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## Off-Case

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**The world is structured by the World Computer, an apparatus of racial capitalism that uses algorithmic techniques to commodify life. Information is produced through real abstraction that codify race, gender, and sexuality – that information structures productive thought to create value for capitalism.**

**Beller 21** (Jonathan Beller = Professor of Humanities and Media Studies and Critical and Visual Studies at Pratt Institute, “*The World Computer: Derivative Conditions of Racial Capitalism”*, Duke University Press, BEH)

Information as Real Abstraction Taking the **notion that Capital was always a computer as a starting point** (Dyer-Witheford, 2013), The World Computer understands the **history of the commodification** of life as a process of encrypting the world’s myriad qualities as quantities. Formal and informal techniques, from double-entry bookkeeping and racialization, **to the rise of information and discrete state machines**, imposed **and extended the tyranny of racial capital’s relentless calculus of profit.** By means of the **coercive colonization of almost all social spaces, categories, and representations**—where **today language, image, music, and communication all depend upon a computational substrate** that is an outgrowth of fixed capital—all, or nearly all, expressivity has been captured in the dialectic of massive capital accumulation on the one side and radical dispossession on the other. **Currently the money-likeness of expression**—**visible as “likes”** and in other attention metrics that treat attention and affect as currency—is symptomatic of the financialization of daily life (Martin, 2015a). **All expression,** no matter what its valence, **is conscripted by algorithms of profit** that intensify **inequality by being put in the service of racial capitalism**; consequently, we are experiencing a near- apocalyptic, world-scale failure to be able to address global crises including migration for reparations, carceral systems, genocide, militarism, climate racism, racism, pandemic, anti-Blackness, extinction, and other geopolitical ills. The colonization of semiotics by racial capital has rendered **all “democratic” modes of governance outmoded** save those designed for the violent purpose of extracting profits for the enfranchised. Culturally these modes of extraction take the form of fractal fascism. An **understanding that informationalized semiotic practices** function as financial derivatives may **allow for a reimagining of the relationship between** language, visuality, and that other economic medium, namely **money, in an attempt to reprogram economy** and therefore the creation and distribution of value**—and thus also the politics and potentials of representation.** In what would amount to an end to postmodernism understood as the cultural logic of late capitalism, our revolutionary politics require, as did the communisms of the early twentieth century, a new type of economic program. In the age of computation, putting political economy back on the table implies a reprogramming of our cultural logics as economic media for the radical redress of the ills of exploitation and the democratization of the distribution of the world social product. **Sustainable communism requires the decolonizaton of abstraction** and the remaking of the protocols of social practice that give rise to real abstraction. **Though in this section we will more narrowly address the issues of money, race, and information as “real abstraction,” and their role in computational racial capitalism**, we note the overarching argument for the larger study: **1 Commodification inaugurates the global transformation** of qualities into quantities and gives rise to the world computer. **2 “Information” is not a naturally occurring** reality but emerges in the footprint of price and is always a means to posit the price of a possible or actual product. 3 **The general formula for capita**l, M-C-Mʹ, where M is money, C is commodity, and Mʹ is more money) can be **rewritten M-I-Mʹ,** where I is information. 4 “Labor,” Attention, Cognition, Metabolism, **Life converge as “Informatic Labor” whose purpose,** with respect to Capital, **is to create state changes in the Universal Turing Machine** that is the World Computer— racial capital’s relentless, granular, and planetary computation of its accounts**. 5 Semiotics, representation, and categories of social difference** function as financial derivatives—as wagers on the economic value of their underliers and as means of structuring risk for capital. 6 **Only a direct engagement with the computational colonization** of the life-world through a reprogramming (remaking) of the material processes of abstraction that constitute real abstraction can secure victory—in the form of a definitive step out of and away from racial capitalism—for the progressive movements of our times. Such a definitive movement requires an occupation and decolonization of information, and therefore of computation, and therefore of money. Only through a remaking of social relations at the molecular level of their calculus, informed by struggle against oppression, can the beauty of living and the fugitive legacies of creativity, community, and care prevail. The mode of comprehension, analysis, and transformation proposed here will require an expanded notion of racial capitalism. It interrogates the existence of deep continuities and long-term emergences—what one could correctly call algorithms of extractive violence—in the history