say that the first eight years are what Black people should take away from that. There’s no way in hell we should have to go through the kind of resistance that white people and non-Black people have to this particular logic because they know it’s the truth. They know their own anxieties about the question, Where is Blackness?, but they can’t approach it because what it would mean is a kind of confrontation with people who are intimate to them that they don’t know they could withstand. And so the real question is, Will these people do all they can to fall into the abyss of nonexistence?, not about how they will perform as partial allies while keeping their cultural presence.

CSS: Why would a Black person, why would you, choose intentionally, consciously, to enter into a life relationship in which you perceive yourself as the figure of the slave?

FW: I don’t think it’s a fair question because the question implies that, knowing what I know, I can actually change my life in an essential way. The question actually takes us away from the problem that I’ve outlined and actually puts the responsibility of correcting the situation on me when actually it should be on you.

CSS: I hear that and I think that prompts me to ask the final thing I want to bring up with you which is regarding how we hear a lot about groups and people who are victims. There is this victimhood frame and so these people have been victimized by, let’s say, another group of people and then the critique is that, by focusing on that, by concentrating on that, you then deflect attention away from their subjectivity, from their agency, from what they can do about their circumstance. Are you concerned that the master/slave relation, which is positioning Blacks as foremost a victim, in my mind, and then focusing only or mainly on a group status as victim, tends to deny—and we’re speaking here now about Blacks—the kind of agency, I think you would admit, that they have at least some semblance of ? And maybe some more than others based on their position in society?

FW: I don’t agree with that and we don’t have the time to actually get into this, but my book, Red, White and Black, is a critique of agency as a generic category. What I’m saying is that, okay, I’m not Elijah Mohammed, I don’t believe that the white man is the devil and that this is all divined by god. I do believe that there is a way out. But I believe that the way out is a kind of violence so magnificent and so comprehensive that it scares the hell out of even radical revolutionaries. So, in other words, the trajectory of violence that Black slave revolts suggest, whether it be in the 21st century or the 19th century, is a violence against the generic categories of life, agency being one of them. That’s what I meant by an epistemological catastrophe. Marx posits an epistemological crisis, which is to say moving from one system of human arrangements and relations to another system of human relations and arrangements. What Black people embody is the potential for a catastrophe of human arrangements writ large. I think that there have been moments—the Black Liberation Army in the 1970s and 1980s is a prime example—of how the political violence of the Black Liberation Army far outpaced the anti-capitalist and internationalist discourse that it had and that’s what scares people; and as Saidiya Hartman says, “A Black revolution makes everyone freer than they actually want to be.” A Marxist revolution blows the lid off of economic relations; a feminist revolution blows the lid off patriarchal relations; a Black revolution blows the lid off the unconscious and relations writ large.

CSS: I have to ask you, when you talk about this violence, in maybe the ideal situation of a Black revolution, what are we talking about concretely? Who or what is the violence directed against? Are we talking about literally the elimination of the master threat physically?

FW: Well, the short answer is that’s for me to know and for you to find out [laughter]. And the long answer is that as a professor I’m uniquely unqualified to actually make that answer. I rely on providing analysis and then getting those marching orders from people in the streets.

II.

The Burdened Individuality of Freedom

Saidiya Hartman

The limits of political emancipation appear at once in the fact that the state can liberate itself from constraint without man himself being really liberated; that a state may be a free state without man himself being a free man.

—Karl Marx, On the Jewish Question (1843)

The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society.

—Carl Schurz, Report on the Condition of the South (1865)

Are we to esteem slavery for what it has wrought, or must we challenge our conception of freedom and the value we place upon it?

—Orlando Patterson, Slavery and Social Death (1982)

The entanglements of bondage and liberty shaped the liberal imagination of freedom, fueled the emergence and expansion of capitalism, and spawned proprietorial conceptions of the self. This vexed genealogy of freedom plagued the great event of Emancipation, or as it was described in messianic and populist terms, Jubilee. The complicity of slavery and freedom or, at the very least, the ways in which they assumed, presupposed, and mirrored one another—freedom finding its dignity and authority in this “prime symbol of corruption” and slavery transforming and extending itself in the limits and subjection of freedom—troubled, if not elided, any absolute and definitive marker between slavery and its aftermath.1 The longstanding and intimate affiliation of liberty and bondage made it impossible to envision freedom independent of constraint or personhood and autonomy separate from the sanctity of property and proprietorial notions of the self. Moreover, since the dominion and domination of slavery were fundamentally defined by black subjection, race appositely framed questions of sovereignty, right, and power.2

The traversals of freedom and subordination, sovereignty and subjection, and autonomy and compulsion are significant markers of the dilemma or double bind of freedom. Marx, describing a dimension of this paradox, referred to it with dark humor as a double freedom—being free to exchange one’s labor and free of material resources. Within the liberal “Eden of the innate rights of man,” owning easily gave way to being owned, sovereignty to fungibility, and abstract equality to subordination and exploitation.3 If sovereignty served “to efface the domination intrinsic to power” and rights “enabled and facilitated relations of domination,” as Michel Foucault argues, then what we are left to consider is the subjugation that rights instigate and the domination they efface.4

The task of the following chapters is to discern the ways in which emancipatory discourses of rights, liberty, and equality instigate, transmit, and effect forms of racial domination and liberal narratives of individuality idealize mechanisms of domination and discipline. It is not simply that rights are inseparable from the entitlements of whiteness or that blacks should be recognized as legitimate rights bearers; rather, the issue at hand is the way in which the stipulation of abstract equality produces white entitlement and black subjection in its promulgation of formal equality. The fragile “as if equal” of liberal discourse inadequately contends with the history of racial subjection and enslavement, since the texture of freedom is laden with the vestiges of slavery, and abstract equality is utterly enmeshed in the narrative of black subjection, given that slavery undergirded the rhetoric of the republic and equality defined so as to sanction subordination and segregation. Ultimately, I am trying to grapple with the changes wrought in the social fabric after the abolition of slavery and with the nonevent of emancipation insinuated by the perpetuation of the plantation system and the refiguration of subjection.

In exploring these issues and in keeping with the focus on everyday practices, I examine pedagogical handbooks designed to aid freed people in the transition from slavery to freedom, the itinerancy of the freed and other “exorbitant” practices, agricultural reports concerned with the productivity of free labor, political debate on the Reconstruction Amendments, and legal cases in order to consider the discrepant bestowal of emancipation. The narratives of slavery and freedom espoused in these disparate sources vied to produce authoritative accounts of liberty, equality, free labor, and citizenship. This generally entailed a deliberation on the origins of slavery, if not the birth of the republic, the place of slavery in the Constitution, the substance of citizenship, and the lineaments of black freedom.

By examining the metamorphosis of “chattel into man” and the strategies of individuation constitutive of the liberal individual and the rights-bearing subject, I hope to underscore the ways in which freedom and slavery presuppose one another, not only as modes of production and discipline or through contiguous forms of subjection but as founding narratives of the liberal subject revisited and revisioned in the context of Reconstruction and the sweeping changes wrought by the abolition of slavery. At issue are the contending articulations of freedom and the forms of subjection they beget. It is not my intention to argue that the differences between slavery and freedom were negligible; certainly such an assertion would be ridiculous. Rather, it is to examine the shifting and transformed relations of power that brought about the resubordination of the emancipated, the control and domination of the free black population, and the persistent production of blackness as abject, threatening, servile, dangerous, dependent, irrational, and infectious. In short, the advent of freedom marked the transition from the pained and minimally sensate existence of the slave to the burdened individuality of the responsible and encumbered freed person.

