# 1NC

### OFF

#### Interpretation: Topical affirmatives must instrumentally defend an expansion of the scope of the United States core antitrust laws to substantially increase prohibitions on anticompetitive business practices.

#### Resolved means a policy

Louisiana House 5

(<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### Federal government is the legislative, executive and judicial

US Legal No Date (United States Federal Government Law and Legal Definition https://definitions.uslegal.com/u/united-states-federal-government/)

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

#### Should requires action

AHD 2k

(American Heritage Dictionary 2000 (Dictionary.com))

should. The will to do something or have something take place: I shall go out if I feel like it.

#### ‘Its’ means cooperation must be governmental

US District Court 7 (United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John, “AGF Marine Aviation & Transp. v. Cassin,” *2007 U.S. Dist. LEXIS 90808*, Lexis)

The Court inadvertently used the word "his" when the Court intended to use the word "its." The possessive pronoun was intended to refer to the party preceding its use--AGF. Indeed, that reference is consistent with the undisputed facts in this case, which indicate that Cassin completed an application for the insurance policy and submitted it to his agent, Theodore Tunick & Company ("Tunick"). Tunick, in turn, submitted the application to AGF's underwriting agent, TL Dallas. (See Pl.'s Mem. of Law in Supp. of Mot. for Summ. J. 5.)

#### The “core” antitrust statutes are the Sherman Act, Clayton Act, and FTC Act

Lisa Kimmel 20, Senior Counsel at Crowell & Moring, LLP in Washington, D.C., twenty years of experience as an antitrust lawyer and holds a Ph.D. in economics from the University of California at Berkeley; and Eric Fanchiang, associate in Crowell & Moring’s Irvine, CA office and a member of the firm’s antitrust and commercial litigation groups, 2020, “Antitrust and Intellectual Property Licensing,” in 2020 Licensing Update, Wolters Kluwer Legal & Regulatory U.S., https://www.crowell.com/files/20200401-Licensing-Update-Chapter-13.pdf

U.S. antitrust law is defined by federal and state statutes, as interpreted by the courts. The core federal statutes are the Sherman Act,1 passed by Congress in 1890, and the Federal Trade Commission2 and Clayton Acts,3 both passed in 1914. The United States Department of Justice (“**DOJ”) and** the Federal Trade Commission (“**FTC**” or “Commission”) (together the “agencies”) share enforcement of most areas of federal antitrust law but with some differences in the scope of their authority. The FTC has sole authority to enforce Section 5 of FTC Act, which prohibits (1) unfair methods of competition and (2) unfair or deceptive acts or practices. The FTC almost always pursues claims for anticompetitive conduct as unfair methods of competition and reserves charges of unfair or deceptive acts or practices for consumer protection violations. Though the FTC's authority to challenge unfair methods of competition goes beyond conduct prohibited by the Sherman and Clayton Acts, in practice the FTC brings most unfair methods of competition cases under the same standards that courts apply to Sherman Act claims. The most prominent exception is the invitation to collude offense, which falls outside the scope of the Sherman Act (if the invitation is not accepted, there is no agreement). The FTC challenges invitations to collude as so-called “standalone” violations of Section 5.4 The DOJ has sole authority to pursue criminal violations of the antitrust laws. Most states have their own state antitrust and unfair competition statutes. State law follows federal law to some extent, though as discussed below, may differ from federal law in meaningful ways that vary state to state. State attorneys general and private parties can also typically file suit to enforce both federal and state antitrust law.

#### Prohibition means a law that forbids a certain action

Garner, Black’s Law Dictionary editor-in-chief, 16 [Bryan A., Black’s Law Dictionary, Fifth Pocket Edition, “prohibition”, p. 630]

prohibition. (15c) 1. A law or order than forbids a certain action.

#### They violate each of the above words’ requirements of government action.

#### Two impacts:

#### Fairness – debate requires effective competition between the aff and the neg---the only way for any benefit to be produced from debate is if the judge can make a decision between two sides who have had a relatively equal chance to prepare for a common point of debate.

#### Clash – debate is unique because of the iteration of limited arguments over the course of a season that forces debaters to improve their arguments and reconsider their positions. Their topic is unilaterally declared and imprecise, which prevents iteration through shallow debates, unpredictable advocacies, and lack of testing. Turns their education claims

### OFF

#### Class is the fundamental antagonism at the heart of society. Capitalism generates and deploys constructs like race and gender as tools for manipulating the labor supply. The affirmative makes the conceptual error of mistaking these technologies of oppression with free-standing, independent structures of oppression

Gimenez 01 (Martha E. Gimenez, University of Colorado at Boulder, Marxism, and Class, Gender, and Race: Rethinking the Trilogy. Race, Gender & Class, Vol. 8, No. 2, Marxism: Race, Gender, & Class (2001), pp. 23- 33, http://www.jstor.org/stable/pdf/41674970.pdf

In the RGC perspective, race, gender and class are presented as equivalent systems of oppression with extremely negative consequences for the oppressed. It is also asserted that the theorization of the connections between these systems require "a working hypothesis of equivalency" (Collins, 1997:74). Whether or not it is possible to view class as just another system of oppression depends on the theoretical framework within class is defined. If defined within the traditional sociology of stratification perspective, in terms of a gradation perspective, class refers simply to strata or population aggregates ranked on the basis of standard SES indicators (income, occupation, and education) (for an excellent discussion of the difference between gradational and relational concepts of class, see Ossowski, 1963). Class in this non-relational, descriptive sense has no claims to being more fundamental than gender or racial oppression; it simply refers to the set of individual attributes that place individuals within an aggregate or strata arbitrarily defined by the researcher (i.e., depending on their data and research purposes, anywhere from three or four to twelve "classes" can be identified). From the standpoint of Marxist theory, however, class is qualitatively different from gender and race and cannot be considered just another system of oppression. As Eagleton points out, whereas racism and sexism are unremittingly bad, class is not entirely a "bad thing" even though socialists would like to abolish it. The bourgeoisie in its revolutionary stage was instrumental in ushering a new era in historical development, one which liberated the average person from the oppressions of feudalism and put forth the ideals of liberty, equality and fraternity. Today, however, it has an unquestionably negative role to play as it expands and deepens the rule of capital over the entire globe. The working class, on the other hand, is pivotally located to wage the final struggle against capital and, consequently, it is "an excellent thing" (Eagleton, 1996:57). While racism and sexism have no redeeming feature, class relations are, dialectically, a unity of opposites; both a site of exploitation and, objectively, a site where the potential agents of social change are forged. To argue that the working class is the fundamental agent of change does not entail the notion that it is the only agent of change. The working class is of course composed of women and men who belong to different races, ethnicities, national origins, cultures, and so forth, so that gender and racial/ethnic struggles have the potential of fueling class struggles because, given the patterns of wealth ownership and income distribution in this and all capitalist countries, those who raise the banners of gender and racial struggles are overwhelmingly propertyless workers, technically members of the working class, people who need to work for economic survival whether it is for a wage or a salary, for whom racism, sexism and class exploitation matter. But this vision of a mobilized working class where gender and racial struggles are not subsumed but are nevertheless related requires a class conscious effort to link RGC studies to the Marxist analysis of historical change. In so far as the "class" in RGC remains a neutral concept, open to any and all theoretical meanings, just one oppression among others, intersectionality will not realize its revolutionary potential. Nevertheless, I want to argue against the notion that class should be considered equivalent to gender and race. I find the grounds for my argument not only on the crucial role class struggles play in processes of epochal change but also in the very assumptions of RGC studies and the ethnomethodological insights put forth by West and Fenstermaker (1994). The assumption of the simultaneity of experience (i.e., all interactions are raced, classed, gendered) together with the ambiguity inherent in the interactions themselves, so that while one person might think he or she is "doing gender," another might interpret those "doings" in terms of "doing class," highlight the basic issue that Collins accurately identifies when she argues that ethnomethodology ignores power relations. Power relations underlie all processes of social interaction and this is why social facts are constraining upon people. But the pervasiveness of power ought not to obfuscate the fact that some power relations are more important and consequential than others. For example, the power that physical attractiveness might confer a woman in her interactions with her less attractive female supervisor or employer does not match the economic power of the latter over the former. In my view, the flattening or erasure of the qualitative difference between class, race and gender in the RGC perspective is the foundation for the recognition that it is important to deal with "basic relations of domination and subordination" which now appear disembodied, outside class relations. In the effort to reject "class reductionism," by postulating the equivalence between class and other forms of oppression, the RGC perspective both negates the fundamental importance of class but it is forced to acknowledge its importance by postulating some other "basic" structures of domination. Class relations - whether we are referring to the relations between capitalist and wage workers, or to the relations between workers (salaried and waged) and their managers and supervisors, those who are placed in "contradictory class locations, " (Wright, 1 978) - are of paramount importance, for most people's economic survival is determined by them. Those in dominant class positions do exert power over their employees and subordinates and a crucial way in which that power is used is through their choosing the identity they impute their workers. Whatever identity workers might claim or "do," employers can, in turn, disregard their claims and "read" their "doings" differently as "raced" or "gendered" or both, rather than as "classed," thus downplaying their class location and the class nature of their grievances. To argue, then, that class is fundamental is not to "reduce" gender or racial oppression to class, but to acknowledge that the underlying basic and "nameless" power at the root of what happens in social interactions grounded in "intersectionality" is class power. Conclusion As long as the RGC perspective reduces class to just another form of oppression, and remains theoretically eclectic, so that intersectionality and interlockings are, in a way, "up for grabs," meaning open to any and all theoretical interpretations, the nature of those metaphors of division and connection will remain ambiguous and open to conflicting and even contradictory interpretations. Marxism is not the only macro level theory that the RGC perspective could link to in order to explore the "basic structures of domination" but it is, I would argue, the most suitable for RGC's emancipatory political objectives.

#### Racial violence supervenes on class. The inductive weight of history suggests that changes in the technologies of racial violence are always prefigured by changes in the needs of production. Their model simply has no explanation for how and why race changes over time

Lance Selfa 10. Editor of and contributor to International Socialist Review, quoting Eric Williams, [D.Phil](http://en.wikipedia.org/wiki/D.Phil) from Oxford, first Prime Minister of Trinidad and Tobago, “The roots of racism,” <http://socialistworker.org/2010/10/21/the-roots-of-racism>.

