## 1NC — Off

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#### Our interpretation is that the affirmative should defend the goals of the resolution: prohibition of anticompetitive business practices by the private sector — affirmatives can refuse the methodology of the resolution, but the end point of the 1AC should be the goal of the resolution

**“Prohibition” means to formally forbid.**

**Eaton** et al. **17**, Joseph Van Eaton, Gail Karish, Gerard Lavery Lederer, lawyers for Best Best & Krieger, Llp. Michael Watza, (3-8-2017, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, “BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C”, COMMENTS OF SMART COMMUNITIES SITING COALITION, https://tellusventure.com/downloads/policy/fcc\_row/smart\_communities\_siting\_coaltion\_comments\_mobilitie\_8mar2017.pdf)

2. What are at issue legally are prohibitions and effective prohibitions, and not hindrances, as the Commission seems to suggest in its Notice. The term “prohibit” is not defined in the Act, but it has an ordinary meaning: to formally forbid (something) by law, rule, or other authority; or to “prevent, stop, rule out, preclude, make impossible.” A mere “hindrance” “is simply notin accord withthe ordinaryand fairmeaning” of the term prohibit,104 and can provide no basis for additional Commission intrusions on local authority over wireless facilities. Much of what Mobilitie complains about is a “hindrance” at most (and usually a hindrance magnified by its own actions).

#### Business practices are ongoing and prevalent conduct defined by the behaviors of many profit-based market participants

MacIntosh 97 (KERRY LYNN MACINTOSH-Associate Professor of Law, Santa Clara University School of Law. B.A. 1978, Pomona College; J.D. 1982, Stanford University. “LIBERTY, TRADE, AND THE UNIFORM COMMERCIAL CODE: WHEN SHOULD DEFAULT RULES BE BASED ON BUSINESS PRACTICES?” *William and Mary Law Review*, vol. 38, no. 4, May 1997, p. 1465-1544. HeinOnline accessed online via KU libraries, date accessed 8/27/21)

These new and revised articles reflect a strong trend toward choosing default rules4 that codify existing business practices.5 [[BEGIN FOOTNOTE 5]] 5. In this Article, the term "business practices" is used to refer to practices that emerge over time as countless market participants exercise their freedom to engage in profitable transactions. For an account of the evolution of business practices, see infra Part II. As used here, "business practices" is broader and less technical than "trade usage," which the Code narrowly defines as "any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question." U.C.C. § 1-205(2). [[END FOOTNOTE 5]] This is particularly true of the recent revisions to Articles 3 (Negotiable Instruments), 4 (Bank Deposits and Collections) and 5 (Letters of Credit).

#### The private sector is for profit entities and excludes non-profits — means the NDT, CEDA, ADA, etc. don’t count, so prohibiting debate practices is NOT topical

PMNCH 10, Patrnership for Maternal & Newborn Health, https://www.who.int/pmnch/about/steering\_committee/B9\_10\_7\_ps\_principles.pdf)

For this study the private sector is defined as: for-profit formal commercial organizations as well as business coalitions or business alliances  Using this definition, private sector includes: a) For-profit commercial enterprises or businesses b) Business coalitions and alliances (cross-industry, multi issues groups; issue-specific initiatives; industry-focused initiatives)

#### They violate — they do not have a discussion, nor a tie, to the concept of forbidding anticompetitive business practices — they are wayward towards an ethic of care, not towards non-governmental anticompetitive business practices

#### Vote negative — 2 impacts —

#### 1 — Clash — establishing a role for the negative is critical for debate — defending a controversial position generates and allows for the negative to clash with the affirmative, or take alternative positions and explanations to their theory of power — taking moral high grounds and unanswerable positions like wayward care where there is not alternative literature base denies a role for the negative, which destroys rigorous testing, advocacy, and research skills

Poscher, 16—director at the Institute for Staatswissenschaft and Philosophy of Law at the University of Freiburg (Ralf, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement”, *Metaphilosophy of Law*, Tomasz Gizbert-Studnicki/Adam Dyrda/Pawel Banas (eds.), Hart Publishing, forthcoming, dml)

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104 This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”. These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea. In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case. It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena. f) The Advantage Over Non‐Argumentative Alternatives It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered? One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above. 2. THE SEMANTICS OF AGONISTIC DISAGREEMENTS The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes. In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements. A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached. The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics. In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are talking about the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Think affirmatives like Wake Forest ST’s House of Cards aff — they take a race-based critique and approach to the resolution, but they allow for the reading of DAs to prohibiting business practices and defend the affirmative has a method to meet the end goals of the resolution

#### Clash is key to self-questioning — individual debates don’t shape our subjectivity but the process of debating well-prepared opponents forces us to question our own positions and revise them — that process linearly improves our ideas and decision-making, which cuts back against cognitive shortcuts that would otherwise cause us to support flawed strategies.