of capitalism. These algorithms of violence include the reading and writing of code(s) on bodies, their surveillance and overcoding by informatic abstraction. Such algorithms of epidermalization or “the imposition of race on the body” (Browne: 113) are inscribed and executed on the flesh (Spillers 1987); and they are executed by means of codification processes that violently impose both a metaphysical and physical reformatting of bodies. As Simone Browne shows, epidermalization is given “its alphanumeric form” (99) through a vast array tools of marking, scarification, discipline, and surveillance that include branding irons, implements of torture, auction blocks, ship design, insurance policies, newspaper ads for runaway “property,” photographs in postcard form and a panoply of other media of dehumanization. Executable code is imposed as social categories of race, gender, religion and property, as ideologies, psychologies, contracts, brands, communication theories, game theories, and quantities of money—these abstractions work their ways into and are indeed imposed by the machines of calculation—and their avatars. We confront a continuous process of unmaking and remaking using all means available; it is violently inscribed on bodies. Sylvia Wynter, in her post– Rodney King piece “No Humans Involved: An Open Letter to My Colleagues” writes, “Both W. E. B. Du Bois and Elsa Goveia have emphasized the way in which the code of ‘Race’ or the Color Line, functions to systemically predetermine the sharply unequal re-distribution of the collectively produced global resources; and therefore, the correlation of the racial ranking rule with the Rich/Poor rule. Goveia pointed out **that all American societies are integrated on the basis of a central cultural belief** in which all share. This belief, that of **the genetic-racial inferiority** of Black people to all others, functions to enable our social hierarchies, including those of rich and poor determined directly by the economic system, to be perceived as having been as pre-determined by ‘that great crap game called life,’ as have also ostensibly been the invariant hierarchy between White and Black. Consequently in the Caribbean and Latin America, within the terms of this sociosymbolic calculus, to be ‘rich’ was also to be ‘White,’ to be poor was also to be ‘Black’ ” (Wynter: 52). “To be ‘rich’ was also to be ‘White,’ to be poor was also to be ‘Black.’ ” The real abstraction imposed by executable code—the “**code of ‘Race’ ” that “functions to systematically predetermine** the structurally **unequal redistribution of global resources**” is beholden to mediating capitalist exchange while embarking on a radical reformatting of ontology. This reformatting, the supposed result of “that great crap game called life,” brutally correlates race and value, but not entirely by chance, while racial capitalism embarks on imposing this calculus globally. Racial abstraction is endemic to what we will further explore as “real abstraction”; the evacuation of quality by abstract categories and quantities is, as we shall see in more detail, a “necessary” correlate to a world overrun by the calculus of money. Such algorithms of violence encode social difference, and although they may begin as heuristics (“rules of thumb”), they are none the less crucial to the **calculated and calculating expansion of racial capital**. Its processes and processing structures the meanings that can be ascribed to— and, as importantly, what can be done to—those of us whose data profiles constitute us as “illegal,” “Mexican,” “Black,” “[Roma] Gypsy,” “Jew,” and a lexicon of thousands of other actionable signs. This codification process draws from the histories of slavery, of colonialism, of state formation, of genocide, of gender oppression, of religious pogroms, of normativity, and again from the militarization and policing and the apparatuses of calculation that have developed within states and parastates in their own biometric pursuit of capital—power. Their violent destruction and remaking of the world. The **internalization of these codes**, including the struggles with them and the ways in which they license and/or foreclose various actions, exists in a recursive relationship to their perilous refinement. **Their analysis, a code-breaking of sorts,** will therefore demand some drastic modifications in many of the various anticapitalist, antistate warrior-stances practiced to date, particularly in a large number of their European and U.S. incarnations that until very recently remained blind to their own imperial violence and are too often complicit with hegemonic codes of masculine, unraced agency, imperialist nationalism, and default liberal assumptions in relation to questions of race, gender, sexuality, coloniality, and other forms of historically institutionalized oppression.3 The analytic, **computational racial capital, would identify the field of operations** that emerges around the embryonic form of the commodity and coarticulates with racial abstraction to formalize its code, code **that serves as operating system for the virtual machine here hypostasized as “the world computer”** and by inscribing itself on bodies and everything else. The commodity, the analysis of which famously begins volume 1 of Marx’s Capital, expressed the dual being and indeed dual registration of the humanly informed object as both quality of matter and quantity of exchange-value, along with the global generalization of this form. “The wealth of societies in which the capitalist mode of production prevails appears as an immense collection of commodities” (125). Commodities