# FW

#### Interpretation – affs must defend hypothetical enactment of a United States federal government policy that substantially increases prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws

#### Resolved means to enact a policy by law.

Words & Phrases 64. [Words and Phrases; 1964; Permanent Edition]

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

#### The United States federal government is the national government in DC.

Black’s Law 4. [Black’s Law Dictionary, 8th Edition, June 1, 2004, pg.716]

Federal government. 1. A **national government** that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national politics matters – Also termed (in federal states) **central government**. 2. **the U.S. government** – Also **termed national government**. [Cases: United States -1 C.J.S. United States - - 2-3]

#### ‘Core antitrust laws’ means Sherman, Clayton, and FTC

Phaffenroth 21 [Sonia Kuester Pfaffenroth, Partner, Arnold and Porter, focuses her practice on helping clients address complex antitrust issues in the US and globally. She rejoined the firm in 2017 from the Antitrust Division of the US Department of Justice (DOJ) where she served most recently as Deputy Assistant Attorney General for Civil and Criminal Operations. In that role, Ms. Pfaffenroth was responsible for supervising both civil and criminal antitrust enforcement efforts, as well as the Division's work with antitrust and competition law enforcement agencies worldwide. Justin Hedge, Counsel, Arnold and Porter, and Monique N. Boyce, Sr. Associate, Arnold and Porter. “A Comparison Of Proposed Antitrust Legislation In 2021: Federal And New York State.” 7/2/21. https://www.mondaq.com/unitedstates/antitrust-eu-competition-/1086194/a-comparison-of-proposed-antitrust-legislation-in-2021-federal-and-new-york-state]

At the federal level, there are three core antitrust laws: (1) the Sherman Act, in which Section 1 outlaws "every contract, combination, or conspiracy in [unreasonable] restraint of trade," and Section 2 outlaws any "monopolization, attempted monopolization, or conspiracy or combination to monopolize";1 (2) the Federal Trade Commission Act, which prohibits "unfair methods of competition" and "unfair or deceptive acts or practices";2 and (3) Section 7 of the Clayton Act, which prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly."3 Criminal violations of the Sherman Act carry a maximum penalty of a $100 million fine for corporations, and a maximum penalty of 10 years in prison and a $1 million fine for individuals. A prevailing plaintiff in a civil suit can recover treble damages and attorneys' fees. But federal law currently does not provide for civil penalties when the government brings an antitrust case, only injunctive relief.

#### That’s key to predictability -- only an interp grounded in relevant legal literature gives debaters the basis to prepare negatives and affirmatives guaranteed to clash. There are a few impacts –

#### First is competitive equity – without predictable preparation and a stable stasis point, there is an aff side bias that destroys the competitive nature of the activity and participation – equity is obviously an impact because debate is a game that is key to the aff – if not, just vote neg

#### Second is information reflexivity --

#### You should also filter their impacts through predictable testability and model comparison -- debate inherently judges relative truth value by whether or not it gets answered -- a combination of a less predictable case neg, the burden of rejoinder, and them starting a speech ahead will always inflate the value of their impacts, which makes non-arbitrarily weighing whether they should have read the 1ac in the first place impossible within the structure of a debate round so even if we lose framework, vote neg on presumption. They also create a moral hazard that leads to affs only about individual self-care so even if you think this aff is answerable, the ones they incentivize are not, so assume the worst possible affirmative when weighing our impacts.

# K

#### Their tactics only strategy fails – cant generate political change and buys into neoliberal notions of choice that refuses concrete change

**Love ‘15** (Heather, R. Jean Brownlee Term Associate Professor at the University of Pennsylvania, “Doing Being Deviant: Deviance Studies, Description, and the Queer Ordinary,” *differences* Vol. 26.1, pp. 89-91)

Today, queer studies—prestigious but unevenly institutionalized—still signals absolute refusal or criticality—all anti- and no normativity. In their influential 2004 essay, “The University and the Undercommons” (and in the 2013 book that followed from it), Fred Moten and Stefano Harney rely on such an understanding of queer (as well as concepts borrowed from black studies, feminism, ethnic studies, and anticolonial thought). They call for betrayal, refusal, theft, and marronage as modes of resisting the iron grip of the academy, pointing to an uncharted, underground, and collective space they call the undercommons. “To enter this space,” they write, “is to inhabit the ruptural and enraptured disclosure of the commons that fugitive enlightenment enacts, the criminal, matricidal, queer, in the cistern, on the stroll of the stolen life, the life stolen by enlightenment and stolen back, where the commons give refuge, where the refuge gives commons” (103). Moten and Harney speculate whether the “thought of the outside” (105) is possible inside the university and suggest that if there is an outside, it is along the margins and at the bottom. Yet their imagination of that outside is indebted to the inside, in particular to the conception of deviance produced within sociology. Their account of the undercommons reads like a rap sheet, a list of the traditional topics of deviance studies: theft, homosexuality, prostitution, incarceration. Moten and Harney do not describe the undercommons, but rather ask their readers to join it, to participate in active revolt against profes- sional and disciplinary protocols. To o er an objective account of the social position of radical academics would be to further business as usual in the academy; dwelling in the undercommons requires giving up on the usual protocols of description. Moten and Harney argue against the traditional role of the “critical academic” (105), which they see as just another turn of the professional screw, since work that opposes the academy does not challenge its basic structure or everyday operations. They argue that “to be a critical academic in the university is to be against the university, and to be against the university is always to recognize it and to be recognized by it, and to institute the negligence of the internal outside, that unassimilated underground, a negligence of it that is precisely, we must insist, the basis of the professions” (105). In contrast to the figure of the critical academic, they forward the image of the “subversive intellectual” who is “in but not of” the academy (101). Without dismissing the galvanizing effect of such a call to the undercommons, it is important to consider the limits of the refusal of objectification as a strategy. To be unlocatable, to be nowhere, to be in permanent revolt: Moten and Harney describe the path that queer inquiry laid out for itself. Objectification—recognition, description, critique—can be a way to reinforce the status quo, but it is also a way of acknowledging one’s institutional position and the real differences between inside and outside. Even the most subversive intellectuals in the academy are “on the stroll” in a metaphorical but not a material sense. The fate of those who came “under false pretenses, with bad documents, out of love” (101), if they survive, is to become “superordinates” in Becker’s sense. Whose side are we on? Can we hold onto the critical and polemical energy of queer studies as well as its radical experiments in style and thought while acknowledging our implication in systems of power, management, and control? Will a more explicit avowal of disciplinary affiliations and methods snuff out the utopian energies of a field that sees itself as a radical outsider in the university? To date, both the political and the methodological antinormativity of queer studies have made it difficult to address our implication in the violence of knowledge production, pedagogy, and social inequality. Such violence is inevitable, and critical histories of the disciplines—and the production of knowledge about social deviance—are essential. Undertaking such work, however, will not allow escape into a radically different relation to our objects because we are (as Moten and Harney also argue) part of that history—we are its contemporary instantiation. To imagine a social world in which those relations are transformed—in what Moten and Harney refer to as the “prophetic organization” (102)—may be crucial for the achievement of social justice, but to deny our own implication in existing structures is also a form of violence.