Racism is a particular form of oppression. It stems from discrimination against a group of people based on the idea that some inherited characteristic, such as skin color, makes them inferior to their oppressors. Yet the concepts of "race" and "racism" are modern inventions. They arose and became part of the dominant ideology of society in the context of the African slave trade at the dawn of capitalism in the 1500s and 1600s. Although it is a commonplace for academics and opponents of socialism to claim that Karl Marx ignored racism, Marx in fact described the processes that created modern racism. His explanation of the rise of capitalism placed the African slave trade, the European extermination of indigenous people in the Americas and colonialism at its heart. In Capital, Marx writes: The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the indigenous population of the continent, the beginnings of the conquest and plunder of India, and the conversion of Africa into a preserve for the commercial hunting of black skins are all things that characterize the dawn of the era of capitalist production. Marx connected his explanation of the role of the slave trade in the rise of capitalism to the social relations that produced racism against Africans. In Wage Labor and Capital, written 12 years before the American Civil War, he explains: What is a Negro slave? A man of the black race. The one explanation is as good as the other. A Negro is a Negro. He only becomes a slave in certain relations. A cotton spinning jenny is a machine for spinning cotton. It only becomes capital in certain relations. Torn away from these conditions, it is as little capital as gold by itself is money, or as sugar is the price of sugar. In this passage, Marx shows no prejudice to Blacks ("a man of the black race," "a Negro is a Negro"), but he mocks society's equation of "Black" and "slave" ("one explanation is as good as another"). He shows how the economic and social relations of emerging capitalism thrust Blacks into slavery ("he only becomes a slave in certain relations"), which produce the dominant ideology that equates being African with being a slave. These fragments of Marx's writing give us a good start in understanding the Marxist explanation of the origins of racism. As the Trinidadian historian of slavery Eric Williams put it: "**Slavery was not born of racism: rather, racism was the consequence of slavery**." And, one should add, the consequence of modern slavery at the dawn of capitalism. **While slavery existed as an economic system for thousands of years before the conquest of America, racism as we understand it today did not exist**. From time immemorial? The classical empires of Greece and Rome were based on slave labor. But ancient slavery was not viewed in racial terms. Slaves were most often captives in wars or conquered peoples. If we understand white people as originating in what is today Europe, then most slaves in ancient Greece and Rome were white. Roman law made slaves the property of their owners, while maintaining a "formal lack of interest in the slave's ethnic or racial provenance," wrote Robin Blackburn in The Making of New World Slavery. Over the years, slave manumission produced a mixed population of slave and free in Roman-ruled areas, in which all came to be seen as "Romans." The Greeks drew a sharper line between Greeks and "barbarians," those subject to slavery. Again, this was not viewed in racial or ethnic terms, as the socialist historian of the Haitian Revolution, C.L.R. James, explained: [H]istorically, it is pretty well proved now that the ancient Greeks and Romans knew nothing about race. They had another standard--civilized and barbarian--and you could have white skin and be a barbarian, and you could be black and civilized. More importantly, encounters in the ancient world between the Mediterranean world and Black Africans did not produce an upsurge of racism against Africans. In Before Color Prejudice, Howard University classics professor Frank Snowden documented innumerable accounts of interaction between the Greco-Roman and Egyptian civilizations and the Kush, Nubian, and Ethiopian kingdoms of Africa. He found substantial evidence of integration of Black Africans in the occupational hierarchies of the ancient Mediterranean empires and Black-white intermarriage. Black and mixed race gods appeared in Mediterranean art, and at least one Roman emperor, Septimius Severus, was an African. Between the 10th and 16th centuries, the chief source of slaves in Western Europe was Eastern Europe. In fact, the word "slave" comes from the word "Slav," the people of Eastern Europe. This outline doesn't mean to suggest a "pre-capitalist" Golden Age of racial tolerance, least of all in the slave societies of antiquity. Empires viewed themselves as centers of the universe and looked on foreigners as inferiors. Ancient Greece and Rome fought wars of conquest against peoples they presumed to be less advanced. Religious scholars interpreted the Hebrew Bible's "curse of Ham" from the story of Noah to condemn Africans to slavery. Cultural and religious associations of the color white with light and angels and the color black with darkness and evil persisted. But none of these cultural or ideological factors explain the rise of New World slavery or the "modern" notions of racism that developed from it. - - - - - - - - - - - - - - - The African slave trade The slave trade lasted for a little more than 400 years, from the mid-1400s, when the Portuguese made their first voyages down the African coast, to the abolition of slavery in Brazil in 1888. Slave traders took as many as 12 million Africans by force to work on the plantations in South America, the Caribbean and North America. About 13 percent of slaves (1.5 million) died during the Middle Passage--the trip by boat from Africa to the New World. The African slave trade--involving African slave merchants, European slavers and New World planters in the traffic in human cargo--represented the greatest forced population transfer ever. The charge that Africans "sold their own people" into slavery has become a standard canard against "politically correct" history that condemns the European role in the African slave trade. The first encounters of the Spanish and Portuguese, and later the English, with African kingdoms revolved around trade in goods. Only after the Europeans established New World plantations requiring huge labor gangs did the slave trade begin. African kings and chiefs did indeed sell into slavery captives in wars or members of other communities. Sometimes, they concluded alliances with Europeans to support them in wars, with captives from their enemies being handed over to the Europeans as booty. The demands of the plantation economies pushed "demand" for slaves. Supply did not create its own demand. In any event, it remains unseemly to attempt to absolve the European slavers by reference to their African partners in crime. As historian Basil Davidson rightly argues about African chiefs' complicity in the slave trade: "In this, they were no less 'moral' than the Europeans who had instigated the trade and bought the captives." Onboard, Africans were restricted in their movements so that they wouldn't combine to mutiny on the ship. In many slave ships, slaves were chained down, stacked like firewood with less than a foot between them. On the plantations, slaves were subjected to a regimen of 18-hour workdays. All members of slave families were set to work. Since the New World tobacco and sugar plantations operated nearly like factories, men, women and children were assigned tasks, from the fields to the processing mills. Slaves were denied any rights. Throughout the colonies in the Caribbean to North America, laws were passed establishing a variety of common practices: Slaves were forbidden to carry weapons, they could marry only with the owner's permission, and their families could be broken up. They were forbidden to own property. Masters allowed slaves to cultivate vegetables and chickens, so the master wouldn't have to attend to their food needs. But they were forbidden even to sell for profit the products of their own gardens. Some colonies encouraged religious instruction among slaves, but all of them made clear that a slave's conversion to Christianity didn't change their status as slaves. Other colonies discouraged religious instruction, especially when it became clear to the planters that church meetings were one of the chief ways that slaves planned conspiracies and revolts. It goes without saying that slaves had no political or civil rights, with no right to an education, to serve on juries, to vote or to run for public office. The planters instituted barbaric regimes of repression to prevent any slave revolts. Slave catchers using tracker dogs would hunt down any slaves who tried to escape the plantation. The penalties for any form of slave resistance were extreme and deadly. One description of the penalties slaves faced in Barbados reports that rebellious slaves would be punished by "nailing them down on the ground with crooked sticks on every Limb, and then applying the Fire by degrees from Feet and Hands, burning them gradually up to the Head, whereby their pains are extravagant." Barbados planters could claim a reimbursement from the government of 25 pounds per slave executed. The African slave trade helped to shape a wide variety of societies from modern Argentina to Canada. These differed in their use of slaves, the harshness of the regime imposed on slaves, and the degree of mixing of the races that custom and law permitted. But none of these became as virulently racist--insisting on racial separation and a strict color bar--as the English North American colonies that became the United States. - - - - - - - - - - - - - - - Unfree labor in the North American colonies Notwithstanding the horrible conditions that African slaves endured, it is important to underscore that when European powers began carving up the New World between them, African slaves were not part of their calculations. When we think of slavery today, we think of it primarily from the point of view of its relationship to racism. But planters in the 17th and 18th centuries looked at it primarily as a means to produce profits. **Slavery was a method of organizing labor** to produce sugar, tobacco and cotton. **It was not, first and foremost, a system for producing white supremacy**. How did slavery in the U.S. (and the rest of the New World) become the breeding ground for racism? For much of the first century of colonization in what became the United States, the majority of slaves and other "unfree laborers" were white. The term "unfree" draws the distinction between slavery and servitude and "free wage labor" that is the norm in capitalism. One of the historic gains of capitalism for workers is that workers are "free" to sell their ability to labor to whatever employer will give them the best deal. Of course, this kind of freedom is limited at best. Unless they are independently wealthy, workers aren't free to decide not to work. They're free to work or starve. Once they do work, they can quit one employer and go to work for another. But the hallmark of systems like slavery and indentured servitude was that slaves or servants were "bound over" to a particular employer for a period of time, or for life in the case of slaves. The decision to work for another master wasn't the slave's or the servant's. It was the master's, who could sell slaves for money or other commodities like livestock, lumber or machinery. The North American colonies started predominantly as private business enterprises in the early 1600s. Unlike the Spanish, whose conquests of Mexico and Peru in the 1500s produced fabulous gold and silver riches for Spain, settlers in places like the colonies that became Maryland, Rhode Island, and Virginia made money through agriculture. In addition to sheer survival, the settlers' chief aim was to obtain a labor force that could produce the large amounts of indigo, tobacco, sugar and other crops that would be sold back to England. From 1607, when Jamestown was founded in Virginia to about 1685, the primary source of agricultural labor in English North America came from white indentured servants. The colonists first attempted to press the indigenous population into labor. But the Indians refused to be become servants to the English. Indians resisted being forced to work, and they escaped into the surrounding area, which, after all, they knew far better than the English. One after another, the English colonies turned to a policy of driving out the Indians. The colonists then turned to white servants. Indentured servants were predominantly young white men--usually English or Irish--who were required to work for a planter master for some fixed term of four to seven years. The servants received room and board on the plantation but no pay. And they could not quit and work for another planter. They had to serve their term, after which they might be able to acquire some land and to start a farm for themselves. They became servants in several ways. Some were prisoners, convicted of petty crimes in Britain, or convicted of being troublemakers in Britain's first colony, Ireland. Many were kidnapped off the streets of Liverpool or Manchester, and put on ships to the New World. Some voluntarily became servants, hoping to start farms after they fulfilled their obligations to their masters. For most of the 1600s, the planters tried to get by with a predominantly white, but multiracial workforce. But as the 17th century wore on, colonial leaders became increasingly frustrated with white servant labor. For one thing, they faced the problem of constantly having to recruit labor as servants' terms expired. Second, after servants finished their contracts and decided to set up their farms, they could become competitors to their former masters. And finally, the planters didn't like the servants' "insolence." The mid-1600s were a time of revolution in England, when ideas of individual freedom were challenging the old hierarchies based on royalty. The colonial planters tended to be royalists, but their servants tended to assert their "rights as Englishmen" to better food, clothing and time off. Most laborers in the colonies supported the servants. As the century progressed, the costs of servant labor increased. Planters started to petition the colonial boards and assemblies to allow the large-scale importation of African slaves. Black slaves worked on plantations in small numbers throughout the 1600s. But **until the end of the 1600s, it cost planters more to buy slaves than to buy white servants**. Blacks lived in the colonies in a variety of statuses--some were free, some were slaves, some were servants. The law in Virginia didn't establish the condition of lifetime, perpetual slavery or even recognize African servants as a group different from white servants until 1661. Blacks could serve on juries, own property and exercise other rights. Northampton County, Virginia, recognized interracial marriages and, in one case, assigned a free Black couple to act as foster parents for an abandoned white child. There were even a few examples of Black freemen who owned white servants. Free Blacks in North Carolina had voting rights. In the 1600s, the Chesapeake society of eastern Virginia had a multiracial character, according to historian Betty Wood: There is persuasive evidence dating from the 1620s through the 1680s that there were those of European descent in the Chesapeake who were prepared to identify and cooperate with people of African descent. These affinities were forged in the world of plantation work. On many plantations, Europeans and West Africans labored side by side in the tobacco fields, performing exactly the same types and amounts of work; they lived and ate together in shared housing; they socialized together; and sometimes they slept together. The **planters' economic calculations played a part in the colonies' decision to move toward full-scale slave labor**. By the end of the 17th century, the price of white indentured servants outstripped the price of African slaves. A planter could buy an African slave for life for the same price that he could purchase a white servant for 10 years. As Eric Williams explained: Here, then, is the origin of Negro slavery. **The reason was** economic, not racial; it had to do not with the color of the laborer, but the cheapness of the labor. [The planter] would have gone to the moon, if necessary, for labor. Africa was nearer than the moon, nearer too than the more populous countries of India and China. But their turn would soon come. Planters' fear of a multiracial uprising also pushed them towards racial slavery. Because a rigid racial division of labor didn't exist in the 17th century colonies, many conspiracies involving Black slaves and white indentured servants were hatched and foiled. We know about them today because of court proceedings that punished the runaways after their capture. As historians T.H. Breen and Stephen Innes point out, "These cases reveal only extreme actions, desperate attempts to escape, but for every group of runaways who came before the courts, there were doubtless many more poor whites and blacks who cooperated in smaller, less daring ways on the plantation." The largest of these conspiracies developed into Bacon's Rebellion, an uprising that threw terror into the hearts of the Virginia Tidewater planters in 1676. Several hundred farmers, servants and slaves initiated a protest to press the colonial government to seize Indian land for distribution. The conflict spilled over into demands for tax relief and resentment of the Jamestown establishment. Planter Nathaniel Bacon helped organize an army of whites and Blacks that sacked Jamestown and forced the governor to flee. The rebel army held out for eight months before the Crown managed to defeat and disarm it. Bacon's Rebellion was a turning point. After it ended, the Tidewater planters moved in two directions: first, they offered concessions to the white freemen, lifting taxes and extending to them the vote; and second, they moved to full-scale racial slavery. Fifteen years earlier, the Burgesses had recognized the condition of slavery for life and placed Africans in a different category as white servants. But the law had little practical effect. "Until slavery became systematic, there was no need for a systematic slave code. And slavery could not become systematic so long as an African slave for life cost twice as much as an English servant for a five-year term," wrote historian Barbara Jeanne Fields. Both of those circumstances changed in the immediate aftermath of Bacon's Rebellion. In the entire 17th century, the planters imported about 20,000 African slaves. The majority of them were brought to North American colonies in the 24 years after Bacon's Rebellion. In 1664, the Maryland legislature passed a law determining who would be considered slaves on the basis of the condition of their father--whether their father was slave or free. It soon became clear, however, that establishing paternity was difficult, but that establishing who was a person's mother was definite. So the planters changed the law to establish slave status on the basis of the mother's condition. Now white slaveholders who fathered children by slave women would be guaranteed their offspring as slaves. And the law included penalties for "free" women who slept with slaves. But what's most interesting about this law is that it doesn't really speak in racial terms. It attempts to preserve the property rights of slaveholders and establish barriers between slave and free which were to become hardened into racial divisions over the next few years. Taking the Maryland law as an example, Fields made this important point: Historians can actually observe colonial Americans in the act of preparing the ground for race without foreknowledge of what would later arise on the foundation they were laying. [T]he purpose of the experiment is clear: to prevent the erosion of slaveowners' property rights that would result if the offspring of free white women impregnated by slave men were entitled to freedom. The language of the preamble to the law makes clear that the point was not yet race. Race does not explain the law. Rather, the law shows society in the act of inventing race. After establishing that African slaves would cultivate major cash crops of the North American colonies, the planters then moved to establish the institutions and ideas that would uphold white supremacy. Most unfree labor became Black labor. Laws and ideas intended to underscore the subhuman status of Black people--in a word, the ideology of racism and white supremacy--emerged full-blown over the next generation. - - - - - - - - - - - - - - - "All men are created equal" Within a few decades, the ideology of white supremacy was fully developed. Some of the greatest minds of the day--such as Scottish philosopher David Hume and Thomas Jefferson, the man who wrote the Declaration of Independence--wrote treatises alleging Black inferiority. The ideology of white supremacy based on the natural inferiority of Blacks, even allegations that Blacks were subhuman, strengthened throughout the 18th century. This was the way that the leading intellectual figures of the time reconciled the ideals of the 1776 American Revolution with slavery. The American Revolution of 1776 and later the French Revolution of 1789 popularized the ideas of liberty and the rights of all human beings. The Declaration of Independence asserts that "all men are created equal" and possess certain "unalienable rights"--rights that can't be taken away--of "life, liberty, and the pursuit of happiness." As the first major bourgeois revolution, the American Revolution sought to establish the rights of the new capitalist class against the old feudal monarchy. It started with the resentment of the American merchant class that wanted to break free from British restrictions on its trade. But its challenge to British tyranny also gave expression to a whole range of ideas that expanded the concept of "liberty" from being just about trade to include ideas of human rights, democracy, and civil liberties. It legitimized an assault on slavery as an offense to liberty. Some of the leading American revolutionaries, such as Thomas Paine and Benjamin Franklin, endorsed abolition. Slaves and free Blacks also pointed to the ideals of the revolution to call for abolishing slavery. But because the revolution aimed to establish the rule of capital in America, and because a lot of capitalists and planters made a lot of money from slavery, the revolution compromised with slavery. The Declaration initially contained a condemnation of King George for allowing the slave trade, but Jefferson dropped it following protests from representatives from Georgia and the Carolinas. How could the founding fathers of the U.S.--most of whom owned slaves themselves--reconcile the ideals of liberty for which they were fighting with the existence of a system that represented the exact negation of liberty? The ideology of white supremacy fit the bill. We know today that "all men" didn't include women, Indians or most whites. But to rule Black slaves out of the blessings of liberty, the leading head-fixers of the time argued that Blacks weren't really "men," they were a lower order of being. Jefferson's Notes from Virginia, meant to be a scientific catalogue of the flora and fauna of Virginia, uses arguments that anticipate the "scientific racism" of the 1800s and 1900s. With few exceptions, no major institution--such as the universities, the churches or the newspapers of the time--raised criticisms of white supremacy or of slavery. In fact, they helped pioneer religious and academic justifications for slavery and Black inferiority. As C.L.R. James put it, "[T]he conception of dividing people by race begins with the slave trade. This thing was so shocking, so opposed to all the conceptions of society which religion and philosophers had, that the only justification by which humanity could face it was to divide people into races and decide that the Africans were an inferior race." White supremacy wasn't only used to justify slavery. It was also used to keep in line the two-thirds of Southern whites who weren't slaveholders. Unlike the French colony of St. Domingue or the British colony of Barbados, where Blacks vastly outnumbered whites, Blacks were a minority in the slave South. A tiny minority of slave-holding whites, who controlled the governments and economies of the Deep South states, ruled over a population that was roughly two-thirds white farmers and workers and one-third Black slaves. The slaveholders' ideology of racism and white supremacy helped to divide the working population, tying poor whites to the slaveholders. Slavery afforded poor white farmers what Fields called a "social space" whereby they preserved an illusory "independence" based on debt and subsistence farming, while the rich planters continued to dominate Southern politics and society. "A caste system as well as a form of labor," historian James M. McPherson wrote, "slavery elevated all whites to the ruling caste and thereby reduced the potential for class conflict." The great abolitionist Frederick Douglass understood this dynamic: The hostility between the whites and blacks of the South is easily explained. It has its root and sap in the relation of slavery, and was incited on both sides by the cunning of the slave masters. Those masters secured their ascendancy over both the poor whites and the Blacks by putting enmity between them. They divided both to conquer each. [Slaveholders denounced emancipation as] tending to put the white working man on an equality with Blacks, and by this means, they succeed in drawing off the minds of the poor whites from the real fact, that by the rich slave-master, they are already regarded as but a single remove from equality with the slave. - - - - - - - - - - - - - - - Slavery and capitalism Slavery in the colonies helped produce a boom in the 18th century economy that provided the launching pad for the industrial revolution in Europe. From the start, colonial slavery and capitalism were linked. While it is not correct to say that slavery created capitalism, it is correct to say that slavery provided one of the chief sources for the initial accumulations of wealth that helped to propel capitalism forward in Europe and North America. The clearest example of the connection between plantation slavery and the rise of industrial capitalism was the connection between the cotton South, Britain and, to a lesser extent, the Northern industrial states. Here, we can see the direct link between slavery in the U.S. and the development of the most advanced capitalist production methods in the world. Cotton textiles accounted for 75 percent of British industrial employment in 1840, and, at its height, three-fourths of that cotton came from the slave plantations of the Deep South. And Northern ships and ports transported the cotton. To meet the boom in the 1840s and 1850s, the planters became even more vicious. On the one hand, they tried to expand slavery into the West and Central America. The fight over the extension of slavery into the territories eventually precipitated the Civil War in 1861. On the other hand, they drove slaves harder--selling more cotton to buy more slaves just to keep up. On the eve of the Civil War, the South was petitioning to lift the ban on the importation of slaves that had existed officially since 1808. Karl Marx clearly understood the connection between plantation slavery in the cotton South and the development of capitalism in England. He wrote in Capital: While the cotton industry introduced child-slavery into England, in the United States, it gave the impulse for the transformation of the more or less patriarchal slavery into a system of commercial exploitation. In fact, the veiled slavery of the wage-laborers in Europe needed the unqualified slavery of the New World as its pedestal. Capital comes dripping from head to toe, from every pore, with blood and dirt. The close connection between slavery and capitalism, and thus, between racism and capitalism, gives the lie to those who insist that slavery would have just died out. In fact, the South was more dependent on slavery right before the Civil War than it was 50 or 100 years earlier. Slavery lasted as long as it did because it was profitable. And it was profitable to the richest and most "well-bred" people in the world. The Civil War abolished slavery and struck a great blow against racism. But racism itself wasn't abolished. On the contrary, just as racism was created to justify colonial slavery, racism as an ideology was refashioned. It now no longer justified the enslavement of Blacks, but it justified second-class status for Blacks as wage laborers and sharecroppers. Racist ideology was also refashioned to justify imperialist conquest at the turn of the last century. As a handful of competing world powers vied to carve up the globe into colonial preserves for cheap raw materials and labor, racism served as a convenient justification. The vast majority of the world's people were now portrayed as inferior races, incapable of determining their own future. Slavery disappeared, but racism remained as a means to justify the domination of millions of people by the U.S., various European powers, and later by Japan. Because racism is woven right into the fabric of capitalism, new forms of racism arose with changes in capitalism. As the U.S. economy expanded and underpinned U.S. imperial expansion, imperialist racism--which asserted that the U.S. had a right to dominate other peoples, such as Mexicans and Filipinos--developed. As the U.S. economy grew and sucked in millions of immigrant laborers, anti-immigrant racism developed. But these are both different forms of the same ideology--of white supremacy and division of the world into "superior" and "inferior" races--that had their origins in slavery. Racism and capitalism have been intertwined since the beginning of capitalism. You can't have capitalism without racism. Therefore, **the** final triumph over racism will only come when we abolish racism's chief source--capitalism**--and build a new socialist society**.

