# 1NC vs CSUF LW

## 1NC---T

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

#### Resolved means a policy

Louisiana House 5

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

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

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

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

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

#### Should requires action

AHD 2k

(American Heritage Dictionary 2000 (Dictionary.com))

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

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

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

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

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

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

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

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

#### Two impacts:

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

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

#### Clash outweighs – a predictable point of disagreement allows for in depth preparation that results in iterative improvement of our arguments and superior education – abdication of a predictable stasis point flips incentives and prevents contradiction. Turns the case – rigorous testing is key to avoid false positives, polarization, and prove anything they said is true.

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.s

#### TVA: The United States federal government should declare business firms per se anticompetitive.

#### The TVA re-interprets antitrust law’s central purpose. It enables a social democratic vision of economic control, whereby coordination rights are granted instead to the state, co-ops, collectives, and/or unions.

Marshall Steinbaum et al 20, Assistant Professor of Economics at the University of Utah, Left Anchor, podcast episode 155: “Socialism vs. Antitrust with Marshall Steinbaum,” 9/12/20, transcribed by Otter, https://leftanchor.podbean.com/e/episode-155-socialism-vs-antitrust-with-marshall-steinbaum/

Marshall Steinbaum 31:39

But yeah, I mean, there's a kind of what you were saying, I definitely agree with that, I guess I would push back a little bit on the kind of interpretation of the states moving away. And so like, the only thing that matters is what whether Tim Cook allows Uber to make a living, as opposed to whether, you know, the taxing authorities of every city and their state labor departments and the FTC FTC have a say on it. Like they're, they're, you know, small potatoes in comparison to the CEO of some company. I think I mean, that's true about, you know, who wields power in the economy. But it's not right to say that that's because the state has retreated and sort of ceded all control to, to the capitalist, I think we have to understand the state's involvement or policies involvement as being, you know, kind of inescapable. So the question is like, okay, so you've got, you know, like, incorporation statutes, like who's allowed to be a company to enjoy limited liability or whatever, like, people don't think of that as being part of economic policy. But it absolutely is not just, you know, is Apple allowed to be a corporation or not a corporation as, as you know, say it's a California Corporation? I mean, it's probably a Delaware Corporation, but whatever, you know, can it operate across state lines? You know, these were big issues in the 19th century. Nowadays, we get things like, oh, if you're a corporation, then basically anything you want to do is legal under the antitrust laws, you know, but people who are not corporations cannot act together under the antitrust laws. So for example, you know, you're talking about like, oh, Uber could be liable under antitrust for this gigantic price fixing conspiracy. Through, executed through verticals restraints, yes. You know, who has actually been found to be liable under the antitrust laws? Uber drivers for potentially collectively bargaining their wages against Uber. So that it's this idea that like, Oh, you know, these individual drivers, like they're independent businesses operating on this neutral platform, but they can't get together. That's what the antitrust laws forbid. Whereas this one gigantic corporation that dominates them that is absolutely allowed to do whatever it wants. So this is the kind of concept that my my colleague and collaborator Sanjukta Paul is called the allocator, antitrust is an allocator of coordination rights and the title of her paper. This idea is like, who's allowed to coordinate economic activity? Is it it, and what she says is that antitrust has what's called the firm exemption. So here she's drawing on what what, you know, most every antitrust person recognizes and is known in the jurisprudence is the labor exemption, which is that labor unions bargaining wages within a recognized bargaining framework cannot violate the antitrust law through that collective bargaining. So that the idea is that's an exemption to antitrust's usual, preference for competition. What she says is, you know, we have to reinterpret that as being, as there being a firm exemption to antitrust, which is Uber telling everybody what to do, that has an exemption from antitrust law by virtue of the fact that Uber is a corporation and or the way that we have chosen to allocate coordination rights in her framework is to allow Uber to coordinate entire markets in the case of Apple to allow Apple to determine what is presented on its on its app store and you know, it has, you know, pretty, you know, strong representation in the retail smartphone market. So it's like okay, you know, Uber is probably going for relative upscale clientele, they all have iPhones, if it can't get on the iPad, if it can't get on the App Store can't get on the iPhone. And if you can't get on the iPhone, they have no business. You know, that is the allocation of coordination rights over that market to Apple, as opposed to some other mechanism for allocating coordination rights. And this is where, you know, to get back to what we were talking about earlier, anti monopolist framework would say, you know, there's no reason why Apple gets to be the one who decides who sees what, why don't we potentially, you know, in a kind of Co Op context, give, give that right to, you know, a consortium or, you know, quote unquote, union of app developers, or in the case of, say, ride sharing, like, why don't we have a union of taxi drivers, and they determine, you know, who gets who gets matched with which customer and what the fare is, as opposed to the company determining that

Alexi 35:48

this is so important, and I think it's really worth emphasizing, you know, the point about how jurisprudence and an antitrust enforcement does what she said, and so far as it, it chooses sides, and who can coordinate these things and who's autonomous and who has power. And since we're speaking of Apple, maybe you can talk a bit about how sanitation workers right at Kodak, Kodak back in the 80s had more power to coordinate and kind of exert their their power over sanitation workers at Apple, right in contemporary times, and then you write about how that is kind of an example of, you know, how the separation of workers from lead firms is kind of a simultaneous erosion of the in the jurisprudence of the Sherman act prohibitions on vertical restraints. So, yeah, maybe talk even a bit more about about the importance of this.

Marshall Steinbaum 36:40

Yeah, so that's getting to what a great economist David Weil has called the fissured workplace. And I think you're referring specifically to a article that was published, I think, by Neil Irwin, if I recall, correctly, in the New York Times, a couple years ago, that was profiling two specific people, one of whom had been kind of janitorial worker on payroll at Kodak in the early 80s. And like, she had basically benefited from their, you know, corporate policies that included incentives to like go to community college and get credentials. And so she got qualified as I you know, sort of IT person, she was like, trained on Lotus 123, or something from the, you know, from the dark history of personal computing. You know, she kind of worked her way up through the ranks at Kodak, thanks to the fact that she started in the ranks of Kodak that is that she was a janitorial worker on the payroll, she was able to be promoted, basically, to the point of being the head of it for the entire company at some at one point. So she was a senior executive, you know, and that kind of social mobility via the mechanism of a major economy leading firm that employs people kind of every stratum of the occupational hierarchy of the income hierarchy, and is itself a like, somewhat egalitarian organization in its own right. I mean, insofar as any corporation could be egalitarian within capitalism, you know, I think this is kind of what Wynand was talking about, when he referred to, you know, this sort of New Deal state that was created by the National Labor Relations Act and other other, you know, kind of New Deal reforms, it's like that, that kind of somewhat egalitarian corporate organization is, you know, a thing of the past. And my argument would be well, it's and it's the erosion of antitrust that made that not the case. So in the instance of Apple, the contrary, the contrasting individual was, you know, janitorial services worker who was contracted, so she was employed by some, you know, janitorial services contractor whom Apple contracted with to clean its offices, but like, there's no way that she's ever going to be promoted to be an employee of Apple, let alone a senior executive at Apple, you know, nowadays, Apple is one of the economies leading firms. So there's different, you know, just, you know, take and both firms are like, somewhat are considered somewhat technologically innovative in their time. So like, think of these, you know, kind of economy leading like blue chip companies that are that like defined the apex of the American economy in two different eras. One of them is constructed such that it's possible for a janitor to eventually become a senior executive, the other is constructed so as to make that impossible at all costs. And and and, you know, I think Irwin's piece gets exactly at this question of employment classification as being a crucial constituent of that changing reality. I would say that the ability to contract everything out and yet control everything so minutely use a, you know, arms legally at arm's length, but like economically, you know, at a very close distance and with total control to the boss, you know, that is we have to understand the erosion of antitrust is being just as much a part of that as the non enforcement of labor laws, the erosion of of enforcement of those and so on.

Ryan Cooper 39:59

Yeah, Yeah, that's that's a great dichotomy. I wanted to also, I wanted to bring up the the welfare state. I n, in, in a couple of these articles, you've mentioned how, you know, the gig economy and various sort of like, anti trust, you know, trying to escape any kind of liability for, for being responsible for one's, you know, employees has materially harmed workers by sort of excluding them from, you know, like traditional welfare state stuff, which is often administered through, you know, through the employment relation. But you've you've also written about how, like the cares act, part, partly helped with that, and then partly maybe, sort of entrenched the bad relationship. But, you know, in general, the cares act was like a pretty astounding piece. I mean, it's seems mostly expired now. But, like, it was a really interesting piece of legislative legislation that, that helped people out a lot and kind of revealed a lot of underlying, you know, deficiencies in the way that people in DC have done policy for the last like, 40 years. So can you can you kind of go through, like, the how the welfare state interacts with, you know, anti trust, and and, you know, kind of kind of how the two can can complement each other? And how they that might be fixed?

Marshall Steinbaum 41:41

Yeah, absolutely. So,we've been talking a lot about this question of the legal employment relationship, and why that matters so much for workers. And a big reason why it matters so much is exactly as you said, that so much of our welfare state is conditioned on employment. And so that's what you know. So in some sense, this like category, that's kind of, you know, not the main focus of attention at the time of the New Deal. You're that this distinction, the question of like employment independent contractor, and that is an important distinction, as I was referring to in the antitrust cases that we talked about earlier. But like, this idea that, you know, a lot matters for you economically, on the question of whether you are legally an employee or not, that's not true to the New Deal era, per se, it's that's what's been layered on since and especially since we kind of adopted the backlash to the Great Society view that the problem with the welfare state is that it causes people not to work and inculcates a culture of poverty. You know, all of that is basically racist drivel. But it's had an enormous impact on the kind of Orthodoxy around welfare policy, especially in DC. So as I've talked about, either of I've talked about in this podcast, certainly a couple of times on podcasts with bruenig. And in some other writings, you know, there's this sort of mania for the Earned Income Tax Credit among DC policy wonk types, which is this, basically wage subsidy for people who were employed in market labor, and it doesn't help you if you're not employed in market labor, and arguably, it hurts you, even if you are employed to market labor, and you don't receive it, because it by causing people to, you know, as sort of have to be employed to market labor in order to gain the benefit and arguably depresses wages for people who aren't beneficiaries, so reduces the market wage, basically. You know, that cares act is kind of by chance, the opposite of that. So first of all, you said that the cares act was like this revolutionary thing. It was that with respect to that unemployment insurance position, provision, so called pandemic unemployment compensation, and then pandemic unemployment assistance, we'll get to what those two things are in a second, the rest of the cares act for you know, it also included a, you know, sort of like one off $1200 check from the IRS, you know, for people earning about, I guess, it was like below 100,000 a year. And then there was like, a ton of stuff that was basically an indefinite extension of a whole, like firehose of money to, you know, the economy's leading corporations via the Federal Reserve and the Treasury. But I think, especially the Federal Reserve, so you're saying it's, like, mostly expired now? Well, not the part that gave capital, everything they want it that part's not expired, and that's exactly why the other part hasn't been renewed. So there was a sense, you know, the kind of political calculus that gave rise to the cares act is like, you know, we have like, suddenly a pandemic has hit the economy, it's going to be temporary, you know, so we need to, like, we need something to tie people over, let's juice up the unemployment insurance system, give people $1200 checks. And make sure all these businesses are able to borrow, you know, that are facing, you know, huge sudden shortfalls. It's like, oh, but you know, by the way, the last of those things that will be permanent, the first of those things will be temporary, because the pandemic is assumed to be temporary, and oh, wait, the pandemic is not temporary, or at least it's less temporary than we thought it was gonna be. You know, those people are suddenly high and dry because capitalists already got everything they wanted. So it's like we're in a pretty shitty situation, frankly, visa for pretty much all working people, but the stock market's doing great. Okay, so what did the cares act have for unemployment insurance? And why is that such a challenge to kind of policy received wisdom, it basically added this lump. So the PUC part, pandemic unemployment compensation added a lump sum $600 per week, on to traditionally eligible workers for unemployment. So that's PUC so if you're eligible for unemployment, there's some state formula that says that's a function of what your wages were pre layoff. You know, generally as as the lingo and unemployment insurance is replacement rates, so it's how much of your loss of your lost wages are, quote, replaced by unemployment insurance, you know, the average in the United States for people who are eligible is something like 50%. And like 50% of unemployed people aren't eligible or was not able to collect it, you know, very, like leaky sieve type system, that P You see, element of the cares act up to that number by whatever the replacement rate was under state law plus $600, which for a lot of workers is basically, you know, a gigantic windfall relative to the shittiness of the jobs that they actually have to do. So many workers, especially in low wage occupations experienced, you know, better pay when they were receiving the PVC than they did in their jobs and that they're ever likely to get in their jobs. PUA was the version of that for the gig economy. Basically, it was for workers who were not eligible for traditional unemployment insurance. And many gig economy workers were dis employed by the pandemic, this was a fully federal system that essentially gave them access to a temporary pool of unemployment insurance. And the key thing there is at the time, I wrote a letter with Sen. jepto, whom I mentioned earlier, I wrote a letter to Congress about that they have basically done a kind of ex post bailout of the of all of the misclassification that gig economy firms have been doing for a decade now. Because they're saying, Oh, you know, Uber has never paid a dime in unemployment insurance premiums for its workers, and they become unemployed all the time. Suddenly, in this pandemic, many of those workers are eligible for unemployment insurance, thanks to PUA. So that's great that they're, you know, able to subsist, but instead of paying into it, you know, Uber gets to skate for 10 years on its premiums, and then the federal government pays for that. So that was, you know, kind of, you know, a, under the radar screen bailout of the gig economy, employers. Anyway, now, you know, we're in this position where these things have been taken away, and what that has meant, you know, so the interesting thing that's come out in the economics research about the effect of the cares act, and specifically these UI provisions, is that, you know, that pandemic is and has been devastating to the low wage workforce, huge, extreme spike in unemployment, it's still very high, you know, a lot of service workers have been disappointed. But actually poverty rates went down, and earnings went up, or income went up, because their income was more than replaced by these temporary, generous provisions that were not conditional on showing up for work, because they couldn't be conditional on showing up for work, the whole point of the pandemic is that people can do their work, you know, now, you know, and, you know, given that like that, like, in the midst of an economic catastrophe, we reduce the poverty rate, you know, that like flies in the face of everything that we know about how the poverty, you know, the poverty rate usually goes up when there's an economic recession. And what we just found out is like, if you don't want that to happen, if you do want to reduce poverty, you have to enact these policies that aren't conditional on work. That's how you reduce policy, you give people money, basically, and in this case, unemployed people are the people who are likely to be dev low income to be in poverty. So that's how you get money to. So now, you know, we're kind of I mean, because of this political misjudgment that had, you know, given capital, everything and wanted while workers bailouts was temporary, you know, now it's like, Okay, well, like, please give us something for workers. You know, I think the the view had been that, like the election would be the leverage that, you know, pro worker interests would have over the federal political system, but that's not the case, actually, because the outcomes of elections aren't terribly responsive to the the well being of the population, which is a big problem that we should probably do something about at some point. But But, you know, so now it's like, Okay, well, we're sort of like pleading for scraps the way that we have been for the last decades, and everyone's reverted to, you know, basically versions of the EITC expansions that have been on their, you know, to do list for for a long time. So it's like, okay, you know, the wanks have guy kind of gotten back control in control of the message and the asks and whatever. And, you know, consequently, the agenda has gotten shittier.