#### The impact is mass violence and extinction – the system is unsustainable and attempting to reform it results in fascist control of populations

**Robinson 14** (William I., Prof. of Sociology, Global and International Studies, and Latin American Studies, @ UC-Santa Barbara, “Global Capitalism: Crisis of Humanity and the Specter of 21st Century Fascism” The World Financial Review, citing: Sing C. Chew - Professor of Sociology at the CSU-Humboldt, Senior Research Scientist at Helmholtz Centre for Environmental Research–UFZ, numerous publications of the history of ecological degradation over the past 5,000 years AND Elizabeth Kolbert's 2015 Pulitzer Prize winning publication “The Sixth Extinction” – Kolbert is a writer for The New Yorker with multiple awards for environmental journalism pieces)

Cyclical, Structural, and Systemic Crises Most commentators on the contemporary crisis refer to the “Great Recession” of 2008 and its aftermath. Yet the causal origins of global crisis are to be found in over-accumulation and also in contradictions of state power, or in what Marxists call the internal contradictions of the capitalist system. Moreover, because the system is now global, crisis in any one place tends to represent crisis for the system as a whole. The system cannot expand because the marginalisation of a significant portion of humanity from direct productive participation, the downward pressure on wages and popular consumption worldwide, and the polarisation of income, has reduced the ability of the world market to absorb world output. At the same time, given the particular configuration of social and class forces and the correlation of these forces worldwide, national states are hard-pressed to regulate transnational circuits of accumulation and offset the explosive contradictions built into the system. Is this crisis cyclical, structural, or systemic? Cyclical crises are recurrent to capitalism about once every 10 years and involve recessions that act as self-correcting mechanisms without any major restructuring of the system. The recessions of the early 1980s, the early 1990s, and of 2001 were cyclical crises. In contrast, the 2008 crisis signaled the slide into a structural crisis. Structural crises reflect deeper contra- dictions that can only be resolved by a major restructuring of the system. The structural crisis of the 1970s was resolved through capitalist globalisation. Prior to that, the structural crisis of the 1930s was resolved through the creation of a new model of redistributive capitalism, and prior to that the struc- tural crisis of the 1870s resulted in the development of corpo- rate capitalism. A systemic crisis involves the replacement of a system by an entirely new system or by an outright collapse. A structural crisis opens up the possibility for a systemic crisis. But if it actually snowballs into a systemic crisis – in this case, if it gives way either to capitalism being superseded or to a breakdown of global civilisation – is not predetermined and depends entirely on the response of social and political forces to the crisis and on historical contingencies that are not easy to forecast. This is an historic moment of extreme uncertainty, in which collective responses from distinct social and class forces to the crisis are in great flux. Hence my concept of global crisis is broader than financial. There are multiple and mutually constitutive dimensions – economic, social, political, cultural, ideological and ecological, not to mention the existential crisis of our consciousness, values and very being. There is a crisis of social polarisation, that is, of social reproduction. The system cannot meet the needs or assure the survival of millions of people, perhaps a majority of humanity. There are crises of state legitimacy and political authority, or of hegemony and domination. National states face spiraling crises of legitimacy as they fail to meet the social grievances of local working and popular classes experiencing downward mobility, unemployment, heightened insecurity and greater hardships. The legitimacy of the system has increasingly been called into question by millions, perhaps even billions, of people around the world, and is facing expanded counter-hegemonic challenges. Global elites have been unable counter this erosion of the system’s authority in the face of worldwide pressures for a global moral economy. And a canopy that envelops all these dimensions is a crisis of sustainability rooted in an ecological holocaust that has already begun, expressed in climate change and the impending collapse of centralised agricultural systems in several regions of the world, among other indicators. By a crisis of humanity I mean a crisis that is approaching systemic proportions, threatening the ability of billions of people to survive, and raising the specter of a collapse of world civilisation and degeneration into a new “Dark Ages.”2 This crisis of humanity shares a number of aspects with earlier structural crises but there are also several features unique to the present: 1. The system is fast reaching the ecological limits of its reproduction. Global capitalism now couples human and natural history in such a way as to threaten to bring about what would be the sixth mass extinction in the known history of life on earth.3 This mass extinction would be caused not by a natural catastrophe such as a meteor impact or by evolutionary changes such as the end of an ice age but by purposive human activity. According to leading environmental scientists there are nine “planetary boundaries” crucial to maintaining an earth system environment in which humans can exist, four of which are experiencing at this time the onset of irreversible environmental degradation and three of which (climate change, the nitrogen cycle, and biodiversity loss) are at “tipping points,” meaning that these processes have already crossed their planetary boundaries. 2. The magnitude of the means of violence and social control is unprecedented, as is the concentration of the means of global communication and symbolic production and circulation in the hands of a very few powerful groups. Computerised wars, drones, bunker-buster bombs, star wars, and so forth, have changed the face of warfare. Warfare has become normalised and sanitised for those not directly at the receiving end of armed aggression. At the same time we have arrived at the panoptical surveillance society and the age of thought control by those who control global flows of communication, images and symbolic production. The world of Edward Snowden is the world of George Orwell; 1984 has arrived; 3. Capitalism is reaching apparent limits to its extensive expansion. There are no longer any new territories of significance that can be integrated into world capitalism, de-ruralisation is now well advanced, and the commodification of the countryside and of pre- and non-capitalist spaces has intensified, that is, converted in hot-house fashion into spaces of capital, so that intensive expansion is reaching depths never before seen. Capitalism must continually expand or collapse. How or where will it now expand? 4. There is the rise of a vast surplus population inhabiting a “planet of slums,”4 alienated from the productive economy, thrown into the margins, and subject to sophisticated systems of social control and to destruction - to a mortal cycle of dispossession-exploitation-exclusion. This includes prison-industrial and immigrant-detention complexes, omnipresent policing, militarised gentrification, and so on; 5. There is a disjuncture between a globalising economy and a nation-state based system of political authority. Transnational state apparatuses are incipient and have not been able to play the role of what social scientists refer to as a “hegemon,” or a leading nation-state that has enough power and authority to organise and stabilise the system. The spread of weapons of mass destruction and the unprecedented militarisation of social life and conflict across the globe makes it hard to imagine that the system can come under any stable political authority that assures its reproduction. Global Police State How have social and political forces worldwide responded to crisis? The crisis has resulted in a rapid political polarisation in global society. Both right and left-wing forces are ascendant. Three responses seem to be in dispute. One is what we could call “reformism from above.” This elite reformism is aimed at stabilising the system, at saving the system from itself and from more radical re- sponses from below. Nonetheless, in the years following the 2008 collapse of the global financial system it seems these reformers are unable (or unwilling) to prevail over the power of transnational financial capital. A second response is popular, grassroots and leftist resistance from below. As social and political conflict escalates around the world there appears to be a mounting global revolt. While such resistance appears insurgent in the wake of 2008 it is spread very unevenly across countries and regions and facing many problems and challenges. Yet another response is that I term 21st century fascism.5 The ultra-right is an insurgent force in many countries. In broad strokes, this project seeks to fuse reactionary political power with transnational capital and to organise a mass base among historically privileged sectors of the global working class – such as white workers in the North and middle layers in the South – that are now experiencing heightened insecurity and the specter of downward mobility. It involves militarism, extreme masculinisation, homophobia, racism and racist mobilisations, including the search for scapegoats, such as immigrant workers and, in the West, Muslims. Twenty-first century fascism evokes mystifying ideologies, often involving race/culture supremacy and xenophobia, embracing an idealised and mythical past. Neo-fascist culture normalises and glamorises warfare and social violence, indeed, generates a fascination with domination that is portrayed even as heroic.

#### Vote neg to endorse the commons – collective solidarity works- it’s the only way to solve social inequality and avoid extinction

Rose, 21

(Nick, Executive Director of Sustain: The Australian Food Network, PhD in Political Ecology from RMIT University, “From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons”.", *International Journal of Health Policy and Management* (2021), doi:10.34172/ijhpm.2021.20)