The nascent individualism of the freed designates a precarious autonomy since exploitation, domination, and subjection inhabit the vehicle of rights. The divisive and individuating power of discipline, operating in conjunction with the sequestering and segregating control of black bodies as a species body, permitted under the guise of social rights and facilitated by the regulatory power of the state, resulted in the paradoxical construction of the freed both as self-determining and enormously burdened individuals and as members of a population whose productivity, procreation, and sexual practices were fiercely regulated and policed in the interests of an expanding capitalist economy and the preservation of a racial order on which the white republic was founded. Lest “the white republic” seem like an inflated or unwarranted rhetorical flourish, we must remember that the transformation of the national government and the citizenship wrought by the Reconstruction Amendments were commonly lamented as representing the loss of the “white man’s government.”5

In light of the constraints that riddled conceptions of liberty, sovereignty, and equality, the contradictory experience of emancipation cannot be adequately conveyed by handsome phrases like “the rights of the man,” “equal protection of the law,” or “the sanctity of life, liberty, and property.” Just as the peculiar and ambivalent articulation of the chattel status of the enslaved black and the assertion of his rights under the law, however limited, had created a notion of black personhood or subjectivity in which all the burdens and few of the entitlements of personhood came to characterize this humanity, so, too, the advent of freedom and the equality of rights conferred to blacks a status no less ambivalent. The advent of freedom held forth the possibility of a world antithetical to slavery and portents of transformations of power and status that were captured in carnivalesque descriptions like “bottom rail on top this time.” At the same time, extant and emergent forms of domination intensified and exacerbated the responsibilities and the afflictions of the newly emancipated. I have opted to characterize the nascent individualism of emancipation as “burdened individuality” in order to underline the double bind of freedom: being freed from slavery and free of resources, emancipated and subordinated, self-possessed and indebted, equal and inferior, liberated and encumbered, sovereign and dominated, citizen and subject. (The transformation of black subjectivity effected by emancipation is described as nascent individualism not simply because blacks were considered less than human and a hybrid of property and person prior to emancipation but because the abolition of slavery conferred on them the inalienable rights of man and brought them into the fold of liberal individualism. Prior to this, legal precedents like State v. Mann and Dred Scott v. Sanford made the notions of blacks’ rights and black citizenship untenable, if not impossible.)

The antagonistic production of abstract equality and black subjugation rested upon contending and incompatible predications of the freed—as sovereign, indivisible, and self-possessed and as fungible and individuated subjects whose capacities could be quantified, measured, exchanged, and alienated. The civil and political rights bestowed upon the freed dissimulated the encroaching and invasive forms of social control exercised over black bodies through the veneration of custom; the regulation, production, and protection of racial and gender inequality in the guise of social rights; the repressive instrumentality of the law; and the forms of extraeconomic coercion that enabled the control of the black population and the effective harnessing of that population as a labor force. The ascribed responsibility of the liberal individual served to displace the nation’s responsibility for providing and ensuring the rights and privileges conferred by the Reconstruction Amendments and shifted the burden of duty onto the freed. It was their duty to prove their worthiness for freedom rather than the nation’s duty to guarantee, at minimum, the exercise of liberty and equality, if not opportunities for livelihood other than debt-peonage. Emancipation had been the catalyst for a transformed definition of citizenship and a strengthened national state. However, the national identity that emerged in its aftermath consolidated itself by casting out the emancipated from the revitalized body of the nation-state that their transient incorporation had created.6 In the aftermath of the Civil War, national citizenship assumed greater importance as a result of the Fourteenth Amendment, which guaranteed civil rights at the national level against state violation and thus made the federal government ultimately responsible for ensuring the rights of citizens.7 Yet the illusory universality of citizenship once again was consolidated by the mechanisms of racial subjection that it formally abjured.

This double bind was the determining condition of black freedom. The belated entry of the newly freed into the realm of freedom, equality, and property, as perhaps expected, revealed the boundaries of emancipation and duly complicated the meaning of freedom. Certainly manhood and whiteness were the undisclosed, but always assumed, norms of liberal equality, although the Civil Rights Act of 1866 made this explicit in defining equality as being equal to white men. The challenge of adequately conveying the dilemmas generated by this delayed entry exceeds the use of descriptions like “limited,” “truncated,” or “circumscribed” freedom; certainly these designations are accurate, but they are far from exhaustive. This first order of descriptives begs the question of how race, in general, and blackness, in particular, are produced through mechanisms of domination and subjection that have yoked, harnessed, and infiltrated the apparatus of rights. How are new forms of bonded labor engendered by the vocabulary of freedom? Is an emancipatory figuration of blackness possible? Or are we to hope that the entitlements of whiteness will be democratized? Is the entrenchment of black subordination best understood in the context of the relations of production and class conflict? Is race best considered an effect of the operation of power on bodies and populations exercised through relations of exploitation, domination, and subjection? Is blackness the product of this combined and uneven articulation of various modalities of power? If slave status was the primary determinant of racial identity in the antebellum period, with “free” being equivalent to “white” and slave status defining blackness, how does the production and valuation of race change in the context of freedom and equality?8

The task of describing the status of the emancipated involves attending to the articulation of various modes of power, without simply resorting to additive models of domination or interlocking oppressions that analytically maintain the distinctiveness and separateness of these modes and their effects, as if they were isolated elements that could be easily enumerated—race, class, gender, and sexuality—or as if they were the ingredients of a recipe for the social whereby the mere listing of elements enables an adequate rendering. Certainly venturing to answer these questions is an enormously difficult task because of the chameleon capacities of racism, the various registers of domination, exploitation and subjection traversed by racism, the plasticity of race as an instrument of power, and the divergent and sundry complex of meanings condensed through the vehicle of race, as well as the risks entailed in generating a description of racism that does not reinforce the fixity of race or neglect the differences constitutive of race. As well, it is important to remember that there is not a monolithic or continuous production of race. […]

If race formerly determined who was “man” and who was chattel, whose property rights were protected or recognized and who was property, which consequently had the effect of making race itself a kind of property, with blackness as the mark of object status and whiteness licensing the proprietorship of self, then how did emancipation affect the status of race? The proximity of black and free necessarily incited fundamental changes in the national fabric. The question persists as to whether it is possible to unleash freedom from the history of property that secured it, for the security of property that undergirded the abstract equality of rights bearers was achieved, in large measure, through black bondage. As a consequence of emancipation, blacks were incorporated into the narrative of the rights of man and citizen; by virtue of the gift of freedom and wage labor, the formerly enslaved were granted entry into the hallowed halls of humanity, and, at the same time, the unyielding and implacable fabrication of blackness as subordination continued under the aegis of formal equality. This is not to deny the achievements made possible by the formal stipulation of equality but simply to highlight the fractures and limits of emancipation and the necessity of thinking about these limits in terms that do not simply traffic in the obviousness of common sense—the denial of basic rights, privileges, and entitlements to the formerly enslaved—and yet leave the framework of liberalism unexamined. In short, the matter to be considered is how the formerly enslaved navigated between a travestied emancipation and an illusory freedom.9

