# 1nc

### 1NC – T – USFG

#### Topical affirmatives must instrumentally defend n 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

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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.

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

#### 2 impacts

#### 1---fairness--- non-topical advocacies monopolize argumentative ground and allow the affirmative to unilaterally determine negative positions – it creates a competitive incentive to give the neg the worst ground and the aff the best – this comes before evaluating the substance of the aff because it’s a procedural question

#### An imperfect topic is key. Choosing a flawed resolution is good because it ensures that meaningful contestation can happen at all. Reading a topical aff doesn’t tie oneself to the federal government, it is a temporary advocacy for the purpose of refining argumentation and exporting the benefits of debate outside of it.

#### 2---iterative education. Debate is unique because of the near-infinite iteration of limited arguments over the course of a season that forces debaters to improve their arguments and consider a “narrow superposition” of approaches to a limited issue. Every debater is here for different reasons, but they trace back to the pedagogical uniqueness of the space. An open topic prevents iteration through shallow debates, unpredictable advocacies, and lack of testing.

### 1NC ⁠— CP

#### Here’s our counter-analysis of art:



## case

### 1NC ⁠— Case

#### The aff’s call for *greater visibility* and *fuller representation* traps blackness within civil society, producing new techniques of surveillance and domination – only *uchromia* and *refusal to animate* blackness avoids the cycle of fungibility

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That this is so is clear from a singular life thrown into the unbearable glare of post-disaster media. A life that went crashing into waters that wrested the drowned from the arms of the saved. A life that forces us to ask what it means to be saved, when what you are delivered into is abandonment, when you are left howling in the wind for twelve hours while your neighbor stands, on the other side of a barricaded door, more fearful of your black presence in his white neighborhood than of the hurricane pounding outside?¶ What does it mean to be abandoned to life? Two drowned little boys in Staten Island await an answer. The face of their mother, Glenda Moore, caught by media cameras as she approached their lifeless bodies, forces us to witness that which cannot be witnessed, to bear that which cannot be borne, and to affect that which cannot be affected: the violent relatedness into which blackness and whiteness are thrown.¶ The bare facts of Moore’s case are stark enough: to say that our “hearts go out” to a mother whose infant children Brendan (2) and Connor (4) are torn from her in a storm is to say that something in our hearts give out, something in the universe goes deaf and blind and refuses the blandishments of sentimentality. Not when we learn that before, during, or after (there is confusion) the boys are swept away, neighbors in her predominantly white neighborhood in Staten Island turned her from their door, and one white homeowner misrecognized Moore’s diminutive 130-pound body for that of a large, threatening male, leaving her outside in the storm until a dawn that could not be welcomed reunited her with the bodies of her sons.¶ Far away, in a blessedly warm, dry, and illuminated place, someone struggled to explain to me how difficult it was for her to grasp the news of Moore’s loss, even as it passed before her eyes and ears on television and the Internet. How difficult it was to slow the moment down to a speed at which it could be mourned, how precarious the singular image of a life was amidst the cascade of media images continuously throwing shards of light and shadow up from the eye of the storm. I took this caution to heart whenever the demand stirred within me to demand greater visibility for black pain, suffering, agency, anything, over the course of the 12-12-12 concert. I was reminded of all that visibility obscures; of the price cheap sympathy carries.¶ The darkness that fell on New York and New Jersey during Hurricane Sandy was not, but none other than, the obscurity to which black life is consigned, because the re-illumination of the grid, the news, the network, can be as deadly as the black night into which we are thrown. As Moore remains speechless, the usual racist murmuring against her welled up on the Internet, like poisoned groundwater from a toxic waste site. Moore was “stupid” to drive into the storm; her home was “safe”; her white neighbors were right to fear black “looters,” “hoaxers,” and “home invaders”; a “real” mother would have leapt into the waters and drowned with her children, not sought “welfare assistance” from others. She must be “Haitian,” a people known to be hysterical; perhaps she even intended to kill her children, in some sordid bid for pity. That Moore was married to a white Irish man — Damien Moore, father of Connor and Brandon — was further proof of what happens when a “Prole” marries a “NAM”: in the eyes of these “neighbors,” race-mixing can only turn the world topsy-turvy. All this and more on a single, hateful thread on a single, hateful site, dedicated to defending the first response of criminal indifference to black vulnerability, which is racism’s last stand. If media exposure brings such enlightenment, are we better off in the dark?¶ To venture this remarks may seem to be picking at the scab of racist reaction — amidst all the more well-meaning if belated support for the grieving parents. But we are foolish if we presume such anti-black feeling lacks a venerable history or a virulent future. The Enlightenment philosopher Immanuel Kant offered one telling obiter dicta in the long genealogy of the racist common sense in his 1764 essay, Observations on the Feeling of the Beautiful and the Sublime, where — while he too was assessing the validity of a media report he had received from a black person—he wrote:¶ And it might be that there was something in this which perhaps deserves to be considered; but in short, this fellow was quite black from head to foot, a clear proof that what he said was stupid.¶ Such a performance of ostensive, ostentatious “consideration,” cut short by a reminder that blackness is a clear proof of stupidity, is still a condition of the world into which Glenda Moore, speechless, was both saved and abandoned. Even a visit from the president (ever the racial reconciliator, he skillfully wove her tragedy into yet another paean to a heroic white male first-responder, hoping against hope this surrogate could fill in the impossible hole torn out by the stubborn “neighbor”), even this isn’t enough to deliver her, or us, from this condition. That it is not our only condition — that we are not at all times just the target of a Kantian monologue — is only as much consolation as can be drawn in with a breath caught amid waves cresting above the drowned.¶ Rather than greater visibility into the “black condition” — or fuller representation in media and political spaces prone to betray us — perhaps what we need is greater uchromia. That is to say, perhaps what we need is “to learn to think from the point of view of Black as what determines color … rather than what limits it.” In the uchromic darkness we inhabit, perhaps it is not for us to repair the violent relatedness manifest in the public disbelief that any account a black person could give of their disaster could possibly prove credible. Perhaps it is rather left to us, without the consolation of tears, to disturb that violent relatedness.