Mainstream policy proposals for a ‘Green New Deal’ have been premised on the basis that a ‘decoupling’ of material resource use, and associated pollution, from continued economic growth, is possible.54,55 This premise has in turn come under sustained attack in recent years, as efforts to articulate a ‘fair low-carbon transition’ have gathered pace.56- 58 Increasingly, the very notion of ‘growth’ itself has become problematised as being at the root of the crises we face. As John Barry puts it: “The green critique of orthodox economics must become a clearer critique of capitalism itself…Any planned economic contraction (in the developed world) as a response to climate change…must therefore be viewed for what this is and means: a transition away from capitalism since a non-growth/ degrowth capitalism is impossible as well as undesirable. Carbon-fuelled capitalism is destroying the planet’s lifesupport systems and is systematically liquidating them and calling it ‘economic growth’…A post-growth critique must necessarily lead to a post-capitalist alternative and related political and ideological struggle.”59 In the context of discursive and political struggles over endless and thus exponential economic growth, McMurty’s framing of ‘the cancer stage of capitalism’ has both explanatory and discursive power. McMurty insists that his framing is not a provocative metaphor or a rhetorical flourish. Rather, he argues that the ‘seven defining properties of a cancer invasion’ at the cellular level in an individual human being can also ‘be recognised at the level of global life-organisation [and that] this is the pathological core of our current disease condition [as a species].’9,60,61 The central proposition is that the exponential and metastisizing growth of capitalism, which takes place on the basis of relentless exploitation of human populations and ecosystems, mirrors in all essential respects the behaviour of cancer cells within an individual human body.61 An essential point for McMurtry is the inability of the host’s immune system to recognise the disease and respond effectively to it. This becomes the core of his argument that the ‘social immune system of the civil commons’ is perhaps the only mechanism available to humanity to save ourselves – and indeed the living planet – from the metastasizing political economy of contemporary capitalism.61 Capitalism as a form of social cancer afflicting humanity, yet which at the same time is internalised and naturalised as ‘normal’ even as its predations move us closer to ecosystem and thus social collapse, captures much that it is important about the contemporary situation. What is fails to identify is the ‘space-time compression’ of late capitalism described by David Harvey and Frederick Jameson, and the cultural and ideological consequences of the accelerated and distorted temporalities which thus characterise contemporary life.62,63 In the following passage, Joel Kovel succinctly explains the interplay between the dynamics of acceleration and commodification, and the cultural effects this produces: “The culture of advanced capital aims to turn society into addicts of commodity consumption, a condition ‘good for business’ and correspondingly bad for ecosystems. The evil is twofold, with reckless consumption leading to pollution and waste, while the addiction to commodities builds a society unable to comprehend, much less resist, the ecological crisis. Once time is bound in capitalist production, the subtle attunement to natural rhythms necessary for an ecocentric sensibility becomes thwarted. This allows the suicidal insanity of ever-expanding accumulation to appear as natural. People with mentalities warped by the casino complex are simply not going to think in terms of limits and balances, or of the mutual recognition of all beings. This helps account for the chorus of hosannas from presumably intelligent authorities at the nightmarish prospect of a doubling of economic product in the next twenty years.”29 If the accelerating biophysical and social contradictions of the capitalist food system were substantively manifesting a decade ago, the advent of the COVID-19 pandemic has brought them into sharp relief.64 Where-ever one turns, the pandemic and the responses to it reveal a fragile food system enmeshed in crisis. From extraordinary levels of food waste caused by supply chain disruptions, to sharply rising levels of food insecurity, to widespread injury and death resulting from exposure to the pandemic amongst highly exploited food system workers, to the origins of the virus itself linked in part to the global grain-livestock and factory farming complex, COVID-19 is a ‘wake-up call for the food system.’65-75 More broadly, the negligence with which governments in Europe, Britain and the United States handled the pandemic, leading to high rates of infection and death that would have been preventable had public health, rather than economic activity, been prioritised, led the British Medical Journal to accuse those in charge of ‘social murder.’76 It is important to note that while the burden of suffering in 2020 fell disproportionately on low-income sectors and people of colour, with as many as 500 million more people falling into poverty, the world’s billionaires experienced a bonanza year, with their collective wealth increasing by nearly $4 trillion.77 Having laid bare the cause of our social and ecological malady – capitalism in its cancer stage - the question becomes: what is to be done? Part 3: The Political Principle of the Common Proceeding from diagnosis to possible cure, McMurty sees cause for hope in what he calls the ‘social immune system of a consciously constructed [civil] commons of social life organisation and universal goods upon which the deeper and long-term development of humanity [has] always depended.’9 This ‘social immune system’ embraces the institutions and traditions that made life bearable and satisfying for growing numbers of working people emerging from the barbarity of early industrial capitalism. However, it is precisely these institutions and traditions that have been under sustained attack in recent decades.17 The reappearance of the commons can also be understood as a latter-day manifestation of Polanyi’s ‘double movement:’ the reassertion of ‘movements for social protection generated by the failure of the self-regulated market.’79 The last twenty years have seen a proliferation of literature valorising the return of the commons as a practice of creative resistance in the face of modern-day enclosures, such as privatisations and austerity budgets. 