Niemeyer 11, Centre for Deliberative Global Governance, Research School of Social Sciences, The Australian National University (Simon, The Emancipatory Effect of Deliberation: Empirical Lessons from Mini-Publics, *Politics and Society*, Issue 39(1), pp. 103-140, https://www.unige.ch/sciences-societe/socio/files/2114/0533/6108/002.pdf)

Lessons for Deliberative Democracy

The results of the two case studies in this article suggest that deliberation does not fundamentally change individuals or inculcate a sense of moral duty. The particular values that prevailed in both issues were always present (and measurable), even if they were latent in expressed preferences. Before deliberation, most participants believed they were acting in the public interest,69 but good intentions alone are not sufficient to formulate civic-minded preferences. Predeliberative preferences were more strongly influenced by discourses associated with symbolic politics. Following deliberation, symbolic cues reduced the “cost” of arriving at a decision,70 but the cognitive shortcut resulted in positions that did not properly reflect participants’ overall subjectivity.

Before deliberation, symbolic politics—or at least the mere presence of potent symbols—distorted participants’ preferences. This process may be manipulative and overt, as in the case of the Bloomfield Track, or incidental, as in the case of the Fremantle Bridge. Deliberation successfully corrected the influence of symbolic politics because it provided both the incentive and the means to develop positions on an intersubjective set of recognized issues that extended beyond the narrow set of unhelpful symbolic ones. The mechanism whereby this occurred did not so much involve changing incentive structures, as predicted by institutional rational choice.71 Rather, it changed the decision pathway from a casual understanding of emotionally appealing content to a deeper understanding that allowed participants to better express their own subjectivity. The change was as much a function of stripping away the impact of symbolic arguments as it was due to participants’ increased ability and willingness to deal with issue complexity. This suggests that the transformative effect might be more easily replicated in the wider public sphere than is ordinarily supposed.

#### Independently, the affirmative’s boundless approach to waywardness is unlimited and infinite that denies a role for the negative — their own evidence lists a myriad of process that can be defined as being wayward

1AC Hartman 19 (Hartman, Saidiya. Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval. W W Norton, 2019, pages 190-197)//Squirms

was taken for granted and domestic work or general housework defined the only opportunity available to black girls and women. The acts of the wayward—the wild thoughts, reckless dreams, interminable protests, spontaneous strikes, riotous behavior, nonparticipation, willfulness, and boldfaced refusal—redistributed the balance of need and want and sought a line of escape from debt and duty in the attempt to create a path elsewhere. Mere survival was an achievement in a context so brutal. How could one enhance life or speak of its potentialities when confined in the ghetto, when subjected daily to racist assault and insult, and conscripted to servitude? How can I live?—It was a question Esther reckoned with every day. Survival required acts of collaboration and genius, guessing at the unforeseen. Esther’s imagination was geared toward the clarification of life—“what would sustain material life and enhance it, something that entailed more than the reproduction of physical existence.” The mutuality and creativity necessary to sustain living in the context of intermittent wages, controlled depletion, economic exclusion, coercion, and antiblack violence often bordered on the extralegal and the criminal. Esther’s beautiful, wayward experiments entailed an “open rebellion” against the world.