When we examine the history of racial formation in the United States, it is evident that liberty, property, and whiteness were inextricably enmeshed. Racism was central to the expansion of capitalist relations of production, the organization, division, and management of the laboring classes, and the regulation of the population through licensed forms of sexual association and conjugal unions and through the creation of an internal danger to the purity of the body public. Whiteness was a valuable and exclusive property essential to the integrity of the citizen-subject and the exemplary self-possession of the liberal individual. Although emancipation resulted in a decisive shift in the relation of race and status, black subordination continued under the aegis of contract. In this regard, the efforts of Southern states to codify blackness in constitutions written in the wake of abolition and install new measures in the law that would secure the subordination of freed black people demonstrate the prevailing disparities of emancipation. The discrepant production of blackness, the articulation of race across diverse registers of subjection, and the protean capacities of racism illuminate the tenuousness of equality in a social order founded on chattel slavery. Certainly the freed came into “possession” of themselves and basic civil rights consequent to the abolition of slavery. However, despite the symbolic bestowal of humanity that accompanied the acquisition of rights, the legacy of freedom was an ambivalent one. If the nascent mantle of sovereign individuality conferred rights and entitlements, it also served to obscure the coercion of “free labor,” the transmutation of bonded labor, the invasive forms of discipline that fashioned individuality, and the regulatory production of blackness.

Notwithstanding the dissociation of the seemingly inviolable imperial body of property resulting from the abolition of slavery and the uncoupling of the master-and-slave dyad, the breadth of freedom and the shape of the emergent order were the sites of intense struggle in everyday life. The absolute dominion of the master, predicated on the annexation of the captive body and its standing as the “sign and surrogate” of the master’s body, yielded to an economy of bodies, yoked and harnessed, through the exercise of autonomy, self-interest, and consent. The use, regulation, and management of the body no longer necessitated its literal ownership since self-possession effectively yielded modern forms of bonded labor. However, as Marx observed with notable irony, the pageantry of liberty, equality, and consent enacted within this veritable Eden of rights underwent a radical transformation after the exchange was made, the bargain was struck, and the contract was signed. The transactional agent appeared less as the self-possessed and willful agent than as “someone who has brought his own hide to market and now has nothing to expect—but a tanning.”10 Although no longer the extension and instrument of the master’s absolute right or dominion, the laboring black body remained a medium of others’ power and representation.11 If the control of blacks was formerly effected by absolute rights of property in the black body, dishonor, and the quotidian routine of violence, these techniques were supplanted by the liberty of contract that spawned debtpeonage, the bestowal of right that engendered indebtedness and obligation and licensed naked forms of domination and coercion, and the cultivation of a work ethic that promoted self-discipline and induced internal forms of policing. Spectacular displays of white terror and violence supplemented these techniques.12

At the same time, the glimpse of freedom enabled by the transformation from chattel to man fueled the resistance to domination, discipline, and subjugation, for the equality and personal liberty conferred by the dispensation of rights occasioned a sense of group entitlement intent on collective redress as these newly acquired rights also obfuscated and licensed forms of social domination, racial subjection, and exploitation, Despite the inability of the newly emancipated to actualize or enjoy the full equality or freedom stipulated by the law and the ways in which these newly acquired rights masked the modes of domination attendant to the transition from slavery to freedom, the possession of rights was nonetheless significant.

#### No offense: the state will always overcome opacity, the only question is whether we can orient research towards breaking down structures of power.

Evgeny Finkel 15, Poli Sci Prof @ George Washington University, The Phoenix Effect of State Repression: Jewish Resistance during the Holocaust, American Political Science Review, 109.2

This argument has several implications. If subjected to indiscriminate repression, a political and social movement lacking prior exposure to state repression is less likely to organize sustained violent resistance than a semi-legal movement or a movement that has an underground component. Knowing if a community or a group were subject to selective repression in the past will help better explain patterns of future resistance to oppression. In addition, we should pay closer attention to contemporary subjects of selective repression. If their region or community faces indiscriminate repression in the future, these individuals will be most likely to fight back because they have already developed the skills to resist. If the international community is looking for ways to assist victims of mass violence to better protect themselves, these individuals will be the best targets of such assistance efforts. This targeting can be a double-edged sword, however, because on a number of occasions social science research has been used by power holders to promote and implement mass violence (Luft and Schneiderhan 2014). My analysis of the Holocaust might be used to potentially help repressive governments more effectively identify and eliminate likely resisters. These ethical and moral concerns are real and ought to be taken seriously. However, governments, counterinsurgency forces, and state security agencies already know from experience that resistance groups' survival often depends on previous skills and will go to great lengths to shatter networks of skilled challengers. Currently, the Egyptian state is trying to outlaw the soccer Ultras mentioned in this article's epigraph. These groups had been selectively repressed by the police under Mubarak's regime and consequently developed skills instrumental in the defense of Tahrir Square protesters. Now, the soccer Ultras are targeted as a national security threat (Nader 2014). It is also important to note that governments cannot undo previous selective repression. This article makes an empirical and theoretical contribution without suggesting that repressive governments turn to the Holocaust as a source of inspiration and know-how for more efficient repressive and counterinsurgency strategies.

#### Fatalism forecloses political agency and cements white supremacy.

**Rogers 15**, Associate Professor of African American Studies & Political Science University of California, Los Angeles. Ta-Nehisi Coates’s Wounded Attachment: Reflections on Between the World and Me Fugitive Thoughts, August 2015, http://www.academia.edu/14337627/Ta-Nehisi\_Coatess\_Wounded\_Attachment\_Reflections\_on\_Between\_the\_World\_and\_Me