Alexi 49:39

never a good idea to give the Wong's power. But now, like so far, I just want to recap for the audience. We have number one left anchor Steinbaum, synthesis of anti trust and democratic socialism, to new idea breaking news, let's make government responsive to the needs of the people. That's that's that's what we've so these two important things that we're offering now. But But no, I think first of all the point point very well taken that, you know, our favorite game about the Democrats, is it malfeasance and or is it malice? You know, is it is it just, you know, bad politics or or is it just intentional, you know, slap in the face to the working people of this country into the poor. So, so yeah, yeah, point point well taken that the the corporations were given a, you know, indefinite Lifeline, and then I think they accidentally helped the poor and helped the working class, probably because they didn't realize how low pain, you know, jobs were out there. Yeah.

Marshall Steinbaum 50:39

Yeah. I mean, that's exactly right. It was pretty clear at the time that like, there was just sort of No, I mean, I think the rhetoric in Washington is like, somewhat responsive to, you know, insofar as there's any responsiveness to workers, it's like, you know, people who are not precariously employed. So, you know, that I, you know, so it's like they don't it's like any job is a good job, or they are not, that's a little bit of an overstatement. But it's like, you know, what we want to prevent as people losing their jobs, as long as they have their a job, there'll be fine. And, you know, there's just a very, very little apprehension on the part of like, the policy elite of like, just how bad most jobs

Alexi 51:18

but look, Marshall, we all know, worst case scenario, as Mitt Romney said back in the day, if you're really in a tough situation, just sell your stocks if you have to just

Marshall Steinbaum 51:28

Yes, yeah, yeah, right. Right. Just that Yeah, Dad stock at American Motors or whatever, you know, what you can afford? Right? I

Ryan Cooper 51:33

mean, it was a tough thing to have to do. But sometimes you got to just bootstrap it.

Marshall Steinbaum 51:40

Yeah, so well, you know, now now, Romney is a resistance hero. He's doing everything he can to bring our Trump Reign of Terror to an end

Ryan Cooper 51:47

he is, thank thank God for him, honestly. Yeah, so so to, I guess, to kind of like, like, tie a tie that together a little bit. You know, like, the welfare state is, you know, just like a critical lifeline. You know, like the cares act shows, you know, that, that, that four decades of neoliberalism was all bullshit, actually, we could solve poverty quickly and easily, just by, you know, dumping money on people who don't have money. That's literally It's that easy. But I think, you know, the interesting thing to me about, like, this whole discussion about, like market regulation, and so on and so forth, is that, like, I'm pretty convinced that the, you know, in so far as your, the economy is based to some degree around, you know, private businesses, you know, doing their thing, competition is a is a fairly useful tool, if it's done, right. And that means competition, that's that that happens, you know, through a sort of regulated process, because you can have competition that just means trying to cheat, and like drive the other guy out of business, so you can seize more market share, you know, try and try to force companies to compete on price and quality. And that means big government, basically. You know, an example I've seen recently, you know, the computer chip market for for like desktop PCs. That's like a pretty concentrated market. But there is competition there between AMD and Intel. And Intel's had like a big chunk of you know, the marketplace for for many years, AMD has been sort of a laggard for the last couple years AMD like they basically just beat Intel, it's better, better chips for cheaper. And suddenly Intel's on the backfoot. And they're doing all this stuff, they're retooling their, their machine to try to sort of, like, exceed, and like, that, I think is a reasonable process, so long as it's not, you know, like, you don't you don't end up with competition that takes place like, okay, we're shipping all of our, you know, all of our factories to Tanzania, and we're just gonna pay everyone $1 you know, make them buy all their stuff in company script, that kind of competition. But, you know, and then also, you could, you could say, like, oh, we're going to set up something like the post office as explicitly a monopoly, but it's going to be a monopoly with a sort of government policy purpose, like everybody has to get the same service for the same price even if it's like ridiculously uneconomical to provide it in a certain location. And that's like a kind of different that's like about quality government and how do you set up a agency with some sort of a spirit a core that like, does a good job. But like, I think the, you know, my sort of like fundamental takeaway, and maybe you can sort of quibble with this or qualify, Marshall is that like, like, the anti trust, and, you know, breaking up, like, like full on monopolies and like forcing the businesses to compete decently and, you know, the sort of like welfare state, you know, social democratic vision, these things like there are two, they can be two great tastes that taste great together. And, you know, like, there's not necessarily a trade off. And then like, one could sort of enable the other. What do you think?

Marshall Steinbaum 55:40

Yeah, I mean, I think that you can have a, you know, what might be called Race to the Top type of competition, I'm not exactly sure what's going on in the, you know, desktop computer chip market, but like, branding, what you the way you characterized it, or you can have race to the bottom competition, which is basically about sort of chiseling out your company's own regulatory arbitrage, or like, You're the one who gets to run the taxi company, but not actually charge the regulated rate, or you're the one who locates the factory in Tanzania so that you can pollute all you want and pay your workers like crap. And then you know, then you're in, you know, quote, unquote, competition with domestic producers, you know, who are then obviously incentivized to do the same themselves, I have tended to move away from the concept of competition, exactly, in some ways, exactly. For the reason that you're saying it. And for the reasons I just said, which is that it is not, it doesn't really work as like, we want more of it, or we want less of it, because there's different forms of it, as we were just saying, Yeah, and, you know, in particular, I have moved away from that concept of competition vis a vis antitrust law, like I just don't agree, now, now I have come to the view that I don't agree that the purpose of the antitrust laws is to promote competition. I think it is because, you know, for the reasons like that the world in which, you know, a US domestic manufacturer relocates overseas to take advantage of poor environmental and labor standards, you know, that's like, an act, you know, that could be understood as an anti competitive act vis a vis the workers, but like a pro competitive act vis a vis competitors, potentially. And so I don't think like it's, you know, a policy regime that gives workers that gives companies the ability to undercut their own workers through the threat of outsourcing isn't about promoting competition or repeating competition, it's about, you know, who gets to decide and the economy who has power, as Sanjukta said, who, to whom are coordination rights granted. And so my view is like, antitrust has one disposition of the allocation of coordination rights or, you know, who gets to operate as a monopoly or as a dominant firm versus who is subjected to their domination, which is designed subjected to competition under the current way of doing things that would be workers, so like, a dominant employer, you know, subjects workers to competition, so the workers have plenty of competition, and that's what reduces their labor standards. And I think that is exactly what is kind of tripped up or created this false dichotomy between like, anti monopoly ism versus socialism, because from a workers perspective, more competition is bad. Because they, you know, that's exactly what the economy already consists of, whereas from a, you know, sort of corporate perspective, you know, exactly what characterizes the economy is a lack of competition, that is to say, you know, dominance, not just in any one market, you know, where, you know, many major industries are basically, you know, an oligopoly if not a monopoly, and then, you know, vertical integration and vertical control, you know, that subjects, disadvantage actors to competitive forces and insulates powerful actors from those competitive forces. And what we want is the erosion of the concentration of power, which is to say, to, at least, you know, through the mechanism of competition that would be to subject powerful actors to competitive forces and protect unpowerful actors from them.

Ryan Cooper 59:00

Well, well said. Go ahead. I was gonna just do a just out of left field kind of question about, because it seems like non domination seems to be the maybe the principle that would kind of work through the synthesis of democratic socialism and the antitrust, kind of coalitional movement. And what do you think? How would you understand that principle, working with other ideas that the left is is kind of fighting over whether it's job guarantee or UBI? You know, how do you think this overall leftist synthesis should think through what principles can help us kind of navigate these contests or which policies to to kind of fight over and propose as the most important to push for?

Marshall Steinbaum 59:48

Yeah, well, I absolutely do think that non domination is the principle that's at play here. And that's why I support both UBI a job guarantee and I don't believe that there needs to be a clash between those two things. I mean, I have often thought and if I, you know, had a vast research budget of my command, I would indeed, commission this, you know that there should be a sort of left pro labor like pro low wage labor agenda that consists of a UBI, like the cares act, except not just for unemployed people, but including them, a job guarantee, which is to save full employment, you know, macroeconomic commitment to full employment, and a $15, minimum wage, as well as the enforcement of other labor standards, like maximum hours, and, you know, safe workplaces and that sort of thing. All of those things together to me form like the tripartite are the three legs of the stool of like a, you know, pro labor left agenda as against the EITC. And basically anything that's conditional on supply, market labor for in order to receive benefits. So like all three of the things I mentioned, what characterizes them is rights, and entitlements accruing to the worker that's independent of any one employer. And that's all of that is at odds with existing policy orthodoxy, for example, the EITC, the other thing that I have written about a great deal is a student debt and labor market credential is Asian. So I interpret the rise of student debt as being basically the federal government's most ambitious labor market policy of the last few decades, which is the idea that like, oh, if people are earning enough in the labor market, they need more human capital, so they need more higher education, and we'll lend them the money to get that higher education, and then their earnings will go up, like that has, you know, kind of spiraled out of control, because people's earnings haven't gone up. So they're left with a bigger pile of debt than they would have had otherwise, and consequently, aren't paying it off. But like, all the real big reason why the whole, like student debt and Higher Education and Human Capital approach to labor market policy hasn't worked, it's because it also doesn't take into account employer power and the domination, that bosses are able to exercise over workers in a capitalist economy. So what the effect of that, you know, student debt thing in the labor market has been to basically shift the cost of training or being trained for your job or qualified for your job to individuals from employers or from, you know, the public higher education system, you know, these, this is just the transfer of those costs to the shoulders of the agent that's like least able to shoulder them.

## 1NC---K

### 1NC---K

#### Clash is critical to black liberation – struggle is most effective when founded upon criticism and debate.

Griffin citing Kelley 16, \*PhD student in the Department of History at UCLA, \*\*Gary B. Nash Professor of American History at UCLA (Thabisile, Robin D.G., March 7th, “Black Study, Black Struggle,” *Boston Review*, http://bostonreview.net/forum/robin-d-g-kelley-black-study-black-struggle)

A decade on, what most resonates from my experiences in the A-APRP is the organization’s commitment to constant study and criticism. Our organizing was always fueled by our reading list and discussions, which were crucial to our understanding of systems of oppression and how we might dismantle them. Reading was central to the revolution: it was not an extension of bourgeois university labor, but a critical way of acquiring tools for effective action.

Collective and self-criticism were also paramount. The members of our work-study group ranged in age from eighteen to thirty, with folk from different classes, regions, and backgrounds. Needless to say, there was conflict. Meetings would end with efforts toward constructive criticism, both of self and of the collective. In the often-complicated organizing toward freedom, the conflict and contradictions proved to be perhaps the most generative. It was through these uncomfortable frictions that we came to understand the vital role of dialectics. Studying and discussing led to indispensible debates about how to conceptualize and create freedom.

I would suggest that dialectics is still how we need to seek answers, within and beyond the university. Although neoliberal logic would lead us to believe otherwise, there is no fundamental divide between scholars and “the street.” This belief is inaccurate and destructive; we both affect and are affected by each other. Many of us are from the streets and return there with each birthday and funeral, and many of us still call it home. The intellectual relationship between academics and non-academics serves as another type of integral exchange, and ushers in more of a critical dialectic. In the academy, the access students have to particular types of resources comes with the great responsibility of building on existing discourses in new and emancipatory ways—for all of humanity.

#### Constant debate is critical to make any form of politics effective – academics have an obligation to discover the best strategy of resistance.

Taylor 17, Assistant professor of African American studies @ Princeton University (Keeanga-Yamahtta, Home Is the Crucible of Struggle, *American Quarterly* 69(2), 229-233)

The challenge is in using the spaces we occupy in the academy to approach this task. There will be many different kinds of organizing spaces developed in the coming years, but there is a particular role we can play in this moment. This organizing possibility exists only when we recognize the academy, itself, as a site of politics and struggle. Those who ignore that reality do so because they have the luxury to or because they are so constrained by compartmentalization that they ignore the very world they are living in. In the last two years we have seen the flowering of campus struggles against racism, rape, and sexual violence, amid campaigns for union recognition and the right of faculty to control the atmosphere of their classrooms. Whether or not we on campus see them as political spaces, the right wing certainly does. They have raged against "safe spaces" and what they refer to as "political correctness." While reasonable people may debate the merits and meaning of concepts like safe spaces, we should not confuse those discussions with an attack from the right that is intended to create "unsafe spaces" where racial antagonism, sexual predation, and homophobia are considered rites of passage or, as the new president describes as it, "locker room" behavior. These, unfortunately, are only smaller battles happening within the larger transformation of colleges and universities into the leading edge of various neoliberal practices, from the growing use of "contingent labor" to the proliferation of online education, to certificate and master's programs that are only intended to increase the coffers while adding little to nothing to the intellect or critical thinking capacities of its participants.

Robin Kelley reminds us that universities will "never be engines for social transformation," but they are places that often reflect, and in some situations magnify, the tensions that exist in society more generally. There is a relationship between the two. The struggles for academic units in Black and Chicano studies in the 1960s were born of the political insurgencies that captivated those communities while shaking the entire country to its core. Robert Warrior reminds us that in Native studies there is a commitment to crash through the firewall that is often intended to silo scholarship from the communities it is often derived from. He writes that a "clear predominance exists in Native studies of scholarship that obligates itself in clear ways to being connected to the real lives of real peoples living in real time. More than just connected, a hallmark of Native studies scholarship is a preoccupation with how the work of scholars and scholarship translates itself into the process of making the Indigenous world a better, more just, and more equitable place to live, thrive, and provide for future generations."

Scholarship alone is not politics, but the study of history, theory, and politics can imbue our political practice with depth and confidence. Today there is a [End Page 230] need to connect the legacy of resistance, struggle, and transformation with a new generation of students and activists who are desperately looking for hope that their world is not coming to an end. To be sure, there is deep malaise and fear about the meaning of a Trump presidency. It is not to be underestimated. Anyone who is so open about his antipathy and disgust with entire populations of people should be believed when he promises to amplify the suffering in this society. And we should not underestimate the obstacles that confront a political Left that is deeply fractured and politically divided. But we should also remember that the future is not already written. It has yet to be cast in stone. The stories of our demise have been predicted over and over again. The marches that erupted in the immediate aftermath of the Trump victory give a sense of the resistance to come. Who could have predicted that the day after Trump's inauguration between three and four million people in the United States would take to the streets to defiantly resist and oppose the new president? In fact, we have already seen in the last decade the eruption of mass struggle embodied in the Occupy movement and most recently the rise of Black Lives Matter.