#### 2 — Topic Education — debates over antitrust, or how it interacts with other sectors of debate, is extremely valuable

Waller & Morse 20, \*John Paul Stevens Chair in Competition Law; Professor and Director, Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law \*\*J.D. Expected 2021, Loyola University Chicago School of Law (\*Spencer Weber Waller \*\*Jacob Morse, 7-26-2020, "The Political Face of Antitrust," Brooklyn Journal of Corporate, Financial, and Commercial Law, https://ssrn.com/abstract=3660946)

IV. Antitrust in Civil Society

Competition issues are also part of the general civic discourse separate from the campaign rhetoric and legislative proposals offered by politicians. This is also a significant sign that antitrust has begun to be an important source of small “p” politics that engages substantial segments of the public at large. One example is the increased number of non-technical books intended for a lay audience that deal with the role of antitrust in a healthy economy and democracy. Recent and forthcoming books dealing with these themes include Tim Wu’s “The Curse of Bigness,”109 Matt Stoller’s “Goliath,”110 Maurice Stucke and Ariel Ezrachi’s “Competition Overdose,”111 Zephyr Teachout’s “Break ‘em Up,”112 and David Dayan’s “Monopolized.”113 On the academic side, there are a plethora of government and NGO studies of competition policy on digital competition114 and new works are flourishing which explore the broader ramifications of antitrust and competition in society.115 Long form and more mass-market journalism have also taken up the mantle of exploring the role of antitrust and competition policy. Such diverse magazines as The Atlantic,116 Time, 117 New Republic,118 American Prospect,119 Rolling Stone,120 New York Times magazine,121 Variety,122 National Review, 123 Foreign Policy,124 and other policy and opinion magazines have all run recent stories or profiles of individuals involved in antitrust issues. Before the COVID-19 pandemic effectively monopolized press coverage in the United States, there were thirty-three antitrust related stories on the front page of the New York Times or the front page of its business section over a three-month period in late 2019. 125 A majority of the stories focused on tech giants such as Apple, Microsoft, Google, Amazon, and Facebook.126 In addition, the New York Times also covered stories about mergers, merger policy, local issues such as the Chicago taxi market, and various smaller industries.127 This is separate from coverage during the same period of campaign issues and candidate statements relating to the field. A similar increase in coverage during this same period can be observed anecdotally in more business-oriented publications like Forbes, Barron’s, Wired, and the Wall Street Journal; general newspapers like USA Today, Washington Post, and Huffington Post; more local newspapers; as well as radio and television.128 Web pages and social media accounts on these issues have similarly proliferated on all ideological perspectives.129 Lobbying and public policy groups are growing in number and influence. Beyond the traditional trade associations and general think tanks there are now a number of active groups with antitrust as a large part of their focus. These include the Open Markets Institute, 130 American Antitrust Institute, 131 Anti-Monopoly Fund,132 Institute for Self-Reliance,133 Public Citizen,134 Public Knowledge,135 Demos, 136 and the International Center for Law and Economics.137 At the more technical legal end of the debate, antitrust is similarly flourishing as a field. One sees increased law school hiring in the field for the first time in decades. Academic institutes and centers abound with a wide variety of perspectives ranging from libertarian to enforcement oriented.138 Most major antitrust cases now feature multiple amicus briefs from legal and economic experts on both sides of an issue both in the Supreme Court or the Courts of Appeals.139

Conclusion

Antitrust has always been political in nature. Antitrust law provides broad legal commands dealing with how governments and private individuals can challenge different types of market behavior. In this way, antitrust has not changed. Antitrust will never take the place of sports, the Dow Jones index, or the weather for conversation at the breakfast table, but it has become a meaningful part of the political and policy debate for candidates, the legislature, and important segments of civil society. What has changed, however, is the degree that antitrust has reentered the political arena. Once mostly the domain of technocrats, antitrust issues have been proposed and debated by Presidential candidates, political parties, legislators, pundits, journalists, lobby groups, and voters alike. There are also a flurry of serious proposals and investigations that would make significant changes to the current system if adopted. This is all to the good. Even if none of the current proposals come to fruition, the antitrust debate is part of a broader engagement with political economy issues dealing with fundamental concerns such as economic concentration, globalization, income inequality, social and racial justice, and even recently the proper response to the COVID-19 emergency. The many proposals, initiatives, and pressure groups represent at a minimum the return of antitrust as part of the progressive agenda.