80-82 One of the leading commons theorists and advocates, David Bollier, describes the commons as ‘a wide variety of self-organised social practices that enable communities to manage resources for collective benefit in sustainable ways… As a system of [basic needs] provisioning and governance, commons give participating members a significant degree of sovereignty and control over important elements of their everyday lives.’83 Bollier thus argues that ‘these more equitable, ecologically responsible and decentralised ways of meeting basic needs represent a promising new paradigm for escaping the pathologies of the Market / State order and constructing an ecologically sustainable order.’83 Bollier, his co-theorist Silke Helfrich and others, build on the legacy of Elinor Ostrom in conceptualising and analysizing the ‘commons’ as a set of goods or common-pool resources such as ‘the commons’ in the form of land, or a digital commons in the form of opensource software.84,85 Bollier and others look to these emerging diverse practices and see in them to potential to transition to a ‘market/state/commons triarchy,’ in which the market persists but the state becomes a ‘partner state’ ‘assisting not just the market sector but also the commons sector, working to ensure its health and well-being.’84 While Bollier argues for the transformative potential of the commons as an ongoing process that may at some point displace the market as the dominant mode of economic exchange and interaction, this perspective assumes the persistence of the ‘market/state order’ for an indeterminate time. Further, while Bollier acknowledges the current close affinity between the market and the state, and that therefore the state will likely be unwilling to embrace its new role as a ‘Partner State,’ there is no adequate theorisation, based on an analysis of class forces, configurations of power relations, and the dynamics of contemporary capitalism and crisis, to explain how such a transition would actually occur. Such a theorisation, combined with a strategy is offered by Erik Olin Wright.86,87 Similar to the anti-totalizing Community Economies Collective forming in the wake of JK GibsonGraham’s scholarship,88 Wright posits that at any particular point in time, in any given society, there is not a singular totality of ‘capitalism,’ but rather a combination of capitalism (private ownership of the means of production and market allocation of resources), statism (state ownership of the means of production and state allocation of resources) and socialism (social ownership of the means of production and sociallycontrolled allocation of resources).87 While capitalism has been the dominant form in most places, certainly over the past 40 years, socialist economic and social practices are observable in forms such as worker-owned cooperatives, community land trusts, community supported agriculture and community gardens. These are embryonic expressions of post-capitalist or proto-socialist economic and social forms which, given the inherent contradictions and tensions within capitalist social relations and a broader conjuncture characterised by the need to take large-scale coordinated action to deal with climate change, as well as manage social tensions and conflicts arising from mass unemployment due to technological change, may over time have the systemic effect of not only ‘taming’ capitalism but also ‘eroding’ it and thus bringing about its transformation.87 Conversely, Wright explicitly rejects the feasibility or desirability of ‘smashing’ capitalism through a revolutionary rupture, arguing by reference to history that such ruptures have resulted in authoritarian states that in practice have been the antithesis of socialism defined as ‘pervasive economic democracy.’87 Silvia Federici provides a longer historical perspective, noting that ‘commoning is the principle by which human beings have organised their existence for thousands of years;’ and that to ‘speak of the principle of the common’ is to speak ‘not only of small-scale experiments [but] of large-scale social formations that in the past were continent-wide.’87 Hence a commons-based society is neither a utopia or reducible to fringe projects, and the commons have persisted despite the many and continuing enclosures, ‘feeding the radical imagination as well as the bodies of many commoners.’87 Federici acknowledges that commons and practices of commoning are diverse, that many are susceptible to cooptation and many are consistent with the persistence of capitalism; indeed some, such as charities providing social services (including foodbanks) during the years of austerity budgets in the United Kingdom (2010-2015), reinforce and stabilise capitalism.87 What matters to Federici is the character and intentionality of the commons as anti-capitalist, as ‘a means to the creation of an egalitarian and cooperative society…no longer built on a competitive principle, but on the principle of collective solidarity [and commitments] to the creation of collective subjects [and] fostering common interests in every aspect of our lives.’87 Federici’s analysis resonates with the political thought and proposals developed by Dardot and Laval in their 2018 work, ‘On Common: Revolution in the 21st century.’11 For Dardot and Laval, the common is likewise understood as a principle