**The impact is mass death and global violence.**

Adrian **Parr**, **2013**. Associate Professor of Philosophy and Environmental Studies at the University of Cincinnati. *The Wrath of Capital: Neoliberalism and Climate Change Politics*. Columbia University Press. 145-7.

A quick snapshot of the twenty-first century so far: an economic meltdown; a frantic sell-off of public land to the energy business as President George W Bush exited the White House; a prolonged, costly, and unjustified war in Iraq; the Greek economy in ruins; an escalation of global food prices; bee colonies in global extinction; 925 million hungry reported in 2010; as of 2005, the world's five hundred richest individuals with a combined income greater than that of the poorest 416 million people, the richest 10 percent accounting for 54 percent of global income; a planet on the verge of boiling point; melting ice caps; increases in extreme weather conditions; and the list goes on and on and on.2 Sounds like **a ticking time bomb**, doesn't it? Well it is. It is shameful to think that massive die-outs of future generations will put to pale comparison the 6 million murdered during the Holocaust; the millions killed in two world wars; the genocides in the former Yugoslavia, Rwanda, and Darfur; the 1 million left homeless and the 316,000 killed by the 2010 earthquake in Haiti. The time has come to wake up to the warning signs.3 The real issue climate change poses is that we do not enjoy the luxury of incremental change anymore. We are in the **last decade** where we can do something about the situation. Paul Gilding, the former head of Greenpeace International and a core faculty member of Cambridge University's Programme for Sustainability, explains that "two degrees of warming is an inadequate goal and a plan for failure;' adding that "returning to below one degree of warming . . . is the solution to the problem:'4 Once we move higher than 2°C of warming, which is what is projected to occur by 2050, **positive feedback mechanisms** will begin to kick in, and then we will be at the **point of no return**. We therefore need to start thinking very differently **right now**. We do not see the crisis for what it is; we only see it as an isolated symptom that we need to make a few minor changes to deal with. This was the message that Venezuela's president Hugo Chavez delivered at the COP15 United Nations Climate Summit in Copenhagen on December 16, 2009, when he declared: "Let's talk about the cause. We should not avoid responsibilities, we should not avoid the depth of this problem. And I'll bring it up again, the cause of this disastrous panorama is the metabolic, destructive system of the capital and its model: **capitalism**.”5

#### The alternative is to adopt a Marxist model of society. A move to understanding the various dimensions of oppression described by the aff as derivative of a more fundamental class antagonism orients political struggle toward the means of production which is our only hope.

Tumino 01 (Stephen Tumino, Ph.D. in English from Pittsburgh, lead editor for the Red Critique, 2001. What is Orthodox Marxism and Why it Matters Now More Than Ever Before http://www.redcritique.org/spring2001/whatisorthodoxmarxism.htm

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). [Text Omitted – Sections 2 & 3] Orthodox Marxism has become a test-case of the "radical" today. Yet, what passes for orthodoxy on the left—whether like Smith and Zizek they claim to support it, or, like Butler and Rorty they want to "achieve our country" by excluding it from "U.S. Intellectual life" ("On Left Conservatism"), is a parody of orthodoxy which hybridizes its central concepts and renders them into flexodox simulations. Yet, even in its very textuality, however, the orthodox is a resistance to the flexodox. Contrary to the common-sensical view of "orthodox" as "traditional" or "conformist" "opinions," is its other meaning: ortho-doxy not as flexodox "hybridity," but as "original" "ideas." "Original," not in the sense of epistemic "event," "authorial" originality and so forth, but, as in chemistry, in its opposition to "para," "meta," "post" and other ludic hybridities: thus "ortho" as resistance to the annotations that mystify the original ideas of Marxism and hybridize it for the "special interests" of various groups. The "original" ideas of Marxism are inseparable from their effect as "demystification" of ideology—for example the deployment of "class" that allows a demystification of daily life from the haze of consumption. Class is thus an "original idea" of Marxism in the sense that it cuts through the hype of cultural agency under capitalism and reveals how culture and consumption are tied to labor, the everyday determined by the workday: how the amount of time workers spend engaging in surplus-labor determines the amount of time they get for reproducing and cultivating their needs. Without changing this division of labor, social change is impossible. Orthodoxy is a rejection of the ideological annotations: hence, on the one hand, the resistance to orthodoxy as "rigid" and "dogmatic" "determinism," and, on the other, its hybridization by the flexodox as the result of which it has become almost impossible today to read the original ideas of Marxism, such as "exploitation"; "surplus-value"; "class"; "class antagonism"; "class struggle"; "revolution"; "science" (i.e., objective knowledge); "ideology" (as "false consciousness"). Yet, it is these ideas alone that clarify the elemental truths through which theory ceases to be a gray activism of tropes, desire and affect, and becomes, instead, a red, revolutionary guide to praxis for a new society freed from exploitation and injustice. Marx's original scientific discovery was his labor theory of value. Marx's labor theory of value is an elemental truth of Orthodox Marxism that is rejected by the flexodox left as the central dogmatism of a "totalitarian" Marxism. It is only Marx's labor theory of value, however, that exposes the mystification of the wages system that disguises exploitation as a "fair exchange" between capital and labor and reveals the truth about this relation as one of exploitation. Only Orthodox Marxism explains how what the workers sell to the capitalist is not labor, a commodity like any other whose price is determined by fluctuations in supply and demand, but their labor-power—their ability to labor in a system which has systematically "freed" them from the means of production so they are forced to work or starve—whose value is determined by the amount of time socially necessary to reproduce it daily. The value of labor-power is equivalent to the value of wages workers consume daily in the form of commodities that keep them alive to be exploited tomorrow. Given the technical composition of production today this amount of time is a slight fraction of the workday the majority of which workers spend producing surplus-value over and above their needs. The surplus-value is what is pocketed by the capitalists in the form of profit when the commodities are sold. Class is the antagonistic division thus established between the exploited and their exploiters. Without Marx's labor theory of value one could only contest the after effects of this outright theft of social labor-power rather than its cause lying in the private ownership of production. The flexodox rejection of the labor theory of value as the "dogmatic" core of a totalitarian Marxism therefore is a not so subtle rejection of the principled defense of the (scientific) knowledge workers need for their emancipation from exploitation because only the labor theory of value exposes the opportunism of knowledges (ideology) that occult this exploitation. Without the labor theory of value socialism would only be a moral dogma that appeals to the sentiments of "fairness" and "equality" for a "just" distribution of the social wealth that does the work of capital by naturalizing the exploitation of labor under capitalism giving it an acceptable "human face." It is only Orthodox Marxism that explains socialism as an historical inevitability that is tied to the development of social production itself and its requirements. Orthodox Marxism makes socialism scientific because it explains how in the capitalist system, based on the private consumption of labor-power (competition), the objective tendency is to reduce the amount of time labor spends in reproducing itself (necessary labor) while expanding the amount of time labor is engaged in producing surplus-value (surplus-labor) for the capitalist through the introduction of machinery into the production process by the capitalists themselves to lower their own labor costs. Because of the competitive drive for profits under capitalism it is historically inevitable that a point is reached when the technical mastery—the amount of time socially necessary on average to meet the needs of society through the processing of natural resources—is such that the conditions of the workers worsen relative to the owners and becomes an unbearable global social contradiction in the midst of the ever greater mass of wealth produced. It is therefore just as inevitable that at such a moment it obviously makes more sense to socialize production and meet the needs of all to avoid the explosive social conflicts perpetually generated by private property than to maintain the system at the risk of total social collapse on a world scale. "Socialism or barbarism" (Luxemburg) is the inevitable choice faced by humanity because of capitalism. Either maintain private property and the exploitation of labor in production, in which case more and more social resources will go into policing the growingly desperate surplus-population generated by the technical efficiency of social production, or socialize production and inaugurate a society whose founding principle is "from each according to his ability, to each according to his needs" (Marx, Critique of the Gotha Program, Selected Works, 325) and "in which the free development of each is the condition for the free development of all" (Manifesto of the Communist Party, Selected Works, 53). The time has come to state it clearly so that even the flexodox opportunists may grasp it: Orthodox Marxism is not a free-floating "language-game" or "meta-narrative" for arbitrarily constructing local utopian communities or spectral activist inversions of ideology meant to seduce "desire" and "mobilize" (glorify) subjectivity—it is an absolute prerequisite for our emancipation from exploitation and a new society freed from necessity! Orthodox Marxism is the only global theory of social change. Only Orthodox Marxism has explained why under the system of wage-labor and capital communism is not "an ideal to which reality will have to adjust itself" but "the real movement which abolishes the present state of things" (The German Ideology 57) because of its objective explanation of and ceaseless commitment to "the self-conscious, independent movement of the immense majority, in the interest of the immense majority" (Manifesto of the Communist Party, Selected Works, 45) to end social inequality forever.