#### Externally, defending the end goals of the resolution distinct from the method is possible and teaches valuable skills to challenge monopoly power

Greer & Rice 21 Jeremie Greer and Solana Rice are the co-founders and co-executive directors of Liberation in a Generation, a national movement-support organization working to build the power of people of color to totally transform the economy. , ANTI-MONOPOLY ACTIVISM Reclaiming Power through Racial Justice, <https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism_032021.pdf>

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example, the Athena Coalition has successfully leveraged 8 grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected. Though we believe that grassroots leaders of color have the experience and expertise necessary to challenge monopoly power, the question remains: Why should they lead this fight? Grassroots leaders of color are already engaged in high-stakes battles with the forces of corporate power on fundamental issues, including environmental justice, worker justice, housing justice, prison and police abolition, and voter and democratic justice. We believe that these efforts can be bolstered if anti-monopoly policy development and advocacy were incorporated into these existing efforts but then followed the lead of organizers. For example, the primary opponents of prison and police abolition are private prison monopolies, such as GEO Group and CoreCivic, which profit from the arrest and incarceration of Black and brown people. Opponents of the Green New Deal include energy monopolies BP and ExxonMobile, whose profits are derived from polluting Black and brown communities. Finally, opponents of the Homes Guarantee, 10 and its call for creating 12 million units of social housing outside of the for-profit housing market, include big banks that profit from the commodification of affordable and low-income housing. Challenging these opponents by diminishing their monopoly power could prove to be a powerful weapon in the fight to dismantle unchecked corporate power and its real-life economic impact on people.

#### There is a TVA — endorse waywardness as a method to reduce anticompetitive business practices — Waywardness is about using different means to achieve goals —you could endorse boycotting white corporations, violent seizure of corporations, corporate sabotage, etc. that challenges forbids anticompetitive business practices

Lezama 12, Rutgers University, JD Rutgers Law School. (Erika, Malcolm X: An American Wayward of the Civil Rights, <https://erikalezama.wordpress.com/>)

The term “wayward,” is used to describe the trait of someone that opposes the typical beliefs or goals in society, in pursuit for a more unique or individualistic course that will mostly produce the same outcomes. Wayward can suggest a creative personality or personal choices that one may take to accommodate needs or seek goals. Usually, if an individual is wayward, he or she often take on very radical practices in the hopes to a more beneficial lifestyle. Examples of wayward characteristics in everyday living may include extreme couponing or “dumpster diving.” Both of these characteristics are considered wayward because although the common goal is to save money, the methods taken of saving money are different than the course that an average individual may take to save money because they are more radical. On several occasions, because these creative lifestyle choices that can label someone as wayward, society will ride off people with wayward beliefs as several labels: awkward, extremists, crazy, abnormal, and lunatics. Malcolm X, one of the most notable black males of the Civil Rights Movements from 1955-1968, could very easily be considered wayward because of his plans of actions he took to achieve equality amongst society. The Civil Rights era was known as a time where African American’s counter protested racism through the means of non-aggressive protests, boycotts, and demonstrations. Arguably, the most well known and dominant figure of the Civil Rights Movements was Dr. Martin Luther King Jr. Dr. Martin Luther King Jr. was notorious for spreading his belief of a peaceful and non-violent approach to obtain racial equality. Because of Dr. King’s enormous influence and power he held in the black community, many would believe the African American community of the Civil Rights Era used the approach Dr. King preached of. Dr. King was the front man of the black community during the era, constantly portrayed on the media as an activist of prosperity through peace. Because of the constant attention and recognition given to Dr. King, it only became a familiarity of society to believe that civil rights were gained through a non violent approach by the black communities that stood together. Malcolm X however, believed in a more radical approach to achieve the same rights that Dr. King also fought for. Contrary to his fellow kinsman’s preach for non violent demonstrations, Malcolm X preached for the assertion of individual black rights rather than the homogenous mixture of society, reacting against racist whites who violently counter protest against blacks with retaliation of violence, and the belief of the superiority of the black community. He also preached against the Civil Rights Movement because he felt it was an exploitation of the black community and how the movements demeaned the pride of the African American. I believe Malcolm X was boldly wayward, as his beliefs of racial equality greatly differed to that of Dr. King’s. It was considered the norm for the black community to seek racial equality through the means of peaceful demonstrations the create a racially homogenous society. Malcolm X however, believed the black community should instead seek racial equality and desegregation through practices that show the black community is self sufficient and equally dominant as the white community that so degradingly demean blacks. Both Malcolm X and Dr. King have respectfully to their own, different methods or demonstrations leading to the goal of racial equality. This is the very definition of wayward; methods or beliefs out of the norm of society to produce the same outcome or same lifestyle as others. Malcolm X believed in racial equality and justice, however his speeches to promote such beliefs were greatly different than how society would usually expect typically harmonious speeches of peace and absolute equality of races. “Malcolm X: Yes, sir. The honorable Elijah Muhammad teaches us that segregation is that which is done to inferiors by superiors. Separation is done voluntarily by two people. An example: You’ll notice an Oriental community like Chinatown is never called a segregated community, but the so- called Negro community is always called a segregated community. the reason Chinatown is not regarded as a segregated community is that Chinese in Chinatown control all their own businesses, all their own banks, their own politics, their own everything, whereas in the so called Negro-community is always called a segregated community everything is controlled by outsiders. We live in a regulated or segregated community. We are not for segregation but we are for separation. When you are segregated that is done to you by someone else; when you are separated you do that to yourself” (X, Karim 75). This was an interview given to Malcolm X with shows the different or unique method of how Malcolm X specifically wanted to achieve racial equality. Again, the leaders of the African American Civil Rights Movement was constantly portrayed as speakers of absolute homogeny; no race was superior and equality is achieved through these standards. However, Malcolm X showed the wayward characteristic by taking his own path of achieving equality by demonstrating to society that the black community is just as superior if not more superior and capable to that of the white community. Although the same outcome of racial equality was a goal, his method to demonstrate dominance through the means of aggression defines his image as a wayward American.