of political struggle, a demand for ‘real democracy’ and a major driving force behind the emerging articulation of a political vision and programme that transcends and overcomes the straitjacket logic of neoliberal ideological hegemony and its ‘policy grammar’ which appears to foreclose all alternatives and lock us forever into a capitalist realism in which ‘it is easier to imagine the end of the world than it is to imagine the end of capitalism.’89 Eschewing Bollier’s ‘triarchy’ of a market/state/ commons coexistence, Dardot and Laval argue for a politics of the common based on an engaged citizenry that directly participates and deliberates in all decisions which impact it, and in the process not merely transforms the institutions responsible for the management of services and allocation of resources, but creates new institutions and new ways of being in the world.11 Dardot and Laval describe this form of politics as ‘instituent praxis’: the common, they argue, is ‘not produced but instituted.’11 This acknowledges the conventional understanding of Ostrom, Bollier and others of ‘the commons’ as residing in the rules – the laws – that a community establishes for the collective management and use of shared resources, but extends it much further and in a more radical direction. The essence of the commons, they argue, is not in the goods per se such as land or a forest or a seed bank ‘held in common,’ but rather in the process of their establishment as well as the ongoing negotiation that will surround their use and governance. Hence, Dardot and Laval distinguish the commons from the ‘rights’ tradition of property, arguing that ‘the commons are above all else matters of institution and government…the use of the commons is inseparable from the right of deciding and governing. The practice that institutes the commons is the practice that maintains them and keeps them alive and takes full responsibility for their conflictuality through the coproduction of rules.’90 To ‘institute’ in this context should not be misunderstood as ‘to institutionalise [or] render official;’ rather it is ‘to recreate with, or on the basis of, what already exists.’ 90 This messy, conflictual and evolving process is what Dardot and Laval insist will ultimately bring about a revolution, not in the form of a violent uprising or insurrection, but rather through the ‘reinstitution of society’ via the transformation of politics and economy from its current state of ‘representative oligarchy’ to full participatory and deliberative democracy.11 Such a vision is premised on a mass politicisation of society; in effect a return of mass popular political contestation and a turn away from the postpolitical era of the neoliberal consumer.91-92 How do such theorisations translate to the food system, and its prospects for transformation? Some examples of food system initiatives potentially aligned with an anti- and post-capitalist trajectory, and as embodying dimensions of the commons to a greater or less extent, have been noted earlier. Silvia Federici, for example, identified ‘urban community gardens in particular as promising projects because [in some instances] they merge women’s emancipation, land redistribution and revolts against neoliberal capitalism.’93 In 2018, the Routledge Handbook of Food as a Commons was published as ‘the first comprehensive review and synthesis of knowledge and new thinking on how food and food systems can be thought, interpreted and practice around the old/ new paradigms of commons and commoning.’10 The editors and their contributing authors agree that the re-emergence of discourses and practices of reclaiming ‘the commons’ (notably as indigenous-led resistance to egregious processes of neoliberal privatisations such as the ‘water wars’ of Cochabamba, Bolivia in 1999-2000) has occurred in reaction to the increasing commodification of food and food systems, and the negative consequences of such commodification. The editors and contributors also share an overarching premise, namely the need to transcend the treatment of food ‘as a mere commodity’10 because inter alia such reductive economistic logic ~~is both blind and deaf to~~ ignores social injustice and inequality, as well as ecological devastation; and because the commodification of food – and food systems – forecloses any recognition of the non-monetised, or caring, elements of food (Chapters 2, 3 and 4).10 In their introductory chapter, the four editors define ‘commoning’ as a form of governance that: “differs from the market allocation mechanism based on individual profit maximization and state governance based on command and control. It demands new institutions, goal setting and forms of interaction, thereby forming the bedrock to support a new moral narrative, a new transition pathway, a new economic model and a new relationship with nature and the planet Earth…Commons are not about maximizing individual utilities, selfish individualism or legitimizing the use of force but rather collective decisions, institutions, property and shared goals to maximize everybody’s wellbeing” (emphasis added).10 There is a strong affinity between this articulation and Dardot’s and Lavel’s theorisation of the politics of the common as ‘instituent praxis,’ as outlined above. Vivero-Pol and his coeditors return to this reasoning in the conclusion, where they argue that the institution of a new governing paradigm – Food as a Commons – is not only desirable but essential, due to the manifest failures of both the commodified capitalist food system and the statist bureaucracy that enables it, to fulfil the basic task of feeding humanity on an equitable or sustainable basis.10 They go further, to argue that the commons should not be conceived of as merely a third civil society sector coexisting alongside the capitalist market and the state, but rather should be theorised and enacted according to a much more ambitious and transformative political-economic and cultural vision.