#### The state can be utilized for abolition of anti-blackness ⁠— the alt’s rejection of law shuts down the most realistic possibilities for ending the world

Akbar 18, Assistant Professor, Moritz College of Law (Amna Akbar, 7-25-2018, “Toward a Radical Imagination of Law,” Public Law and Legal Theory Working Paper Series, No. 426)

Around the same time, I had begun teaching a law and social movements seminar. We studied the Black Panthers and Young Lords, Len Holt, Assata Shakur, and Ella Baker. I worried my students found the questions faced by these movements to be abstract and faraway. I wanted them to understand that contemporary movements struggled with questions similar to those in the texts we labored over. That’s how an organizer found himself surrounded by future lawyers. Hayes, along with his comrades in the contemporary Black liberation and immigrant justice movements, confronted many of the same strategic and tactical choices every day. As I had hoped, his presence transformed our conversation. Our intellectual distance from the texts vanished, and our lively conversation ended with a question: What is the proper role of lawyers within the movement? After a short pause, Hayes praised the technical chops and procedural expertise lawyers bring to the table. But that is not enough, he said. “Most lawyers see a problem and think, ‘How can I fix this law?’” This view is too narrow: it obscures the stakes and concedes to status quo arrangements. “The role of the law is to protect the state,” Hayes reasoned. “Lawyers must work with movements to imagine with us the kind of state we want to live in. Only from there can we work together to think about the laws we need.”2 In conversations with intellectuals and organizers around the country, I realized the Movement for Black Lives (M4BL or Movement)3—the larger movement configuration in which the chapter based Black Lives Matter network functions—was having a far richer and more imaginative conversation about law reform than lawyers and law faculty. The Movement for Black Lives was situating their critique in Black history and intellectual traditions, and their imagination of alternate futures in Black freedom movements. Their critique was more expansive at the same time as it was more grounded, and their imagination more radical.4 Legal scholars often assume the movement’s fight is over policing: indictments for police killings, independent prosecutors to investigate police shootings, better training and supervision for police, more diverse police forces, and so on.5 But, as Hayes suggested, the most imaginative voices within contemporary racial justice movements are fighting for much more than body cameras and police convictions.6 The movement is focused on shifting power into Black and other marginalized communities;7 shrinking the space of governance now reserved for policing, surveillance, and mass incarceration; and fundamentally transforming the relationship among state, market, and society.8 Movement actors have made policy proposals and engaged in law reform campaigns at the same time they have prominently contested law and politics as usual.9 In the few years after Ferguson police officer Darren Wilson’s killing of Michael Brown, there were shutdowns of bridges and highways; die-ins at courthouses and statehouses; occupations of police stations, police unions, and universities; arrests and curfews; tear gas and riot gear.10 But the movement’s highprofile campaigns have not been waged by lawyers or via litigation.11 Indeed, the movement has largely refrained from fighting to strengthen preexisting rights or demanding legal recognition of new ones.12 The focus is not on investing even-handedness to law or the police, not on restoring criminal justice to some imaginary constitutional or pre-raced status quo, and not on increasing resources for community policing.13 But it would be wrong to think the movement has given up on law. The movement is not attempting to operate outside of law, but rather to reimagine its possibilities within a broader attempt to reimagine the state. Law is fundamental to what movement actors are fighting against and for.14 To illustrate how the movement approach reorients traditional criminal law reform conversations, I examine the 2016 policy platform of the Movement for Black Lives, “A Vision for Black Lives: Policy Demands for Black Power, Freedom, and Justice” (the Vision).15 I put the Vision in conversation with the Ferguson and Baltimore reports by the Department of Justice16—which represent more traditional liberal approaches to criminal law reform. The Vision and the DOJ reports offer some of the most damning critiques of policing in recent memory, but differ fundamentally in their analysis and conclusions. The contrast reflects the limitations of liberal law reform at the same time that it opens up a more imaginative set of possibilities about reorganizing the very structure of our society. By studying the convergences and divergences between these texts, this Article highlights how radical social movements reimagine the very same social problems with which significant bodies of legal scholarship engage. The Vision and DOJ reports offer alternate conceptualizations of the problem of policing and the appropriate approach to law reform. Reflective of liberal law reform projects on police, the DOJ reports identify policing as a fundamental tool of law and order that serves the collective interests of society, and locate the problems of police in a failure to adhere to constitutional law. As a corrective, the DOJ reports advocate for investing more resources in police: more