### OFF

#### The United States federal government should expand the scope of its core antitrust laws to prohibit forced labor\* as an anticompetitive business practice

#### Holding companies liable for their supply chain is the only realistic incentive to solve

Smith, 13 (David Smith, University Scholar @ Baylor University, May 2013, accessed on 6-27-2021, Google, "The Economics of Slavery: A Market-Based Approach of Combatting Human Trafficking")//Babcii

Extending Liability Companies, aware or not, can help to perpetuate slavery by seeking to minimize costs without always paying attention to the methods they employ. The demand for slavery can be decreased by extending liability for slave labor to companies higher up the chain that are benefitting from it, whether or not they are aware of the slavery. Currently, **without liability, companies have very little incentive to pursue the socially beneficial course of action** with regard to slave labor. Consider a company that may or may not have slavery in its supply line, but they do not know. Without liability, the only incentive for them to take precautions would equal the product of the cost to their company if the public were to find out that they benefitted from slave labor, and the probability of such an exposure occurring. This amount of precaution the company takes will rise as public awareness rises, because the probability of an exposure will be higher. **The company is responsible only for** their potential lost **profits** and reputation, and so the level of precaution that they take over their supply lines will not be as high as the socially optimal level.67 Now consider when the company can be sued and prosecuted for slavery, which they may or may not know about, taking place somewhere in their supply lines. The company will be incentivized to take the socially optimal level of precautions. Its potential costs of an exposure are now much higher—they include both the public ill will and economic penalties. Now the company will choose to incur costs of taking precautions as long as those costs remain less than or equal to the product of the expected cost of an exposure and the probability of that happening. Companies will vigilantly, by their own accord, seek to disentangle themselves with human trafficking because of the potential losses they could incur. And the higher public awareness has become, the more effect extended liability will have on companies because they are less likely they would be to get away with benefitting from human trafficking. Then the very companies that were **benefitting** from slavery **would become the ones that strike the strongest blows** against human trafficking. If companies were the ones doing the work to root out human trafficking, out of their own economic self-interest, because the penalties of failing to do so could be significant, **forced labor would take a significant hit**. Along with the potential benefits of lower prices provided by slave labor, companies now compare those against the imminent possibilities of fines, convictions, and the loss of public approval, which is important for any company to maintain. **The penalties must be severe** enough to be sufficiently costly to companies in order to actually effect change. Investigations must be thorough and effectual. However, the government cannot do all of this; government does not have the resources or time to investigate every place slavery might be found in supply chains coming into the United States. Put the **adequate incentives in place, and companies will do the work themselves** of putting an end to slavery, which no longer benefits them.

#### The process of doing research and proposing solutions is key to effective policy formation and preventing movement splintering

McGough, 13 (Maureen McGough, an attorney and internationalresearch partnership specialist in NIJ’sOffice of Research Partnerships. BA in psych @ The Catholic University of America, Doctorite in Law @ George Washington University Law School, Feb 2013, accessed on 6-29-2021, Ojp, "Ending Modern-Day Slavery: Using Research to Inform U.S. Anti-Human Trafficking Efforts", https://www.ojp.gov/pdffiles1/nij/240701.pdf)//Babcii

Despite **growing awareness** of the issue and an influx of resources from such influential bodies as the United Nations and other intergovernmental organizations, foundations, nongovernmental organizations and the U.S. government, the field is still **hampered by its inability to measure the size and scope of trafficking**.4 The data used to estimate the prevalence of human trafficking in the U.S. are lacking in scope and quality at the federal, state and local levels.5 The lack of reliable data and a **dependence on inadequate evidence** have fueled **disagreement among anti-human trafficking movements** in this country, and some researchers have criticized the issue as unsubstantiated and estimates of the problem as dubious.6 Recent estimates of people trafficked into the U.S. each year, for example, have varied widely from a low of approximately 14,500 to a high of approximately 50,000.7 Unfortunately, challenges also exist in gauging the effectiveness of the criminal justice system’s response. Rates of identification, investigation and prosecution are of limited value in determining the effectiveness of U.S. responses to human trafficking because the data supporting prevalence estimates are unreliable. **Research can play an invaluable role** in understanding the criminal justice system’s ability to respond to trafficking and in identifying obstacles that hinder current efforts. The need for robust research is all the more pressing **given** restricted **budgets and declining resources**. At a time when governments increasingly are looking to use evidence-based practices, **policymakers and practitioners are looking to** the **research** community to produce the data needed to analyze the impact of anti-trafficking efforts. The problem can be cyclical — without accurate estimates of the prevalence of human trafficking, it can be **difficult to know how to allocate resources** to study the issue. The U.S. State Department’s annual compendium of countries’ anti-human trafficking efforts, the Trafficking in Persons Report, recognizes this data deficiency and recommends that the U.S. improve the data and analysis of human trafficking cases at the state and local level.8 NIJ has funded a number of projects to improve data collection and analysis of the issue. This article discusses one recent study that looked specifically at the challenges facing state and local criminal justice systems.

### Case

#### Undoing relations requires materialism not imagination.

Naomi Zack 17. Professor of philosophy at the University of Oregon. 02/2017. “Ideal, Nonideal, and Empirical Theories of Social Justice: The Need for Applicative Justice in Addressing Injustice.” The Oxford Handbook of Philosophy and Race, Oxford University Press.

Ideals of justice may do little toward the correction of injustice in real life. The influence of John Rawls’s A Theory of Justice has led some philosophers of race to focus on “nonideal theory” as a way to bring conditions in unjust societies closer to conditions of justice described by ideal theory. However, a more direct approach to injustice may be needed to address unfair public policy and existing conditions for minorities in racist societies. Applicative justice describes the applications of principles of justice that are now “good enough” for whites to nonwhites (based on prior comparisons of how whites and nonwhites are treated). Social information just dribbles in, bit by bit, and we simply get used to it. A single story about a person really hits home at once, but the grinding injustices of daily life are endured. It is easy to ignore them and we do. Judith Shklar, The Faces of Injustice (Shklar 1990, 110) IDEAL theory about justice extends from Plato’s Republic to John Rawls’s A Theory of Justice, including many careers devoted to analyses and criticism about such texts in political philosophy. Rawls offers a picture of the basic institutional structures of a just society, on the premise that in order to correct injustice, we must first know what justice is. According to Rawls, while “partial compliance theory” studies the principles that govern how we are to deal with injustice, full compliance theory, or ideal theory, studies the institutional principles of justice in a stable society where citizens obey the law. Rawls began A Theory of Justice with the claim: “The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems” (Rawls 1971, 8). Rawls’s ideal theory is too abstract to correct injustice or provide justice for victims of injustice in reality, because it is based on a thought experiment and the assumption of a “well-ordered” society in which there already is compliance with law (Zack 2016, 1–64). What people care about in reality concerning justice is not what ideal justice is or would be, but how immediate injustice can be corrected. Injustice is always specific in concrete events that are recognizable as certain types, for example, theft, murder, or police racial profiling. Injustice can be corrected by punishing those responsible for it in specific cases and instituting social changes that prevent or reduce future occurrences of the same type. Rawlsian nonideal theories of justice, constructed for societies where people do not comply with just laws, rely on ideal theory as a standard for just institutional structures. The main question driving nonideal theory is how to construct a model or picture of justice that will result in the future correction or avoidance of present injustices. John Simmons quotes John Rawls from Law of Peoples, on this matter. Nonideal theory asks how this long-term goal might be achieved, or worked toward, usually in gradual steps. It looks for courses of action that are morally permissible and politically possible as well as likely to be effective [LOP p. 89]. (Simmons 2010, 7) However, injured or indignant parties may not care about the long-term goal of justice that could lead to balance or compensation for their situations. Not only are what P. F. Strawson (1962) called “reactive attitudes,” such as moral indignation, blame, and a desire for deserved punishment, strong in their focus on injustice, but the best theory of justice in the world does not tell us what to do about the injustices we are faced with in the here and now, especially “the more pressing problems” of race-related injustices. Such questions cannot be answered with reference to ideal theory or some application of ideal or nonideal theory to their concrete situations, because the a priori nature of both of these does not provide a fit with specific contingencies—ideal and nonideal theories do not generate practical bridge principles. As theories, they posit ideal entities, but without the apparatus of scientific theories which provides connections to observable entities or events. (Moulines 1985). The correction of injustice or injustice theory requires a philosophical foundation for itself. Models of justice have often been naïvely utopian throughout the history of philosophy, because they are based on an assumption of automatic total compliance, as though the right words or pictures by themselves have the power to transform reality, or as though agreement with those right words or pictures will automatically result in action that will automatically make the world instantiate those words or pictures. When they are not fantastically and ineffectively utopian in this way, such models have been used to justify the already-existing dominance of some groups over others. (A prime example is John Locke’s Second Treatise of Government, written decades before 1688 Glorious Revolution, to express the interests of the new rising class of landed gentry, which were eventually fulfilled by a Protestant king on the throne and a strong representative parliament after that revolution [Laslett 1988].) Models of justice have legitimately served to inspire law in modern societies with government constitutions and national and local law. But, sometimes, as in US founding documents, although universal and absolute justice is proclaimed, subsequent events make it clear that this language was intended to legitimize just treatment for members of selected groups only, that is, white male property owners, at first. As a result of just law and its selective application, over time, there comes to be justice for an expanding group, but still not everyone in society. However, what is written, together with descriptions of real justice for some, can be a powerful lever for obtaining justice for at least some of the excluded. To understand how that works, it is necessary to develop an approach to justice that begins with injustice, in real situations where there is already some degree of justice in a larger whole. The extension of existing practices of justice to members of new groups is applicative justice, a concept with substantial historical and intellectual precedent, although not by that name. In what follows, more will be said about the idea of applicative justice and then its history will be considered. Voting rights and housing rights are examples of candidates for applicative justice in our time. Finally, content in the form of narrative may be motivational for social change. The Idea of Applicative Justice Applicative justice is an approach to justice with the goal of making the unjust treatment of some comparable to those who already receive just treatment. Applicative justice takes a comparative approach, for example, comparing how young black males are treated by police officers in contemporary US society, to how young white males are treated (Jones 2013; Zack 2013, 2015). Applicative justice rests on a pragmatic approach to social ills, which includes the premise, based on Arthur Bentley’s 1908 insights in The Process of Government, that government is much more than the apparatus of state and written laws and court decisions. Government is an extended, dynamic process, an ongoing contention among interest groups in society. This full-bodied, empirical and pragmatic view of government process entails, for example, that we consider as parts of the same political mix/phenomenon/raw material all of the foregoing: the Fourth and Fourteenth Amendments, the 1960s Civil Rights Legislation, doctrines of probable cause, the disproportionate incarceration of African Americans, racial profiling, and police homicide with impunity. Thus, Rawls’s insistence that “the rights secured by justice are not subject to political bargaining or to the calculus of social interests” (Rawls 1971, 4), should be understood as “the rights secured by justice should not be subject to political bargaining or to the calculus of social interests.” In reality, “the rights secured by justice” are constantly subject to political bargaining and the living calculus of social interests. One consequence of this empirical perspective is that moral outrage, critiques of white supremacy, or analyses of white privilege, along with other forms of blame, cannot be assumed to have the power to change anything, by themselves. By contrast, changing relationships between police officers and their local communities, or changing the rules of engagement when police stop or attempt to stop suspects, might on this view have some causal power (Ayres and Markovits 2014). It is important to realize that such changes in practice would not be specific applications of a theory of justice, but ways of changing social reality into a different political mix. However, a better theory of justice, even a more racially egalitarian one and even a theory of applicative justice that was widely accepted, would still be no more than a change in what Bentley calls “political content.” Any theory of justice or any set of just laws is compatible with widespread racially unequal and unjust practice. And the converse also holds. Unjust laws or laws with gaps for unjust practice are compatible with just practice. Thus, applicative justice is pragmatic in taking the whole political mix/ phenomenon/raw material as its subject for a specific injustice. Unlike ideal or nonideal justice theory, the applicative justice approach brooks little faith that reality can be changed by a special conceptual space or mode of critical moral discourse that is undertaken apart from reality. Reality cannot be changed by normative pronouncements, by or on behalf of the oppressed, but only by shifts in existing interests of groups of real people. To base hopes for change on normative content alone may ~~paralyze~~ [eliminate] the means for taking action that could result in change, because such content proceeds as though matters of justice were only matters of argument. Those who have opposed social racial justice have understood this well enough, because instead of mainly arguing against new just law over the twentieth century, they have taken action to block progress. Race and Justice Consideration of race and injustice together, within political philosophy, focuses on the need for specific groups to not be treated unjustly. For a group to be treated justly, a large number of its members need to be treated justly. But for a group to be treated unjustly, it is sufficient if a smaller number or lower proportion than required to meet the standard of just treatment be treated unjustly. One reason for this asymmetry is that just treatment is easily normalized within communities, whereas unjust treatment of only a few is disruptive and considered abnormal among other members of the group to which victims belong (although not necessarily by members of groups who are generally treated justly). The unjust treatment of a small number ripples from their friends and relations to other members of the same group, who realize that they are subject to similar unjust treatment from their membership in that group alone. More broadly, if the group treated justly and the group treated unjustly belong to the same larger collective, such as whites and blacks in the United States, then the unjust treatment of even a very small number of that total collective of residents or citizens should be disruptive to the whole collective, given promulgated principles of “justice for all.” But that does not always happen, at least not in ways that result in real change. Apathy and self-absorption of those not treated unjustly is part of the reason, although another significant part is that the group treated justly already knows that the national collective rhetoric of justice is intended to apply primarily to them. It is that kind of disparate treatment, which does not disrupt everyone, even though it should, which calls for a theory of applicative justice, on the abstract level where people call for justice. But applicative justice is not only an abstract theory. Applicative justice requires comparisons of group treatment. If minorities are treated unjustly, a description of that injustice does not require an ideal or nonideal theory or model of justice, but simply a comparison with how the majority is treated. (The term “minorities” refers to those disadvantaged or oppressed, because sometimes minorities are greater in number than “majorities,” e.g., blacks under apartheid in South Africa, American slaves in some Southern states, or black Americans in some twenty-first-century cities.) The principles and mechanics of justice that work well enough for most white Americans need to be applied to nonwhite Americans. For rhetorical purposes, it might be evocative to talk about black lives or black rights, but strictly speaking the subject is a racial framework that is color-blind in an important part of law—constitutional amendments and federal legislation—but not in reality. This gap between written law and social reality can be viewed as hypocrisy, racial bias, or white supremacy, only if one assumes that written law is an accurate description of, or blueprint for, social reality. But a perspective that takes in the whole process of government reveals that the gap and what is permissible within it, are parts of the same whole process. The contrast between blueprints and maps is important to consider. Political philosophers often proceed as though their writings about justice are blueprints, when they should instead begin by constructing maps. Present politics or a political party in power may present obstacles and challenges to applicative justice in any specific case. Those who aim for applicative justice must struggle against such obstacles and challenges, as well as the ignorance, prejudice, and ill will of large parts of voting publics under democratic government, and in addition, media misrepresentations, business interests in a status quo, and lack of understanding of oppression by those who are treated unjustly. For example, the injustice in the disproportionately large number of African Americans in the US criminal justice system has been supported by law-and-order politics, the War on Drugs, belief in racial gender myths (e.g., the larger-than-life black rapist), explicit racism, media sensationalism of crime committed by black men, profits made by for-profit prison corporations, and embrace of self-destructive subcultures by some black men who become incarcerated. At the same time, as an efficient cause or precipitating factor, ongoing racial profiling by police helps feed the system with new suspects, about 90 percent of whom plead guilty in preference to the risks and costs of a trial (Kerby 2013; Rakoff et al. 2014). Intergenerational poverty, unemployment, and undereducation contain people within this system, and the high rates of nonwhites in the prison population are used as official justification for racial profiling (Zack 2015, chap 2). Thus, the complexity of causes and background factors associated with the disproportionate number of African American male prison inmates can be understood through a number of approaches. The normative approach of applicative justice would be to address those causes or factors, distinctly and individually, through specific changes in concrete practice, as well as changes in law, as relevant.