were (and with some modifications to be discussed further on, still are) humanly informed materials with a **use-value and an exchange-value— humanly informed qualities indexed by quantities**. “Computational racial capital,” as a heuristic device, stages an analysis of the convergence of what on the one side often appeared as universal: **the economic, abstract, and machinic operating systems of global production** and reproduction endemic to the commodity form and its calculus, with what on another side, sometimes appeared as particular or even incidental: racism, colonialism, slavery, imperialism, and racialization. The concept organizes this dramaturgy of analytically reunifying elements that were never materially separate in light of the study that the late Cedric Robinson conducted and recorded as Black Marxism. Robinson writes, “The development, organization and expansion of capitalist society pursued essentially racial directions, so too did social ideology. As a material force, then, it could be expected that racialism would inevitably permeate the social structures emergent from capitalism. I have used the term ‘racial capitalism’ to refer to the development and to the subsequent structure as an historical agency” (1983: 2–3). The World Computer takes what Robinson saw as “civilizational racism,” and its central role in the development of capital as axiomatic,—and sees that this role extends to and deeply into capitalist calculation and machinery during the entire period in which the world economic system seems to have moved form the paradigm of the commodity to a paradigm of information. “**Computational racial capitalism” would** **thus understand the generalization of computation** as an extension of capital logics and practices that include and indeed require the economic calculus of the dialectics of social difference. These differences, both economic and semiotic, would include those plied by slavery, anti- Blackness and other forms of racism during the past centuries. Computation must **therefore be recognized** as not a mere technical emergence but the **practical result of an ongoing and bloody struggle** between the would-have- it-alls and the to-be-dispossessed. Developed both consciously and unconsciously, computational racial capitalism is, when seen in the light of ongoing racialization and value extraction, “the subsequent structure as an historical agency.” The racial logic of computation must be pursued when considering finance, surveillance, population management, policing, social systems, social media, or any of the vast suite of protocols plying difference for capital. The local instance of computation, a specific 1 or 0, may seem value neutral, a matter as indifferent as lead for a bullet or uranium for a bomb. But we are looking at computation as the modality of a world- system. Computation emerges as **the result of struggles that informed “class struggle**” in all its forms, recognized or not by the often spotty tradition(s) of Marxism, including those struggles specific to the antagonisms of colonialism, slavery, imperialism, and white supremacist heteropatriarchal capitalism more generally. It is the result of struggles indexed by race, gender, sexuality, nationality, and ethnicity, along with additional terms indexing social differentiation too numerous to incant here but that together form a lexicon and a grammar of extractive oppression—and as we have said and as must always be remembered, also of struggle. The lexicon includes compressions that result in many of history’s abstractions including a perhaps singularly pointed abstraction: “a history whose shorthand is race” (Spillers 1997: 142). The grammar for that lexicon depends upon the deployment and execution of forms of differentiating abstraction that are lived—lived processes of abstraction and lived abstraction organized by the increasingly complex and variegated calculus of profit and thus of domination. “**Real abstraction,”** then**, emerges** not just as money in Sohn-Rethel’s sense, but **as the codification of race, gender, sexuality, geography, credit and time**—and gives rise to a “grammar,” in Hortense Spillers’s (1987) use of the term, that not only structures meaning and redounds to the deepest crevices of being smelted by social practices, but also, and not incidentally, prices differentials indexed to social difference.4 “Real abstraction,” as Sohn-Rethel spent his life deciphering, takes place “behind [our] backs” as the practical and historical working out of the exchange of equivalents within the process of the exchange of goods (33). For him, the development of the money-form, of the real abstraction that is money, is Exhibit A of the abstraction process mediating object exchange. This capacity for abstraction, realized first in “the money commodity” and then as money provided the template for further abstraction, not least in the conceptual formations of Western philosophy itself (1978). Sohn-Rethel develops this argument that practices of exchange precede the abstraction of value in Intellectual and Manual Labour, providing the full quotation from Marx: “Men do not therefore bring the product of their labour into relation with each other as value because they see these objects merely as the material integuments of homogeneous human labour. The reverse is true: by equating their different products to each other in exchange as values, they equate their different kinds of labour as human labour. They do this without being aware of it. (Marx 1990: 166 in Sohn-Rethel 1978: 32). Here is Sohn- Rethel’s commentary: People become aware of the exchange