trainings, better supervision, community policing. In contrast, the Vision identifies policing as a historical and violent force in Black communities, underpinning a system of racial capitalism and limiting the possibilities of Black life. As such, policing as we now know it cannot be fixed. Thus, the Vision’s reimagination of policing—rooted in Black history and Black intellectual traditions—transforms mainstream approaches to reform. In forwarding a decarceral agenda rooted in an abolitionist imagination, the Vision demands shrinking the large footprint of policing, surveillance, and incarceration, and shifting resources into social programs in Black communities: housing, health care, jobs, and schools. The Vision focuses on building power in Black communities, and fundamentally transforming the relationships among state, market, and society. In so doing, the movement offers transformative, affirmative visions for change designed to address the structures of inequality—something legal scholarship has lacked for far too long. The DOJ reports document the problems endemic to policing. While presenting a critical view of Ferguson’s and Baltimore’s police departments, the reports are committed to the legal status quo, to a mode of governance that relies on criminal law enforcement to deal with a broad set of deep-seated social problems, and to rules and authorities that are historically and functionally oppressive. As a result, the reports double down on traditional reforms that reinvest in law and police.17 This approach cedes more legitimacy—not to mention more resources—to the police and the legal frameworks in which they operate without a meaningful consideration of alternatives. Of course, the reports emerge from a particular time and social location: a prosecutorial agency, the Civil Rights Division, embedded within the executive branch during the Obama administration.18 As with any social location, there are possibilities, pressures, and constraints on what the DOJ may say or do as a law enforcement agency under a particular administration. But framed in a different understanding, accountable to different constituencies, the DOJ could have taken an approach to reform more aligned with the Vision, suggesting a realignment of resources from policing to the underlying social problems stemming from structural inequality in Ferguson and Baltimore. The additional importance of the DOJ reports lies in how they reflect how legal institutions—and, in turn, law scholarship— approach long-standing structural problems while firmly committed to the status quo and restoring legitimacy thereto. In this way, the DOJ reports expose a central dilemma of liberal law reform projects, caught between a commitment to the rule of law and status quo arrangements on the one hand, and the desire for substantive justice and social, economic, and political transformation on the other.19 But our political moment is defined by crisis and polarization, with insurgencies on the left and right calling for reform, transformation, and even revolution.20 Amid the electoral triumph of Trump, protest and people-of-color-led anti-capitalist movements have surged in activity.21 These radical movements mark the revival of anti-capitalist racial justice politics in the United States in a way that we have not seen since the civil rights, Black power, and Chicano movements of the 1960s and 1970s. Contemporary racial justice movements are not simply arguing the state has created a fundamentally unequal criminal legal system. They are identifying policing, jail, and prison as the primary mode of governing Black, poor, and other communities of color in the United States, and pointing to law as the scaffolding. They are working to build another state—another world even—organized differently than the one we have inherited. They are aiming to use the law as a tool to build that alternative future. We can ignore their deep critiques and visionary alternatives, or we can embrace the possibilities of a more searching inquiry. This is a moment calling for a radical imagination, where the scale of deep critique is matched with a scale of grand vision.22 While many progressive and left legal scholars reach for meaningful change, most of us lack alternative frameworks.23 Like the DOJ reports, even when the scale of our critique is large, our visions for change are often too small. We have focused on a narrow picture of law and law reform while sidestepping questions about the structure of the society, the state, and the market. These movements make these questions central to their work.24 They do not have it all worked out. But they are making powerful sketches of much-needed alternative frameworks. Imagining with social movements seeking to transform the state would invest law scholarship in a project of reconstruction and transformation.25 For radical racial justice movements, the primary commitment is not to law, its legitimacy, rationality, or stability: It is to people.26 The motivations are to protest an enduring set of social structures rooted in European and settler colonialism and the Atlantic slave trade; to fight for transformative change, justice, and liberation; and to invest in a redistributive and transformative project, one demanding a more equal distribution of resources and life chances,27 with a focus on the most intersectionally marginalized people.28

#### The TVA is an example of pragmatic utopianism that opens the possibility of dismantling antiblackness by imaging better futures; disengagement from the state replicates neoliberalism and ignores historical African American counter-publics