#### “Imagination” fails – coopted.

Asef Bayat 13. Sociology Prof @ University of Illinois. 2013. “Life As Politics: How Ordinary People Change the Middle East.” pp. 41-45.

The dearth of conventional collective action— in par tic u lar, contentious protests among the subaltern groups (the poor, peasants, and women) in the developing countries, together with a disillusionment with dominant socialist parties, pushed many radical observers to “discover” and highlight different types of activism, however small- scale, local, or even individualistic. Such a quest, meanwhile, both contributed to and benefi ted from the upsurge of theoretical perspectives, during the 1980s, associated with poststructuralism that made micropolitics and “everyday resistance” a popular idea. James Scott’s departure, during the 1980s, from a structuralist position in studying the behavior of the peasantry in Asia to a more ethnographic method of focusing on individual reactions of peasants contributed considerably to this paradigm shift .27 In the meantime, Foucault’s “decentered” notion of power, together with a revival of neo- Gramscian politics of culture (hegemony), served as a key theoretical backing for micropolitics, and thus the “re sis tance” perspective. The notion of “re sis tance” came to stress that power and counterpower were not in binary opposition, but in a decoupled, complex, ambivalent, and perpetual “dance of control.”28 It based itself on the Foucauldian idea that “wherever there is power there is re sis tance,” although the latter consisted largely of small- scale, everyday, tiny activities that the agents could aff ord to articulate given their po liti cal constraints. Such a perception of re sis tance penetrated not only peasant studies, but a variety of fi elds, including labor studies, identity politics, ethnicity, women’s studies, education, and studies of the urban subaltern. Thus, multiple researchers discussed how relating stories about miracles “gives voice to pop u lar re sis tance”29; how disenfranchised women resisted patriarchy by relating folktales and songs or by pretending to be possessed or crazy;30 how reviving extended family among the urban pop u lar classes represented an “avenue of po liti cal participation.”31 The relationships between the Filipino bar girls and western men were discussed not simply in terms of total domination, but in a complex and contingent fashion;32 and the veiling of the Muslim working woman has been represented not in simple terms of submission, but in ambivalent terms of protest and co- optation— hence, an “accommodating protest.”33 Indeed, on occasions, both veiling and unveiling were simultaneously considered as a symbol of re sis tance. Undoubtedly, such an attempt to grant agency to the subjects that until then were depicted as “passive poor,” “submissive women,” “apo liti cal peasant,” and “oppressed worker” was a positive development. The re sis tance paradigm helps to uncover the complexity of power relations in society in general, and the politics of the subaltern in par tic u lar. It tells us that we may not expect a universalized form of struggle; that totalizing pictures oft en distort variations in people’s perceptions about change; that local should be recognized as a signifi cant site of struggle as well as a unit of analysis; that or ga nized collective action may not be possible everywhere, and thus alternative forms of struggles must be discovered and acknowledged; that or ganized protest as such may not necessarily be privileged in the situations where suppression rules. The value of a more fl exible, small- scale, and unbureaucratic activism should, therefore, be acknowledged.34 These are some of the issues that critiques of poststructuralist advocates of “re sis tance” ignore.35 Yet a number of conceptual and political problems also emerge from this paradigm. The immediate trouble is how to conceptualize re sis tance, and its relation to power, domination, and submission. James Scott seems to be clear about what he means by the term: Class re sis tance includes any act(s) by member(s) of a subordinate class that is or are intended either to mitigate or deny claims (for example, rents, taxes, prestige) made on that class by superordinate classes (for example, landlords, large farmers, the state) or to advance its own claims (for example, work, land, charity, respect) vis-à- vis these superordinate classes.36 [emphasis added] However, the phrase “any act” blocks delineating between qualitatively diverse forms of activities that Scott lists. Are we not to distinguish between large- scale collective action and individual acts, say, of tax dodging? Do reciting poetry in private, however subversive- sounding, and engaging in armed struggle have identical value? Should we not expect unequal aff ectivity and implications from such diff erent acts? Scott was aware of this, and so agreed with those who had made distinctions between diff erent types of resistance— for example, “real re sis tance” refers to “or ga nized, systematic, pre- planned or selfl ess practices with revolutionary consequences,” and “token re sis tance” points to unor ga nized incidental acts without any revolutionary consequences, and which are accommodated in the power structure.37 Yet he insisted that the “token re sis tance” is no less real than the “real re sis tance.” Scott’s followers, however, continued to make further distinctions. Nathan Brown, in studying peasant politics in Egypt, for instance, identifi es three forms of politics: atomistic (politics of individuals and small groups with obscure content), communal (a group eff ort to disrupt the system, by slowing down production and the like), and revolt ( just short of revolution to negate the system).38 Beyond this, many resistance writers tend to confuse an awareness about oppression with acts of resistance against it. The fact that poor women sing songs about their plight or ridicule men in their private gatherings indicates their understanding of gender dynamics. This does not mean, however, that they are involved in acts of resistance; neither are the miracle stories of the poor urbanites who imagine the saints to come and punish the strong. Such an understanding of “resistance” fails to capture the extremely complex interplay of conflict and consent, and ideas and action, operating within systems of power. Indeed, the link between consciousness and action remains a major sociological dilemma.39 Scott makes it clear that re sis tance is an intentional act. In Weberian tradition, he takes the meaning of action as a crucial element. This intentionality, while signifi cant in itself, obviously leaves out many types of individual and collective practices whose intended and unintended consequences do not correspond. In Cairo or Tehran, for example, many poor families illegally tap into electricity and running water from the municipality despite their awareness of their behavior’s illegality. Yet they do not steal urban ser vices in order to express their defi ance vis-à- vis the authorities. Rather, they do it because they feel the necessity of those ser vices for a decent life, because they fi nd no other way to acquire them. But these very mundane acts when continued lead to signifi cant changes in the urban structure, in social policy, and in the actors’ own lives. Hence, the signifi cance of the unintended consequences of agents’ daily activities. In fact, many authors in the re sis tance paradigm have simply abandoned intent and meaning, focusing instead eclectically on both intended and unintended practices as manifestations of “re sis tance.” There is still a further question. Does re sis tance mean defending an already achieved gain (in Scott’s terms, denying claims made by dominant groups over the subordinate ones) or making fresh demands (to “advance its own claims”), what I like to call “encroachment”? In much of the re sis tance literature, this distinction is missing. Although one might imagine moments of overlap, the two strategies, however, lead to diff erent po liti cal consequences; this is so in par tic u lar when we view them in relation to the strategies of dominant power. The issue was so crucial that Lenin devoted his entire What Is to Be Done? to discussing the implications of these two strategies, albeit in diff erent terms of “economism/trade unionism” vs. “social demo cratic/party politics.” What ever one may think about a Leninist/vanguardist paradigm, it was one that corresponded to a par tic u lar theory of the state and power (a capitalist state to be seized by a mass movement led by the working- class party); in addition, it was clear where this strategy wanted to take the working class (to establish a socialist state). Now, what is the perception of the state in the “resistance” paradigm? What is the strategic aim in this perspective? Where does the resistance paradigm want to take its agents/subjects, beyond “prevent[ing] the worst and promis[ing] something better”?40 Much of the literature of re sis tance is based upon a notion of power that Foucault has articulated, that power is everywhere, that it “circulates” and is never “localized here and there, never in anybody’s hands.” 41 Such a formulation is surely instructive in transcending the myth of the powerlessness of the ordinary and in recognizing their agency. Yet this “decentered” notion of power, shared by many poststructuralist “re sis tance” writers, underestimates state power, notably its class dimension, since it fails to see that although power circulates, it does so unevenly— in some places it is far weightier, more concentrated, and “thicker,” so to speak, than in others. In other words, like it or not, the state does matter, and one needs to take that into account when discussing the potential of urban subaltern activism. Although Foucault insists that re sis tance is real when it occurs outside of and in de pen dent of the systems of power, the perception of power that informs the “resistance” literature leaves little room for an analysis of the state as a system of power. It is, therefore, not accidental that a theory of the state and, therefore, an analysis of the possibility of cooptation, are absent in almost all accounts of “resistance.” Consequently, the cherished acts of resistance float around aimlessly in an unknown, uncertain, and ambivalent universe of power relations, with the end result an unsettled, tense accommodation with the existing power arrangement. Lack of a clear concept of resistance, moreover, often leads writers in this genre to overestimate and read too much into the acts of the agents. The result is that almost any act of the subjects potentially becomes one of “resistance.” Determined to discover the “inevitable” acts of resistance, many poststructuralist writers often come to “replace their subject.”42 While they attempt to challenge the essentialism of such perspectives as “passive poor,” “submissive Muslim women,” and “inactive masses,” they tend, however, to fall into the trap of essentialism in reverse— by reading too much into ordinary behaviors, interpreting them as necessarily conscious or contentious acts of defi ance. This is so because they overlook the crucial fact that these practices occur mostly within the prevailing systems of power. For example, some of the lower class’s activities in the Middle East that some authors read as “re sis tance,” “intimate politics” of defi ance, or “avenues of participation” may actually contribute to the stability and legitimacy of the state.43 The fact that people are able to help themselves and extend their networks surely shows their daily activism and struggles. However, by doing so the actors may hardly win any space from the state (or other sources of power, like capital and patriarchy)— they are not necessarily challenging domination. In fact, governments often encourage self- help and local initiatives so long as they do not turn oppositional. They do so in order to shift some of their burdens of social welfare provision and responsibilities onto the individual citizens. The proliferation of many NGOs in the global South is a good indicator of this. In short, much of the re sis tance literature confuses what one might consider coping strategies (when the survival of the agents is secured at the cost of themselves or that of fellow humans) and effective participation or subversion of domination. There is a last question. If the poor are always able to resist in many ways (by discourse or actions, individual or collective, overt or covert) the systems of domination, then what is the need to assist them? If they are already po litically able citizens, why should we expect the state or any other agency to empower them? Misreading the behavior of the poor may, in fact, frustrate our moral responsibility toward the vulnerable. As Michael Brown rightly notes, when you “elevate the small injuries of childhood to the same moral status as suffering of truly oppressed,” you are committing “a savage leveling that diminishes rather than intensifies our sensitivities to injustice.” 44