The challenge to Trump, however, will demand more than moral outrage. It requires a strategy, and strategy can be developed only when we have political clarity on the nature of Trumpism. The queer theorist Lisa Duggan made an important observation at the association's annual meeting last November in Denver. In an emergency session assessing the US presidential election, there was a sense of urgency that we have talked enough and now is the time to act. But Duggan made the important observation that while action is always necessary, we must also create the political and intellectual spaces necessary for debate, argument, and discussion. We cannot act in intelligent ways without understanding why we are acting and what we are acting against. In other words, politics and ideas matter as much as the action necessary to transform conditions we abhor. This may seem like a minor or even self-evident point, but there is a constant critique that we are often "preaching to the choir" or a question about the usefulness of sitting in yet "another" meeting. But this most recent electoral season has also shown that the choir has different pitches and cadences. The choir can be off-key. This is not to suggest that we should all agree or mute the areas of disagreement and tension, but we should be clear about those differences. Just as we should be clear on what is agreed on and what are the bases on which we can overcome differences and unite. These various positions cannot be intuited; they are discovered through patient debate.

#### Neoliberalism reifies itself through market metaphors of competitive markets – Using metaphors like “ACBP” and … to conceptualize debate injects neoliberal political ideology into this space

Zuidhof, ’12 (P.W. Zuidhof, Zuidhof is assistant professor in European political economy in the European Studies program in the Department of History, European Studies and Religious Studies at the University of Amsterdam, “Imagining Markets: The Discursive Politics of Neoliberalism, pg. 7-11)JM

Many critics of neoliberalism have tried to capture the exuberance of the market imagery in neoliberalism. The cultural critic Thomas Frank for instance, documents in One Market under God (2001) how the market has become an important cultural icon which invaded public discourse and our cultural imaginations. Frank (2001, 29) for instance points out how a variety of cultural techniques, ranging from advertising, business journalism, management books, to cultural studies have created a brand of “market populism” – he cites Newsweek columnist Robert Samuelson’s locution “the Market ‘R’ Us” – in which ‘the market’ is equated with ‘the people’ to the point that the market became to be seen as more democratic than conventional institutions of a democracy. In an attempt to address the excessive market imagery of neoliberalism, critics resort to all sorts of market-based neologisms. Like Thomas Frank, one turns for instance to religious imagery to speak of neoliberalism as a “market theology,” or the gospel of “freemarket religion” (e.g. Cox 1999). In secular terms, one invokes the image of a “free market mythology” (viz. Perelman 2006) or “The Cult of the Market” (Boldeman 2011). The market is especially concatenated with political images, as in Frank’s “market populism,” or when neoliberalism is put down as a form of “market democracy” (Chomsky 1999), “market liberalism,” or instead described as a form of “market dictatorship” (Attali 1997). The specter of terrorism is once more raised to bring out the character of neoliberalism, for instance by Henry Giroux in his book, The Terror of Neoliberalism (2004). It has especially become fashionable to refer to neoliberalism and its policies as a form of “market fundamentalism,” a depiction that has been popularized by the likes of George Soros (e.g. 1998) and notably Joseph Stiglitz (2002) in his critique of the IMF. These examples indicate that with neoliberalism, the market has emerged as a powerful image that spectacularly altered our thought and speech not only in political and policy discourse but public discourse at large. I imagine that major market philosophers from the past such as Adam Smith, Karl Marx and even Friedrich Hayek or Milton Friedman would have great difficulties understanding what is meant by some of these terms. The perceived exuberance of neoliberalism can therefore be traced to how the image of the ‘market’ was mobilized and developed into a powerful signifier to re-imagine and rearticulate many important spheres of life. The New Yorker cartoon pointedly makes clear that neoliberalism relies on the work of metaphor. Rather than straightforwardly instructing the participants in the boardroom that terrorism should be fought at the market, the message is to fight terrorism as if it were a market. Neoliberalism, I would claim, always entails mobilizing the market in a metaphorical sense. The message of neoliberalism is consistently a metaphorical one: think of … as a market, (and govern it accordingly).6 Neoliberalism invites us to imagine virtually everything as a market, ranging from health care, universities to the military, pensions, personal relationships, families, ethics, aesthetics and the state and politics itself. The excessive quality of neoliberalism is therefore found in its use of the market as a metaphor and its ability to displace the state. The assessment in this thesis of the challenge of neoliberalism and its politics of the market, will therefore begin by distinguishing literal references to the market from metaphorical ones. Others pointed out before that in assessing the politics of markets it is important to recognize that we often speak of markets in metaphorical terms. In Contested Commodities, the legal philosopher Margaret Radin (1996) begins her analysis of what goods can properly be bought and sold, by distinguishing literal from metaphorical markets. As against literal markets where goods are exchanged for money, at metaphorical markets there are no actual exchanges involving money but entails interactions that “are talked about as if they did” (3). Radin employs the term market rhetoric to refer to the vocabulary or discourse in which metaphorical markets emerge. Radin claims that on a theoretical level for instance, Chicago scholars such as Becker and Posner engage in market rhetoric, and “in doing so they extend the market, metaphorically at least, beyond what we are conventionally comfortable with” (4). In her view, by conflating literal and metaphorical markets, market rhetoric may give way to what she calls universal commodification. It means that goods are solely viewed as alienable market goods and only have exchange value. In her book, Radin argues for the importance of incomplete commodification. This is the view that complete commodification is not, and should not be applicable to most cases of goods. Without further engaging with the details of Radin’s account, her conceptual distinction between literal and metaphorical markets raises an important insight. Among other things, her book analyzes some of the normative implications of the metaphorical extension of the market. While she exclusively concentrates on the metaphorical extension of the market in (mostly economic) theory, I would argue that neoliberalism is founded on an analogous use of metaphorical markets, but in political discourse. Neoliberalism relies on metaphorical markets and market rhetoric to rearticulate our political understandings. Without her calling it as such, Radin’s book could be read as a normative analysis of the metaphorical politics of neoliberalism. By drawing attention to the fact that neoliberalism relies on metaphorical markets and market rhetoric, the intellectual challenge posed by neoliberalism is to further specify the nature of its political project. Apart from the question which will be addressed in chapter 3, whether neoliberalism should be construed as either ideology, policy agenda or rather something else, it needs to be determined what kind of political project it amounts to. The hypothesis of this thesis is that neoliberalism is best understood as a kind of discursive politics. By discursive politics, I broadly mean a type of politics that achieves its goals discursively, by rearticulating a prior structure of understanding. Every form of politics of course avails itself of discourse, for example when ‘neoliberals’ call for the liberalization of certain markets. The concern here is however not with this more narrowly defined discourse of politics, but rather with the politics of discourse (viz. Connolly 1993, 221). Put very schematically – although the dividing lines are ultimately hard to draw – my idea of neoliberalism as a discursive politics differs from conventional conceptions of politics in claiming that in important respects neoliberalism depends on language and discursive means to attain political effects. The basic idea is that discursive interventions impact the way we perceive the organization of the social world and how we conceive of the good life. Where traditional, for instance liberal conceptions of politics take the organization of social life largely as given and view politics as a contest of preferences and opinions, discursive politics affects the constitution of our social world and our conceptions of the good life. Rather than asking for the liberalization of markets, the discursive politics of neoliberalism mobilizes the metaphor of the market to rearticulate how we to think of a certain area of life. The idea of discursive politics as pursued in this thesis, is not unique but inspired by a longer tradition within poststructural political thought and discourse theory as found with Laclau and Mouffe (2001), Butler (1993, 1997), Shapiro (1981, 1984), or Connolly (1993). One of its insights is that discourse is inherently political because discursive constructions inevitably privilege certain aspects over others. The flip-side of this insight is however that any discursive construction is fundamentally unstable and subject to rearticulation. Laclau (e.g. Laclau 1996, 2000, 2008) at times emphasizes that rhetorical displacements or “tropological substitutions” are indispensable in mediating the rearticulation of existing discursive structures. Shifts in discourse are always tropological as they allow for the making and breaking of the discursive field. The political power of metaphor then is its capacity to rearticulate a certain discursive field. Since the market metaphor performs such a function in neoliberalism, it seems particularly relevant to approach neoliberalism as a discursive form of politics. Neoliberalism is then best characterized as the discursive politics of the market metaphor. Not all politics surrounding neoliberalism is always necessarily discursive in this strong sense and no doubt also amounts to conventional contests over preferences and opinions. Our first brush with neoliberalism here however suggests that its most important challenge is its discursive politics. This thesis studies the discursive politics of neoliberalism, both theoretically and empirically. Since the discursive politics of the market continues to have a tremendous impact on contemporary political discourse, it is relevant to assess its effects. As the discursive market politics of neoliberalism particularly challenges our traditional views of the interrelation between the market and the state, the main question is to determine how the discursive politics of neoliberalism re-imagines the way this relation is perceived. This way, neoliberalism calls for a re-evaluation of the intersections between economics and politics. How do the manifold ways of spreading market metaphors displace and destabilize existing understandings of the relation between markets and states? What is at stake in the invitation of neoliberalism to imagine markets for everything and especially as a substitute for the state? As we will see, the central issue behind neoliberalism’s rewriting of the relation between the market and the state is that the latter challenge our traditional view of how to govern and how to conceive of government. The argument of this thesis is that the discursive market politics of neoliberalism inaugurates new ways of conceiving of government. The main task of this thesis is to assess exactly how neoliberalism is rewriting our view of government, and to determine what its political consequences are.

#### The alt requires embracing an episteme of alternativity. Academic spaces must prioritize rejecting colonial scholarship, otherwise it will be used to justify colonial policies. Calls for “policy relevance” make debate an academic space that can only assist empire building. Instead, we have an ethical obligation to actively counter the prevailing order.

Gani & Marshall 22, Jasmine K. Gani: PhD of IR @ LSE. Senior Lecturer of IR @ St. Andrews. Jenna Marshall: PhD of Political Science @ Queen Mary University. Senior Researcher for Development and Postcolonial Studies @ U-Kassel (The impact of colonialism on policy and knowledge production in International Relations, *International Affairs*, Volume 98, Issue 1, January 2022, Pages 5–22, DOI: 10.1093/ia/iiab226)

Looking forward: academic and practitioner pushback against colonialism, and cautionary tales

Given the historical and ongoing mutual complicity between knowledge producers and policy-makers in upholding imperial and racial orders, we now consider the responsibilities, possibilities and challenges faced in altering the nature of that nexus. Doing so requires turning to what Danso and Aning call an ‘episteme of alternativity’;41 and the primary way for academics to enact this would be to draw on anti-colonial practice and legacies, rather than imperial competition, as the foundation of their theorizing.

Thus, in his article, Sizwe Mpofu-Walsh forefronts global South policy-makers and focuses on the nuclear order (a topic that is typically associated with realist IR) to demonstrate how it can be approached through an alternative, critical epistemology.42 Disrupting the ‘Great Power gaze’, Mpofu-Walsh asks what the politics of non-proliferation looks like from the perspective of the global South, especially the African continent as the sole nuclear weapon-free zone (NWFZ). There, denuclearization is fundamentally linked to decolonization. Thus anti-colonial goals, rather than hegemonic/imperialist competition, are at the root of both policy and theorizing. How different would IR knowledge and theories on nuclear weapons be if African praxis and the importance of NWFZs were taken seriously? Turning to the Middle East, Gani similarly argues in her article that the inclusion of non-western history and voices—from policy-makers to activists and scholars—in think-tank discussions can mitigate the latent colonialism that shapes western policy.43

Nevertheless, even with an incorporation of non-western practice and knowledge in policy making and scholarly theorizing, multiple perspectives that are marginalized even in the local context, owing to class or gender, may continue to go unheard.44 One crucial way in which both academics and practitioners can challenge such patterns is by adopting a more expansive reading of what constitutes ‘knowledge’ and indeed ‘practice’. In doing so, we can dismantle some of the constructed and false hierarchies between elite ‘knowledge’ and ‘research’ on one hand, and local ‘tradition’ on the other.45 The former is assumed to be objective, reliable and associated with western (and western-validated) universities; while the latter is viewed as subjective, unscientific and commonly associated with Indigenous, racialized, grassroots communities. Assumptions about who counts as a true knowledge producer or ‘expert’ is not only elitist but heavily racialized and gendered. Definitions of who counts as a ‘practitioner’ are equally narrow, so that scholars or policy-makers may place much weight on the views and actions of state, global governance and corporate practitioners, but do not view as equal practitioners those involved in everyday practice in their communities—those who in fact sustain their ecology, livelihoods, security and identities, all while having to navigate the impact of top-down policies.46

Both the articles by Jan Wilkens and Alvine Datchoua-Tirvaudey on climate justice, and by Althea Rivas and Mariam Safi on the organizing and practices of Afghan women, share knowledge from non-elite local communities and challenge the above binaries and hierarchies. In their article on climate justice in the Arctic and the Mediterranean, Wilkens and Datchoua-Tirvaudey explain that academic–practitioner knowledge exchange has often been a contributing factor in continued climate injustice.47 The existing patterns of this knowledge exchange on climate governance are dependent on hierarchies of knowledge, namely, the valorization of western/‘scientific’ knowledge production at the expense of the needs and knowledges of the Indigenous and local communities most affected by climate change (i.e. the community-based practitioners, rather than the institutional/state ones). Moreover, the spaces where such knowledge exchange takes place are often exclusionary (in who is invited, in the parameters of discourse and/or in the extortionate costs of participating), producing an intra-elite debate.48 Having identified these racialized patterns, they offer a corrective decolonial strategy for ethical climate governance, founded on practice-based knowledge and diverse ways of knowing that bring in those excluded insights.

The article by Rivas and Safi also provides an example of how the academic–practitioner nexus can be ‘decolonized’, one in which everyday knowledges of Afghan women, in all their diversity and complexity, are centred in peacebuilding efforts.49 Their article, co-written by an academic and a local practitioner, offers a methodology of how to take into account the internal hierarchies of positionality, interests and knowledges that are always present when engaging with grassroots communities for the sake of ‘research’. Rivas and Safi also demonstrate the importance of registering and valuing the unlooked-for, atypical knowledges from below, such as the subtle observations offered by Afghan women in rural areas that, contrary to wider assumptions, reflect their political engagement and interest.