Dawson 13, John D. MacArthur Professor of Political Science and the College at the University of Chicago (Michael C. Dawson, 7-7-2013, “What’s next for the black left?,” Salon, <http://www.salon.com/2013/07/07/whats_next_for_the_black_left/>)

When we start the process of imagining new worlds, “we must tell no lies, claim no easy victories,” as Amilcar Cabral succinctly put it. We must understand the conditions from which we must build. Even though much of modern public policy appears raceless, the black community is under severe attack as a result of the neoliberal political agenda. The Tea Party’s devastating attack on public sector unions is, for example, greatly increasing the amount of poverty and misery in American black communities. Steven Pitts demonstrated that public sector employment remains the foundation for black employment that it has been since before World War II. Consequently, an attack on public sector employment is an attack on the black community: “The public sector is the largest employer of Black workers; there is a greater likelihood that a Black Worker will be employed by in the public sector compared to a non-Black worker; wages earned by blacks in that industry are higher than those earned by Blacks in other sectors; and inequality within an industry is less in the public sector compared to other industries”. Workers of all races and ethnicities are facing hard times during yet another jobless “recovery,” and building political unity among them is still a daunting task. Lani Guinier argued that the burdens of integration were distributed unfairly among the poor and working people of the country, thus further under- mining the basis for bringing those at the bottom together across racial lines. Building interracial unity was always more difficult than liberals (and in particular white leftists) imagined it would be, since white workers had an investment in whiteness that often led them to privilege race over class when making decisions about political alliances. Any new rebuilding of interracial unity has to confront how to change the white working class’s (and, to the degree possible, the white middle class’s) perceptions so that they see it as in their interest to ally with nonwhite Americans. These are just two examples of the very large obstacles that must be overcome by any utopian project. We need a pragmatic utopianism—one that starts where we are, but imagines where we want to be. Pragmatic utopianism is not new to black radicalism. King’s work, and that of the civil rights movement more generally, was based on the utopian imagining of a much different America—one they were repeatedly told was impossible to obtain—combined with the hardheaded political realism that generated the strategies and tactics necessary to achieve their goals. Indeed, it was the combination of utopian imagining of a better world and political realism that led King to Memphis in support of black sanitation workers. The Memphis campaign, and even more so the Poor People’s Campaign that he was about to launch, was designed to explicitly take on what Mosley called the “voracious maw of capitalism” in order to achieve economic justice for all, and in the process build the interracial unity that Guinier correctly observed has been difficult to achieve. Dreams of a New Society? I am no longer twenty, so I no longer know everything about how the world should be. I myself do not have anywhere near a developed utopian vision. What I do have are a few tentative suggestions about what I see as necessary to get the discussion started. My suggestions are not listed in order of priority, and this list is not exhaustive. As Mosley notes, we must all develop our own lists, share them, and argue in public about them. 1. Barbara Ehrenreich’s and Derrick Muhammad’s work on the racial realities of the economic crisis and white racial resentment reinforce the need for a conversation on the left about how to openly discuss race in such a way that Americans have to both confront the facts of race in this country and listen to each other so that they begin to understand their real interests.7 Otherwise white resentment will continue to be aimed at the wrong people (different types of white resentment have different targets). We will have to counter Fox News and its allies. We still have Glenn Beck shouting to a very large and receptive audience that universal programs such as health care are actually “stealth reparations” because they disproportionately affect people of color. Why can we not have a truth and reconciliation discussion here? In South Africa, truth telling was transformative of both society and individuals. Progressive change necessitates a psychological transformation as well as a societal one. While Meister argues that in South Africa the Truth and Reconciliation Commission became a substitute for success—it symbolized satisfaction with the democratic victory rather than full economic emancipation and full defeat of settler colonialism—he points out that if one looks to Gandhi, then one realizes that reconciliation, relent- less political struggle for justice, and eventual victory need not be incompatible. Dialogue and eventual reconciliation would be steps along the way the road to full victory, not full victory itself. Political theorist Wendy Brown was skeptical of claims of reparations, apologies, and calls for remembrance and reconciliation, basing her point of view on a critique of identity politics very different from the one found in Rorty, Gitlin, and Brubaker and Cooper. Brown argued that identity politics is a form of politics based on weakness and thus has limited possibilities for generating progressive change. Its investment in the past and in suffering all but forecloses the chance that such a movement could become the basis for a democratic future: What are the particular constituents—specific to our time yet roughly generic for a diverse spectrum of identities—of identity’s desire for recognition that seem often to breed a politics of recrimination and rancor, of culturally dispersed paralysis and suffering, a tendency to reproach power rather than aspire to it, to disdain freedom rather than practice it? In short, where do the historically and culturally specific elements of politicized identity’s investments in itself, and especially in its own history of suffering come into conflict with the need to give up these investments, to engage in something of a Nietzschean “forgetting” of this history, in the pursuit of an emancipatory democratic project? She added that “politicized identity” leads to, as Nietzsche predicted, “impotence . . . incapacity, powerlessness, and rejection.” Identity, according to this view, becomes a substitute for action, though Brown agreed that these characteristics do not describe the civil rights movement . She was skeptical about the current reparations movement, which she saw as based on weakness, rancor, and perhaps a sense of impotence, and she worried, “Once guilt is established and a measure of victimization secured by an apology or by material compensation, is the historical event presumed to be concluded, sealed as past, ‘healed,’ or brought to ‘closure’?” The current reparations movement need not be based on a politics of rancor (although it has generated plenty