#### Afro-futurism purely as imagination into the future fails. Concrete strategies to build future worlds are key.

Paul 13 Annie, Jamaican journalist; “A Critique of Afrofuturism…and more” Active Voice-- sharp, pointed, often witty commentary on current events in Jamaica, the Caribbean, India and the world; November 23, 2013; http://anniepaul.net/2013/11/23/a-critique-of-afrofuturism/

Thanks for heads up on the show. It would be interesting to read whatever texts accompany it to see if at last anyone has finally put forward an articulate, intelligent thesis of what exactly they mean by Afrofuturism beyond inchoate mentions of computers, Octavia Butler, and Africa.¶ Of the tweet excerpts that you reproduced in the blog there’s only one seriously intelligent line, and it isn’t from the Afrofuturists. It is from Greg Tate where he asks: Well, what isn’t futurist about being Black in America? That’s the first brick of theory at long last, the first spark of serious philosophical thought. The rest is humdrum rehashes of anecdotes and George Clinton.¶ The fact is that futurism (as most Afrofuturists appear to still understand it) without a serious culture of scientific adventurism is like the proverbial faith without work: it’s meaningless and dead. And, the other fact is that African cultures, no matter where they are, have yet to embrace scientific inquiry let alone adventurism. So, the science fiction remains fiction without a chance of transforming into fact the way Western science fiction consistently transforms into fact, and the utopia is nothing but dystopia.¶ In my thinking only Tate’s twist in the tale promises to open up a meaningful philosophical platform for defining and understanding the idea of an Afro futurism: one that isn’t about “I’m interested in using gadgets and looking weird, so, I’m an Afrofuturist”, but broaches the comprehensive philosphere of a culture that survives on dreams.¶ It’s interesting to wear Fula robes and kaftans (not even Dogon) and plastic sunglasses and perform alien descendants of Dogon astronomers visiting Earth. It would be even more interesting for people to emerge from within the culture(s), that is, African cultures be it in the West or on the continent, who have the mindset to invent Google Glass. If you see what I mean. Otherwise, to me the futurism stuff remains mostly a pitiful, mannerist “our ancestors built the pyramids” give me a break, quite frankly.¶ (PS. Notice the peculiar dissonance between European Futurism–Russian, Italian–which was about dynamism, speed, ascension, the future, and streams of Afrofuturism that seem to be about the past, the Dogon, alienation, hurt memory, or at best, mere consumerism, and hardly about ascent or the future!)

#### The world is not always Anti-Black.

Kelley, 17—Gary B. Nash Professor of American History at UCLA (Robin D.G., “Robin D.G. Kelley & Fred Moten In Conversation,” transcribed from <https://www.youtube.com/watch?v=fP-2F9MXjRE>, 1:57:36-2:02:56, dml)

KELLEY: Um, Fred—Fred will take most of these questions. So that's why I'm going to begin first because he's gonna, he's gonna—he's gonna end it because he, he, he has the answer to all these questions ‘cause I turn to him for these questions. On the specific, on the first question, I just want to make sure I understand it because I'm, you know, I don't always recognize, uh, it may be because I'm just old, but I don't always recognize, uh, that black politics, black [unclear—maybe “guys”] work politics have been structured or defined by white supremacy. I mean, white supremacy is there. And I guess maybe because I'm such a student of Cedric Robinson, you know, not everything is about, or in response to, white supremacy. And in fact, one of the critiques coming out of doing Southern history was this idea that race relations framework, that race relations defines, uh, African-American history or Black history. And it's simply not true because much of what people do in terms of, of social formation, community building, um, is, is, is what Raymond Williams might call alternative cultures. In other words, it may be structured in dominance in some ways, but not defined by it. And Cedric's Black Marxism, you know, really made this point. He talks about the ontological totality, you know, the, this sense of being and making ourselves whole, in that we come out of an experience, again, structured by white supremacy, structured by violence, structured by enslavement and dispossession, but, but one in which western hegemony didn't work, you know, that modes of thinking wasn't defined by Enlightenment modes of thinking. In other words, that, that part of the Black radical tradition is a refusal to be property, to even admit that human beings could be property. You know, so we sometimes give white supremacy way too much credit, and maybe I misunderstood the question. And so I think that there's lots of things that happen outside of joy and survival, and survival is important, but survival is not the end all, you know. So I think, and I'll give you one very, very specific example, and now I'm not gonna say anything else after this. The way we have tended to more recently treat slavery, Jim Crow and mass incarceration as a piece, as the reinstantiation of the same thing, the continuation, that denies the fact that these systems are actually distinct, that they are historically specific, and in fact they’re responses to, in many ways, to the weakness of this as a racial regime. So if you think of like the whole idea of the new Jim Crow to me is very, very problematic. Um, although that book by Michelle Alexander is very, very powerful and very useful in terms of educating people about prisons. Jim Crow was not the continuation of slavery. It was not. Jim Crow was a response to the Black Democratic, uh, upsurge after slavery. It was a revolution of Reconstruction. It was a way to try to suppress that. The fact that, that, you know, there was this incredible response. That's why there's a, there's a huge gap between 1877 at the official end of Reconstruction and the rise of Jim Crow, which is the 1890s, disfranchisement, lynching. That's because you've had 13, 14, 15, 20, 25 years of a democratic possibility and struggle. The same thing with mass incarceration—yes, we've had incarceration, but it's, but that, that, that, that upward swing has a lot to do with, again, responses to the struggles in the 1960s, the assault on the Keynesian welfare-warfare state, the fact that you know the, the war on political, the formation of political prisoners, those struggles in fact was the state's response to opposition. And so if we don't acknowledge that, then what we end up doing is thinking that somehow there's a structure of white supremacy that's unchanging, fixed, and so powerful we can't do anything about it when in fact it's the opposite. White supremacy is fragile. White supremacy is weak. Racial regimes actually are always having to shore themselves up precisely because they're unstable. We can see that. We can't see it because the whole system of hegemony is to give us the impression that it is so powerful, there's no space out. And yet it’s working overtime to, to respond to our opposition. Right. That may not answer your question, but that's sort of a way I think about it. Maybe it’s not satisfactory, but yeah.

# 2NC

## 2NC --- CP

### 2NC --- S --- international

#### US contribution to forced labor is not just domestic --- The Courts recent decision in the Nestlé and Cargill cases sets a precedent that gives full immunity for companies profiting from forced labor not in the U.S

Conley, 21 (Julia Conley, Julia Conley is a staff writer for Common Dreams., 6-21-2021, accessed on 9-22-2021, Children's Health Defense, "‘Dangerous Precedent’: Supreme Court Sides With Food Giants Nestlé, Cargill in Child Slavery Case", https://childrenshealthdefense.org/defender/supreme-court-nestle-cargill-child-slavery/)//Babcii

Human rights advocates denounced a Supreme Court decision last week in favor of the U.S. corporate giants Nestlé USA and Cargill, which were sued more than a decade ago by six men who say the two companies were complicit in child trafficking and profited when the men were enslaved on cocoa farms as children. The Supreme Court [ruled](https://www.nytimes.com/2021/06/17/us/supreme-court-human-rights-nestle.html?action=click&module=Spotlight&pgtype=Homepage) 8-1 against the plaintiffs, saying they had not proven the companies’ activities in the U.S. were sufficiently tied to the alleged child trafficking. The companies had argued that they **could not be sued in the U.S. for activities that took place in West Africa**. Neal Katyal, former acting solicitor general under the Obama administration, represented the two companies and also argued that they could not be sued for complicity in child trafficking because they **are corporations, not individuals**. Writing at Slate last December, Mark Joseph Stern [called](https://slate.com/news-and-politics/2020/12/neal-katyal-supreme-court-nestle-cargill-child-slavery.html) Katyal’s position “radical” and “extreme,” detailing the nine justice’s skepticism about his defense of the companies — but the court ultimately sided with him. The plaintiffs, who are from Mali and say they are survivors of child trafficking and slavery in Côte d’Ivoire, filed their lawsuit under the Alien Tort Statute, an 18th century law which allows federal courts to hear civil actions filed by foreigners regarding offenses “committed in violation of the law of nations or a treaty of the United States.” In recent years the Court has limited when the law can be invoked in court, arguing it cannot be used to file a lawsuit when the offense was committed “almost entirely abroad,” [according to](https://www.nytimes.com/2021/06/17/us/supreme-court-human-rights-nestle.html?action=click&module=Spotlight&pgtype=Homepage) the New York Times. Lawyers for the plaintiffs argued that **Nestlé and Cargill have total control over** the **production** of cocoa in Côte d’Ivoire, where child labor is widespread and where the men said they were forced to work long hours and to sleep in locked shacks at night. The U.S. Department of Labor recently [reported](https://earthrights.org/media/scotus-rules-that-u-s-corporations-can-profit-from-child-slavery-abroad/) that the use of child labor on family farms in cocoa-growing areas of Côte d’Ivoire and Ghana increased from 31% to 45% between 2008 and 2019. The **corporations “should be held accountable for abetting a system of** child **slavery**,” [said](https://www.cnbc.com/2021/06/17/supreme-court-rules-in-favor-of-nestle-in-child-slavery-case.html) Paul Hoffman, a lawyer for the plaintiffs. The U.S. Court of Appeals for the 9th Circuit [ruled](https://earthrights.org/media/scotus-rules-that-u-s-corporations-can-profit-from-child-slavery-abroad/) in October 2018 that Nestlé and Cargill couldn’t avoid the lawsuits, but writing for the Supreme Court majority on Thursday, Justice Clarence Thomas said the plaintiffs had failed to establish that the companies’ conduct “occurred in the United States … even if other conduct occurred abroad” and that the companies made “major operational decisions” in the U.S. EarthRights International, which filed an amicus brief with the court on behalf of the plaintiffs, called the ruling “a giant step backward for U.S. leadership on international law and protecting human rights.” “The ruling **implies that U.S. corporations** whose executives decide, from comfortable American boardrooms, to profit from murder, torture and slavery abroad **cannot be sued in U.S. federal courts** for violating international law,” [said](https://earthrights.org/media/scotus-rules-that-u-s-corporations-can-profit-from-child-slavery-abroad/) Marco Simons, general counsel for the organization. “This ruling has disturbing implications for future victims of human rights abuses seeking justice against businesses in U.S. courts. This ruling also **sets a dangerous precedent,** **giving corporations impunity** for profiting from human rights abuses.” Organizer Bree Newsome noted the irony of the ruling on the day the U.S. Congress passed legislation recognizing Juneteenth — the day Union soldiers arrived in Texas and informed Black people who had been enslaved that slavery had ended with the Civil War. “In light of the U.S. Supreme Court’s refusal today to protect victims of corporate human rights abuses, it is imperative that Congress take action,” said Simons. “We call on Congress to **clarify U.S. courts’ responsibilities to enforce** international **law,** reassert U.S. leadership on human rights, and **provide remedies to victims** of the most serious human rights abuses **by enacting binding legislation** that holds corporations accountable for violating human rights.”