Caution against extractivism in the search for such local knowledge exchange is at the forefront of both the above contributions.50 Thus academics should remain reflexive in what the purpose of their research is, and who really benefits. Moreover, a praxis of decolonizing such research necessarily entails taking time in a way that is at odds with the current culture of speedy and multitudinous productivity in academia: the rapid churning out of articles from ‘the field’ should raise appropriate questions about how, why and for whom that research is being conducted.

Of course, at issue is not just whom but also what we consider as worthy of scholarly and policy attention, and how inclusive we are of alternative methodologies. Dependence on state and official archives, ‘canonical’ theorists, written records and English-language sources all reproduce the racialized hierarchies inherent in the prioritization of certain types of knowledge and transmission.51 These factors also close the door on appreciating the power—both practical and ideational—generated by collective social action, whose impact cannot (and should not) be individualized to one or a few visible and often romanticized protagonists. Recognizing all this and reading into the silences of the archives should encourage greater attention to non-hegemonic record-keeping, story-telling and witnessing beyond elitist and prohibitive barriers—from oral histories, to poetry, art and independent publishing on paper and online. As anti-colonial and anti-racist thinkers and activists have long argued, these are the ways in which those who are dispossessed and marginalized, but also, consequently, autonomous, have kept their identities, cultures and memories alive, and sought to prevent their experiences from being suppressed and erased.52 In the face of systematic racism and the colonial dismantling of their histories, those who are marginalized are not, in fact, silent but continue to cultivate and share knowledge, even if they may lack the resources and type of support received by hegemonic knowledges (and people).53 Recognizing the equal validity of marginalized forms of knowledges in both academic and policy realms pushes back against the de-representation in knowledge exchanges within elite spaces and formats.

However, it would be erroneous to assume from these arguments that knowledge produced by so-called elite communities is always bad, and that knowledge or cultural production from the bottom up is always more authentic and supports the cause of justice. Srdjan Vucetic's article unsettles multiple binaries, between the elite and the ‘masses’, as well as between academics and practitioners.54 Drawing on the work of Stuart Hall, he complicates what we read as knowledge production and who we see as its progenitors, challenging the notion of purely top-down (and imperialist) identity construction. Exploring the role (and popularity) of nationalistic films and novels as signifiers of this consensus between policy-makers and wider society, Vucetic demonstrates that it is not enough to hold accountable only those deemed to possess political capital, be they policy-makers or academics. Rather, it is necessary also to challenge the broader pressures and expectations of the public that produce a collusion between elite and mass discourse, and help to foreclose the adoption of more critical, justice-oriented policies. Thus, if we focus solely on academics and practitioners in any anti-racist work, we miss the uncomfortable reality that narrow, exclusionary nationalism that foments such racism and imperialist foreign policies actually enjoys substantial ‘buy-in’ from people and may be an accepted part of a local (in this case British) identity.

This observation reinforces the need outlined above for a more expansive approach to defining knowledges, but this time when interrogating the generators of coloniality. This in turn allows us to bring into equal focus other facilitating institutions and mediums of knowledge dissemination, many of which play a pivotal role in making colonial tropes and erasures more palatable, accessible, even culturally and economically valuable. This theme runs through several of the articles in this special issue. As noted above, Vucetic's article focuses on cultural output; Antweiler looks at museums and schools; Baji considers the instrumentalization of local folklore for imperialist ideologies in Japan; Plonski and Manchanda examine the power of racial capitalism via Israel's surveillance industry and marketing; and Gani scrutinizes the impact of journalistic discourse and think tanks.

Thus far, a lot of responsibility for challenging the racial and colonial dynamics of the academic–practitioner nexus has been placed with knowledge producers, whether within or outside academia. But it is necessary to emphasize that efforts have already been under way, not only to ‘decolonize’ our academic disciplines, but to bring that discourse into the public realm. At that point practitioners need to carry their share of responsibility in listening to and applying the expertise (whether academic or community-based) that can foster more just policies. Instead, the attention policy-makers give to expertise is often selective and politicized, based not on what can actually improve people's lives but on what helps to justify the existing approaches adopted by governments. The current denigration and growing securitization of critical race theory, especially in the United States but increasingly elsewhere, is an example of attacks on emancipatory knowledges that challenge power and oppression. Offering another stark example of this, Amal Abu-Bakare explores in her article the lack of any serious attempts to confront Islamophobia in society, despite the wealth of research and expert advice from scholars and community-based practitioners available to policy-makers.55 Focusing on the cases of the UK and Canada, she highlights the way in which practitioner intervention, in this case that of security and police officials, has actively prevented the adoption of expert guidelines on tackling Islamophobia on the grounds that they might interfere with their counterterrorism strategies. In many ways this is a blatant acknowledgement from policy-makers that their counterterrorism strategy is inherently built upon racial tropes and discrimination. In contrast, so-called ‘neutral’ research on terrorism and/or counterterrorism is embraced by practitioners, precisely because such research might not ask uncomfortable questions about the racial foundations or assumptions that are necessary to enact their policies.

Abu-Bakare's article offers an example of the limitations of academic–practitioner knowledge exchange. Exhorting scholars to make their research policy relevant does not address the unequal receptivity towards critical research that may challenge policy. Nor does it sufficiently take into account the implicit disciplining that can take place in that process of knowledge exchange. Those very spaces or channels that are created to facilitate sharing, listening and negotiation between knowledge producers and practitioners (through all the blurred boundaries between them) may reproduce and reify hierarchies through unequal interactions. Is real dialogue possible if power dynamics render the interlocutors unequal?56 Or, in their efforts to be heard, taken seriously, and make their presence worthwhile, academics and other knowledge producers may find themselves being subtly socialized into the very modes of speech and thought that they sought to criticize. This can also happen in reverse when grassroots practitioners share spaces with scholars and elite institutions. The path-breaking and radical ideas needed to initiate change on some of the most deep-seated problems in politics and society may be diluted in such spaces for the sake of pragmatism and communication, undermining the ability to imagine real alternatives to the status quo. This is not to say that knowledge producers, whether academic or community-based, should not engage with policy-makers, but rather that they should be clear in what they seek to achieve—if, for example, constructive dialogue or receptivity to expertise is unlikely, it is at times necessary and an ethical responsibility simply to register alternative ideas or contestation. Returning to the point made at the start of this piece, this cautions us in how we champion ‘impact’ and knowledge–policy engagement, especially if we only recognize engagements that supplement and are ‘useful’ to systems of power rather than those that hold them to account.

Conclusion

This special issue introduces the readers of International Affairs to the relatively undertheorized and underhistoricized relationship between race, knowledge production and policy-making. The articles demonstrate the ways in which practitioners have historically relied on research produced within the academy to inform policy, initiating the establishment of departments and disciplines for this purpose, but they also show the reverse to be equally true: that policy, both foreign and multilateral, influences the possibilities and parameters of research, funding and recruitment practices, and retention of jobs.57 A key goal of this special issue has been to foster reflection on the ways in which knowledge production (in its multifaceted forms) contributes to or challenges the practice of racism and coloniality; and the ways in which policy and practice shape, validate, limit or ignore knowledge production—in ways that either perpetuate or interrogate coloniality. As the three categories delineated above show, the academic–practitioner nexus is best captured as a series of foreclosures that actively work to uphold narrowly espoused evolutionary myths of the discipline and entrench a naturalization of white-racialized subject positions in academic discourse on the ‘international’, while sidelining scholars and activists, notably women and people of colour, who have made undeniable contributions to analysis of the contemporary world.58 All this brings into view, as one scholar puts it, ‘the fundamental ways in which IR already is, and always has been, complicit in ordering politics’.59

As we have argued in this introductory piece, the exposure in this special issue of the deep academic–practitioner nexus confronts and challenges the ‘gaps’ discourse advanced at the expense of making visible the existing reciprocity that disciplines the boundaries of acceptable enquiry. The outcome of this disciplining at the theoretical level can be seen in the construction of paradigms that normalize Eurocentric presuppositions on ‘how the world is’. But such outcomes are also made manifest through material implications generated by narrow policy responses and policy instruments.

The special issue is not just an exposure, though; it is also a call for repair. To embark on a project of repair, those involved in knowledge production, dissemination and application—within academia, think tanks, museums, schools, cultural production and policy—first and foremost need to recognize that their work is not detached from the real world, even if they seek to make it so. If the articles in this special issue have shown anything, it is that there can be no realistic and honest demarcation between political and apolitical knowledge: to assert neutrality is like offering a blank slate that will inevitably be written over. It is worth knowing that even with the best intentions, a scholar's work is likely to be co-opted for political ends; and that one's erasures and blind spots regarding injustice, even if innocently produced, will be taken as justification for inaction and marginalization of these injustices in the real world.

Sincerity in seeking to prevent racist or imperialist co-optation necessitates more open interrogations of power and commitments to justice: and without doubt IR, whether ‘analytical’ or ‘critical’, and academia more broadly, are filled with sincere and honourable scholars who care about the world they live in and have the capacity to enact positive change. Questioning and challenging accepted and expected modes of academic enquiry requires courage and creativity, both of which are aided through collective effort. This special issue, then, is an invitation to adopt that courage and creativity in how we cultivate knowledge, in questioning the purpose and the ends of that knowledge, and to be discerning in how we try to put it into practice.

## 1NC---CASE

### 1NC---Presumption

Neg on presumption:

1---Burden of proof---academics and activists already anarcho-abolition in the status quo---no reason it needs to use the vehicle of antitrust to solve and advancing CSU Fullerton contributes nothing unique.

#### 2 -- Turns case -- symbolically affirming their method despite its lack of ties to the material strengthens power.

Rigakos and Law, 9—Assistant Professor of Law at Carleton University AND PhD, Legal Studies, Carleton University (George and Alexandra “Risk, Realism and the Politics of Resistance,” Critical Sociology 35(1) 79-103, dml)

McCann and March (1996: 244) next set out the ‘justification for treating everyday practices as significant’ suggested by the above literature. First, the works studied are concerned with proving people are not ‘duped’ by their surroundings. At the level of consciousness, subjects ‘are ironic, critical, realistic, even sophisticated’ (1996: 225). But McCann and March remind us that earlier radical or Left theorists have made similar arguments without resorting to stories of everyday resistance in order to do so. Second, everyday resistance on a discursive level is said to reaffirm the subject’s dignity. But this too causes a problem for the authors because they:

query why subversive ‘assertions of self’ should bring dignity and psychological empowerment when they produce no greater material benefits or changes in relational power … By standards of ‘realism’, … subjects given to avoidance and ‘lumping it’ may be the most sophisticated of all. (1996: 227)

Thus, their criticism boils down to two main points. First, everyday resistance fails to tell us any more about so-called false consciousness than was already known among earlier Left theorists; and second, that a focus on discursive resistance ignores the role of material conditions in helping to shape identity.

Indeed, absent a broader political struggle or chance at effective resistance it would seem to the authors that ‘powerlessness is learned out of the accumulated experiences of futility and entrapment’ (1996: 228). A lamentable prospect, but nonetheless a source of closure for the governmentality theorist. In his own meta-analysis of studies on resistance, Rubin (1996: 242) finds that ‘discursive practices that neither alter material conditions nor directly challenge broad structures are nevertheless’ considered by the authors he examined ‘the stuff out of which power is made and remade’. If this sounds familiar, it is because the authors studied by McCann, March and Rubin found their claims about everyday resistance on the same understanding of power and government employed by postmodern theorists of risk. Arguing against celebrating forms of resistance that fail to alter broader power relations or material conditions is, in part, recognizing the continued ‘real’ existence of identifiable, powerful groups (classes). In downplaying the worth of everyday forms of resistance (arguing that these acts are not as worthy of the label as those acts which bring about lasting social change), Rubin appears to be taking issue with a locally focused vision of power and identity that denies the possibility of opposing domination at the level of ‘constructs’ such as class.

Rubin (1996: 242) makes another argument about celebratory accounts of everyday resistance that bears consideration:

[T]hese authors generally do not differentiate between practices that reproduce power and those that alter power. [The former] might involve pressing that power to become more adept at domination or to dominate differently, or it might mean precluding alternative acts that would more successfully challenge power. … [I]t is necessary to do more than show that such discursive acts speak to, or engage with, power. It must also be demonstrated that such acts add up to or engender broader changes.

In other words, some of the acts of everyday resistance may in the real world, through their absorption into mechanisms of power, reinforce the localized domination that they supposedly oppose. The implications of this argument can be further clarified when we study the way ‘resistance’ is dealt with in a risk society.

Risk theorists already understand that every administrative system has holes which can be exploited by those who learn about them. That is what makes governmentality work: the supposed governor is in turn governed – in part through the noncompliance of subjects (Foucault, 1991a; Rose and Miller, 1992). For example, where employees demonstrate unwillingness to embrace technological changes in the workplace, management consultants can create:

a point of entry, but also a ‘problem’ that their ‘packages’ are designed to resolve. … In short, consultants readily constitute certain forms of conduct as ‘resistance to technology’ as this gives them some purchase on its reform by identifying a space in which expertise can be brought to bear in the exercise of power. Resistance consequently plays the role of continuously provoking extensions, revisions and refinements of those same practices which it confronts. (Knights and Vurdubakis, 1994: 80)

This appears to be a very different kind of resistance from that contemplated by Rubin, but perhaps not so different from that of the authors whom he and McCann and March critique: those whose analysis ends at the discursive production of noncompliance. Instead, the above account is of a resistance that almost invariably helps power to work better. A conclusion in the present day that ominously foreshadows the futuristic, dystopic risk assemblage described by Bogard (1996).

Another example of the ‘resolution’ of resistance proposed above is the institution of a tool library described by Shearing (2001: 204–5). In this parable, a business deals with the issue of tool theft on the part of workers by installing a ‘lending library’ of tools instead of engaging in vigorous prosecution and jeopardizing worker morale. While the parable is meant to indicate a difference between actuarial and more traditional (moral) forms of justice, it also demonstrates how an act that may be considered ‘resistant’ is incorporated without conflict into the workplace loss-prevention scheme – an eminently preferable, ‘forward-looking’ solution within the logic of risk management. The same is possible in the case of more discursive forms of resistance. If I do not see myself as a Guinness man, for example, market researchers will do their best to adapt Guinness to the way I do see myself (Miller and Rose, 1997). The end result, of course, is that I purchase the beer. As manifested in a form of justice (Shearing and Johnston, 2005), it always consolidates, tempers emotions, cools the analysis, reconciles factions, and always relentlessly moves forward, assimilating as it grows. In this sense, therefore, Bogard’s ‘social science fiction’ actually pre-supposes and logically extends Shearing’s (2001) rather cheery and benevolent rendering of risk thinking. In this context of governmentality theory – as self-described and lauded for its political non-prescription by its own pundits – the acts or attitudes described as resistant are, in the end, absorbed by those who govern. Resistance as an oppositional force – that pushes against or has the potential to take power – is theoretically and politically neutralized. In the neutralization process, power is reproduced.