## 1NC — Case

### 1NC — Presumption

#### Vote negative on presumption —

#### 1 — engaging in waywardness and demanding a ballot in the debate space does not solve — simply not being T and then saying vote for us in a debate just legitimizes and normalizes the debate space — it makes waywardness ineffective — asking for the ballot is an act of self-cooptation that allows for those institutions to legitimate themselves

#### 2 — they are not wayward — they have crammed two contradictory, unrelated ideas together into one — waywardness and an ethics of care — an ethics of care for them is not being wayward, it’s a normative value statement that has been coopted and normalized by white feminist movements, denying the ability to be wayward

#### 3 — Their solvency stuff — the burden of the aff is to prove they resolve some violence or the aff is good. If they don't do that, vote neg on presumption because they've not met their burden of proof to resolve violence.

#### 4 — Their Ethic of Care author concludes aff—They advocate an ethic of care that seeks to solve social problems and encourages political action including voting—and promotes education that does so

Collins 17, (Patricia Hill Collins is Distinguished Professor of Sociology, Toward Democratic Possibilities: Revisiting “Another Kind of Public Education”, <https://www.beaconbroadside.com/broadside/2017/04/toward-democratic-possibilities-revisiting-another-kind-of-public-education.html>)

Quite frankly, no one wins and everyone loses if the social issues that face growing numbers of the world’s population are not given serious thought. We know the list—environmental degradation, illiteracy, poverty, HIV/AIDS, a global fiscal crisis, hopelessness, and violence in all its forms—these issues all require critical analysis coupled with new action strategies. No one wins and everyone loses if we continue to think of the world’s population itself as divided into winners and loses. Who wins, for example, if the children and youth of the world lose? This framework of winners and losers is unlikely to shed light on the complex issues of our times. In this context, political parties or any other group that claims to have quick and easy solutions may itself be part of the problem. When times are tough, people look to leaders to give them hope and tell them what to do. It is seductive to see our most cherished leaders as responsible for solving problems—vesting them with authority enables us to praise or blame them for the answers they propose and the results they do or do not produce. Yet the more sobering realization is that they can only lead us where we are willing to go. We each must learn to think for ourselves as individuals, but we also must learn to act collectively. We are each unique, yet we are also part of something bigger than each of us. Another Kind of Public EducationI think that the United States is at a turning point in its history, and it should look to the lessons of world history for guidance. Blind faith in strong leaders has gotten many groups of people into trouble. In countries where a small group seizes power and imposes its will on an unwilling populace, we recognize that shift of power as an illegitimate coup. But we are less skilled at seeing how individuals and groups manipulate structures of power for their own ends, often within legitimate structures of government. For example, the National Socialist German Worker’s Party (better known as the Nazi Party) was elected to office in Germany in 1933. There was no palace coup—the Nazis did not seize power by force. Instead, a legitimate democratic election brought them to power and, once in office, they so quickly changed the rules of the game that they eviscerated the meaning of democracy. There are numerous cautionary tales like this about democratic power being wrested from an unwilling public, or worse yet, willingly relinquished by a public that confused its own interests with those of its elected officials. In democratic societies, people who passively follow the rules and uncritically obey their leaders open up their countries to undemocratic outcomes. Unquestioned obedience may be the best way to run an army, but it can be the death knell for democracy if a citizenry chooses this path. The United States prides itself on being one of the greatest democracies of all time and calls upon each individual citizen to defend democracy from its enemies. These enemies, however, do not include the historically imagined enemy of brown or black youth, more often depicted as America’s problem than its promise. These enemies do not include the nameless, faceless, yet ethnically imagined terrorists that we have been encouraged to fear in the post-9/11 environment. Rather, the greatest internal enemy of American democracy is more likely to be an uninformed and uncritical American public that can be manipulated by soothing political slogans, feel-good photo ops, and endless rounds of shopping. What the United States needs is another kind of public education—one that encourages us to become an involved, informed public. What this country needs is a recommitment to schools and other social institutions whose mandate lies in delivering the kind of public education that will equip us for this task. We miseducate the public and students when we dumb down big ideas and shy away from politics. We do not need a public that stands on the