#### That drives the practice globally --- The spread of global competition and increased market concentration drive massive pressure for forced labor

Hunt, 21 (Breann Hunt, Bachelors degree from Brigham Young University majoring in Strategic Management, April 2021, accessed on 6-21-2021, Scholarsarchive.byu, "Eliminating Forced Labor in American Corporations and Their Supply Chain: Existing Solutions and Failures", https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1346&context=byuplr)//Babcii

**Twenty-one million individuals across the globe are victims of forced labor** at any given moment. Included in this statistic are millions of children subjected to “restriction of movement, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, [and] debt bondage.”4 Annual profits of forced labor come to a total of $150 billion USD for American companies per year, spread over a multitude of industries and global conglomerates.5 Increased consumer production has created fierce price competition among national corporations, driving subcontractors to resort to illegal and immoral methods to gain labor contracts. Low prices for consumer goods are often paid by the most vulnerable populations. The **financial benefit of forced labor creates little incentive for perpetrators to abandon the practice** on moral grounds. The competitive advantage organizations gain from unethical supply chain practices is a lucrative incentive to continue illegal behavior. Human rights organizations often present emotional pleas to governments, corporations, and the general public to demand systematic change, but these organizations lack the power to attack the **global and widely entrenched issue of forced labor**. These third-party efforts, while laudable in their activism, seek redress in the abstract, as **current legal systems are unprepared to litigate on the global stage**. With yearly revenues of $90 billion, Nestle’s profits rival the GDP of entire nations and possess global influence. In 2005, six plaintiffs alleged that they were enslaved on [Nestle’s] plantations and **sued Nestle** and its parent companies in Doe v. Nestle for aiding and abetting their enslavement.6 Despite public awareness and pending legal action, **Nestle made no change to their supply chain practices**, and in 2015--a full decade after the initial attempt at legal action--the company admitted to human rights violations in its Asian supply chain.7 It should be noted that the 2005 claims were from victims in Africa, thus highlighting the widespread, global scope of the company’s behaviors. The lack of legal action likely enabled Nestle to continue illegally sourcing food products. Nestle has never faced legal consequences for its role in human rights violations; instead, the firm released reports as a result of public outcry. However, reports and research can only go so far in moderating the ethics of billion-dollar companies, particularly when voluntary reporting is done by the company itself. The fact remains that illegal and inhumane labor conditions have persisted despite increasing public awareness of the existence of forced labor conditions. Watchdogs and whistleblowers have appealed to public sentiment in an attempt to enforce good behavior from billion-dollar organizations. However, consumers have been unable to create meaningful change in an economic market with an oligopoly or monopoly that restricts buying power. Indeed, the case of Doe v. Nestle has not caused any meaningful legislation to be passed and has only recently been appealed to the Supreme Court for further consideration on behalf of the plaintiff’s claims. The lack of effective legislation and cries for change in this matter prove that this issue has gone ignored, preventing a clear legal consensus from emerging. Supreme Court justices remain divided on the issue, including the role of the judiciary in the interpretation of existing laws. In Doe v. Nestle, Justice Brett Kavanaugh claims, “[T]his case really is a case, I think, about the proper role of the judiciary as compared to the proper role of Congress here in fleshing out the Alien Tort Statute.”8 It is past time for the American legal system to **recognize corporate culpability in the** regular, egregious **violations rife in global supply chains**. The author of this Article will examine existing legal solutions and their failures, while expanding on Justice Kavanaugh’s question concerning the expansion of legislation.

#### US consumption drives forced labor --- altering US behavior is key

Global Slavery Index, 18 (GLobal Slavery Index, The 2018 Global Slavery Index provides a country by country ranking of the number of people in modern slavery, as well as an analysis of the actions governments are taking to respond, and the factors that make people vulnerable. , 7-18-2018, accessed on 10-10-2021, Minderoo Foundation, "More than 400,000 modern slaves are exploited in the United States.", <https://www.globalslaveryindex.org/news/more-than-400000-modern-slaves-are-exploited-in-the-united-states/>)//Babcii

One in every 800 people in the United States is working under forced labor conditions – new data revealed today. The findings are part of the Global Slavery Index 2018, the world’s most comprehensive research on modern slavery, launched today by Walk Free. The Index revealed that more than 400,000 people are working as modern slaves in the United States. Assessing the prevalence, measurement of vulnerability and assessment of government response to the issue, modern slaves were primarily working in domestic work, agriculture and farm work, travelling sales crews, restaurant or food services, and health and beauty services **Globally**, imports were a **key** driver of modern slavery, with the United States as the biggest purchaser of goods at-risk of being produced through forced labor, importing more than $144 billion(1) a year. **U.S. consumer demand was key to fueling this supply**, with electronics (laptops, computers, mobile phones), garments, fish, cocoa and timber the highest value categories of imported items. The U.S. total is three times that of the second-largest G20 importer, Japan ($47bn), and nearly ten times more than its neighbor Canada ($15bn). Mr. Andrew Forrest, Founder of Walk Free, said: “The United States is one of the most advanced countries in the world yet has more than 400,000 modern slaves working under forced labor conditions. This is a truly staggering statistic and demonstrates just how substantial this issue is globally. This is only possible through a tolerance of exploitation, demonstrated by the billions of at risk goods being brought to the United States to fuel consumer demand for affordable products.”

#### Antitrust is key --- Lack of public accountability means only remedial options based on market power are sufficient

Hunt, 21 (Breann Hunt, Bachelors degree from Brigham Young University majoring in Strategic Management, April 2021, accessed on 6-21-2021, Scholarsarchive.byu, "Eliminating Forced Labor in American Corporations and Their Supply Chain: Existing Solutions and Failures", https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1346&context=byuplr)//Babcii

D. Forced Labor and Its Effect on the Free Market and Antitrust Violations The federal government of the United States has developed legislation to promote rigorous business competition in the marketplace. Examples include antitrust laws and SEC requirements which ensure fair competition and freedom of information in the market by breaking up market monopolies and issuing property rights. In relation to supply chain management, antitrust laws enforced by the FTC examine firms’ supply chains. The FTC claims that, “A vertical [supply chain] arrangement may violate the antitrust laws [...] if it reduces competition among firms at the same level (say among retailers or among wholesalers) or prevents new firms from entering the market.”22 Supreme Court precedent dictates that antitrust issues be examined through a reasonable framework that includes a consideration of the effect of a firm’s actions on competition within the market. The FTC claims that, “[price advantage through supply chain] must be weighed against any reduction in competition from the restrictions.”23 While price advantage is not illegal, gaining market high ground through forced labor creates an unfair vertical supply chain that tilts economic competition in favor of the company with human rights violations. According to the FTC, “a vertical arrangement may violate the antitrust laws, however, if it reduces competition among firms at the same level (say among retailers or among wholesalers) or prevents new firms from entering the market.”24 Sourcing goods through illegal labor reduces competition by unfairly lowering the cost of goods sold for firms, thus enabling them to undercut competitor pricing. This does have the effect of reducing the advantages of free market competition and prevents new firms from entering the market. For example, a study done on the price increase upon Fair Trade certification of coffee brands (an industry often associated with forced labor in its supply chains), researchers found that price increases did not reflect the consumer’s willingness to pay.25 A Fair Trade certification is a third party supply chain certification that audits participating businesses to ensure their subcontracted labor is well paid and free from slave labor.26 The study further claims that, “Fair Trade Certification has an impact of raising the price of coffee 22% compared to non-Fair Trade coffees,” while “Fair Trade Certification increases the premium consumers are willing to pay for coffee by 1.1%.”27 Thus, while **brands that secure their supply chains from** human rights violations must necessarily **increase their prices**, **there is not a corresponding willingness to pay the additional price f**rom consumers. The study cited deals with a common consumer good, coffee, where firms compete with similar prices and four brands represent more than 55% of total market share.28 Other common consumer goods have similar industry structures, such as Nestle, where large competitors compete on price for market share. When industries compete on price, the likelihood of ethical supply chain efforts creating an effective competitive advantage with the majority of consumers decreases. While there is certainly evidence of forced labor within coffee supply chains,29 **ethically sourced** coffee **brands have not made a significant entrance** into the mainstream market. This represents how dominant, global firms with no legal repercussions for their human rights violations suppress the expansion of ethically sourced U.S. competitors. In the Supreme Court filings for Doe v. Nestle, competitors claim that Nestle violated their right to the free market. According to several firms who had taken measures to ethically source their product, “As slave-free cocoa and chocolate companies, [we] are at a competitive disadvantage to companies that source cheap cocoa produced with forced child labor. The higher production costs associated with compliance with international human rights norms require [us] to sell chocolate at higher prices.”30 If other firms are operating with **legally sourced labor**, they **will be less likely to sustain profits and compete** in markets where some firms are illegally benefiting from cheaper labor. Economic scholars Kynak et al. argue that, “The competitive environment, heating up with the emergence of new and powerful competitors in the markets with regard to all sectors, tempts entities to perform unethical maneuvers in their commercial relations with the aim of gaining a competitive advantage.”31 Unethical maneuvers to gain competitive advantage in the market are often hard to detect and costly to investigate. Indeed, “transaction and auditing costs of the entities increase due to the fact that such operations based on the derivation of unfair advantage are difficult to detect.”32 As mentioned above, becoming a Fair Trade certified brand requires rigorous standards and will increase the cost to the firm for goods sold. This includes associated overhead costs. Other certifications for sustainability such as the B Lab, which includes similar standards for labor within the supply chain, represent high costs to firms who decide to engage in such third-party labels.33 While these certifications are not necessary for firms to engage in ethical practices, they represent the overall cost disadvantage for firms that refuse to compromise ethical sourcing standards for price cuts. Thus, for this reason, national **antitrust legislation can define the federal** government’s **obligation to address forced labor in supply chains**, and provide additional context in courts for understanding the quantifiable damage done to free markets by illicit supply chain management.

#### Attaching liability is key to weed out violations deep in supply chains or in foreign nations

Dechert, 20 (Dechert, Dechert LLP’s White Collar, Litigation, and Labor and Employment practices have been active in providing pro bono representation to victims of forced labor and human trafficking for many years., 8-12-2020, accessed on 6-21-2021, Dechert, "Corporate America Can Be A Powerful Force For Good To Root Out Modern-Day Slavery", https://www.dechert.com/knowledge/onpoint/2020/8/corporate-america-can-be-a-powerful-force-for-good-to-root-out--.html)//Babcii

The **Department Of Justice** Can Use Section 545 to Combat Slave Labor Under Section 1589 Because of its breadth, Section 545 can be a **highly effective tool for combatting slave, forced, and child labor**—not because Section 545 can reach the actual execution of these repugnant labor practices, but because it can attach to th e very products that result from such abhorrent conduct when those products enter (or attempt to enter) the American marketplace. In the same way that federal law has proscriptions against allowing certain U.S. technology from being exported to certain countries, such as Cuba, Iran, and North Korea,54 the United States also has a variety of laws that prohibit products from being imported into the country when those products do not reflect our nation’s values, such as products made with slave, forced, or child labor; counterfeit products; and adulterated or misbranded products under the Food, Drug, and Cosmetic Act (and its implementing regulations), among others. Recall, Section 545 applies to “merchandise” that enters “contrary to law” or that passes through the supply chain with a defendant’s knowledge that it made entry “contrary to law.” That means Section 545 can work in tandem with anti-slave labor laws such as Section 1589 to result in the **criminal prosecution of anyone**—whether a **company or person**—who knowingly imports or brings into the United States, any merchandise made from labor or services that are the result of “force, threats of force, physical restraint, or threats of physical restraint” **anywhere in the world**. And, the government can take the position that those who transact in such goods at **various points in the supply chain** are **not beyond the reach of** federal **prosecutors** either. That’s because the law applies equally to those who “receive[], conceal[], buy[], sell[], or in any manner facilitate[] the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States” in violation of anti-slave labor laws.55

### 2NC --- AT: USFG wont pass it

#### Reject ethical purity --- Legal solutions may not be perfect but they are needed

Hall, 14 (Kathleen Hall, Senior reporter, BA in english lit @ University of Sussex, Postgraduate in journalism @ Nottingham Trent University, 3-31-2014, accessed on 6-28-2021, Law Gazette, "Human rights and the bottom line", https://www.lawgazette.co.uk/commentary-and-opinion/human-rights-and-the-bottom-line/5040611.article)//Babcii

Today no one in their right mind would consider the abolishment of child labour a good move purely because the business case stacked up. But being able to make an **economic case as well as a moral one** can be expedient in achieving the goal. The notion that these arguments can be **mutually reinforcing** was made in the Law Society’s Business and Human Rights Advisory Group's recommendations in response to the United Nations Guiding Principles on Business and Human Rights. These principles, endorsed by the UN in 2011, create a ‘**corporate responsibility** to respect human rights’. The advisory group argued that there is a strong business case for the legal profession to follow the guiding principles, as they are ‘increasingly being reflected and referred to in law, regulation, contracts and dispute resolution’. Law Society president Nick Fluck said that adoption will ‘ensure our profession retains a competitive advantage in what is an increasingly globalised marketplace’. In a globalised economy the **profit motive can be a powerful force** for change. Sadly, humanitarian reasons alone are not always enough to attract attention. But start talking about reputational damage and impact on the bottom line and organisations will start listening. Similar arguments have been made for the introduction of anti-corruption policies and the extension of whistleblowing protections. Yes these are good things to do, but the compelling argument is the economic one – namely that these policies help prevent firms from imploding due to malpractice. Enron is a good example here. And having **a business case for doing the right thing does not** automatically **undermine the moral imperative**. Nick Grono, chair of charity Walk Free, makes the point well in his article in the Guardian urging campaigners to ‘make the economic case for ending slavery’. Most firms are seeking further global expansion, so being able to appeal to them using the 'competitive advantage' argument for adopting human rights principles must be worth a shot. After all **when it comes to ending violations** of human rights, surely the **right response is the one that brings results – regardless of underlying motive.**

#### Especially in the context of Antitrust --- Scenario and economic analysis is key to catalyze support and extract concessions

Grono, 13 (Nick Grono, Australian human rights campaigner who heads the Freedom Fund – the world's first private donor fund dedicated to ending slavery. a law degree with first class honours from the University of Sydney. He also holds a Masters in Public Policy from Princeton University., 8-15-2013, accessed on 6-27-2021, the Guardian, "The economic case for ending slavery", https://www.theguardian.com/global-development-professionals-network/2013/aug/15/economic-case-for-ending-slavery)//Babcii