So, along with McCann and March’s observations that everyday resistance adds little to our understanding of false consciousness and that it denies the role of material factors in shaping identity, we can add Rubin’s two main criticisms of everyday resistance: it relies on an inaccurate understanding of power, and acts of resistance which supposedly emancipate actually may reinforce domination. All four of these criticisms demand the same thing: to know what is really going on, to get an adequate grasp of the social.

### 1NC---AT: Community Care

#### Mutual aid as a survival strategy 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.

### 1NC---Antitrust Debates Good

#### Rejoining antitrust is invaluable for bridging scholarship between debate and movements.

Rahman 20, American legal scholar, author, and policy advisor who currently serves as Senior Counselor in the Office of Information and Regulatory Affairs (OIRA) in the Biden administration (Sabel Rahman, September 2020, “Structuralist Regulation,” Prepared for NYU Law School Public Law Colloquium)

Introduction

In the summer of 2020, the murder of George Floyd by police officers in Minneapolis sparked a new wave of Black Lives Matter protests, escalating into what would become the largest protest movement of modern American history.1 The protests put at the forefront of reform debates long-standing demands to “defund the police” and calls for abolition of the prison industrial complex.2 While many policy commentators recoiled at the demand to defund the police, offering more modest and less disruptive alternatives to mitigate the problem of police violence,3 longtime advocates for abolition responded by asserting that the demand was in fact intended to be taken literally and seriously: that police departments and prisons should be defunded and abolished, and that those resources be reallocated to different institutions committed to securing public safety and well-being. The central insight, for abolitionists, is that the problem of police violence against Black residents is a structural problem, a product of the institutionalized biases, cultures, and profit motives embedded in policing as an institution. Given the structural roots of the problem, many well-intentioned reformist proposals for more transparency, stricter rules of police conduct, or other anti-bias measures would simply not succeed4 in reducing the incidence of violence against Black and brown Americans.5 A similar dynamic played out the same summer in a very different policy domain. In July, Congress convened a historic first: a hearing featuring a tough grilling of the CEOs of the big four tech companies, Apple, Google, Amazon, and Facebook.6 After years of increasing public scrutiny over the business practices of these firms and concerns about their market power, 7 policymakers are now for the first time in decades seriously entertaining questions about amped up antitrust enforcement and policy. But at the same time, some have raised cautionary notes, warning that greater antitrust efforts might be problematic, misleading, or ill-conceived.8 Even as concern over “fake news,” disinformation, and media polarization on online platforms like Facebook and YouTube proliferate,9 and as the COVID-19 pandemic accentuates the market dominance of these platform firms, 10 a similar clash is emerging among policymakers, between those seeking structural constraints on the platform business models of information platforms, and those who see such interventions as too draconian, preferring instead case-by-case management of conduct and content on these platforms.11 Or take one more example of this tension between structural and case-by-case regulation in the ongoing debates over the problem of financial malfeasance, too-big-to-fail financial firms, and the risk of financial crises. After the 2008 financial crisis, one set of policy responses has emphasized largely entity-by-entity and case-by-case responses: macroprudential regulation by federal officials overseeing the risk profiles and approaches of systemically risky financial firms, or greater corporate compliance mechanisms promoting “ethical” financial conduct.12 Another set of policy proposals are more structural, seeking to alter the very business models and market dynamics of finance more broadly, whether by converting financial firms into de facto public utilities13 or by breaking up systemically risky banks to prevent the risk of financial collapse in the first place.14 These debates, most prevalent a decade ago, have started to reemerge as the country enters another historic economic collapse, and commentators raise questions about how to structurally remake the financial sector in response. 15 This paper is not about abolition or antitrust or financial reform per se. But it is about an underlying conceptual and analytical debate that lies beneath each of these policy fights—and a wide range of other similar battles playing out in legal and policy circles. Whether it is in context of policing, tech, finance, or in other areas, we can see a similar pattern to the policy debate. Structuralist solutions are proposed in each of these debates, each time provoking a similar set of counterclaims and anxieties. Often, structuralist claims—like defunding the police, breaking up tech platforms, or the sharp restriction of too-big-to-fail banks—are seen as overly costly, dangerous, or simply naïve and ill-informed. Alternatives are proposed that seek to manage or mitigate the problematic conduct of firms or state actors; but these counter proposals are in turn critiqued for being too minimalist or incremental. The problem, however, is that for many policymakers the unease with structural solutions can be habitual and under-explained. When structuralist policies are offered, they are read in terms of a simple spectrum of “more” versus “less” regulation, with more regulation facing a higher burden of justification against default market and private orderings. The problem with this response is that, while structuralist proposals do have their limitations and risks, they are also often apt and well-tailored to the problems they seek to address. That value, however, is easily overlooked insofar as structuralist proposals are too-readily caricatured as naïve or overly costly. This paper attempts to fill this gap, providing a first cut at articulating and theorizing structuralist regulation as a distinct regulatory strategy.16 This paper is an attempt to theorize the concept of structuralist regulation, what makes it unique, what assumptions and under what conditions it should be preferred to more conventional solutions. While structuralist proposals like “breaking up the banks” are often criticized in the frame of being “too much” regulation in contrast to minimalist alternatives, as I will suggest in this paper, structuralist regulation is not necessarily “more”; but it is different, and those differences are sometimes warranted. The idea of structuralist regulation is related to but distinct from other familiar regulatory strategy distinctions: rules versus standards;17 adjudication versus rulemaking;18 command-and-control regulation versus decentralized and “new governance” models of regulation.19 In this paper, I define structuralist regulation as a regulatory approach that attempts to mitigate problematic conduct not through direct enforcement on individual actors, but rather by altering the background social, economic, political structures to prophylactically prevent or reduce the incentives for and likelihood of those incidents. Readers should note that I use the term “regulation” in this paper loosely to refer to various kinds of policymaking; as we shall see, structuralist policies can be effectuated through legislative or administrative means, often both. Structuralist regulation contrasts with more individualized, entity- or conduct-based regulations that depend on case-by-case enforcement, and instead focuses on limiting or altering the capacities and powers of those actors in the first place. Another way to understand structuralist policy is that it operates “upstream” of conventional policy debates: rather than attempting to manage particular instances of problematic conduct by firms or state actors, structuralist solutions preemptively seek to shape the powers and capacities of those actors as a way to prophylactically limit the likelihood of problematic conduct in the first place. Structuralist policy is not a sharp binary contrast with non-structural approaches. But it is a different, distinctive way of thinking about public policy and regulation, resting on different assumptions about the likelihood of harms, about administrative capacities, and also on different causal understandings of the problems it seeks to solve. Structuralist regulations may in some sense be costly: it is likely that some relatively benign conduct will also be swept up or eliminated in a structuralist regime. But these costs come with accompanying benefits: reduced costs of detection and enforcement for regulators; a better economizing of scarce regulatory capacity and autonomy; a precautionary limiting of potentially devastating outcomes; and a more direct addressing of problematic patterns that might otherwise defy remedial efforts. This conceptual clarification generates a number of useful payoffs. First, it offers a language and framework to understand structuralist regulation as a distinct way of thinking about public policy. This is critical to disentangle some of the fuzziness around policy debates in areas like finance, tech, and racial justice. It is also a necessary precondition to having more productive policy debates and opening up more room for research. As I will argue below, often there are good reasons to prefer some kind of structuralist regulation, but plenty of disagreement or lack of clarity on what specific structuralist tool to deploy. Should we break up Facebook via antitrust, or impose public utility / common carriage regulations on the platform, or both? These are arguably both structuralist tools, and there is a debate to be had between them. But that debate can be obscured by unease with structuralist approaches to begin with, making it harder to have an apples-to-apples comparison and analysis of what policy lever to deploy. Second, this concept of structuralist regulation helps provide a policy framework for understanding and engaging some of the structuralist claims made by grassroots reform movements especially in this moment. We are in a unique moment of resurgent grassroots activism, and as scholars of social movements have argued, many of these movements are advancing structural, transformative visions of public policy and legal-institutional change.20 But these claims are often seen as outside the scope of more traditional modes of policy debate and analysis. Building a conceptual framework of what we mean by ‘structural’ reform can help bridge the reform ideas being generated by grassroots movements on the one hand, and those arising from policymakers and academics on the other. More broadly, we might even say we are on the cusp of a revival of interest in structuralist policy solutions in response to the deeper problems of economic inequality,21 racial subordination,22 power in public law,23 and political economy approaches to law and public policy.24 A clearer understanding of structuralist policy design will be important to inform the kind of inclusionary policy agenda needed to remedy these inequities. The rest of the paper proceeds as follows. Part I provides a conceptualization of ‘structuralist’ policymaking, identifying the underlying assumptions that animate structuralism as a regulatory strategy. This Part also notes that this concept of regulatory strategy (or what I call “regulatory logic”, as defined below) should be understood as a distinct way of unpacking and analyzing the patterns of policymaking judgment distinct from other modes of analysis like cost-benefit analysis or the rules-versus-standards debate. Part II then looks at examples of structuralist policy proposals in recent economic policy debates: the debate over tech platforms, the debate over too-big-to-fail financial firms and systemic risk, and the renewed interest in anti-trust and anti-monopoly law. These examples help illustrate structuralist regulatory logics in action, and their distinctive assumptions and potential benefits over more conventional regulatory approaches. The purpose of this Part is not to offer a full-throated defense of structuralist policies in each of these sectors (although I am perhaps unsurprisingly sympathetic to the arguments on the merits); rather the purpose here is simply to illustrate structuralism as a distinct mode of thinking about policymaking. Part III articulates some broader implications for how to implement and institutionalize structuralist policies. Part IV concludes with some closing thoughts on how structuralism as a way of thinking about regulation connects to this broader moment of intense political and scholarly interest in inequality and racial (in)justice.

#### That’s true even if none of our ideas ever come to light.

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)

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.

### 1NC---State Good

#### Movements fail absent state engagement ⁠— wholesale abandonment abandons important networks for change; exploring the process of the state assemblage better enables dissident energies

<<viewing states as inherently violent and abandoning them risks ceding the political towards elites; drawing a strict divide between state and non-state politics ignores their interconnectedness ⁠— rather than complete rejection, society should revise it via progressive politics>>

<<connecting radicalism with the state can highlight the connections between the two agents and propel dissident movements>>

<<this ‘no links” their offense because our argument is only that the government is a useful heuristic for radical politics, but not a prescriptive claim about the content of movements>>

Cooper 16, Professor, Gender and Sexuality, Law, Politics and Culture, Legal Theories and Philosophy, Kent Law School (Davina Cooper, 6-20-2016, “TRANSFORMATIVE STATE PUBLICS,” New Political Science 38(3): pp. 315-334, doi:10.1080/07393148.2016.1189028)

The reason for these conceptual moves lies in the state’s importance for a progressive transformative politics. In the global north, left-wing critiques of the state from Marxist, anarchist, feminist, queer, and postcolonial perspectives are extensive and hard-hitting. Modern states are criticised for their repressive, coercive, regulatory, functional, and extractive practices, particularly in relation to penal policy, workfare, market enhancements, welfare, privatisation, and coercive-military engagements. While some work critically responds to particular state developments and policies, an important current in critical work treats capitalist states or, indeed, all states as inherently oppressive. But not all critical and progressive work “writes off” the state. While this article is attuned to the concerns of anti-state scholarship, it also shares an anxiety that politically abandoning the concept of the state risks withdrawing important organisational scales for planning, redistribution, and decision-making; assumes a clear division between state and non-state practices and politics; and gives up the state to elite and dominant forces; leaving progressive constituencies with a set of “less than the state” institutions. But holding on to the state does not mean holding on to a particular apparatus, institutional structure, set of functions, or even scale. First, as different writers have explored, the structures, systems, and functions of the state can be revised in more progressive ways. Second, what can also be revised are our conceptions of what it means to be a state: specifically, what states do, what makes them up, and how they interface other aspects of the social. Contemporary scholarship approaches the state conceptually in ways too varied and extensive to set out fully here. Academics diverge on whether the state is an actor, organisation, structure, field, intangible effect, or idea; on its functions and role; on the degree, character, and conditions of its autonomy or boundedness; and on its power, composition, ethos, and modalities of change. The scale of divergence between treating the state as institutional machinery, an organic formation encompassing civil society, and a relation between classes reveals the state’s conceptual plasticity as well as the political stakes in how it is framed. This is not just a scholarly dilemma. Material effects follow from how states are imagined by officials, politicians, non-governmental organizations (NGOs), and others, as the recent development of neoliberal statehood reveals - a political-economic project firmly embedded in, and supported by, competitive marketized conceptions of what states should and could become. In their work on the economy, JK Gibson-Graham set out to think differently about its present forms. Instead of imagining an ideal or socially transformed future economy, Gibson-Graham reimagine the economy as it is. Their depiction of contemporary economic relations provides a purposive challenge to the “naturalized dominance of the capitalist economy” as they seek to “make a space for new economic becomings”. This article takes a similar approach. It seeks to reimagine the state as it is, challenging the assumption that the state is only made up of dominant interests, beliefs, systems, logics and practices. It aims to support progressive state thinking by foregrounding the state’s dissident and transient parts. While from a global perspective, some progressive initiatives and policies seem to be driven by centralised, unified states asserting their will, this seems less evident in contemporary neo-liberal democratic states of the north. Here, progressive developments frequently appear as fleeting, oppositional activities in the interstices of dominant state practice. Approaching the state in ways that recognise dissenting, minority beliefs, values, interests, and forces as part of what composes it, of course, does not mean dissent is inevitably left-wing. There are many instances of conservative dissident state action - not least those early 21st century state registrars who refuse to marry gay couples. Publics, as I discuss, can also take a conservative form, legitimising and entrenching authoritarian, hierarchical, and exclusionary state practices. However, the dissident publics addressed in this article, namely those which seek to transform social and political practice in progressive ways, are vitally important in rendering states relevant to the left through their emphasis on the commons, liberation, and collectively held public responsibilities. In this way, publics provide a counterpoint to the increasing entanglements and alignments between liberal post-industrial states and commercial interests, something Bonnie Honig also explores in her work on “public things” as objects of democratic desires and affections. Publics provide a counterpoint to the assumption that people’s desires and affections are exclusively embedded in individuated lives and choices. This does not mean extrapolating a universal common good from differentiated interests, a process that tends to reinforce already hegemonic norms. The phrase publics rather than public or public sphere emphasises plurality as Squires’s work on black publics explores. But plurality also does not have to mean group-segmented interests. What the concept of publics, as developed here, offers, is a way of framing concerns and political projects, from sexual liberation to “no borders” migration, as matters of public concern and interest. But why treat such publics as parts of, or as intimately connected to, the state? Publics may emphasise the collective, open-ended character of concern-driven social action, but what is gained by suturing publics to the state? In the face of the counter-claim that the political value of publics, and particularly radical publics, comes from their independence and state-distance, I want to propose three reasons for foregrounding a state nexus. First, it illuminates the networks that form around progressive or dissident policy ideas within state formations. This claim echoes Samuel Chambers’ approach to the work of radical political theorist Jacques Rancière. Against interpretations of Rancière which divide institutional order from democratic politics, Chambers interprets Rancière to suggest that politics - the disruptive and challenging assertions made by the excluded in equality’s name –is always entangled with the “police” order rather than separate from it. Focusing on state publics then provides a way of tracing the ebb and flow - the transformations, silences, and erasures - that shape radical politics, as dissident political currents weave through everyday institutional “police” life. Second, tying transformative publics to the state highlights how progressive and dissident action takes up and draws upon state-generated statuses, access, and resources. Reading such action as resistance, necessarily located outside centres of power, can obscure and attenuate the power that subordinate forces can and do make use of through their state location – whether as street-level workers, school students, or prisoners. Third, recognising the state-shaped character of social life makes it possible to explore the complex ways state and other (including grass-roots) governance logics and processes combine rather than assuming they meet as discrete independent forces. I return to these claims in the third section of the paper which explores how transformative publics connect to the state. However, before doing so, I want to briefly situate my approach to the state, and then turn to transformative publics.