# Case

#### Their aff’s method fails to actualize in terms of material change and ignores the process of abstraction of surplus value which means they preclude a substantive challenge to state power.

Mike Neary 15, Professor of Sociology in the School of Political and Social Sciences at the University of Lincoln, “Educative Power: The Myth of Dronic Violence in a Period of Civil War,” *Culture Machine*, Volume 16, 2015, http://eprints.lincoln.ac.uk/19412/1/591.pdf

Harney and Moten (2013: 30) discover the subversive intellectual in the identity of radical students and faculty:

Maroon communities of composition teachers, mentorless graduate students, adjunct Marxist historians, or queer management professors, state college ethnic studies departments, closed down film programmes, visa-expired Yemeni student newspaper editors, historically black college sociologists and feminist engineers. And what will the university say of them? It will say they are unprofessional. How do those who exceed the profession, who exceed and by exceeding escape, how do those maroons problematize themselves, problematize the university, force the university to consider them a problem, a danger? The Undercommons … are always at war, always in hiding.

Faced with this predicament the only rationale for radical faculty is to steal from the university (26) and to teach, or, rather, not teach:

the not visible other side of teaching, a thinking through the skin of teaching toward a collective orientation to the knowledge object as future project, and a commitment to what we want to call the prophetic organisation. (27)

This means not finishing, not passing, not graduating, but being driven by:

a radical passion and passivity that one becomes unfit for subjection... It is not so much the teaching as it is about the prophecy in the organisation of teaching... against its own deadening labour and the professionalization of the critical academic. (28)

This form of teaching, they argue, is not only unethical, but becomes a security breach (36).

A key feature of the Undercommons view of the University is an assertion about the non-exceptional nature of academic work, which can only be done in collaboration with other academics, other university workers, workers outside of the university and with students. This highly collaborative model of academic work includes students as co-workers and collaborators: ‘student as producer’ (Harney & Moten, 1998: 172), in fact, of knowledge as part of the teaching process. Harney and Moten argue that any strategy where academics work alongside students for radical social change based on a critique of capitalist society must recognize students as coworkers as well as the material conditions of capitalist production.

Recognising the violence inherent in state strategy they proclaim that the Undercommons is a declaration of war against war, or the state’s refusal of a new society. The Undercommons is a ‘non-place’ (Harney & Moten, 2013: 39), or a ‘prophetic organisation’ (27) that works towards the abolition of a society that relies on wages, prisons and slavery, and ‘the founding of a new society [which] would have the resemblance of communism’ (42). This is a powerful analysis, written with a highly literary sensibility, sharing the SSC’s commitment to the notion of the student as co-worker in the production of communism.

However, there are significant differences between the Undercommons and the SSC. The Undercommons is an analysis of the capitalist labour process which leaves out the dynamics of valorisation. Value is discussed by Harney and Moten, but only as a marketized medium of exchange, with no understanding being shown of the violent law of abstraction by which value expands and social life is brutalized. While Harney and Moten do use the term ‘abstracting academic labour’, they do so as a way of looking more closely at work inside the academy, and without consideration being given to it as the process of the abstraction of surplus value. The critique of value on which the SSC relies recognizes the social world as the totality of capitalist social relations, out of which social forms are derived, whereas the Undercommons see society as already made: as a place in which wages and slavery and prison exist (Harney & Moten, 2013: 42). The critique of value on which the SSC is based recognizes class struggle and ultimately communism as emerging from the dynamic contradiction of the commodity-form: it is thus not fixated on the identity politics of excluded faculty, whose oppositional nature or otherwise is determined by the substance of their radical Otherness, which for Harney and Moten has its defining moment in the concept of Black Studies. While the Undercommons regard stealing as a radical political act, the SSC does not advocate theft, which does nothing to challenge property relations; instead, the SSC endeavours to appropriate the power of capitalist knowledge production in a non-alienated form. The Undercommons’ subversive model is also based on a positive affirmation of worker solidarity, rather than a détournment of the nature of work itself. In the end, then, the Undercommons is passionate, rather than a negative critique, and is altogether too certain, lacking any sense of critical reflexivity or radical doubt or educative power, laying itself open to its own critical analysis of the critical academic. Stripped of any scopic vision by which it can reveal the foundation of capitalist violence, the Undercommons provides no assurance on which to launch a violent attack on police state power and its militarized drones.