abstraction only when they come face to face with the result which their own actions have engendered “behind their backs” as Marx says. In **money the exchange abstraction achieves concentrated representation**, but a mere functional one— embodied in a coin. It is not recognizable in its true identity as abstract form, but disguised as a thing one carries about in one’s pocket, hands out to others, or receives from them. Marx says explicitly that the value abstraction never assumes a representation as such, since the only expression it ever finds is the equation of one commodity with the use- value of another. The gold or silver or other matter which lends to money its palpable and visible body is merely a metaphor of the value abstraction it embodies, not this abstraction itself. (33–34) Exchange-value is “in our heads” but is not the creation of any individual. Alongside use-value it is the other, abstract component of the “double being” of the commodity-form. Like Norbert Wiener’s (1961: 132) definition of information but, strictly speaking, emerging long before the idea of information proper, real abstraction is “not matter or energy.” There is not an atom of matter in exchange-value, or, as Marx puts it, “Not an atom of matter enters into the objectivity of commodities as values; in this it is the direct opposite of the coarsely sensuous objectivity of commodities as physical objects” (1990: 138). And a bit on, “So far no chemist has ever discovered exchange-value in a pearl or diamond” (177). But unlike in Wiener’s naturalist definition of information, exchange-value is an index of a social relation, an historical outcome. It indexes “abstract universal labor time,” a third term that forms the basis of comparison between two ostensibly incomparable and therefore incommensurable commodities, and, because common to both, creates the ratio of value that renders them quantitatively commensurable. **This distinction between the social basis of exchange-value and the universal character** of information should give us pause. As we shall have occasion to observe, information, as it is today (mis)understood, is thought to be a naturally occurring additional property of things—neither matter nor energy—rather than a domain of expression constituted by means of a technological and economic repression of its social dimension. Notably, Sohn-Rethel “set[s] out to argue that the **abstractness operating in exchange and reflected in value does nevertheless find an identical expression**, namely the abstract intellect, or the so-called pure understanding—the cognitive source of scientific knowledge” (34). For him, it gives rise to the abstract capacities of the subject of philosophy as well as the quantitative capacities of the subject of science and mathematics that in the twentieth century move toward a paradigm of information. Echoing Sohn-Rethel, we could say then that information is in our machines but not the creation of any individual machine. Not an atom of matter enters into information, though, like value, it is platformed on matter and requires energy for creation. This thesis will take on particular importance as we consider social differences whose descriptors, it turns out, are executable in a computational sense, at least from the point of view of financial calculus, but platformed on matter, and indeed, on living matter, on life. Beyond the intention of any individual, abstraction as “exchange-value” in “money” occurs in and as the process and processing of exchange in accord with an emerging standard. This standard, which economists call “exchange-value,” and which, in Marx is based on abstract universal labor time (the historically variable, socially necessary average time required to produce a commodity), persists alongside and within the specific qualities of the commodity (its use-value) and creates the commodity’s dual being. Though without chemical or material basis, **this standard, exchange-value, is a social relation**—a social relation as an abstraction—that inheres in the commodity-form itself and is formalized with the rise of the money commodity. The money commodity, in becoming a general equivalent, standardizes and thus renders fully quantifiable the exchange-value of commodities—exchange-values denominated in quantities of money. The quantification of value in a measure of money is an abstraction enabled by money itself which, as we have seen, is a real abstraction. It is a calculation that has occurred behind our backs, and indeed produces what Hayek (1945) identifies as the price system. When we recognize the differences in wages among people who are raced, gendered, nationed, and classed by various matrices of valuation, we also recognize that the calculus performed by and as real abstraction includes racial abstraction and gender abstraction. It is part of the calculus of **capital that provides it with an account of and discounts on the rate of exchange** with the labor power of marked people(s) —by discounting people(s) (Beller 2017b; see also Bhandar and Toscano 2015: 8–17). Racial abstraction provides capital with an index that measures a deviation from the average value of human life (itself historically driven down by the falling rate of profit). In this, computational racial capitalism is not merely a heuristic or a metaphor for the processes of a virtual machine; it is a historical-material condition. As we shall see, and as is obvious at least in the general case to anyone who has thought seriously about it, whiteness (and the fascist masculinity endemic to it) is not only operating where one finds “race”: it is operating everywhere in the imperium that it can be imagined (by some) that race is not a factor—**in medicine, in science, in statistics, in computation, in information**. As I wrote—resituating Bateson’s (1972) definition of information—in The Message Is Murder, **information is not merely “a difference that makes a difference”; it is a difference that makes a social difference**. **This slight difference in expression situates information historically.