States and Their Parts

For many critical scholars, state formations in the global north represent historically evolving institutional structures anchored in prevailing social interests and logics, most notably capitalism, colonialism, and patriarchy. While much of this work remains with large abstract categories, a different contemporary current, drawing on assemblage theory, has sought to trace how the imbrications between political governance and dominant social relations operate at a higher analytical magnification. For my purposes here, what an assemblage approach usefully contributes is a way of understanding the diverse elements that make up contemporary and historical states – from practices, systems, buildings, computers and budgetary statements to laws, personnel, recipients, feelings, utterances, and sounds. While assemblage-based writing on states (or political rule) draws on different genealogies (including that of Foucault, Deleuze and Guattari), one influential line comes from Actor-Network Theory (ANT), a methodological framework that focuses on how networks made up of diverse “actants” (elements that contribute to action through being part of an actor-network) get built, maintain themselves, and fall apart. This article does not take up and apply ANT; nevertheless ANT-influenced state scholarship is helpful here. According to Passoth and Rowland, “seeing the state as a network offers a process-oriented view of political institutions and political structures, which explicitly challenges the conceptual apparatus through which the state can be thought of as a monolithic actor. Rather than seeing the state as a stable and static political entity, the network approach sees statehood as a much more contingent and unstable process of governance.” Other state literatures also focus on process, change, and instability; however, treating the state as an assemblage foregrounds the work involved in creating linkages and connections as political projects bring new elements into the network and eliminate (or abandon) others. Assemblage approaches foreground composition. Denaturalising taken-for-granted notions of what is part of the state network (and what is not), assemblage readings highlight unexpected, heterogeneous and changing state parts. But in making room for these unexpected state parts, an assemblage approach also generates some vexing questions: what makes a network a state network; when is it the state rather than something else being performed? If dissident forces “act”, when do their actions count as state action? These questions cannot be resolved empirically; they depend on how the state is conceptually framed: whether it is defined primarily by its historically evolving functions, by its form, purpose, or in some other way - for instance, in terms of how it is recognised, spoken for or hailed. Conflicts over definition, which of course extend to conflicts over how to identify which particular forms, functions, and effects are state ones, come to a head in relation to the capacity of gendered, racialized capitalist states to advance subordinate interests, a subject of intense debate amongst left-leaning scholars and activists. Can states act in ways that are genuinely progressive, or are such actions necessarily temporary and expedient – intended to mask or legitimate the state’s “real” interests and agendas? How this is answered depends on how the conceptual contours of stateness are drawn. In this article, exploring how states might contribute to progressive politics, I work from the premise that states, as political governance formations, condense the social relations of their environment, and this includes the conflicts and challenges present there also. In other words, progressive and dissident agendas and forces exist within states, even if they are usually overruled or squashed. But do such forces merely function within states or are they also part of states? Passoth and Rowland argue that states should be approached not as “containers for political action, but registers of political actors, networks and actions.” Thus, instead of assuming radical forces operate either outside the state or on its terrain, it may prove more productive sometimes to identify such forces (with their beliefs, values, actions and ethos) as state parts - challenging depictions of the state as “an inert structure that somehow stands apart from individuals, precedes them, and contains and gives a framework to their lives.” But does this mean everything is part of the state? According to Patrick Carroll, “every aspect of the built environment, from the sewer trap under every kitchen sink to the roofs over our heads… … can be seen… to constitute the reality of the state”. Joe Painter explores how states are symbolically present, and constituted, through a huge variety of everyday practices and mechanisms that might include passports, drivers’ licenses, and manufactured goods as well as border crossings, witnessing a crime or participating in a contract. But locating state presence within everyday life does not mean states necessarily saturate, monopolise, and dominate social practice. Social forces and things can be parts or carriers of state formations when they participate in processes of political governance, while still participating (including simultaneously) in other kinds of action. States also contribute to diverse actor-networks – from the regional assemblages Allen and Cochrane discuss, with their mix of elements from state, agency, and business systems, to the “mash-ups” of state and grassroots governance addressed at the end of this article.

#### The aff’s opposition to political organizing within the state dooms them to irrelevance. Affirmation produces catharsis, but cements inequality.

Smulewicz-Zucker 15 – Professor of Philosophy @ Baruch College CUNY

(Gregory, “The Treason of Intellectual Radicalism and the Collapse of Leftist Politics,” LOGOS, Winter edition)

Radical politics in contemporary western democracies finds itself in a state of crisis. When viewed from the vantage point of social change, a progressive transformation of the social order, political radicalism is found wanting. This would seem to go against the grain of perceived wisdom. As an academic enterprise, radical theory has blossomed. Figures such as Slavoj Žižek openly discuss Marxism in popular documentaries, new journals have emerged touting a radical “anti-capitalism,” and whole conferences and sub-fields are dominated by questions posed by obscure theoretical texts.

Despite this, there is a profound lack in substantive, meaningful political, social, and cultural criticism of the kind that once made progressive and rational left political discourse relevant to the machinations of real politics and the broader culture. Today, leftist political theory in the academy has fallen under the spell of ideas so far removed from actual political issues that the question can be posed whether the traditions of left critique that gave intellectual support to the great movements of modernity – from the workers movement to the Civil Rights movement – possess a critical mass to sustain future struggles.

Quite to the contrary, social movements have lost political momentum, they are generally focused on questions of culture, shallow discussions of class, and are generally obsessed with questions of identity divorced from the questions of material forms of oppression rather than on the great “social question” of unequal distributions of economic and political power which once served as the driving impulse for political, social and cultural transformation. As these new radical mandarins spill ink on futile debates over “desire,” “identity,” and illusory visions of anarchic democracy, economic inequality has ballooned into oligarchic proportions, working people have been increasingly marginalized, and ethnic minority groups are turned into a modern “coolie” labor force.

This has been the result, we contend, of a lack of concern with real politics in contemporary radical theory. Further, we believe that this is the result of a transformation of ideas, that contemporary political theory on the left has witnessed a decisive shift in focus in recent decades – a shift that has produced nothing less than the incoherence of the tradition of progressive politics in our age. At a time when the left is struggling to redefine itself and respond to current political and economic crises, a series of trends in contemporary theory has reshaped the ways that politics is understood and practiced. Older thinkers such as Michel Foucault, Jacques Lacan, and Jacques Derrida, and newer voices like Alain Badiou, Jacques Rancière, David Graeber and Judith Butler, among others, have risen to the status of academic and cultural icons while their ideas have become embedded in the “logics” of new social movements. As some aspects of the recent Occupy Wall Street demonstrations have shown, political discourse has become increasingly dominated by the impulses of neo-anarchism, identity politics, post-colonialism, and other intellectual fads.

This new radicalism has made itself so irrelevant with respect to real politics that it ends up serving as a kind of cathartic space for the justifiable anxieties wrought by late capitalism, further stabilizing its systemic and integrative power rather than disrupting it. These trends are the products as well as unwitting allies of that which they oppose.

The transformation of radical and progressive politics throughout the latter half of the twentieth and the early decades of the twenty-first centuries is characterized by both a sociological shift as well as an intellectual one. A core thesis has been that the shift from industrial to post-industrial society has led to the weakening of class politics. But this is unsatisfying. There is no reason why class cannot be seen in the divisions of mental and service labor as it was with an industrial proletariat. There is no reason why political power rooted in unequal property and control over resources, in the capacity for some to command and to control the labor of others as well as the consumption of others ought not to be a basic political imperative. To this end, what we would call a rational radical politics should seek not the utopian end of a “post-statist” politics, but rather to enrich common goods, erode the great divisions of wealth and class, democratize all aspects of society and economy, and seek to orient the powers of individuals and the community toward common ends. Indeed, only by widening the struggles of labor and re-thinking the ends of the labor movement – connecting the struggles labor to issues beyond the workplace, to education, the environment, public life, issues of racial and gender equality, culture and the nature of the social order more broadly – can we envision a revitalization of a worker’s movement, one that would have no need of the alienated theory of the new radicals.[1]

But this is merely one fringe expression of what we see as a corrupted, simplified and de-politicized “new” radicalism. Once grounded in the Enlightenment impulse for progress, equality, rationalism, and the critical confrontation with asymmetrical power relations, the dominant trends of radical political thought now evade the concrete nature of these concerns. The battles that raged in the 1980s and 1990s between postmodernists and defenders of modernity – while serving as a harbinger of the contemporary split between the radical theorists divorced from reality and those who seek to establish anti-foundationalist conceptions of democratic discourse – were attached to a strong sense that the future of rationalism and radical politics hung in the balance. Today’s radical intellectuals do not feel compelled to defend their arguments or respond to their critics. Their purported radicalism becomes all the more opaque when the coherence of their claims is called into question. A concern for an exaggerated subjectivity, identity politics, anti-empirical theories of power, an obsession with “difference” – all serve to deplete the radical tradition of its potency. Radical intellectuals now formulate new vocabularies, invent new forms of “subjectivity,” and concoct new languages of discourse that only serve to splinter forms of political resistance, consigning radicalism to the depths of incoherence and (academic success notwithstanding) political irrelevance.

### 1NC---Bryant

#### Political consequentialism and pragmatism is good

**Bryant 12**, Prof. of Philosophy @ Collins College and Chair of Critical Philosophy Program @ the New Centre for Research and Practice (Levi, “War Machines and Military Logistics: Some Cards on the Table,” <https://larvalsubjects.wordpress.com/2012/09/15/war-machines-and-military-logistics-some-cards-on-the-table/>)

We need answers to these questions to intervene effectively. We can call them questions of “military logistics”. We are, after all, constructing war machines to combat these intolerable conditions. Military logistics asks two questions: first, it asks what things the opposing force, the opposing war machine captured by the state apparatus, relies on in order to deploy its war machine: supply lines, communications networks, people willing to fight, propaganda or ideology, people believing in the cause, etc. Military logistics maps all of these things. Second, military logistics asks how to best deploy its own resources in fighting that state war machine. In what way should we deploy our war machine to defeat war machines like racism, sexism, capitalism, neoliberalism, etc? What are the things upon which these state based war machines are based, what are the privileged nodes within these state based war machines that allows them to function? These nodes are the things upon which we want our nomadic war machines to intervene. If we are to be effective in producing change we better know what the supply lines are so that we might make them our target. What I’ve heard in these discussions is a complete indifference to military logistics. It’s as if people like to wave their hands and say “this is horrible and unjust!” and believe that hand waving is a politically efficacious act. Yeah, you’re right, it is horrible but saying so doesn’t go very far and changing it. It’s also as if people are horrified when anyone discusses anything besides how horribly unjust everything is. Confronted with an analysis why the social functions in the horrible way, the next response is to say “you’re justifying that system and saying it’s a-okay!” This misses the point that the entire point is to map the “supply lines” of the opposing war machine so you can strategically intervene in them to destroy them and create alternative forms of life. You see, we already took for granted your analysis of how horrible things are. You’re preaching to the choir. We wanted to get to work determining how to change that and believed for that we needed good maps of the opposing state based war machine so we can decide how to intervene. We then look at your actual practices and see that your sole strategy seems to be ideological critique or debunking. Your idea seems to be that if you just prove that other people’s beliefs are incoherent, they’ll change and things will be different. But we’ve noticed a couple things about your strategy: 1) there have been a number of bang-on critiques of state based war machines, without things changing too much, and 2) we’ve noticed that we might even persuade others that labor under these ideologies that their position is incoherent, yet they still adhere to it as if the grounds of their ideology didn’t matter much. This leads us to suspect that there are other causal factors that undergird these social assemblages and cause them to endure is they do. We thought to ourselves, there are two reasons that an ideological critique can be successful and still fail to produce change: a) the problem can be one of “distribution”. The critique is right but fails to reach the people who need to hear it and even if they did receive the message they couldn’t receive it because it’s expressed in the foreign language of “academese” which they’ve never been substantially exposed to (academics seem to enjoy only speaking to other academics even as they say their aim is to change the world). Or b) there are other causal factors involved in why social worlds take the form they do that are not of the discursive,propositional, or semiotic order. My view is that it is a combination of both. I don’t deny that ideology is one component of why societies take the form they do and why people tolerate intolerable conditions. I merely deny that this is the only causal factor. I don’t reject your political aims, but merely wonder how to get there. Meanwhile, you guys behave like a war machine that believes it’s sufficient to drop pamphlets out of an airplane debunking the ideological reasons that persuade the opposing force’s soldiers to fight this war on behalf of the state apparatus, forgetting supply lines, that there are other soldiers behind them with guns to their back, that they have obligations to their fellows, that they have families to feed or debt to pay off, etc. When I point out these other things it’s not to reject your political aims, but to say that perhaps these are also good things to intervene in if we wish to change the world. In other words, I’m objecting to your tendency to use a hammer to solve all problems and to see all things as a nail (discursive problems), ignoring the role that material nonhuman entities play in the form that social assemblages take. This is the basic idea behind what I’ve called “terraism”. Terraism has three components: 1) “Cartography” or the mapping of assemblages to understand why they take the form they take and why they endure. This includes the mapping of both semiotic and material components of social assemblages. 2) “Deconstruction” Deconstruction is a practice. It includes both traditional modes of discursive deconstruction (Derridean deconstruction, post-structuralist feminist critique, Foucaultian genealogy, Cultural Marxist critique, etc), but also far more literal deconstruction in the sense of intervening in material or thingly orders upon which social assemblages are reliant. It is not simply beliefs, signs, and ideologies that cause oppressive social orders to endure or persist, but also material arrangements upon which people depend to live as they do. Part of changing a social order thus necessarily involves intervening in those material networks to undermine their ability to maintain their relations or feedback mechanisms that allow them to perpetuate certain dependencies for people. Finally, 3) there is “Terraformation”. Terraformation is the hardest thing of all, as it requires the activist to be something more than a critic, something more than someone who simply denounces how bad things are, someone more than someone who simply sneers, producing instead other material and semiotic arrangements rendering new forms of life and social relation possible. Terraformation consists in building alternative forms of life. None of this, however, is possible without good mapping of the terrain so as to know what to deconstruct and what resources are available for building new worlds. Sure, I care about ontology for political reasons because I believe this world sucks and is profoundly unjust. But rather than waving my hands and cursing because of how unjust and horrible it is so as to feel superior to all those about me who don’t agree, rather than playing the part of the beautiful soul who refuses to get his hands dirty, I think we need good maps so we can blow up the right bridges, power lines, and communications networks, and so we can engage in effective terraformation.