#### Aff fails by failing to acknowledge inevitable violence of institutional positioning

Love 15 – R. Jean Brownlee Term Associate Professor at the University of Pennsylvania

(Heather, R. Jean Brownlee Term Associate Professor at the University of Pennsylvania, “Doing Being Deviant: Deviance Studies, Description, and the Queer Ordinary,” differences Vol. 26.1, pp. 89-91)

Today, queer studies—prestigious but unevenly institutionalized—still signals absolute refusal or criticality—all anti- and no normativity. In their influential 2004 essay, “The University and the Undercommons” (and in the 2013 book that followed from it), Fred Moten and Stefano Harney rely on such an understanding of queer (as well as concepts borrowed from black studies, feminism, ethnic studies, and anticolonial thought). They call for betrayal, refusal, theft, and marronage as modes of resisting the iron grip of the academy, pointing to an uncharted, underground, and collective space they call the undercommons. “To enter this space,” they write, “is to inhabit the ruptural and enraptured disclosure of the commons that fugitive enlightenment enacts, the criminal, matricidal, queer, in the cistern, on the stroll of the stolen life, the life stolen by enlightenment and stolen back, where the commons give refuge, where the refuge gives commons” (103). Moten and Harney speculate whether the “thought of the outside” (105) is possible inside the university and suggest that if there is an outside, it is along the margins and at the bottom. Yet their imagination of that outside is indebted to the inside, in particular to the conception of deviance produced within sociology. Their account of the undercommons reads like a rap sheet, a list of the traditional topics of deviance studies: theft, homosexuality, prostitution, incarceration. Moten and Harney do not describe the undercommons, but rather ask their readers to join it, to participate in active revolt against profes- sional and disciplinary protocols. To offer an objective account of the social position of radical academics would be to further business as usual in the academy; dwelling in the undercommons requires giving up on the usual protocols of description. Moten and Harney argue against the traditional role of the “critical academic” (105), which they see as just another turn of the professional screw, since work that opposes the academy does not challenge its basic structure or everyday operations. They argue that “to be a critical academic in the university is to be against the university, and to be against the university is always to recognize it and to be recognized by it, and to institute the negligence of the internal outside, that unassimilated underground, a negligence of it that is precisely, we must insist, the basis of the professions” (105). In contrast to the figure of the critical academic, they forward the image of the “subversive intellectual” who is “in but not of” the academy (101). Without dismissing the galvanizing effect of such a call to the undercommons, it is important to consider the limits of the refusal of objectification as a strategy. To be unlocatable, to be nowhere, to be in permanent revolt: Moten and Harney describe the path that queer inquiry laid out for itself. Objectification—recognition, description, critique—can be a way to reinforce the status quo, but it is also a way of acknowledging one’s institutional position and the real differences between inside and outside. Even the most subversive intellectuals in the academy are “on the stroll” in a metaphorical but not a material sense. The fate of those who came “under false pretenses, with bad documents, out of love” (101), if they survive, is to become “superordinates” in Becker’s sense. Whose side are we on? Can we hold onto the critical and polemical energy of queer studies as well as its radical experiments in style and thought while acknowledging our implication in systems of power, management, and control? Will a more explicit avowal of disciplinary affiliations and methods snuff out the utopian energies of a field that sees itself as a radical outsider in the university? To date, both the political and the methodological antinormativity of queer studies have made it difficult to address our implication in the violence of knowledge production, pedagogy, and social inequality. Such violence is inevitable, and critical histories of the disciplines—and the production of knowledge about social deviance—are essential. Undertaking such work, however, will not allow escape into a radically different relation to our objects because we are (as Moten and Harney also argue) part of that history—we are its contemporary instantiation. To imagine a social world in which those relations are transformed—in what Moten and Harney refer to as the “prophetic organization” (102)—may be crucial for the achievement of social justice, but to deny our own implication in existing structures is also a form of violence.

#### Abstraction and radical opposition stops any effective break from the system they criticize

Čičigoj et al. 14 (Katja Čičigoj, Stefan Apostolou-Hölscher and Martina Ruhsam, “The Inflexions of the Undercommons, Lingering Ghosts: (Un)Answered Questions, (Un)Present Speakers, (Un)Read Books and Readers?,” http://www.inflexions.org/radicalpedagogy/n8\_tangent\_cicigojapostolou-holscherruhsam.html)