of rancor on the part of those who feel their privilege and comfort threatened). Redistributive justice and political power are at the center of the demands this movement has advanced, as is the desire for freedom. Reparations are not about the triumph of the weak; rather, they are a demand for a conversation about justice and the way that racial oppression in the past is linked to black disadvantage today and to the continued existence of an unjust racial order. Indeed, the demand for reparations is frequently associated with the demand for self-determination. Self-determination is not about revenge, and definitely not about victimhood. The crux of self- determination—the key demand of the politicized nationalist and leftist wings of the black power movement—was the collective ability to choose the future that has the highest likelihood of being just; depending on one’s ideology, this was a future that was often seen to be egalitarian and sometimes nonpatriarchal, one where blacks would be able to govern themselves. This was a politics more consistent with Marx than Nietzsche. The demand for a discussion of reparations, like the best of the truth and reconciliation movements, is an invitation to discuss how to build a system free from domination, racial and otherwise. I partly agree with Brown’s argument that making a historical event or formation contemporary, making it “an outrage to the present” and thus exploding or reworking both the way in which it has been remembered and the way in which it is positioned in historical consciousness as “past,” is precisely the opposite of bringing that phenomena to “closure” through reparation or apology (our most ubiquitous form of historical political thinking today). The former demands that we redeem the past through a specific and contemporary practice of justice; the latter gazes impotently at the past even as it attempts to establish history a irrelevant to the present or, at best, as a reproachful claim or grievance in the present. We must begin the process of “making a historical event . . . ‘an outrage to the present.’” Yet there is no inherent contradiction that prevents a reparations movement or truth and reconciliation movement from taking on this role. There is no inherent reason that such movements need wallow impotently in the past. How reparations and truth and reconciliation movements unfold is a product of the political contestation that takes place within these movements—of the politics that govern their development. I do energetically agree that Brown’s critique well describes much of post-black-power-era black politics, a politics that by and large embraces the values and constraints of neoliberalism, including an emaciated understanding of the politically allowable and feasible. A process of truth and reconciliation, as messy and undoubtedly rancorous as it would be, could help us move beyond the current degenerate state of American politics to a politics that is more truly democratic. 2. The black public sphere, what I have called the black counterpublic, must be rebuilt from the bottom up, and quickly. We need to learn from some of the more technologically innovative forces within the progressive movement to use technology as a way to help people in neighborhoods meet and talk face-to-face, have these smaller groups link to each other’s discussion, and give people at the local level an online set of tools to help them organize themselves. The black public sphere has historically been central to the multiple social movements that have emerged out of black civil society, movements that in turn transformed America for the better. The black public sphere, as King and many others have said, has also been the site of trenchant, effective and influential critiques of democracy in America, as well as the instrument through which African Americans have been able, sometimes effectively, to influence political debate within the country as a whole. That is why it must be rebuilt. 3. People do have to hit the streets. Franklin Delano Roosevelt told progressive members of Congress that he agreed with them and they needed to force him to do what they all wanted. The people best following that advice today are right-wing, racist, but strategic fanatics who have already hijacked political discourse and are on the verge of winning a series of policy and political victories that would be truly devastating. I do not understand why broad sections of the liberal and progressive movements still believe that bringing about serious change, let alone the revolution dreamed of by those such as King, is like a dinner party. It is not. Making change entails being willing to fight. This country needs a social democratic movement with teeth, not one that exhibits better manners than those found at most academic dinner parties. We need a real grassroots movement, not the ersatz one foisted on us by the 2008 Obama presidential campaign, as Berlant incisively argues—one that transforms, not just tweaks, the system. If, as Berlant suggested, “the beast of civil society stirs from [a] long sleep,” then it is black radicals’ task to once again organize so that the beast awakes—once again shaking the pillars of heaven. It is past time—Albo and his colleagues were absolutely correct when they bluntly reminded us, “The [financial] crisis has shown . . . neoliberal claims to be ideological rubbish”. For some, the Occupy movement, which began to spread during 2011 and focused intense political attention on various forms of economic injustice and inequality, potentially represented such a movement, but in many regions it grew largely without organized participation from black radicals. We saw this process begin in Wisconsin as public workers there and across the nation, along with their supporters, began to massively mobilize against the state’s right-wing governor, Scott Walker, and his successful attempts to destroy state workers’ unions (which were followed by parallel initiatives in other states). As gratifying as the countermobilizations in Wisconsin and elsewhere were, they were entirely defensive in nature. People have to hit the street offensively, not to try to gain back what has been taken away (although that too) but to make demands for action that will improve people’s lives, not just barely maintain them at a desperate level of survival. We must heed Marta Harnecker when she argues, “it is a huge mistake to try to lead grassroots movements by ordering them around, by coming to them with already-worked-out plans”. As she continued to explain, progressives must involve everyone at some level. We need to work to ensure that people can participate at the level they are able, while finding venues through which as many as possible have a stake in progressive social movements. 4. We have to renew our commitment to the value of meaningful work that can actually support oneself and one’s loved ones, and to education for all that not only makes it possible to acquire meaningful and rewarding work but allows each person to dis- cover for themselves what it means to flourish while contributing to society. Berlant put it well: Optimism for the present would require the Left to focus on rethinking the structure of labor or work in relation to being- with. . . . There is so little work now, the sense of value might as well be reinvented. There is so little commitment to public education now, its purposes might as well be reimagined from the bottom up—but not its people, for education has to be the ground for the popular. Not the education that preunderstands a vocation, but education as the inculcated relation to work whose value is not just ends-oriented apprenticeship or putting in time but diffused, risky, and a bit random not just about tasks but about making worlds. 