Instead all of us in the **anti-slavery** organisations **must start working** together **to effectively make the case to governments** and the private sector **of** the **economic** benefits of eliminating slavery, **over** and above **the unarguable moral case** to end this atrocity. In today's world, profit is usually a positive measure. Without profit we have recessions and misery; we have stagnant wage growth and depressed living standards; and the poor remain mired in poverty. So to associate the most egregious forms of human exploitation with profits may inadvertently conflate slavery with something good. And given the logic of basic economics, which tells us a reduction in profit is usually a bad thing, the implication could be that successful efforts to eliminate slavery-derived profits will damage the global economy. But this is not the case, and the error derives from framing the issue wrongly. The reality is that while slavery does produce profits for criminal slaveholders and traffickers – it also generates massive costs and losses to the wider economy, over and above the unimaginable human suffering. Tackling slavery means not only stripping the criminals of their illegal profits, but persuading governments that an investment in ending slavery will return massive dividends. When I visit enslaved villages in northern India, I do not find productive contributors to the Indian economy. I see starved, beaten, oppressed human beings struggling to survive. Multiply the lost labour productivity by the [27 million people](http://rendezvous.blogs.nytimes.com/2013/06/20/27-million-people-said-to-live-in-modern-slavery/) estimated to be enslaved today – greater than the entire population of Australia – and it becomes apparent what massive damage slavery is doing not just to people's lives but to the broader economy. The real economic damage is, in practice, much worse than this simple calculation would suggest. In the case of sexual exploitation consider the economic and social costs stemming from organised crime, a cash based economy resulting in unpaid taxes and the opportunity cost of having millions of otherwise healthy workers removed from the productive economy. Factor in the tragic reality that enslaved women often die young. Or take the case of the many millions in forced labour. There are massive opportunity costs to the wider economy of having able-bodied workers operating in conditions where they are unlikely to be working at full capacity, due to the absence of normal incentives. When slaves are freed, they contribute significantly to the economy. Those enslaved know how to work, and when given a chance to work for themselves and support their own families, they work hard. Motivated, their productivity climbs and so does their consumption – food and medicine, clothes and housing, everything they were denied in slavery. Freed slaves do their best to educate their children, knowing this is a powerful buffer against slavery. Longitudinal research following villages from slavery to freedom has shown a significant "freedom dividend." Focusing on the **economic** costs **is not to ignore the unimaginable suffering of those enslaved** and their families and communities. Far from it. It is about **constructing arguments best designed to drive** the **policy** action required to end this atrocity. Sadly, governments and the private sector **are not easily swayed** into action **for purely humanitarian reasons**. If they were, there would not be 27 million people living in slavery right now. For cash-strapped governments working out how to allocate limited taxpayer dollars, economic arguments are often far more powerful than humanitarian ones. And private sector donors want to invest in a way that generates both social and economic good. Just consider how effectively the international public health sector has changed its narrative. Vaccinating children or helping people living with HIV has moved from being the right thing to do, to also being about the percentage increase in GDP providing these medicines will produce. But to persuade government and the private sector, **we need** robust data in support of **the economic case**. The anti-slavery sector possesses much of the data, but fragmentation in the space often prevents it from being effectively shared and analysed. There **needs to be more** collaboration and **willingness to** share information. And funders need to **invest in filling the research gaps,** and in **pulling together** all the available data **to help make the powerful** economic **case**.

### 2NC --- solves domestic issues

#### Forced labor has been privatized in the United States through a Prison Industrial Complex --- Only holding corporations responsible can create broad divestment

Prashar, 20 (Ashish Prashar, Global Chief Marketing Officer at R/GA. Ashish chaired the former Mayor London's Mentoring Initiative, graduated from the University of Westminster in London., 9-14-2020, accessed on 6-29-2021, Business Insider, "American businesses are raking in billions from the prison-industrial complex. It's time to get serious about dismantling this disgusting system.", <https://www.businessinsider.com/prison-industrial-complex-end-business-help-mass-incarceration-2020-9)//Babcii>  
\*Edited for grammar

Making money from a broken system **A "p**rison-**i**ndustrial **c**omplex" **is not possible without the "industrial" part**. Thousands of US businesses participate in this exploitation system, many publicly traded and household names. These **corporations have monetized crime and punishment** with the government's help and put profit over everything. They fight for positioning to siphon off their share of the [$80 billion](https://www.prisonpolicy.org/reports/money.html) in tax dollars spent annually to keep [2.3 million incarcerated](https://www.prisonpolicy.org/reports/pie2020.html),. Of that $80 billion total, tens of billions are then funneled into the private sector through vendor contracts with healthcare providers, food suppliers, prison contractors, and countless others. There are 4,100 corporations engaged in the Prison Industrial Complex, some of who support prison labor directly or through supply chains. In April, Worth Rises released [The Prison Industry: Mapping Private Sector Players (2020)](https://worthrises.org/theprisonindustry2020#block-b153f5e8252bbcf8827a) cataloging the participating companies and calling for immediate divestment from 180 large, publicly traded companies involved in the prison-industrial system. A lot of these companies are household names like Sherwin Williams and Stanley Black & Decker. In addition, dozens of boutique firms are dipping deep into the corrections-industry, like Wall Street Prison Consultants, which provides advice to white-collar offenders. Not just private prisons While private prisons attract most of the attention, the market for privatized services dwarfs that of privatized facilities. Private prisons are only [8% of the market](https://www.sentencingproject.org/publications/private-prisons-united-states/), with a total annual revenues of [$4 billion](https://www.bloomberg.com/news/articles/2019-07-17/how-border-crisis-brings-scrutiny-to-private-prisons-quicktake). By comparison, the correctional food-service industry alone provides the equivalent of $4 billion worth of food each year. Corrections departments spend at least [$12.3 billion](https://www.thenation.com/article/archive/prison-privatization-private-equity-hig/) on healthcare, about half of which is provided by private companies. Telephone companies, which can charge up to $25 for a 15-minute call, rake in [$1.3 billion](https://omnisperience.com/2020/02/27/salesforce-spends-1-3-billion-on-buying-vlocity/) annually. Incarcerated people also work, making everything from license plates to body armor vests and mattresses. In California, some even serve as firefighters. In New York, they made hand sanitizer during the pandemic, a hygiene product they were not allowed to use. But in some places, they are employed by major corporations such as Minnesota-based 3M. These American citizens get paid [8 to 15 cents an hour](https://www.prisonpolicy.org/blog/2017/04/10/wages/) for this labor. In the State of **Texas** where they **have them** [**picking cotton**](https://theintercept.com/2016/04/04/prisoners-in-multiple-states-call-for-strikes-to-protest-forced-labor/)**, they get paid nothing – an image of slavery**. Before the pandemic and Black Lives Matter protests, businesses weren't interested in taking a permanent stand fearing economic risks. Now is not the time for weighing economic risk or parsing profit margins. It's **time for US businesses to divest from the prison system** and play their part in overhaul of the justice system. Companies have acted before South Africa's Apartheid began to crumble under economic pressure between 1977 and 1986 as civil rights groups, labor organizations and a campus divestment movement took root and blossomed in the United States. In 1977, Rev. Leon Sullivan, a General Motors board member, wrote seven principles that companies operating in apartheid South Africa should follow. While some saw these "Sullivan Principles" as a smokescreen for companies with economic interests to stay in South Africa, they emboldened activists, student protesters and Black South Africans. [When Coca-Cola withdrew from South Africa in 1986](https://www.latimes.com/archives/la-xpm-1986-09-18-mn-11241-story.html) and sold its assets to Black South Africans as well as white, the move was a major victory for racial equality, but it was a necessity. The unified front of students, activists, shareholders and employees in the United States with activists in South Africa and the civil disobedience there forced the withdrawal. Companies shouldn't worry about alienating potential customers. Many Americans are demanding change. In a recent poll, [69% of Americans](https://abcnews.go.com/Politics/63-support-black-lives-matter-recognition-discrimination-jumps/story?id=71779435) say Black people and other minorities aren't treated equally in the justice system, a high-water mark. Businesses have to now back up words of solidarity with communities of color with action. How can businesses act? Given the scale of the system of mass incarceration and the extensive network of actors profiting from it, we will ultimately need a bold multi-pronged approach to effectively confront the prison-industrial complex. The approach should combine public, political, and financial pressure to abolition **(abolish) the current system. The blow to apartheid was** so **devastating because major corporations withdrew** from the apartheid economy, making the political environment more amenable to positive policy changes. **Companies must do the same today when it comes to the U.S. prison system**. First, we must divest by ending all financial relationships with companies that profit from or participate in the prison system. Public pension funds and university endowments must divest from companies that sell products and services to prisons. Secondly, **companies and organizations using prison labor must cease those activities** immediately. While there has been a slow departure from some companies, hundreds of others still support US prison labor. Economically disenfranchising prison laborers by paying them nothing or less than a dollar a day is as morally reprehensible as the chain gangs of Jim Crow. Finally, if 30 years ago, American companies could forego a foreign economic interest, they can eradicate racism and injustice at home. Every publicly traded US company should be required to adopt a form of the [Global Sullivan Principles](http://hrlibrary.umn.edu/links/sullivanprinciples.html). While there is debate on the efficacy of **social responsibility** pledges, if accountability is institutionalized, good can result. It's long past time to **shift our public dollars away from** building **prisons** and locking people up, and **towards education, school counseling, after-school programs, and restorative justice.** We will all have to look back on our actions in this moment and see how serious we were about justice and discover what side of history we and businesses were on. It's time we put people over profit and freedom over fear.

# 1NR

## top

### 2nc --- TVA

#### Imagining a future without the white monopoly is valuable

Sam McKenzie Jr. 19, essayist with background in nonprofit and government work, 1/17/19, “How the Business of Whiteness Is the Ultimate Antitrust Violation,” <https://sammckenziejr.medium.com/how-the-business-of-whiteness-is-the-ultimate-antitrust-violation-3d5ec1f28ae5>

The other day, I listened to my Alexa device echo back the attorney general confirmation hearing for William Barr. I heard a senator lob preschool questions at William Barr about tech companies and antitrust regulations. Based on the senator’s leading questions, the senator believes antitrust laws are necessary to prevent companies from becoming too powerful and eliminating competition. Apparently, that’s bad for business owners, and it’s bad for the public. As I heard the questions and answers, my face balled up and I thought, “Isn’t that what white supremacy does in America?” The answer is yes and here are a few ways it happens: Deals with white suppliers Anticompetitive deals between companies and suppliers, that reduce or end competition, can increase monopolies. In the past, America’s immigration laws created white and wanton deals with countries to maintain white majorities in America. Those racist compacts allowed millions of white Europeans to come to a racist America while excluding other nations. As America’s white majority declines, it’s no surprise the current battle with immigration is about the market share of whiteness in America with certain countries as the preferred suppliers. The mergers of whiteness Mergers by large corporations can create a monopoly too. In the past, as whiteness merged with European immigrants, the united state of whiteness benefited by eliminating competition from Black people and people of color. White racism enacted against Black people made it easier for new European immigrants to enter the workforce and the middle and upper classes of society. White America exists — in its fixed and rigged position — because white America instituted, reinforced, expanded, and reiterated white supremacy through slavery, discriminatory laws, the Homestead Act, the G.I. Bill, the New Deal, and a bad host of other inhospitable policies and practices. White supremacy has unjustly enriched white people — even poor whites relative to their counterparts — based on the merger of whiteness. The cost of the merger of whiteness to Black people from stolen income and opportunities must be many trillions of dollars. Price discrimination against Black people Price discrimination involves charging different prices to different consumers. With price discrimination, the value of a service changes depending on the buyer, and it can be illegal. If you’re Black in America, you are more likely to die earlier, go to jail, suffer greater health disparities, make less money, and be the target of discrimination and hate crimes. The unnecessary, disproportionate, and discriminatory price of life that Black people pay in America is exorbitant because of white supremacy. Barriers to entry for Black people When companies create barriers to enter the market, they can violate antitrust laws. The barriers make it impossible or unduly difficult for other companies to start and compete. Today, the structural barriers of whiteness make it harder for Black and Brown people to compete and achieve at every level. Those barriers include the need for multiple college degrees that do not pay off themselves. Those barriers include hand-me-down wealth that automatically passes ill-gotten gains and material privilege to generations of white people. Those barriers also include social and professional networks engineered and serviced by white supremacy that white employees use to get their white friends a job. Remedies and Regulation The word “trust” can refer to property or big business. Way back in the 90s, legal scholar Cheryl Harris described whiteness as property with all the benefits and entitlements of property ownership held by white people. If whiteness is property, as Harris said, then whiteness is a monopoly — that’s inherently discriminatory in a white-supremacist society — and it violates the principles of antitrust laws too. Strangely, the same Justice Department that investigates and prosecutes antitrust violations supposedly does the same with cases of discrimination. The antitrust laws aren’t perfect; officials can underutilize and misuse them. For example, the Trump administration and his Republican accomplices want to misuse antitrust laws to punish companies they think silence “conservative voices.” Meanwhile, white supremacy — as a conglomerate of cruelty with workers and workings — is the biggest antitrust violation in American history that continues to silence voices. The principle of fair competition within antitrust laws should apply everywhere. If the Justice Department had eyes on every industry of white supremacy, as it does on antitrust violations, that would be better. To overhaul the state of the union, the disparate impact principle has to be retroactive, and it must forever reign over every part of American life with militant enforcement. The stimulated economy of white supremacy roars like a well-oiled machine. America is not a meritocracy; a white monopoly runs America. The business of whiteness has to stop passing go and running the board. Jail it, and its outcomes for life. In its place, set free the business of humanity that all Americans can trust.