The Dream seems to run so deep that it eludes those caught by it. Between the World and Me initially seems like a book that will reveal the illusion and in that moment open up the possibility for imagining the United States anew. Remember: “Nothing about the world is meant to be.” But the book does not move in that direction. **Coates** rejects the American mythos and the logic of certain progress it necessitates, but **embraces the certainty of white supremacy and its inescapable constraints. White supremacy is not merely a historically emergent feature** of the Western world generally, and the United States particularly; **it is an ontology**. By this I mean that **for Coates white supremacy does not structure reality; it is reality. There is, in this, a danger. When one conceptualizes white supremacy at the level of ontology, there is little room for one’s imagination to soar and** one’s **sense of agency is inescapably constrained**. The meaning of action is tied fundamentally to what we imagine is possible for us. “The missing thing,” Coates writes, “was related to the plunder of our bodies, the fact that any claim to ourselves, to the hands that secured us, the spine that braced us, and the head that directed us, was contestable.” The body is one of the unifying themes of the book. It resonates well with our American ears because the hallmark of freedom is sovereign control over our bodies. This was the site on which slavery did its most destructive work: controlling the body to enslave the soul. We see the reconstitution of this logic in our present moment—the policing and imprisoning of black men and women. **The reality of this colonizes not only the past and the present, but also the future. There can be no affirmative politics when race functions primarily as a wounded attachment—when** our **bodies are the visible reminders that we live at the arbitrary whim of another**. But **what of** **those** young men and women **in the streets of Ferguson, Chicago, New York, and Charleston—how ought we to read their efforts?** We come to understand Coates’s answer to this question in one of the pivotal and tragic moments of the book—the murder of a college friend, Prince Jones, at the hands of the police. As Coates says: “This entire episode took me from fear to a rage that burned in me then, animates me now, and will likely leave me on fire for the rest of my days.” With his soul on fire, all his senses are directed to the pain white supremacy produces, the wounds it creates. This murder should not be read as a function of the actions of a police officer or even the logic of policing blacks in the United States. His account of this strikes a darker chord. What he tells us about the meaning of the death of Prince Jones, what we ought to understand, reveals the operating logic of the “universe”: She [referring to his mother] knew that the galaxy itself could kill me, that all of me could be shattered and all of her legacy spilled upon the curb like bum wine. And no one would be brought to account for this destruction, because my death would not be the fault of any human but the fault of some unfortunate but immutable fact of ‘race,’ imposed upon an innocent country by the inscrutable judgment of invisible gods. The earthquake cannot be subpoenaed. The typhoon will not bend under indictment. They sent the killer of Prince Jones back to his work, because he was not a killer at all. He was a force of nature, the helpless agent of our world’s physical laws. **But if we are all just helpless agents of physical laws, the question might emerge again: What does one do? Coates recommends interrogation and struggle**. His love for books and his journey to Howard University, “Mecca,” as he calls it, serve as sites where he can question the world around him. **But interrogation and struggle to what end? His answer is contained in his** incessant **preoccupation with natural disasters**. We might say, at one time we thought the Gods were angry with us or that they were moving furniture around, thus causing earthquakes. Now **we know earthquakes are the result of tectonic shifts. Okay, what do we do with that knowledge? Coates seems to say: Construct an early warning system—don’t misspend your energy trying to stop the earthquake itself.** There is a lesson in this: “**Perhaps one person can make a change, but not the kind of change that would raise your body to equality with your countrymen…And still you are called to struggle, not because it assures you victory, but because it assures you an honorable** and sane **life**.” One’s response can be honorable because it emerges from a clear-sightedness that leaves one standing upright in the face of the truth of the matter—namely, that your white counterparts will never join you in raising your body to equality. “It is truly horrible,” Coates writes in one of the most disturbing sentences of the book, “to understand yourself as the essential below of your country.” Coates’s sentences are often pitched as frank speech; it is what it is. This produces a kind of sanity, he suggests, releasing one from a preoccupation with the world being other than what it is. **Herein lies the danger**: Forget telling his son it will be okay. **Coates cannot even muster a tentative response to his son; he cannot tell him that it may be okay.** “The struggle is really all I have for you,” he tells his son, “because it is the only portion of this world under your control.” What a strange form of control. Black folks may control their place in the battle, but never with the possibility that they, and in turn the country to which they belong, may win. **Releasing the book at this moment—given all that is going on with black lives under public assault and black youth in particular attempting to imagine the world anew—seems the oddest thing to do. For all** of **the channeling of James Baldwin, Coates seems to have forgotten that black folks “can’t afford despair.” As Baldwin went on to say: “I can’t tell my nephew, my niece; you can’t tell the children there is no hope.” The reason** why **you can’t say this is not because you are living in a dream or selling a fantasy, but because there can be no certain knowledge of the future. Humility, borne out of our lack of knowledge of the future, justifies hope.** Much has been made of the comparison between Baldwin and Coates, owing largely to how the book is structured and because of Toni Morrison’s endorsement. But what this connection means seems to escape many commentators. In his 1955 non-fiction book titled Notes of a Native Son, Baldwin reflects on the wounds white supremacy left on his father: “I had discovered the weight of white people in the world. I saw that this had been for my ancestors and now would be for me an awful thing to live with and that the bitterness which had helped to kill my father could also kill me.” Similar to Coates, Baldwin was wounded and so was Baldwin’s father. Yet **Baldwin knew all too well** that **the wounded attachment if held on to would destroy not the plunderers of black life, but the ones who were plundered. “Hatred,** which could destroy so much, **never failed to destroy the man who hated and this was an immutable law.” Baldwin’s father, as he understood him, was destroyed by hatred. Coates is less like Baldwin in this respect and, perhaps, more like Baldwin’s father.** “I am wounded,” says Coates. “I am marked by old codes, which shielded me in one world and then chained me in the next.” The chains reach out to imprison not only his son, but you and I as well. **There is a profound sense of disappointment** here. **Disappointment because** given the power of the book, **Coates seems unable to linger in the conditions that have given life to** **the Ta-Neisha Coates that now occupies the public stage.** Coates’s own engagement with the world—his very agency—has received social support. Throughout the book he often comments on the rich diversity of black beauty and on the power of love. His father, William Paul Coates, is the founder of Black Classic Press—a press with the explicit focus of revealing the richness of black life. His mother, Cheryl Waters, helped to financially support the family and provided young Coates with direction. And yet he seems to stand at a distance from the condition of possibility suggested by just those examples. **One ought not to read these moments above as expressive of the very “Dream” he means to reject. Rather, the point is that black life is at once informed by, but not reducible to**, the **pain exacted on our bodies by this country. This eludes Coates. The wound is so intense he cannot direct his senses beyond the pain.**

#### A positive orientation towards history and the ideals of radical humanist freedom are key to global liberationist struggles. Only this can avert every major existential crisis of our times.

Karenga 6—Professor and Chair Department of Africa Studies at Cal State University and a major figure in the Black Power movement [Maulana, *Philosophy in the African Tradition of Resistance: Issues or Human Freedom and Human Flourishing in Not Only The Master’s Tools*, 2006, p. 242-5]