5. One area that desperately needs the type of innovation and experimentation generated by pragmatic utopian thinking is the institutional arrangements that govern the functioning of modern civil society, the state, and the relationship between the two. In his book Democracy Realized, Roberto Unger argued that to achieve truly democratic societies we must concentrate on institutional innovations and experimentation that put into place a robust and humane democracy. For this type of innovation to be designed and implemented, Unger suggested, a “transformative and solidaristic” political project is necessary. That transformative political process in turn **requires** that “we speak in the two languages of interest calculation and political prophecy,” what I have called the language of pragmatic utopianism. One might disagree with Unger’s specific institutional proposals, but he was right in stating that institutions shape our perceptions of our interests as well as our ideological predispositions, and that when designing institutions we must remain flexible so as to be able to adapt to new situations, adopt good ideas from elsewhere, and correct mistakes. In short, given the central role that institutions play in shaping our lives, economics, and politics, we can no longer allow them to become rigid and inflexible, unable to serve the needs of society’s citizens. Not only must the institutions themselves remain flexible, but we must be willing to constantly innovate, to tinker, to experiment. Only through this type of flexibility and willingness to experiment will it be possible to discover the type of educational institutions Berlant described. Badiou characterized this process as “combining intellectual constructs, which are always global and universal, with experiments of fragments of truth, which are local and singular, yet universally transmittable.” 6. We must also reclaim the proud black radical anti-imperialist tradition that began in the nineteenth century and has continued into the twenty-first century. As I have shown in other work, grassroots African Americans generally continue to be against the use of the American military abroad. Further, blacks, unlike a majority of whites in the first years of the twenty-first century, also believed that protesting what one thought was an unjust war was perfectly patriotic. Yet now, for the first time in over a century, black elites are often silent when it comes to commenting on U.S. involvement in foreign wars, particularly those in the Middle East. An anti-imperialist analysis of the mass protest from the streets of Egypt and Tunisia to those of an increasingly leftist Latin America is also conspicuously missing from the black public sphere. One of the central reasons for quickly rebuilding a strong black counterpublic is to enable the type of foreign policy debates that have been missing from black discourse for much of the last dozen years. We should learn from the moral and analytical failures of the first two periods of black leftist insurgency and eschew any blind faith in foreign models. We have to engage in the hard task of trying to understand the currents at work in this world and embrace those that are most promising for increasing democracy and the well-being of humanity, even if they are in opposition to current American foreign policy. 7. Finally, we have to become comfortable with trying to effect change without knowing all the answers in advance. This is the only possible route to the dismantling of oppressive hierarchies of power such as those based on gender, class, and race and their protean intersections. Traditional Marxism is like game theory— both are based on precise analysis of the world but have built into those analyses assumptions that make analysis tractable. Both ultimately recoil from and then ignore the inherent messiness of mass human behavior and politics. In the end our teleologies are shackles. We should not fly blind, but we no longer can afford the certainty that has proved to be a deadly illusion. Marx despised utopian thinking, but I argue that since we can no longer pretend the social world works in a Newtonian manner, with deterministic laws and a predestined end, we must utilize utopian thinking. We can still be realists, pragmatists if we must, but at least we must not limit ourselves in imagining what could be better futures. We can argue about what these would entail and how they could be realized. But dream we must. Those dreams must be debated and eventually transformed into political programs aimed at transformative change. Where Do We Go from Here? Pragmatic utopianism demands not just the critically important step of beginning to imagine a just and good society but action. Movements must be organized to build that society, test competing visions, and fight off the forces of reaction and privilege that profit from the degradation of the great majority of humanity and the very earth itself. King understood that the answer to his question “Where do we go from here?” demanded a program of action. It demanded mobilization and education. It demanded that black radicals of all stripes—feminist, social democratic, Marxist, and nationalist—step “once more unto the breach, dear friends, once more.” When it comes to the struggle for a just society, for a good life for the majority of humanity, for the end of an ever-mutating but oppressive racial order, stepping unto the breach necessitates that the lessons of the two key periods of twentieth-century black radicalism and the lessons of the sundering be applied and adapted for this century. Independent radical organizations dedicated to fighting for justice and equality for blacks, for an end to the deadly racial order, must be rebuilt. Organizations of black leftists, feminists, egalitarian liberals, and nationalists must be rebuilt or strengthened to take on the issues of economic inequality, the continuing disadvantage that faces blacks and especially black children, gender disadvantage, and the incarceration state. They must stand with the majority of humanity and against the new imperialist land grabs and division of the world by this era’s great powers. These powerful forces are no less interested in dominating markets, extracting natural resources (including energy and increasingly food resources), and exploiting cheap overseas labor than the imperialists that black radicals fought in the past. Organizations of black radicals must once again embrace a radical domestic agenda that is tied to a worldview that demands justice for all of humanity, not just those who live in rich and privileged countries. These organizations need to hold elected officials, corporate executives, public intellectuals, and scholars accountable to the communities they purport to represent, exploit, speak for, and study.