sidelines, cheering political candidates like they were heavyweight contestants in boxing matches; or a public that passively listens to political commentary with an ear attuned for the latest putdown. Voting, for example, is more serious than calling in one’s opinion to American Idol, or text-messaging one’s fan favorite to America’s Next Top Model. As young adults in early-twenty-first-century America, youth see the challenges that face them—a deep-seated worry about the uncertain future that awaits them in such volatile times; a growing disenchantment with the seeming inability of the United States to provide equal opportunities to a sizable proportion of its youth of color; their impatience with parents, teachers, clergy, and others who struggle with the rapid technological shifts that brought the wonders of the Internet and cell phones. But mostly, the politically savvy among them see the significance of themselves as the next generation of leaders. Youth will not be following us. Rather, we will be following them. I want them to be prepared to lead me in directions that eschew complacency and put some genuinely new ideas on the table. I do not want to follow them down a path of hopelessness; rather, I want to look to them to envision and take action for new possibilities that I could not consider in my life. Therein lies the critical significance of delivering another kind of public education to youth. They will inherit not only social issues, but also the responsibility for addressing them. To meet these challenges, youth will need another kind of public education that equips them with tools to take informed action.

### 1NC — Turn

#### Relying on the debate space as a forum for criticism of itself fails to do anything but reify the impacts they indict

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Because the university is a fundamentally colonial institution, decolonization would require more than these self-serving half measures and instead, transforming its essential nature. As with all institutions, such transformation targets the university’s material dependency upon colonial exploitation, as well as its integration within and service to the settler state. For the university in particular however, we must attend to the colonialist ideology animating its knowledge functions. But without this, what remains of the university? Its research methods and methodologies, as well as knowledge packaging, sale, and institutionalization would have to be redirected from their current exploitative and repressive formulas (Smith, 2012; Simpson, 2014). Moreover, if we divest the university of its assumed authority over knowledge, what purpose does it serve? And upon whose authority does it act? In short, decolonization requires the university to become a totally new entity, vested with a new mission, organization, practices, and responsibilities. However, we realize that such comprehensive reform is not practically viable. The university is skilled in inhibiting structural reform. It does so not by simply dismissing or ignoring criticism, but by becoming ‘vigilant in its negligence’ (Moten & Harney, 2004, p. 106), incorporating critique nominally and adopting the appearance of sympathy, thereby circumventing a decolonial confrontation. In its vigilance, the university performs what Tuck and Yang (2012) term settler moves to innocence (p. 9), stratagems which, in the pretense of critical self-reflection, divert decolonial transformation into salvaging settler futurity and conscience. Swarthmore, for example, regularly employs "collections," convening the campus body, especially in response to an incident, inviting all attendees to speak. These gatherings demonstrate to a larger audience that the school is sensitive to campus concerns, that they are willing to give students and community members the space to express themselves, but without creating any responsibility to act upon those sentiments. In fact, the equal privilege afforded to all speakers, regardless of relations of power and personal benefit, makes the supposedly democratic space of the collection a venue for university representatives to discredit student and faculty concerns. Even when a school does sincerely critique its own coloniality, this “dialogue” is still undertaken for the purposes of absolvement and self-preservation rather than the restoration of indigenous sovereignty (Byrd, 2011). And as this nominal call for reform has become professional academic practice, the university reaffirms the necessity of its own existence through those who would question it (Moten & Harney, 2004). Thus the critical academic is made complicit in the institution’s negligence, locked into the university’s attempts to become amenable to those it oppresses. To be critical of the university traps one within settler futurity. And so, we, from our different positions, reject the desire for inclusion, for a more critically engaged university. Rather than confront an institution that will not, indeed cannot, recognize indigenous sovereignty, we seek self-recognition and indigenous modes of life independent of this settler apparatus (Coulthard, 2014). We acknowledge that the only possible relationship to the university is a criminal one (Moten & Harney, 2004), that those of us who survive the institution have a responsibility to betray it and appropriate its resources for our peoples (Fanon, 2005).