Surely, we are at a moment of history fraught with new and old fOnTIS of anxiety, alienation, and antagonism; deepening poverty in the midst of increasing wealth; proposals and practices of ethnic cleansing and genocide; pandemic diseases; increased plunder; pollution and depletion of the environment; constant conflicts, large and small; and world-threatening delusions on the part of a superpower aspiring to a return to empire, with spurious claims of the right to preemptive aggression, to openly attack and overthrow nonfavored and fragile governments openly, and to seize the lands and resources of vulnerable peoples and establish "democracy" through military dictatorship abroad, all the while suppressing political dissent at home (Chang 2002; Cole et at. 2002). These anxieties are undergirded by racist and religious chauvinism, by the self-righteous and veiled references of these rulers to themselves as a kind of terrible and terrorizing hand of God, appointed to rid the world of evil (Ahmad 2002; Arnin 2001; Blum1995). At the same time, in this context of turmoil and terror and the use and threatened use of catastrophic weapons, there is the irrational and arrogant expectation that the oppressed will acquiesce, abandon resistance, and accept the disruptive and devastating consequences of globalization, along with the global hegemony it implies (Martin and Schumann 1997). There is great alarm among the white-supremicist rulers of these globalizing nations, given the metical resistance rising up against them, even as globalization’s technological, organizational, and economic capacity continues to expand (Barber 1996; Karenga 2002e, 2003a; Lusane 1997). There is great alarm when people who should "know" when they are defeated ridicule the assessment, refuse to be defeated or dispirited, and, on the contrary, intensify and diversify their struggles (Zepezauer 2002). Certainly the battlefields of Palestine, Venezuela, long suffering Haiti, and Chiapas, Mexico, along with other continuing emancipatory struggles everywhere, reaffirm the indomitable character of the human spirit and the durability and adaptive vitality of a people determined to be free, regardless of the odds and assessments against them. Indeed, they remind us that the motive force of history is struggle, informed by the ongoing quest for freedom, justice, power of the masses, and peace in the world. Despite "end of history" claims and single-super- power resolve and resolutions, these struggles continue. For still the oppressed want freedom, the wronged and injured want justice, the people want power over their destiny and daily lives, and the world wants peace. And all over the world-especially in this U.S. citadel of aging capitalism with its archaic dreams of empire-clarity in the analysis of issues, and in the critical determination of tasks and prospects, requires the deep and disciplined reflection characteristic of the personal and social practice we call philosophy. But this sense of added urgency for effective intervention is prompted not only by the critical juncture at which we stand but also by an awareness of our long history of resistance as a people, because in our collective strivings and social struggles we seek a new future for our people, our descendants, and the world. Joined also to these conditions and considerations is the compelling character of our self-understanding as a people, as a moral vanguard in this country and the world. For we have launched, fought, and won with our allies struggles that not only have expanded the realm of freedom in this country and the world but also have served as an ongoing inspiration and a model of liberation struggles for other marginalized and oppressed peoples and groups throughout the world. Indeed, they have borrowed from and built on our moral vocabulary and moral vision, sung our songs of freedom, and held up our struggle for liberation as a model to emulate. Now, self-understanding and self-assertion are dialectically linked. In other words, how we understand ourselves in the world determines how we assert ourselves in the world. Thus, an expansive concept of ourselves as Africans-continental and diasporan-and as Africana philosophers forms an essential component of our sense of mission and the urgency with which we approach it. It is important to note that I have conceived and written this chapter within the framework of Kausaida philosophy (Karenga 1978, 1980, 1997) Kawaida is a philosophic initiative that was forged in the crucible of ideological and practical struggles around issues of freedom, justice, equalitys, self-determination, conullunal power, self-defense, pan~African- ism, coalition and alliance, Black Studies, intellectual emancipation, and cultural recovery and reconstlouction. It continued to develop in the midst of these ongoing struggies within the life of the mind and stmggles iottbtn the life of the people, as well as within the context of the conditions of the world. Kawaida is defined as an ongoing synthesis of the best of xAfrican thought and practice in constant exchange tuttb tl3e 'U)()ltd. It characterizes culture as a unique, instructive and valuable way of being human in the world-as a foundation and framework for self-understanding and self-assertion. As a philosophy of culture and struggle, Kawaida maintains that our intellectual and social practice as Nricana activist scholars must be undergirded and informed by ongoing efforts to (1) ground our- selves in our own culture; (2) constantly recover, reconstruct, .and bring forth from our culture the best of what it means to be African and human in the fullest sense; (3) speak this special cultural truth to the world and (4) use our culture to constantly make our own unique contribution to the reconception and reconstruction of this country, and to the forward flow of human history.

#### We can reappropriate state power – challenging neoliberalism and imagining new spaces for democratic engagement is key to a viable anti-racist politics

Giroux 04 (Henry, Prof of Comm @ McMaster, The Terror of Neoliberalism, p. 77-8)

Defined through the ideology of racelessness, the state removes itself from either addressing or correcting the effects of racial discrimination, reducing matters of racism to individual concerns to be largely solved through private negotiations between individuals, and adopting an entirely uncritical role in the way in which the racial state shapes racial policies and their effects throughout the economic, social, and cultural landscape. Lost here is any critical engagement with state power and how it imposes immigration policies, decides who gets resources and access to a quality education, defines what constitutes a crime, how people are punished, how and whether social problems are criminalized, who is worthy of citizenship, and who is responsible for addressing racial injustices. As the late Pierre Bourdieu argued, there is a political and pedagogical need, not only to protect the social gains, embodied in state policies, that have been the outcome of important collective struggles, but also “to invent another kind of state.”64 This means challenging the political irresponsibility and moral indifference that are the organizing principles at the heart of the neoliberal vision. As Bourdieu suggests, it is necessary to restore the sense of utopian possibility rooted in the struggle for a democratic state. The racial state and its neoliberal ideology need to be challenged as part of a viable anti-racist pedagogy and politics. Anti-racist pedagogy also needs to move beyond the conundrums of a limited identity politics and begin to include in its analysis what it would mean to imagine the state as a vehicle for democratic values and a strong proponent of social and racial justice. In part, reclaiming the democratic and public responsibility of the state would mean arguing for a state in which tax cuts for the rich, rather than social spending, are seen as the problem; using the state to protect the public good rather than waging a war on all things public; engaging and resisting the use of state power to both protect and define the public sphere as utterly white; redefining the power and role of the state so as to minimize its policing functions and strengthen its accountability to the public interests of all citizens rather than to the wealthy and corporations. Removing the state from its subordination to market values means reclaiming the importance of social needs over commercial interests and democratic politics over corporate power; it also means addressing a host of urgent social problems that include but are not limited to the escalating costs of health care, housing, the schooling crisis, the growing gap between rich and poor, the environmental crisis, the rebuilding of the nation’s cities and impoverished rural areas, the economic crisis facing most of the states, and the increasing assault on people of color. The struggle over the state must be linked to a struggle for a racially just, inclusive democracy. Crucial to any viable politics of anti-racism is the role the state will play as a guardian of the public interest and as a force in creating a multiracial democracy.

#### No single causes or cures. Even if instances of injustice share traits does NOT justify transcendental attribution to a single social force – theories are only useful so far as they attend to the specifics of the situation.

Pappas 17 (Gregory Fernando Pappas, Professor at Texas A&M University, author of Pragmatism in the Americas, and John Dewey's Ethics: Democracy as Experience, Fulbright Scholar, recipient of a Ford Foundation Postdoctoral Fellowship, the William James and the Latin American Thought prizes by the American Philosophical Association, and the Mellow Prize by the Society for the Advancement of American Philosophy, “Empirical Approaches to Problems of Injustice Elizabeth Anderson and the Pragmatists,” in *Pragmatism and Justice*, eds. Susan Dieleman, et al., Oxford University Press, 2017, p.82-96)