### AT: Crawford

**Their focus on whiteness reifies racist domination—it makes whiteness a monolith and undermines opposition to racial structures**

**Andersen 3**—Margaret L. Andersen, Professor of Sociology and Women's Studies and Vice Provost for Academic Affairs at the University of Delaware, 2003, “Whitewashing Race: A Critical Perspective on Whiteness,” in White Out: The Continuing Significance of Racism, ed Doane & Bonilla-Silva, p. 28]

Conceptually, one of the major problems in the whiteness literature is the reification of whiteness as a concept, as an experience, and as an identity. This practice not only leads to conceptual obfuscation but also impedes the possibility for empirical analysis. In this literature, "whiteness" comes to mean just about everything associated with racial domination. As such, whiteness becomes a slippery and elusive concept. Whiteness is presented as any or all of the following: identity, self-understanding, social practices, group beliefs, ideology, and a system of domination. As one critic writes, "If historical actors are said to have behaved the way they did mainly because they were white, then there's little room left for more nuanced analysis of their motives and meanings" (Stowe 1996:77). And Alastair Bonnett points out that whiteness "emerges from this critique as an **omnipresent and all-powerful historical force**. Whiteness is seen to be responsible for the failure of socialism to develop in America, for racism, **for the impoverishment of humanity**. With the 'blame' comes a new kind of centering: Whiteness, and White people, are turned into the key agents of historical change, the shapers of contemporary America" (1996b:153).

Despite noting that there is differentiation among whites and warning against using whiteness as a monolithic category, most of the literature still proceeds to do so, revealing a reductionist tendency. Even claiming to show its multiple forms, most writers essentialize and reify whiteness as something that directs most of Western history (Gallagher 2000). Hence while trying to "deconstruct” whiteness and see the ubiquitousness of whiteness, the literature at the same time reasserts and reinstates it (Stowe 1996:77).

For example, Michael Eric Dyson suggests that whiteness is identity, ideology, and institution (Dyson, quoted in Chennault 1998:300). But if it is all these things, it becomes an analytically useless concept. Christine Clark and James O'Donnell write: "to reference it reifies it, to refrain from referencing it obscures the persistent, pervasive, and seemingly permanent reality of racism" (1999:2). Empirical investigation requires being able to identify and measure a concept— or at the very least to have a clear definition—but since whiteness has come to mean just about everything, it ends up meaning hardly anything.

#### The 1ac mythologizes whiteness, boiling it down to an absolutely empty signifier that can contingently represent anything or everything that doesn’t come in line with the aff’s performance- this ensures a form of wounded repetition for Black folks that prevents revolutionary form of becoming- to demythologize whiteness, we must devise new approaches to the constitution of desire and symbolic capital

Mbembe 2015 (Achille, 9/9/15, “Achille Mbembe on The State of South African Political Life”, Africa is a country, <https://africasacountry.com/2015/09/achille-mbembe-on-the-state-of-south-african-politics/>, accessed 11/27) JA