### 1NC — Turn

#### Their strategy of ethics-of-care lets the state off the hook. It endgenders a charity economy that autonomizes political activity and allows hierarchies to re-assert themselves.

Dawson 20, author, activist and professor of English at the CUNY Graduate Center, and at the College of Staten Island, City University of New York. Dawson specializes in postcolonial studies, cultural studies, and environmental humanities (Ashley, “Interview: Ashley Dawson, Extreme Cities,” https://www.stirtoaction.com/blog-posts/interview-ashley-dawson-extreme-cities)

Later in the book you explore ‘disaster communism’, described as ‘the communal solidarities forged in the teeth of calamity.’ Could you explain this approach? In addition to what I was finding on the ground with Occupy Sandy activists, one of the main inspirations was Rebecca Solnit’s Paradise Built in Hell. The book is a good set of theoretical arguments, as well as a series of case studies of the moments when disasters, such as the 1906 San Francisco earthquake, lead to a breakdown of established social hierarchies and the state ceases to function. During these moments, people re-engage in mutual aid and you find a lot more social solidarity. Such moments of disaster can have a levelling effect, and to use the terms we’ve been criticising, they can produce quite a lot of resilience. Another way we could think about this is by drawing on Autonomy theory, which came out of Italy in the 1970s with an emphasis on working-class agency. It’s about how people can function outside of established institutions, whether it’s the state or trade unions - and how they can rely on self-help. So disaster communism can be seen as an example of applied Autonomy. In my book I explore how disaster communism can be really powerful in both the initial stages and the aftermath of a disaster, as people turn to one another in the absence of established authority. But as communities move on from bare survival to reconstruction efforts, the established hierarchies tend to reassert themselves unless there are very strong organisational forms, either born out of the disaster or reanimated, to challenge those with more resources as well as the forms of state power that entrench such inequalities. This reassertion of authority is what happened in Red Hook, Brooklyn, after Hurricane Sandy. Occupy Sandy’s efforts to work with people living in Red Hook social housing – the largest residential development in the borough – really got stymied by the local Democratic Party machine. Their representatives swooped in and worked with real estate developers and affluent people. Their rhetoric about Occupy Sandy activists as anarchists and hooligans scared people into not working anymore with activists. I think this example shows that mutual aid is not enough, that there has to be a reckoning with and democratisation of the State – in both its local form or at a more abstract level. So we need a disaster communist theory about how an upsurge in mutual aid can be made more durable.

#### Genuine equality relies on the rich giving up their power. That makes the aff self-defeating and political challenges to corporate power preferable

Geng 21 (Lucia, “Mutual Aid Goes Mainstream,” Fall 2021, https://www.dissentmagazine.org/article/mutual-aid-goes-mainstream)