### 1NC---Humanism Good

#### Black reclamation of the principles of liberalism prevents Eurocentric racism AND is necessary for black rights and social justice.

Mills ’17 (Charles; works in the general area of social and political philosophy, particularly in oppositional political theory as centered on class, gender, and race. In recent years he has focused on race. He is the author of numerous journal articles and book chapters, as well as five books. His first book, The Racial Contract (1997), won a Gustavus Myers Outstanding Book Award for the study of bigotry and human rights in America; *Black Rights/White Wrongs*; Oxford University Press; MSCOTT)

Two key clarifications are necessary. To begin with, just as feminist liberalism is not supposed to be a liberalism only for women but rather a liberalism that all good liberals, including males, should embrace, so black radical liberalism should be welcomed and endorsed by white liberals also.2 Black radical liberalism is not intended to be a particularistic and exclusionary political ideology just for blacks, but rather one that fully adheres to the standard liberal ideals—if more often betrayed than realized—of universalism and egalitarianism. It seeks to correct the (anti-universalist, anti-egalitarian) distortions in mainstream white liberalism, whether de jure or de facto, introduced by the complicity of that iteration of liberalism with white supremacy, both nationally and globally. As such, it should be accepted (though not uncritically, of course) by conscientious white liberals who are presumably also committed to such a correction, purging, and reconstruction of liberal theory.

The second point is that—given the different varieties of racism to which other ethnoracial groups have historically been subject—the orientation of my discussion by the African American experience should not be taken as implying that I am putting forward a revisionist black liberalism as coextensive with anti-racist liberalisms in general. Recent work in critical race theory has emphasized the importance of rejecting the black-white paradigm/black-white binary as the all-purpose model of racial domination.3 So while I expect there will be enough commonalities to render such a liberalism more broadly illuminating for other nonwhite groups, it will also need correction and supplementation from the alternate theorizations by other people of color of their own distinctive experience of racial subordination. Ultimately, of course, what one wants is not an interest-group politics but a principled integration of these various possible revisionist liberalisms, guided by a norm of racial justice rather than determined by an unsavory scrambling for competitive racial advantage.

Let me outline my proposed candidate. In taxonomies of African American/black political thought, the standard contrast would be as in Figure E.1.

Black nationalism, as for example in Kwame Ture (Stokely Carmichael) and Charles V. Hamilton’s classic Black Power, sees blacks as oppressed by a white power structure that relies on both individual and institutional racism.4 It locates white oppression in a history of European colonialism and racial slavery and calls for blacks to organize around racial solidarity to struggle for liberation from the legacy of these colonial structures. Black Marxism, whose classic exegesis can be found in Cedric Robinson’s book on the subject, agrees on the significance of European colonialism and racial slavery but attempts to situate their dynamic within a modified Marxist framework.5 So “whites” as a group need to be disaggregated into classes, and the imperative of capital accumulation and the role of different class forces within “races” must be taken into account in explaining the overall trajectory of the system. Thus a more complex political picture is involved, for which struggle against both racial and class domination is required.

What I am arguing for is a synthesizing, reconstructed black liberalism that draws upon the most valuable insights of the black nationalist and black Marxist traditions and incorporates them into a dramatically transformed liberalism. So this section of the taxonomies would now be drawn differently (Figure E.2).

My three central theorists for this enterprise are Immanuel Kant (idealist and racist liberal), Karl Marx (materialist but class-reductionist [and racist] class theorist), and W. E. B. Du Bois (critical race theorist). This may seem an unlikely combination until one considers their respective areas of contribution. Kant is crucial—obviously a Kant purged of the racism I earlier discussed in chapter 6—as the most important theorist of the dominant variety of contemporary liberalism, “deontological” liberalism. Du Bois is obviously the most important theorist of race and blackness. And the “radical” reconstructive dynamic by which I hope to transform liberalism will be supplied by both Du Bois and Marx, in simultaneous cooperation and contention with each other. Hence each member of the trio provides input into a proposed combined synthesis: black radical liberalism.

So how does black radical liberalism differ from black mainstream liberalism? By definition they are both “liberal” in endorsing liberalism as a political philosophy. But black radical liberalism seeks to transform liberalism to make it responsive to the realities of the black diasporic experience in modernity and the correspondingly necessary reordering of liberal normative priorities. Black radical liberalism both (a) recognizes white supremacy as central to the making of the United States and (more sweepingly) the modern world, and (b) seeks to rethink the categories, crucial assumptions, and descriptive and normative frameworks of liberalism in the light of that recognition. Black mainstream liberalism either (a) refuses to recognize white supremacy (for example, by endorsing the “anomaly” view of US racism6 ), or (b) even if it does give lip service to its reality, assumes nonetheless that the categories, crucial assumptions, and descriptive and normative frameworks of liberalism can be adopted with little change to the task of getting rid of it.

All three components are therefore crucial. The importance of liberalism is that it is the most successful political philosophy of modernity and is now globally hegemonic. Liberalism provides the most developed body of normative theory for understanding the rights of persons and the conceptualization of social justice. Marxism, on the other hand, is the most developed Western oppositional critique of liberalism and the analysis of the materialist undermining of liberalism’s ideals by the workings of capitalism. It is also, of course, the main ancestor of contemporary “critical theory.” Critical theory should, given its emancipatory pretensions, have been able on its own to diagnose the importance of race for its “critique” of modernity. But in fact it was never able to purge itself of its Eurocentric origins, so that—nearly a century after the founding of the Frankfurt Institute—people of color are still today experiencing frustration with its “whiteness.”7 The virtue of critical race theory, then, is that it corrects both Western liberalism’s and Western Marxism’s failure to recognize and theorize the centrality of race and white supremacy to the making of the modern world and the implications for normative theory and an expanded vision of what needs to be subjected to liberatory critique to achieve social justice. While liberalism’s ideals (the flourishing of the individual and the repudiation of ascriptive hierarchy) are very attractive, they are necessarily undermined by racial/white-supremacist capitalism. The traditional mistake of the white left has been to focus just on capitalism and class exploitation in the shaping of the modern world and not give sufficient attention to race, white supremacy, and racial exploitation. Any serious theorization of social justice needs to correct this omission.

### 1NC---AT: Libidinal Economy

#### Society is shaped by human choices and relationships---ontological notions of racism are littered with contradictions and entrench anti-black racism by accepting failure before even trying to alter power relations.

\*Black people must’ve been humans in the first place to have their humanity denied

\*Afro pessimism relies on white people denying their relation to black people, but one must be in relation to blackness in order to define it

\*don’t allow white people to define social death

\*power is contingent and should be studied instead of assuming ontology

\*they make anti-blackness self-sustaining and non-relational which calcifies historical resistance

\*they assume ontology before it actually occurs

\*we should not make a-priori assertions on reality either way

\*the social world is a manifestation of choices and relationships (human actions) which means it is contingent and can be altered

Lewis Gordon 18, PhD in Philosophy from Yale. Is an American philosopher who works in the areas of Africana philosophy, philosophy of human and life sciences, phenomenology, philosophy of existence, social and political theory, postcolonial thought, theories of race and racism, philosophies of liberation, aesthetics, philosophy of education, and philosophy of religion. He has written particularly extensively on race and racism, postcolonial phenomenology, Africana and black existentialism, and on the works and thought of W. E. B. Du Bois and Frantz Fanon. *Thoughts on two recent decades of studying race and racism*, Social Identities, DOI: 10.1080/13504630.2017.1314924//KU-MS

There is a simple version of my argument from those years: Racism requires denying the humanity of other groups of human beings through the organization of them, through regimes of power, under the category of a race and then denying the ascription of human being to them. The performative contradiction is that they would first have to be identified as human beings in order to deny their being such. It is thus a form of mauvaise-foi. Since racism is a form of mauvaise-foi, antiblack racism, as a species of racism, must also be a form of mauvaise-foi.

My seemingly simple argument had complicated theoretical consequences. How did such performative contradictions historically emerge? People were not always categorized under races. Gender and linguistic membership predated many racial concepts (Gordon, 1997). Many other examples, such as religious membership, location in an economy, and even specialized skills could be added to the mix.

One approach is to look at the concepts informing dehumanization. They depend on a particular idea of human beings at work in racist practices. An obvious feature of racism is the rejection of having relationships with members of certain races. Non-relationality has many implications. For one, the notion that one could exist without relations with others (a slippery slope leading to being without relations) requires a model of the self as self-sustaining ‘substance’. That model has dominated much of market-oriented Euromodern thought, especially those in the Anglophone world. My writings could be read as a critique of this notion. Consider any act of studying a phenomenon. Such an effort cannot be done without establishing at least a relationship with something as a focus of study. This doesn’t involve eliminating one’s relationship to reality but instead reorienting oneself to relevant acts of knowing, learning, and understanding (Gordon, 1995, 2010, 2012, 2016). Commitment to the elimination of relations leads to contradictions. Try, for instance, eliminating relations to oneself. Mauvaise foi returns in many forms as each displeasing truth about relations is denied for the sake of pleasing falsehoods. In the chain of efforts, other important elements of study such as communicability, evidence, and sociality come to the fore, each of which raises concerns of the self as other.

As I focused primarily on antiblack racism, the question of whether all other forms of racism are the same emerged. Blackness functions, after all, in peculiar ways in societies that have produced antiblack racism. A response to the #BlackLivesMatter movement, for instance, is often that ‘all lives matter’. That is true the extent to which each group lives under conditions of equal respect for life. What advocates of #BlackLivesMatter are doing, however, is responding to a world in which some lives matter a lot more than others, whose lives evidentially matter a lot less. The history of antiblack racism amounts to the conviction that black people are only valuable the extent to which there is use for their labor or, worse, profiting from their misfortune as we see with the heavily racialized prison industrial complexes in the United States and similar countries (Alexander, 2010; Davis, 1983, 2005). It collapses into the expectation of justified existence in a context in which the justification for whoever stands as most valued is intrinsic. Members of the dominant group could thus seek their justification – if they wish – personally, through mechanisms of love, professional recognition, athletic achievement, etc. Moreover, that such society renders some groups as positive and others as negative leads to notions of legitimate presence (illegitimate absence) and absence (illegitimate presence). Should the analysis remain at white and black, the world would, however, appear more closed than it in fact is. For one, simply being born black would bar the possibility of any legitimate appearance. This is a position that has been taken by a growing group of theorists known as ‘Afropessimists’, for whom ‘black’ signifies absolute ‘social death’ (Sexton, 2010, 2011; Wilderson, 2007, 2008, 2009). It is, in other words, outside of relations. My objections to this view are many. For one, no human being is ‘really’ any of these things. Do blacks, for instance, suffer social death in relation to each other? The project of making people into such is one thing. The achievement of such is another. This is an observation Fanon also makes in his formulation of the zone of nonbeing and his critique of otherness in the study of race in Black Skin, White Masks, which I discuss at length my (Gordon, 2015) study, What Fanon Said: A Philosophical Introduction to His Life and Thought.

Fanon (1952) is critical of how otherness is interpreted in race theories and the study of race. The rejection of otherness ignores the fact that others are human beings. Racism emerges in attempts to deny that. Instead, it offers the zone of nonbeing, non-appearance as human beings. The racially dominant group presumes self-justified reality (license), which means it doesn’t call itself into question. And the designated racially inferior group? Lacking justification, their access to being is illegitimate. This means their absence is a mark of the system’s legitimacy. Such groups face the Catch 22 of illegitimate appearance: To appear is to violate appearance. Put differently, the violation is one of appearing without a license to do such. To all this, a consideration that should be added is this: The human being comes to the fore through emerging from being in the first place. Thus, the assertion of Being, as in the thought of Heidegger and his followers is also an effort to push the human being out of existence, so to speak. Heidegger, fair enough in his ‘Letter on Humanism’ (1947/1971), saw no problem in this. Fanon (1952), and many others in Africana philosophy, including the South African philosopher and psychologist Noël Chabani Manganyi (1973, 1977), disagreed through showing how racial conflict is also an existential one in which an existential ontology is posed against an ontology of being. The latter, we submit, is best suited for gods. When such becomes the model of being human, humanity dies. Blacks thus face the paradox of existing (standing out, living – as ex sistere means such) as non-existence (not standing out). Antiblack racism makes black appearance illicit.

Licit appearance would mean appearing as selves and others. It would mean the right to appear. Antiracist struggles will not work, then, as a struggle against otherness. It is, instead, against being non-selves and non-others.

Returning to the Afropessmistic notion of blackness as social death, I’m compelled to ask: Why must the social world be premised on the attitudes and perspectives of antiblack racists? Why don’t blacks among each other and other communities of color count as social perspectives? If the question of racism is a function of unequal power, which it clearly is, why not offer a study of power, how it is gained and lost, instead of an assertion of its manifestations as ontological?

I’m reminded here of Victor Anderson’s (1995) Beyond Ontological Blackness. Anderson would no doubt object that Afropessimism treats ‘blackness’ as an ontological, which makes it a self-sustaining (non-relational) concept. The historical emergence of blackness refutes that. But more, there is a logical paradox that emerges from ontological blackness. To identify blackness, one must be in a relation to it. This relational matter requires looking beyond blackness ironically in order to understand blackness. This means moving from the conception of meaning as singular, substance-based, and fixed into the grammar of how meaning is produced.