Pragmatism: Problematic Situations of Injustice as Starting Point Anderson’s claim is that the pragmatists’ “method is unorthodox” because it starts “from a diagnosis of injustices in the actual world” (2010, 3). However, under Dewey’s formulation, the pragmatist methodology is more “unorthodox” and more demanding than Anderson thinks it is, because beginning with a diagnosis is already to start with a theoretical account and not with the concrete problems of injustice as they are experienced in the midst of social life. Let us examine the methodological reasons why Dewey thinks designation should precede diagnosis in an empirical philosophy. In Experience and Nature, Dewey names the empirical way of doing philosophy the “denotative method” (LW 1:371). What Dewey means by “denotation” is simply the phase of an empirical inquiry where we are concerned with designating, as free from theoretical presuppositions as possible, the concrete problem (subject matter) for which we can provide different and even competing descriptions and theories. Once we designate the subject matter, we then engage in the inquiry itself, including diagnosis, possibly even constructing theories and developing concepts. Of course, that is not the end of the inquiry. We must then take the results of that inquiry “as a path pointing and leading back to something in primary experience” (LW 1:17). This looping back is essential, and it never ends as long as there are new experiences that may require a revision of our theories. Injustices are events suffered by concrete people at particular times and in particular situations. We should start by pointing out and describing these problematic experiences, instead of starting with a theoretical account or diagnosis of them. Dewey is concerned with the consequences of not following the methodological advice to distinguish designation from diagnosis. Definitions, theoretical criteria, and diagnosis can be useful; they have their proper place and function once inquiry is on its way. But if stressed too much at the start of inquiry, they can lead us to overlook aspects of concrete problems that escape our theoretical lenses. We must attempt to designate the subject matter pretheoretically, i.e., to “point” in a certain direction, even if it’s with only a vague or crude description of the problem. This is a difficult task for philosophers because we are often too prone to interpret the particular problem in a way that confirms our most cherished theories of injustice. One must be careful to designate the subject matter in such a way as to not slant the question in favor of one’s theory or theoretical preconceptions. A philosopher must make an honest effort to designate the injustices based on what is experienced as such, because a concrete social problem (e.g., injustice) is independent of and neutral with respect to the different possible competing diagnoses or theories about its causes. Moreover, without this effort, there is no way to test or adjudicate between competing accounts. That designation precedes diagnosis is true of any inquiry that claims to be empirical. To start with the diagnosis is to start with something other than the problem. The problem is pretheory or preinquiry not in any mysterious sense, but simply in the sense that it is first suffered by someone in a particular context. Otherwise, efforts to diagnose the causes of the problem lack an object and the inquiry cannot even be initiated. In his Logic, Dewey lays out the pattern of all empirical inquiries. All inquiries start with what he calls an “indeterminate situation,” prior even to a “problematic situation” (LW 12). Here is a sketch of the process: Indeterminate situation → Problematic situation → Diagnosis: What is the problem? What is the solution? (operations of analysis, ideas, observations, clarification, formulating and testing hypothesis, reasoning, etc.) → Final judgment (resolution: determinate situation). To make more clear or vivid the difference between Anderson and Dewey on the starting point, we can use the example of medical practice. The doctor’s starting point is the experience of a particular illness of a particular patient, i.e., concrete and unique embodied patients experiencing a disruption or problematic change in their lives (LW 6:6). The problem becomes an object of knowledge once the doctor engages in certain interactions with the patient, analysis, and testing, which lead to a diagnosis. For Dewey, “diagnosis” occurs when the doctor is engaged in operations of experimental observation in which she is already narrowing the field of relevant evidence, concerned with the correlation between the nature of the problem and possible solutions. Dewey uses the example of the doctor to emphasize the radical contextualism and particularism of his view. The good doctor never forgets that this patient and “this ill is just the specific ill that it is. It never is an exact duplicate of anything else” (MW 12:176). Similarly, the empirical philosopher in her inquiry about an injustice brings forth general knowledge or expertise to an inquiry into the causes of an injustice. She relies on sociology and history, as well as knowledge of all forms of injustice, but it is all in the service of inquiry about the singularity of each injustice suffered in a situation. Just as with the doctor, empirical inquirers about injustice must return to the concrete problem for testing, and should never forget that their conceptual abstractions and general knowledge are just means to ameliorate what is particular, context- bound, and unique. The correction or refinement that I am making to Anderson’s characterization of the pragmatists’ approach has methodological and practical consequences for how we approach an injustice. The distinction between the diagnosis of the problem and the designation of the problem (the illness, the injustice) is an important functional distinction that must be kept in inquiry because it keeps us alert to the provisional and hypothetical aspect of any diagnosis. To rectify or improve any diagnosis we must return to the concrete problem; as with the patient, this may require attending as much as possible to the uniqueness of the problem. This is in the same spirit as Anderson’s preference for an empirical inquiry that tries to “capture all of the expressive harms” in situations of injustice (2010, 6). But this requires that we begin with and return to concrete experiences of injustice rather than beginning with a diagnosis of the causes of injustice provided by studies in the social sciences. For instance, a diagnosis of causes that are due to systematic, structural features of society or the world disregards aspects of the concrete experiences of injustice that are not systematic and structural. Making the designation of problematic situations of injustice our explicit methodological starting point functions as a directive to inquirers to locate the problem before venturing into descriptions, diagnosis, analysis, clarifications, hypothesis, and reasoning about the problem. These operations are instrumental to its amelioration and must ultimately return to and be tested against the problem that sparked the inquiry. This directive makes inquirers more attentive to the complex ways in which such differences as race, culture, class, or gender intersect in a problem of injustice. Sensitivity to complexity and difference in matters of injustice is not easy; it is a very demanding methodological prescription because it means that no matter how confident we may feel about applying solutions designed to ameliorate systematic evil, our cures should try to address as much as possible the unique circumstances of each injustice. This directive is not opposed to inquiry into how big categories (race, capitalism, colonialism, modernity) produce and perpetuate injustices. However, such abstract and general inquiries are ultimately just tools to illuminate particular injustices, just as knowledge of research about diseases of entire populations can assist a doctor. The directive keeps us honest, fallible, and aware of our limitations as intellectuals because it implies that there is always a gap between our best diagnoses and theories of injustice, and the concrete problems of injustice. We cannot assume that our theories or our ways of gathering evidence have captured all there is in concrete problematic contexts. This is relevant to the second qualification that I want to make to Anderson’s characterization of pragmatism as a nonideal: the breadth of experiential resources. Pragmatism: A Broad View of the Experiential Resources for Inquiry Given its starting point, pragmatism has a broad view of the initial experiential material to be analyzed by inquiry. Contrary to what Anderson seems to suggest, there is no good reason for a pragmatist approach to injustice to limit its experiential resources to the empirical research and material provided by scientific studies. In fact, without the use of other resources, we risk not capturing those aspects of injustices that may not be amenable to scientific types of inquiry. Starting inquiry with the features of events or injustices that are already known or as they are diagnosed or accounted for by a scientific investigation (such as the social sciences) is valuable, but prior to these theoretical lenses there is the problem experienced (sometimes suffered) by concrete human beings in their robust and raw character. We cannot ignore the crudities of life just because they are crude. In making a diagnosis, we are already reflectively removed from the problem and have been selective in disregarding those features that seem irrelevant to our inquiries. For pragmatism, admitting the selectivity of theoretical lenses in all inquiries does not undermine the notion that some inquiries are better than others (more on this later). But it does imply that what scientific research reveals about a concrete problem is partial and may need to be supplemented by other approaches and experiential resources. In The Imperative of Integration, Anderson reaches her conclusions based on empirical academic research, including social science findings in