Last spring, within hours of the University of Chicago’s announcement that classes would be held online, students created a Facebook group to coordinate mutual aid efforts. Even with finals right around the corner, UChicago Mutual Aid came alive with activity. Students eagerly offered and accepted support in the form of advice, essential supplies like food and moving boxes, and spreadsheets listing leads on resources like housing. What I witnessed at my college was just one example of the many mutual aid networks, both college-based and non-college-based, that sprung up across the country in response to the COVID-19 pandemic. Mutual aid, a radical practice that has been undertaken by marginalized groups for decades, became a mainstream buzzword almost overnight. Mutual aid efforts often arise during moments of crisis when those in positions of authority fail to help people, and when the importance of grassroots efforts comes into full focus. When the immediate crisis passes, groups may either fizzle out or choose to adapt to a new context. Today, the UChicago group is still active and boasts a membership of nearly 6,000 on Facebook, but the pace of its posts has slowed down. Scrolling through the public group, you might see questions or requests for help receive just a few responses or none at all, especially if the poster is not a UChicago student. As the new school year begins, however, there’s still a need for mutual aid. The pandemic revealed inequalities between students on campus that have not gone away. COVID-19 continues to take a toll on many college students, both physically and psychologically. What’s more, temporary measures that were intended to relieve stress—such as colleges choosing to adopt a universal pass/fail grading system—have all but faded away. Though students may no longer be scrambling in the same way they were last spring, many are now struggling to meet a new series of challenges. To learn how mutual aid groups are approaching their activities as students return to campuses, I spoke to organizers at six different universities. I found that even as donations slow down, many groups are eager to experiment with their structure and broaden the scope of the work they do. Students have found that mutual aid provides a unique way to build solidarity with others both on and off campus. Carleton Mutual Aid was founded in May 2021 by student organizers with Sunrise Carleton, an environmental justice activist group. They were inspired by a supply drive set up by Carleton College students to help those protesting the police killing of Daunte Wright in a nearby Minneapolis suburb in April. After seeing how students collected funds, food items, medical supplies, and hygiene products for protesters, organizers decided to set up a fund to meet daily needs on their campus. The mutual aid fund is only open to Carleton students. Requests are filled in a first-come, first-served order. The group doesn’t prioritize based on the type of need, instead choosing to trust that people who make requests for funds would truly benefit from them. So far, the fund has fulfilled students’ requests for things like groceries, travel expenses to and from campus, hospital bills, and sneakers. The group’s organizers told me they want to challenge the scarcity mindset that pervades campus: the feeling that one will never have enough of something, especially money. They also want to strengthen ties between campus community members. “I feel like the money that goes towards mutual aid blesses someone else in a way,” said Hannah Ward, a Carleton Mutual Aid organizer and second-year student. “Say you get money for your sneakers, then somebody’s like, ‘Oh, I love those sneakers.’ . . . I feel like it enforces a feeling of community.” The group also wants to promote the importance of wealth redistribution. Mutual aid “means an end or at least a step toward the end of wealth hoarding,” said Ellie Zimmerman, a recent Carleton graduate and former organizer with Sunrise Carleton and Carleton Mutual Aid. “If you have excess, there’s a lot better places that that could be sitting than your trust fund.” Carleton’s mutual aid group is relatively new. At Georgetown Mutual Aid, which was founded by students Megan Huynh and Binqi Chen in August 2020, organizers have been working long enough to encounter donation fatigue. Most of the mutual aid organizers I spoke with mentioned a slowdown in donations as the pandemic has continued. In response, groups have tried out a variety of new tactics to solicit contributions, including posting on social media, setting up systems for recurring donations, and expanding their fundraising outreach beyond students to professors. As an elite private institution, Georgetown has more than its fair share of well-off students. You might expect that proximity to wealth to simplify fundraising efforts, but that isn’t the case, according to Huynh. “We go to school with international royalty’s children or ambassadors’, or TikTok influencers,” she said, “but it is kind of interesting to note who is donating to mutual aid and who isn’t.” Huynh and Chen have found that it’s poorer students—those most in need of assistance from mutual aid themselves—who are the most likely to donate their time and resources. That sentiment was echoed by other organizers. These conditions present another challenge. “A lot of the people who need aid don’t have the time or energy to organize something like this,” said Mallika Luthar, a University of California, Berkeley student and co-founder of Mutual Aid at Berkeley. As a result, the group contacts relevant student organizations, like environmental groups and low-income support groups, to ensure that students who most need aid are aware of Mutual Aid at Berkeley’s resources. The group is also trying to tap into networks of students involved with tech and business activities on campus, who have access to bigger pools of funding. Student mutual aid groups will need to carefully consider how much time and effort to spend wooing potential benefactors. A large donation can go a long way, but it’s important that organizers not forget whom mutual aid is truly for: those who are the most vulnerable during a crisis. Mutual aid as a means to redistribute wealth is a worthy goal, but the practice can only go so far when it relies on the voluntary giving of the rich.