What we are hearing is that there have not been enough meaningful, decisive, radical change, not only in terms of the life chances of the black poor, but – and this is the novelty – in terms of the future prospects of the black middle class. What is being said is that twenty years after freedom, we have not disrupted enough the structures that maintain and reproduce “white power and supremacy”; that this is the reason why too many amongst us are trapped in a “bad life” that keeps wearing them out and down; that this wearing out and down of black life has been going on for too long and must now be brought to an end by all means necessary (the right to violence?). We are being told that we have not radically overturned the particular sets of interests that are produced and reproduced through white privilege in institutions of public and private life – in law firms, in financial institutions such as banking and insurance, in advertising and industry, in terms of land redistribution, in media, universities, languages and culture in general. “Whiteness”, “white power”, “white supremacy”, “white monopoly capital” is firmly back on the political and cultural agenda and to be white in South Africa now is to face a new-old kind of trial although with new judges – the so-called “born-free”. Politics of impatience But behind whites trial looms a broader indictment of South African social and political order. South Africa is fast approaching its Fanonian moment. A mass of structurally disenfranchised people have the feeling of being treated as “foreigners” on their own land. Convinced that the doors of opportunity are closing, they are asking for firmer demarcations between “citizens” (those who belong) and “foreigners” (those who must be excluded). They are convinced that as the doors of opportunity keep closing, those who won’t be able to “get in” right now might be left out for generations to come – thus the social stampede, the rush to “get in” before it gets too late, the willingness to risk a fight because waiting is no longer a viable option. The old politics of waiting is therefore gradually replaced by a new politics of impatience and, if necessary, of disruption. Brashness, disruption and a new anti-decorum ethos are meant to bring down the pretence of normality and the logics of normalization in this most “abnormal” society. Steve Biko, Frantz Fanon and a plethora of black feminist, queer, postcolonial, decolonial and critical race theorists are being reloaded in the service of a new form of militancy less accommodationist and more trenchant both in form and content. The age of impatience is an age when a lot is said – all sorts of things we had hardly heard about during the last twenty years; some ugly, outrageous, toxic things, including calls for murder, atrocious things that speak to everything except to the project of freedom, in this age of fantasy and hysteria, when the gap between psychic realities and actual material realities has never been so wide, and the digital world only serves as an amplifier of every single moment, event and accident. The age of urgency is also an age when new wounded bodies erupt and undertake to actually occupy spaces they used to simply haunt. They are now piling up, swearing and cursing, speaking with excrements, asking to be heard. They speak in allegories and analogies – the “colony”, the “plantation”, the “house Negro”, the “field Negro”, blurring all boundaries, embracing confusion, mixing times and spaces, at the risk of anachronism. They are claiming all kinds of rights – the right to violence; the right to disrupt and jam that which is parading as normal; the right to insult, intimidate and bully those who do not agree with them; the right to be angry, enraged; the right to go to war in the hope of recovering what was lost through conquest; the right to hate, to wreak vengeance, to smash something, it doesn’t matter what, as long as it looks “white”. All these new “rights” are supposed to achieve one thing we are told the 1994 “peaceful settlement” did not achieve – decolonization and retributive justice, the only way to restore a modicum of dignity to victims of the injuries of yesterday and today. Demythologizing whiteness And yet, some hard questions must be asked. Why are we invested in turning whiteness, pain and suffering into such erotogenic objects? Could it be that the concentration of our libido on whiteness, pain and suffering is after all typical of the narcissistic investments so privileged by this neoliberal age? To frame the issues in these terms does not mean embracing a position of moral relativism. How could it be? After all, in relation to our history, too many lives were destroyed in the name of whiteness. Furthermore, the structural repetition of past sufferings in the present is beyond any reasonable doubt. Whiteness as a necrophiliac power structure and a primary shaper of a global system of unequal redistribution of life chances will not die a natural death. But to properly engineer its death – and thus the end of the nightmare it has been for a large portion of the humanity – we urgently need to demythologize it. If we fail to properly demythologize whiteness, whiteness – as the machine in which a huge portion of the humanity has become entangled in spite of itself – will end up claiming us. As a result of whiteness having claimed us; as a result of having let ourselves be possessed by it in the manner of an evil spirit, we will inflict upon ourselves injuries of which whiteness, at its most ferocious, would scarcely have been capable. Indeed for whiteness to properly operate as the destructive force it is in the material sphere, it needs to capture its victim’s imagination and turn it into a poison well of hatred. For victims of white racism to hold on to the things that truly matter, they must incessantly fight against the kind of hatred which never fails to destroy, in the first instance, the person ~~man or woman~~ who hates while leaving the structure of whiteness itself intact. As a poisonous fiction that passes for a fact, whiteness seeks to institutionalize itself as an event by any means necessary. This it does by colonizing the entire realms of desire and of the imagination. To demythologize whiteness, it will not be enough to force “bad whites” into silence or into confessing guilt and/or complicity. This is too cheap. To puncture and deflate the fictions of whiteness will require an entirely different regime of desire, new approaches in the constitution of material, aesthetic and symbolic capital, another discourse on value, on what matters and why. The demythologization of whiteness also requires that we develop a more complex understanding of South African versions of whiteness here and now. This is the only country on Earth in which a revolution took place which resulted in not one single former oppressor losing anything. In order to keep its privileges intact in the post-1994 era, South African whiteness has sought to intensify its capacity to invest in what we should call the resources of the offshore. It has attempted to fence itself off, to re-maximize its privileges through self-enclaving and the logics of privatization. These logics of offshoring and self-enclaving are typical of this neoliberal age.