economics, sociology, and psychology. These findings are important since they seek causal regularities behind the problems, but they need to be complemented with other ways of capturing the complexity and uniqueness of the concrete problems of injustice. For instance, Anderson’s diagnosis would have benefited from more concrete interactions with the marginalized of whom she wrote, just as a doctor can enhance her diagnosis via interaction with her patient. Jane Addams used this method of first- order empiricism to inform her work (1902). She thought that one must interact and converse with others to understand, as closely as possible, their experiences of social inequality, discrimination, and oppression. Addams did not confine herself to academia; she put herself into the world. Importantly, experience was her data— interactions unmitigated by statistical compilations, theoretical interpretations, and the like. Sometimes a doctor needs to engage, be participant, and take a sympathetic interest in the condition of the patient to gather new evidence. To understand persons, communities, and even social structures requires that we experience them as historically evolving in a particular context. I am not claiming that Anderson’s conclusions are invalidated by her distance from the raw data of experience, or her lack of interaction with the experiences of those who directly suffer injustice; they may be perfectly sound. The point I want to make is a more general one about how pragmatists should try to approach problems of injustice. Both empirical research and first- order experiences can be utilized together in an effort to identify the problems that persist in society and to develop solutions to these problems. The idea of enmeshing oneself in the circumstances of others, and thereby gaining a broad and rich perspective, received uptake in sociology (e.g., Robert Park) under the influence of John Dewey and George Herbert Mead in Chicago in the first part of the twentieth century. This is what today is known as the qualitative and ethnographic approach to sociology. However, it would be a mistake to identify the pragmatist approach as one that negates the importance of other techniques such as the ones stressed in quantitative research; they too have their proper place and function. Recently, there has been a new generation of sociologists that has rectified this narrow conception of the pragmatist approach. In fact, pragmatism is now considered the philosophical basis of mixed- methods research (MMR).2 However, in regard to methodologies and experiential resources, pragmatism has an even more inclusive view than does MMR. Quantitative and qualitative methods are sociological and as such are only interested in the sort of data that interest sociology: facts about human beings as social animals or members of groups. Therefore, in the study of concrete injustices, they will be selective in ways different than other sciences like psychology. There are as many different ways to capture and understand experiences of injustice as there are types of inquiry. This pluralism is a strength of pragmatism, one that sets an inclusive framework that supports interdisciplinary and cooperative research about problems of injustices. What the philosopher provides is the critical perspective needed to help inquirers from different disciplines avoid reductionism and other common mistakes by reminding them of their particular biases. However, the pragmatist approach is even more radically open with regard to the evidence it can draw on in its designation and diagnosis of problems of injustice. It isn’t restricted to the evidence of any particular academic discipline; neither is it restricted to the evidence that is gathered and validated via the academic disciplines, full stop. Among the experiential resources that pragmatism can draw on are also autobiographical texts, narratives, and stories that the Eurocentric paradigm of knowledge and science often discard as irrelevant, as fiction, or art. For example, Gloria Anzaldúa’s Borderlands / La Frontera (1987) is a first- person autobiographical account of multiple forms of oppression suffered by Mexican Americans growing up in the border. Without the stories of different oppressed groups, academics would lack the resources needed to begin to understand the complex experiences of oppression as they are lived and the structural constraints as they are experienced in everyday lives. By explicitly holding a broader sense of the “empirical,” Anderson’s view could have avoided some of the objections that have been raised since the publication of her book. More than one commentator has raised questions about whether a privileged, white scholar like Anderson is too removed or out of touch with the Black community’s experience to be able to offer a reliable inquiry about their experiences of injustice. Paul Taylor, for example, writes, “Anderson endorses the Deweyan thought that social and political philosophy needs to be grounded in an empirically adequate understanding of the problems we face. But Dewey never tired of explaining that empirical adequacy had to do with experience in all of its existential and phenomenological depth” (2013, 201). And V. Denise James has argued, “my deepest concern [about Anderson] is rooted in another of classical Deweyan pragmatism’s central claims that our work should attend to and get not only data from, but also be interpreted through, lived experience” (2013, 1). These are concerns about Anderson’s experiential basis for the knowledge that she has produced. To be sure, the view that just because an inquirer is a member of a privileged group (e.g., a white intellectual) she could not possibly produce reliable knowledge about the injustices suffered by the oppressed is an extreme and implausible view. But one could, and sometimes should, raise the question of whether an investigator’s position in her society may have in some way limited the experiential resources of her inquiry into an injustice. In the case of someone like Anderson, one can ask, beyond relying on the best social sciences, whether she considered other experiencebased resources that may have had an impact on the scientific research. One could ask, of course, the same questions about Black scholars who for some other reason, such as being academic intellectuals, may be too far removed from the same experiential resources. In the case of Anderson, what became a red flag for her critics was the simple fact that she did not realize that the term “integration” has many negative connotations in Blacks’ lived experience.3 Anderson’s personal distance from the problem of injustice in the lives of Blacks may not invalidate her conclusions, but it raises the question of whether she missed experiential data obtainable via other means, such as a cross- racial dialogue about the very causes of the problem. There is in Anderson’s work an oversight; that is, she does not acknowledge other sources for inquiry. She may reply that the only sources of knowledge she needs are the causal mechanisms reproducing undemocratic and unjust race relations as they have been revealed by studies in the social sciences. But even these studies are limited if they are too far removed from and not sensitive enough to the particular experiences, daily struggles, and circumstances of particular communities and situations in the United States. Pragmatism’s Methodological Warnings to Contemporary Nonideal “Empirical” Approaches The pragmatist approach to problems of injustice can be distinguished by its starting point and its broad view of empirical inquiry. There is in this view a demanding commitment to be sensitive to the uniqueness and complexity of the problematic contexts that trigger inquiry. However, does pragmatism provide more specific lessons or directives that can be useful for today’s nonideal theorists in their efforts to provide a better alternative to traditional ideal theories in addressing problems of injustice? First, pragmatism issues the warning to contemporary nonideal theories not to take for granted that their approach is “empirical” simply because they are critical of ideal theories or because they have the intention to be empirical. Theories and categories, no matter how empirically grounded they may seem by virtue of the fact that they are grounded in history or science, can function as “blinders” in our efforts to capture and resolve concrete injustices. Second, while Dewey provided no infallible method by which one can guarantee success in the empirical method he proposes, he would suggest that nonideal theorists learn from other philosophers’ mistakes. In this respect, Dewey’s occasional efforts to summarize the general and systematic kinds of mistakes nonempirical philosophers tend to make can prove helpful. Specifically, he identifies a series of methodological fallacies that nonideal theorists would do well to avoid. Dewey formulated different ways in which philosophers have made the same basic mistake, which is the tendency to begin with reflective products or theoretical abstractions, as if there is no prior nontheoretical problematic context. Hence, Dewey concludes that “the most pervasive fallacy of philosophic thinking goes back to neglect of context” (LW 6:5). I will sort out how the different versions of this fallacy have made their way into sociopolitical philosophy, in particular, in philosophical inquiry about injustice. While these fallacies are more common or even to be expected from ideal theories, it is worth demonstrating that nonideal ones are not immune from them either. The Fallacy of Unlimited Universalization When philosophers ignore the fact that judgments arise out of limiting conditions set by the contextual situation of particular inquiries, they tend to elevate the conclusions of their inquiries to the point of giving them unlimited application. Philosophers are prone to this fallacy because they are the ones who are usually trying to formulate theories about truth, good, justice, or the absolute, writ large. In many instances of this fallacy, “It is easy and too usual to convert abstraction from specific context into