Consider the grammar of gender. Women historically occupy the role of absence (de Beauvoir, 1949; Butler, 2011; Gordon, 1995/1999, 1997). Blackness and womanness are thus intimate (Gordon, 1995/1999, 1997). The grammar of presence and absence is peculiarly theodicean (Gordon, 2010, 2013). This is the form of mauvaise-foi in which presence takes on the hubris of the desire to be a (often the) god. Theodicy defends the integrity of the god (systemic maintenance) through placing its contradictions (for example, evil) outside of it. The result is Being as a form of systemic purity (Monahan, 2011, 2017). This grammar is also psychoanalytical, in the sense of existential psychoanalysis. Manichean ‘qualities’ (such as ‘hard’ masculinity and ‘soft’ femininity) are evident in these modes of being. This pertains as well to sexual orientation: A white man’s relation to a black man is not only one of race-to-race but also of race-to-gender where the meaning of being black (as ‘feminine’ and ‘sexual’) could collapse into gendered absence. And extended to the sexualization of absence – think of the plethora of literature on the feminine as soft, cold, dark, and absence. The relation among males in which one group manifests such qualities immediately collapses into a homoerotic one (Fanon, 1952; Gordon, 1995/1999, 1997, 2000).

We see here a conception of dealing with racial and gender qualities that are today called ‘intersectional’, though that metaphor doesn’t at first quite work for their existential phenomenological psychoanalytical manifestations in mauvaise-foi (because purity seeks singularity). The major proponent of intersectionality – Kimberlé Crenshaw – is pretty clear that she is referring to identity collisions as they appear in law (especially tort and discrimination law); in other words, she is referring to harms that, because of how they are interpreted, don’t appear (supposedly don’t exist) despite their lived-reality. She often illustrates her point through her famous example of a collision at a four-way intersection (Crenshaw, 1991, 2014). If the fundamental site of harm is property, the concern will be about the cars, and if their status of property depends on being owned by, say, white men, then harm would pertain to them. If the location of harm expands simply to ‘whites’, then a white woman or man in one of the cars would be sufficient for harm having occurred. If, however, there were no whites in the cars, then the conclusion would be that no one was harmed. If harm extends to blacks and other people of color, and even further, to non-human animals, then any of them being in the car or cars would initiate a cause for redress. Notice that Crenshaw’s argument doesn’t deny the possibility of white men being harmed. Her point is that people such as black women were not historically acknowledged in the legal frameworks of harmed subjects because of a failure to see that human beings do not manifest a single category of identity on which to build a legal response. Simply referring to ‘man’ as the exemplar of human being fails to acknowledge that human beings are not only men but also women, and simply as ‘women’ fails to address what kind of women such as those of color and different sexual orientations.

At an existential level, what is also missed is the lived-reality of the convergence of these and their social and legal implications. A black woman in an automobile collision is, for example, not just harmed but also harmed in ways linked to the wider legal framework of the society. The criminalization of black women and men, for instance, could mean that though harmed in the collision, such people may face the possibility of entanglement in a legal system that treats them as the cause of harm, which could lead to other dangers such as ensnarement in the criminal justice system. This is one of the reasons why, even when harmed, many people of color don’t seek the aid of law enforcement and other representatives of that system. Crenshaw’s theory therefore has an existential and phenomenological significance in that it is an argument for the appearance of what is otherwise treated as either non-existent or not worthy of appearing, of, that is, illicit appearance. Her theory is also about the radicalization of appearance in that the identified subjects emerge, so to speak, not only in terms of being seen but also through an effort to see what they see or experience – in short, to see or at least understand their point of view in terms of the conditions they face. It is thus not a subjective theory or a narrowly objective one but instead an intersubjective theory because it requires understanding how different human beings relate to and encounter legal structures – products of the human world – as simultaneously alienating and enabling.

Crenshaw’s concept of an intersection could, however, be interpreted in problematic ways. The first is the geometric model of an intersection. That version presupposes well-formed or complete lines converging. A response would be that there was never a complete ‘whole’ or, as the feminist phenomenological communicologist Sara Ahmed (2006) would put it, ‘straight line’ with regard to human subjects in the first place. The queer phenomenological theorist David Ross Fryer (2008), in stream with Ahmed, offers the logical conclusion of this critique – namely, a fundamental queerness at the heart of race theory and related areas of study such as gender studies and queer theory. My recent work in philosophy of culture extends such a concern to the human condition as well – that is, the upsurge from being makes human reality a queer one. This is pretty much the argument articulated earlier with regard to questions raised by Fanon’s analysis of ontology, existential ontology, and the dialectics of selves and others.

The second critical consideration is that as all human beings are manifestations of different dimensions of meaning, the question of identity requires more than an intersecting model, otherwise there will simply be one (a priori) normative outcome in every moment of inquiry: Whoever manifests the maximum manifestation of predetermined negative intersecting terms. That would in effect be an essence before an existence – indeed, before an actual event of harm. Some race theorists’ tendency to build their arguments on a particular group as ‘most oppressed’ without offering evidence for the continued truth of such a claim is an example of this fallacy. This observation emerges as well where pessimism is the guiding attitude. An existential critique would be that optimism and pessimism are symptomatic of the same attitude: a priori assertions on reality. Human existence is contingent but not accidental, which means that the social world at hand is a manifestation of choices and relationships – in other words, human actions. As human beings can only build the future instead of it determining us, the task at hand depends on commitment – what is to be done without guarantees of outcome. This concern also pertains to the initial concerns about authenticity. One could only be pessimistic about an outcome, an activity. It’s an act of forecasting what could only be meaningful once actually performed. Similarly, one could only be optimistic about the same. What, however, if there were no way to know either? Here we come to the foi element in mauvaise foi. Some actions are deontological, and if not that, they are at least reflections of our commitments, our projects. Thus, the point of some actions isn’t about their success or failure but whether we deem them worth doing (Fanon, 1961/ 1991; Gordon, 2015). Taking responsibility for such actions – bringing value to them – is opposed to another manifestation of mauvaise-foi: the spirit of seriousness.

#### Anti-black racism is socialized, not based on a libidinal investment---coalitions are possible.

Cikara & Van Bavel 15, \*Assistant Professor in the Department of Psychology and director of the Intergroup Neuroscience Lab. She received her Ph.D. in Psychology and Social Policy from Princeton University in 2010 and completed a NIH Ruth L. Kirschstein NRSA Postdoctoral Fellowship in the Department of Brain and Cognitive Sciences at MIT. Before arriving to Harvard she was an Assistant Professor of Social and Decision Sciences at Carnegie Mellon University (2012-2014), \*\*Associate Professor of Psychology & Neural Science at New York University, an affiliate at the Stern School of Business in Management and Organizations, and Director of the Social Perception and Evaluation Lab (Mina & Jay, June 2nd, “The Flexibility of Racial Bias,” *The Scientific American*, https://www.scientificamerican.com/article/the-flexibility-of-racial-bias)

The city of Baltimore was rocked by protests and riots over the death of Freddie Gray, a 25-year-old African American man who died in police custody. Tragically, Gray’s death was only one of a recent in a series of racially-charged, often violent, incidents. On April 4th, Walter Scott was fatally shot by a police officer after fleeing from a routine traffic stop. On March 8th, Sigma Alpha Epsilon fraternity members were caught on camera gleefully chanting, “There Will Never Be A N\*\*\*\*\* In SAE.” On March 1st, a homeless Black man was shot in broad daylight by a Los Angeles police officer. And these are not isolated incidents, of course. Institutional and systemic racism reinforce discrimination in countless situations, including hiring, sentencing, housing, and even mortgage lending.

It would be easy to see in all this powerful evidence that racism is a permanent fixture in America’s social fabric and even, perhaps, an inevitable aspect of human nature. Indeed, the mere act of labeling others according to their age, gender, or race is a reflexive habit of the human mind. Social categories, like race, impact our thinking quickly, often outside of our awareness. Extensive research has found that these implicit racial biases—negative thoughts and feelings about people from other races—are automatic, pervasive, and difficult to suppress. Neuroscientists have also explored racial prejudice by exposing people to images of faces while scanning their brains in fMRI machines. Early studies found that when people viewed faces of another race, the amount of activity in the amygdala—a small brain structure associated with experiencing emotions, including fear—was associated with individual differences on implicit measures of racial bias. This work has led many to conclude that racial biases might be part of a primitive—and possibly hard-wired—neural fear response to racial out-groups.

There is little question that categories such as race, gender, and age play a major role in shaping the biases and stereotypes that people bring to bear in their judgments of others. However, research has shown that how people categorize themselves may be just as fundamental to understanding prejudice as how they categorize others. When people categorize themselves as part of a group, their self-concept shifts from the individual (“I”) to the collective level (“us”). People form groups rapidly and favor members of their own group even when groups are formed on arbitrary grounds, such as the simple flip of a coin. These findings highlight the remarkable ease with which humans form coalitions.

Recent research confirms that coalition-based preferences trump race-based preferences. For example, both Democrats and Republicans favor the resumes of those affiliated with their political party much more than they favor those who share their race. These coalition-based preferences remain powerful even in the absence of the animosity present in electoral politics. Our research has shown that the simple act of placing people on a mixed-race team can diminish their automatic racial bias. In a series of experiments, White participants who were randomly placed on a mixed-race team—the Tigers or Lions—showed little evidence of implicit racial bias. Merely belonging to a mixed-race team trigged positive automatic associations with all of the members of their own group, irrespective of race. Being a part of one of these seemingly trivial mixed-race groups produced similar effects on brain activity—the amygdala responded to team membership rather than race. Taken together, these studies indicate that momentary changes in group membership can override the influence of race on the way we see, think about, and feel toward people who are different from ourselves.

Although these coalition-based distinctions might be the most basic building block of bias, they say little about the other factors that cause group conflict. Why do some groups get ignored while others get attacked? Whenever we encounter a new person or group we are motivated to answer two questions as quickly as possible: “is this person a friend or foe?” and “are they capable of enacting their intentions toward me?” In other words, once we have determined that someone is a member of an out-group, we need to determine what kind? The nature of the relations between groups—are we cooperative, competitive, or neither?—and their relative status—do you have access to resources?—largely determine the course of intergroup interactions.

Groups that are seen as competitive with one’s interests, and capable of enacting their nasty intentions, are much more likely to be targets of hostility than more benevolent (e.g., elderly) or powerless (e.g., homeless) groups. This is one reason why sports rivalries have such psychological potency. For instance, fans of the Boston Red Sox are more likely to feel pleasure, and exhibit reward-related neural responses, at the misfortunes of the archrival New York Yankees than other baseball teams (and vice versa)—especially in the midst of a tight playoff race. (How much fans take pleasure in the misfortunes of their rivals is also linked to how likely they would be to harm fans from the other team.)

Just as a particular person’s group membership can be flexible, so too are the relations between groups. Groups that have previously had cordial relations may become rivals (and vice versa). Indeed, psychological and biological responses to out-group members can change, depending on whether or not that out-group is perceived as threatening. For example, people exhibit greater pleasure—they smile—in response to the misfortunes of stereotypically competitive groups (e.g., investment bankers); however, this malicious pleasure is reduced when you provide participants with counter-stereotypic information (e.g., “investment bankers are working with small companies to help them weather the economic downturn). Competition between “us” and “them” can even distort our judgments of distance, making threatening out-groups seem much closer than they really are. These distorted perceptions can serve to amplify intergroup discrimination: the more different and distant “they” are, the easier it is to disrespect and harm them.

Thus, not all out-groups are treated the same: some elicit indifference whereas others become targets of antipathy. Stereotypically threatening groups are especially likely to be targeted with violence, but those stereotypes can be tempered with other information. If perceptions of intergroup relations can be changed, individuals may overcome hostility toward perceived foes and become more responsive to one another’s grievances.

The flexible nature of both group membership and intergroup relations offers reason to be cautiously optimistic about the potential for greater cooperation among groups in conflict (be they black versus white or citizens versus police). One strategy is to bring multiple groups together around a common goal. For example, during the fiercely contested 2008 Democratic presidential primary process, Hillary Clinton and Barack Obama supporters gave more money to strangers who supported the same primary candidate (compared to the rival candidate). Two months later, after the Democratic National Convention, the supporters of both candidates coalesced around the party nominee—Barack Obama—and this bias disappeared. In fact, merely creating a sense of cohesion between two competitive groups can increase empathy for the suffering of our rivals. These sorts of strategies can help reduce aggression toward hostile out-groups, which is critical for creating more opportunities for constructive dialogue addressing greater social injustices.

Of course, instilling a sense of common identity and cooperation is extremely difficult in entrenched intergroup conflicts, but when it happens, the benefits are obvious. Consider how the community leaders in New York City and Ferguson responded differently to protests against police brutality—in NYC political leaders expressed grief and concern over police brutality and moved quickly to make policy changes in policing, whereas the leaders and police in Ferguson responded with high-tech military vehicles and riot gear. In the first case, multiple groups came together with a common goal—to increase the safety of everyone in the community; in the latter case, the actions of the police likely reinforced the “us” and “them” distinctions.

Tragically, these types of conflicts continue to roil the country. Understanding the psychology and neuroscience of social identity and intergroup relations cannot undo the effects of systemic racism and discriminatory practices; however, it can offer insights into the psychological processes responsible for escalating the tension between, for example, civilians and police officers.

Even in cases where it isn’t possible to create a common identity among groups in conflict, it may be possible to blur the boundaries between groups. In one recent experiment, we sorted participants into groups—red versus blue team—competing for a cash prize. Half of the participants were randomly assigned to see a picture of a segregated social network of all the players, in which red dots clustered together, blue dots clustered together, and the two clusters were separated by white space. The other half of the participants saw an integrated social network in which the red and blue dots were mixed together in one large cluster. Participants who thought the two teams were interconnected with one another reported greater empathy for the out-group players compared to those who had seen the segregated network. Thus, reminding people that individuals could be connected to one another despite being from different groups may be another way to build trust and understanding among them.

A mere month before Freddie Gray died in police custody, President Obama addressed the nation on the 50th anniversary of Bloody Sunday in Selma: “We do a disservice to the cause of justice by intimating that bias and discrimination are immutable, or that racial division is inherent to America. To deny…progress – our progress – would be to rob us of our own agency; our responsibility to do what we can to make America better."

The president was saying that we, as a society, have a responsibility to reduce prejudice and discrimination. These recent findings from psychology and neuroscience indicate that we, as individuals, possess this capacity. Of course this capacity is not sufficient to usher in racial equality or peace. Even when the level of prejudice against particular out-groups decreases, it does not imply that the level of institutional discrimination against these or other groups will necessarily improve. Ultimately, only collective action and institutional evolution can address systemic racism. The science is clear on one thing, though: individual bias and discrimination are changeable. Race-based prejudice and discrimination, in particular, are created and reinforced by many social factors, but they are not inevitable consequences of our biology. Perhaps understanding how coalitional thinking impacts intergroup relations will make it easier for us to affect real social change going forward.