** While in keeping with Bateson’s far reaching ideas regarding an ecology of mind **(“If I am right, the whole thinking about what we are and what other people are has got to be restructured”;** 468), ideas that at **once problematize any distinction between inside and outside** and that make him dubious of any thought that presupposes sovereign subjectivity, my interpolation of “social” in his formulation “a difference that makes a social difference” **shifts the emphasis somewhat by insisting on the always already sociohistoricity** of any possible knowledge. Bateson believed that his understanding of information and systems ecology promised a new mode of thinking that he himself, as a twentieth-century bourgeois white man, did not feel capable of really embodying. Thus our interpolation, in keeping with Bateson but made compatible with Marx is, in keeping with Marx, designed to “transform ... the problem of knowledge into one of social theory” (Postone 2003: 216). Such a transformation **situates knowledge and now also information in the sociohistorical milieu**, the ecology such that it is, of racial capitalism, and therein finds information’s historical conditions of possibility. Here we advance the argument for the ultimately determining instance of social difference (and up the ante for the bet against whiteness) by **proposing that information is the elaboration of real abstraction**, of abstraction that results from collective practices of economic exchange and therefore from the general management of value as a social relation. I argue that set out in logical sequence, information is posited by, then posits and then presupposes the human processes of exchange that Sohn-Rethel, following Marx, argues are the practices that first give rise to the money- form and to real abstraction. For Sohn-Rethel the result of the activities of comparison, adequation, and trading of specific things that have qualities— which are, strictly speaking, incomparable—resulted over time in a process of finding a relation of equivalence and then general equivalence indexed to abstract labor time, what was in effect socially average human labor time. Exchange-value was a quantitative measure of that abstract time—the average socially necessary time to create commodity X denominated in money. This real abstraction was no one’s invention but was the practical result of exchange—of people’s activity—and thus emerged as a nonconscious result that nonetheless interceded on conscious process. Consequently, real abstraction was for Sohn-Rethel also the precursor to conceptual abstraction, including philosophy, science and mathematics. He writes: **The essence of commodity abstraction, however, is that it is not thought-induced**; it does not originate in ~~men’s~~(people’s) minds but in their actions. And yet this **does not give “abstraction” a merely metaphorical meaning. It is abstraction in its precise, literal sense.** The economic concept of value resulting from it is characterized by a complete absence of quality, a differentiation purely by quantity and by applicability to every kind of commodity and service which can occur on the market. These qualities of the economic value abstraction indeed display a striking similarity with fundamental categories of quantifying natural science without, admittedly, the slightest inner relationship between these heterogeneous spheres being as yet recognizable. While **the concepts of natural science are thought abstractions, the economic concept of value is a real one**. It exists nowhere other than in the human mind but it does not spring from it. Rather it is purely social in character, arising in the spatio-temporal sphere of human interrelations. It is not people who originate these abstractions but their actions. “They do this without being aware of it.”5 The practical rise of a form of abstraction indifferent to particular qualities is key here and is to be understood as a precursor to the content- indifferent abstractions of a variety of types. As Simmel notes in The Philosophy of Money, law, intellectuality, and money “have the power to lay down forms and directions to which they are content indifferent” (441–2). Without doubt, such power informed the racial categories of the Humanism of Ernst Renan, Roger Caillois, and others so brilliantly excoriated by Aimé Césaire in his Discourse on Colonialism. We add here the hypothesis that **the rise of information as the content-indifferent assignation of numerical index to any social relation** whatever, is a development of the abstraction necessary for economic exchange to persist under the intensive “developmental” pressure of global racial capitalism—information is derived from the increasingly complex things that people do through and as exchange and as such is both precursor and corollary to financialization— **the social conditions that sustain what is fetishistically apprehended as “finance capital”** and its seeming capacity to derive wealth from pure speculation and risk management in ways that (incorrectly) appear to be fully detached from labor and labor time. In this light, information reveals itself as **neither naturally occurring nor