abstraction from all context whatsoever” (LW 6:16). Dewey was aware of how abstract conceptions such as justice, freedom, and democracy have been used by intellectuals and politicians to ignore or divert attention from the concrete social problems in need of our intelligence. However, he was also aware of how the categories of nonideal theories, while seemly empirical, may have the same effect. In fact, one could argue that these categories are more pernicious since they foster the illusion of empirical grounding in solving problems. Rationalist philosophers are not the only ones liable to forget the instrumental and context- bound character of their abstract conceptions. Political philosophy inspired by sociology often focuses on broad universal-general abstractions (categories) such as the state, individuals, groups, society, capitalism, racism, [and] white supremacy, oppression, structural racism, and the people, even though in the end there are only particular and unique instances of all of these categories in a situation at a particular time and place. To be sure, abstractions, generalities, and universal concepts have a legitimate function in inquiry. They are “tools” to be employed and tested in clarifying concrete social problems. The danger is when intellectuals (especially philosophers) tend to forget both the proper function of these tools and the details of concrete particular contexts. When this happens, they impose their theoretical abstractions upon particulars and oversimplify their empirical complexity. But the concrete troubles or evils that provoke our philosophical inquiries are situation specific and often far more complex than our intellectual analysis may suggest. The failure to recognize this specificity and complexity is an oversight with serious consequences, especially reductionistic, oversimplified, and one- sided solutions to serious social problems. This oversight also tends to generate among academics theoretical problems that are based on false oppositions among their abstract conceptions, which are barriers to continuing inquiry. In this regard, Dewey mentions debates about individualism and collectivism, but today, examples include debates about whether race, class, or gender is the key cause of an injustice. Anderson seems to be aware of the same danger with abstract conceptions when she replies to the charge that she disregards capitalism and white hegemony in her analysis of racial injustice in the United States. She replies that these concepts are “too lumpy to do the practical work non- ideal theory needs” (Anderson 2013, 4). She would not mind “white hegemony” if all it means is “the entire interlocking and mutually reinforcing set of mechanisms that reproduce systematic black oppression today” (2010, 16). But the concept is one that covers in broad strokes a lot of history across time and place when nonideal theory should be more meticulous and focused on more specific problems of the here and now. She claims that nonideal theory “demands splitting, not lumping” and should be committed to being “meticulous and precise in differentiating the variety and interaction of discrete causal mechanisms underlying the problem at hand” (2013, 4). This resonates with Dewey’s metaphilosophical standpoint, but given Dewey’s starting point (his radical particularism and contextualism), he would wonder if Anderson’s view is immune to the same danger of “lumpiness” that worries her about others’ analysis of racial injustice. Anderson argues in The Imperative of Integration that, even though the United States may have legally abolished segregation, de facto segregation is worse; it is the cause of racial injustice. Her solution is that we must integrate in all areas of social life. From Dewey’s perspective, Anderson should recognize that her use of “segregation” and “integration” may be as susceptible to the same dangers as “white supremacy” or “capitalism”; they are all abstract concepts that, while useful, may sometimes cover over or lump together too much. Even if one can theoretically discriminate the same general structural cause across cases of racial injustice, there is no single cause called “segregation.” Segregation is experienced differently in a variety of complex and unique injustice events. Without this qualification, one runs the risk of lumping all cases together under one name and even disregarding other causes that may be operative in an inextricable way in a problematic situation. Even the specific mechanism of segregation that Anderson identifies varies depending on what other contextual conditions are present in different areas of the United States. In inquiry, simplicity or lumping in the diagnosis by means of an abstract concept usually results in an answer or solution that has the same, simplistic character. In Anderson’s case, the solution is integration. To be fair, Anderson does provide plenty of differentiation in the variety of multiple strategies needed to undertake the problem. But nonideal theorists must be careful not to forget that behind a single conceptual handle there is a plurality of means depending on the particular problem. The temptation to seek and want a single cure under a single name has to be one of the most common temptations in any inquiry about injustice, and nonideal theorists are not immune from this. The Analytic and Selective Fallacies When inquirers forget their intellectual dissections, they commit the analytic fallacy. When they forget that evidence of their intellectual dissections indicates that they have been selective from the original subject matter, it is called the fallacy of selective interest. The analytic and selective fallacies are for Dewey two facets of the same general tendency to neglect context, and they are counterproductive in ameliorating concrete problems. Let us consider how they can undermine inquiries about injustice. Anderson claims that “Non- ideal theory demands splitting, not lumping” (2013, 4). She is, of course, correct. However, the analytic fallacy represents a way of splitting that is undesirable from a pragmatist point of view. Analysis is that process where we discriminate some particulars or elements within a context. Of course, what hangs those particulars together, i.e., what gives them their connection and continuity, is the context itself. Philosophers commit the analytic fallacy when “the distinctions or elements that are discriminated are treated as if they were final and selfsufficient” (LW 6:7). Philosophers, as a result of their analyses (e.g., as a result of adopting historical accounts and scientific studies), have provided a diagnosis of a particular injustice. For instance, Anderson has shown that inquiry can result in a meticulous and precise differentiation of “the variety and interaction of discrete causal mechanisms underlying the problem” of racial injustice (2013, 4). This is as it should be. However, the danger comes when inquirers neglect or forget the concrete, integral contexts from which things were dissected in the first place. They may then invent artificial, intellectual problems that center on how the variety of causal mechanisms discriminated (analyzed) can be brought together or unified, or, what is more likely, engage in endless debates about which among the plurality of diagnoses is the correct or “real” one. However, these causal mechanisms (after inquiry has formulated them) are not antecedent to the concrete problem, nor can the problem be reduced to their intellectual analysis. Nonideal theorists must also guard against committing the related fallacy of selectivity. Different types of inquiry will discriminate different causal mechanisms underlying the same problem because each is selective in some way. Pluralism of diagnoses about the same problem of injustice is not problematic unless, by failing to recognize selectivity (i.e., ignoring context), we postulate some ontologically or epistemologically privileged access or approximation to some antecedent “reality” of the problem. When we forget or overlook the unavoidable selectivity of even our best theoretical tools, we run the risk of becoming complacent in the belief that our accounts exhaust all of the causes in the case, or we may proclaim it as the “real” cause and anything else as illusory. Anderson is correct in that ideal theories tend to overlook or ignore concrete injustices like racism. This is a function of their starting point, which is unreasonably, and some may argue, suspiciously, selective. But even the best nonideal “empirical” views will be selective as well, for, as Dewey says, “there is selectivity (and rejection) found in every operation of thought” (LW 6:14). Pragmatism, however, does not think that admitting or embracing selectivity means that all selectivity is equally good or equally distortive (i.e., biased or partial) with respect to an antecedent reality. Standpoints and perspectives are not things that stand against a uniform and antecedent reality of a problem of injustice. While selectivity is unavoidable, there are usually contextual grounds, depending on the nature of the problem, for distinguishing better from worse selections in a situation without the need to presuppose an Archimedean standpoint or privileged epistemic access by some group or person. For pragmatism, all selectivity or bias in inquiry has both a positive and a negative aspect. The positive is that it makes available for inquirers aspects of a concrete problem that someone without that particular bias would not have experienced or appreciated. The negative is that no matter how productive our bias is, one may have left out something from the concrete problem that has not been disclosed by our tools of analysis. In other words, the particular forms of selectivity that we bring to an inquiry account both for our limitations and for our particular power- capacity to inquire and ameliorate the problem. The particular selectivity that we bring to an inquiry into a problem of injustice can have different sources. We would do well to distinguish two broad categories of selectivity or bias: theoretical ones (of the type of inquiry) and pretheoretical (of the investigator).