PERSISTENT QUESTIONS– 1. ONTO-METHODOLOGY: creation of concepts (D&G): theory/philosophy as poetic practice versus a scientific attitude of understanding the world - raised as a problem of metaphoric poetic language, this may be more than a mere question of rhetorics: PHILOSOPHICAL-POLITICAL POIESIS can amount also to the CREATION OF POLITICAL IMAGINATION against “capitalist realism” - i.e. recognizing the immense political productivity and creativity of innumerable practical readings of concepts such as the Multitude, the Commons, and the Empire from Antonio Negri and Michael Hardt or performativity from Judith Butler – regardless of what our theoretical assessment of them might be in terms of how much they “scientifically” can correspond to concrete social realities. - so what is the poetic practice of the Undercommons as a concept? Can we envisage its political poesis (and how to think of it in this temporal order, if the Undercommons is always already here – see next point)? 2. EPISTEMOLOGY/POLITCS: Where and how can we find/see the Undercommons at work? If they are always already here, they risk becoming ubiquitous and we risk not to spot them... And on the other hand – why should we spot them at all, if they are always already here? - There seems to be an onto-political tension between “THE ALWAYS ALREADY” and “the contrary to what is”: between assigning value to the potential of what is already (the undercommons of study as always already going on) AND DEMANDING A RADICAL CHANGE OR BRAKE, infrastructural change etc. (for if what we are looking for is already here – it seems we necessitate no political work anymore) Does the recognition of the “always already” of the undercommons call for being complemented by political work on what is not (yet)? Can we think of these two attitudes together, but not merely in terms of a complementary “peaceful coexistence”? Can they inform each other – and how? About the Undercommons as Being... Always Already There “They saw our bad debt coming a mile off. [...] Anywhere bad debt elaborates itself. Anywhere you can stay, conserve yourself, plan. A few minutes, a few days when you cannot hear them say there is something wrong with you.” The Undercommons – Against Politics? The intentional work of subjects towards a clear goal: “Our task is the self-defence of the surround in the face of repeated, targeted dispossessions through the settler’s armed incursion. And while acquisitive violence occasions this self-defence, it is recourse to self-possession in the face of dispossession (recourse, in other words, to politics) that represents the real danger. Politics is an ongoing attack on the common – the general and generative antagonism – from within the surround” […] We surround democracy’s false image in order to unsettle it. Every time it tries to enclose us in a decision, we’re undecided. Every time it tries to represent our will, we’re unwilling” (Harney & Moten 17-19). An abdication of political responsibility? OK. Whatever. We’re just anti-politically romantic about actually existing social life. We aren’t responsible for politics. We are the general antagonism to politics looming outside every attempt to politicise, every imposition of self-governance, every sovereign decision and its degraded miniature, every emergent state and home sweet home. We are disruption and consent to disruption. We preserve upheaval. Sent to fulfil by abolishing, to renew by unsettling, to open the enclosure whose immeasurable venality is inversely proportionate to its actual area, we got politics surrounded. We cannot represent ourselves. We can’t be represented.” 3. THE INFORMAL/The need of FORMATION/DIS-/RE-FORMATION: – “the informal” is proposed by Harney and Moten as a way of thinking about the Undercommons; but when reflecting back on the specific conference set-up and how it worked out in the end in terms of in-forming the way our discussions proceeded, it struck me how perhaps what we think of as “the informal” is always already in-formed by pre-formed relations and positions (also in the specific case of this conference, but not only): how therefore a mere “via negative” of formal openness might not be enough for everyone to feel addressed and included (does everyone need to be addressed and included at all, however, or are we bound to always form specific regimes of address and inclusion/exclusion?) - The question might therefore not be how to form the informal (paradox?), but how can a pre-formed and informed “informal” set-up be dis-formed and re-formed otherwise in order to enable i.e. an emergence of a situation of study? - Is study really “the informal” or does it need some kind of form-ation to take place, to enable a study to occur? Is study itself a kind of dis- and re-formation, neither the formation ex nihilo, nor the creation of a supposed informal? 4. (IM)PATIENCE AND (LACK OF) RESULTS: - Bojana Kunst asked – why do we seem to be very patient when discussing the minute theoretical discrepancies, but impatient when faced with concrete practices and propositions? - To bring it further, does this indicate our inability to cross contextual boundaries or is there something inherent in contemporary modes of power operations that makes us prone to abstract assessment but reluctant to concrete propositions (unable to go “beyond the symptom”)?

#### Ontologizing power as a totality destroys political agency – prefer the permutation as praxis that tinkers with dominant scripts – pure rejection fails

Zanotti 14 – Associate Professor of Political Science at Virginia Tech

(Laura, “Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World,” Alternatives: Global, Local, Political 38(4):288-304, accessed 5-26-16 //Bozzles the Bozz-Dawg Bozz Bozz)

For Bleiker, universals are indeed tainted with an imperial flavor. This includes the imperialism of ideas of identity based on liberty and freedom (rather than imbrication, situatedness, and relationality) as the ontological horizon for understanding human nature and assessing political agency. Non-substantialist positions do not assume the existence of monolithic power scripts or ontologically autonomous subjects; do not establish linear links between intentions and outcomes, and do not assume that every form of agency needs an identifiable agent. Instead, they call for careful attention to contexts. In this disposition, Bleiker advocates a modest conceptualization of agency, one that relies upon Michel de Certeau’s operational schemes, Judith Butler’s contingent foundations, or Gilles Deleuze’s rhizomes.78 In a similar vein, in a refreshing reading of realism, Brent Steele has highlighted the problematic aspects of assessing political agency based upon actors’ intention and focused on contexts as the yardstick for assessing political actions.79 For Steele, ‘‘as actors practice their agency within the space of a public sphere, intentionality—at best—becomes dynamic as new spaces in that sphere open up. Intentions, even if they are genuine, become largely irrelevant in such a dynamic, violent, and vibrant realm of human interaction.’’80 In shifting attention from ‘‘intention’’ to the context that made some actions possible, Steele sees agency as a ‘‘redescription’’ of existing conditions, rather than the total ‘‘rejection’’ of or ‘‘opposition’’ to a totalizing ‘‘script.’’ As a consequence, Steele advocates ‘‘pragmatist humility’’ for politicians and scholars as well.81 In summary, in non-substantialist frameworks, agency is conceptualized as modest and multifarious agonic interactions, localized tactics, hybridized engagement and redescriptions, a series of uncertain and situated responses to ambiguous discourses and practices of power aimed at the construction of new openings, possibilities and different distributive processes, the outcomes of which are always to an extent unpredictable. Political agency here is not imagined as a quest for individual authenticity in opposition to a unitary nefarious oppressive Leviathan aimed at the creation of a ‘‘better totality’’ where subjects can float freed of ‘‘oppression,’’ or a multitude made into a unified ‘‘subject’’ will reverse the might of Empire and bring about a condition of immanent social justice. By not reifying power as a script and subject as monads endowed with freedom non-substantialist positions open the way for conceptualizing political agency as an engagement imbricated in praxis. The ethical virtue that is called for is ‘‘pragmatist humility,’’ that is the patience of playing with the cards that are dealt to us, enacting redescriptions and devising tactics for tinkering82 with what exists in specific contexts.