the creation of anyone in particular**, but, in keeping with Sohn-Rethel’s Marxian formulation of real abstraction, is likewise invented “**behind our backs” as a result of ~~“man’s”~~ “People’s” practical activity**. Information enables a complexification and further generalization of what will turn out to be monetary media, media that would be adequate to, and indeed are adequate (from the perspective of capital) to contemporary forms of exchange—what people do when they interact with one another in what is now the social factory. In brief, information is the extension of a monetary **calculus adequate to the increasingly abstract character of social relations and social exigencies**. It is an interstitial, materially platformed, calculative fabric of abstraction that through its coordinated capillary actions orchestrates social practice and provides interface for the uptake of value production. Once this idea is fully grasped, it becomes pointless to look for any other origin to the information age. Just as for Marx there is not a single atom of matter in exchange value (1990: 138), we say that there is not a single atom of matter in information.6 “All the phenomenon of the universe, whether produced by the hand of man or indeed by the universal laws of physics, are not to be conceived as acts of creation but solely as a reordering of matter” (Pietro Verri 1771, cited in Marx 1990: 133; note 13). Value is the socially valid informing of matter, so too is information. Economy then is society’s matter compiler and, approximately simultaneously with the advent of “man,” “history,” and “the world market,” “exchange value” emerges as a quantitative measure of the social value of material state changes indexed to human labour posited as “abstract universal labour time.” Marx’s famous example of the simple wooden table in Chapter 1 of Capital, which “transcends sensuousness” when leaving the clear-cut framework of use value and becoming a commodity and thus an exchange value, registers as “fetishism,” the “metaphysical subtleties,” “theological niceties,” and “grotesque ideas” (1990: 163), endemic in the table’s computability as value. In brief, just as **discreet states of matter embodying value as a network of commodities** mediated by markets and tied to labor give rise historically to the discrete state machine, otherwise known as the computer, exchange value gives rise to computable information and then to computation itself, becoming interoperable with it. Even before the rise of information proper, **exchange value operates as information** (and thus, necessarily information processing) —and then, as synthetic finance and contemporary forms of computer- mediated accounting and production readily testify, by means of it. Computation is the extension, development, **and formalization of the calculus of exchange value**—the ramification of its fetish character—and becomes in spirit and in practice, a **command control layer for the management of the profitable calculus of value**. Platformed on states of matter, information, not matter but rather difference between and among states of matter, extends, grammartizes, and granularizes the calculus of value regarding the organization of matter. **Commodities and computation thus run the same basic operating system**—state changes in matter driven by human practices—the value of which in any given state is expressed in the context of an informatic network and indexed to labor time. As such, information is the processing power of money itself and is inexorably beholden to abstract labor time and thus to racial capitalism. It is, in brief, an outgrowth of the money form. The cost of computation, the **arrival at a discrete state, is a derivative operation**, indicating an investment, that is explicitly a risk on the future value of an underlier, that is, on value itself. This argument for understanding the social as the ultimate referent and ground for any and all information, further advanced in chapter 1, is not content to serve **as a mere heuristic for cultural theorists to express a modicum of suspicion** with respect to truth claims backed by statistics and information. It is a **thoroughgoing indictment of information as a technique of value extraction**, racialization, and instrumental social differentiation. As a first approximation, actually existing information, like actually existing money, can indeed be said to be the root of all evil—in as much as the fact of its existence is a symptom of a far more complex historical process than what would seem to be discernible from the fact of the coin or the bit. The problem, of course, is that your metabolism (and mine), cannot easily extend into the future without access to both. I develop this idea here to say that everywhere computation operates, so too does racial capitalism—at least until proven otherwise. The repressive apparatus of capital clearly assumes this role for information, even if it does so at a level that most often exceeds ordinary default “human” (white) understanding: **the net result to date of the number crunch of “the world computer**” is a hierarchy of valuations inseparable from the violence of racialization and its attendant dispossession, and inseparable again from what Ruth Wilson Gilmore (2007: 28) in her classic and statistically attuned definition of racism calls “the state-sanctioned or extralegal production and exploitation of group- differentiated vulnerability to premature death.” Today, we argue, no calculation**, networked as it is with the world computer, is fully separable from informatics and its basis in racial capitalism.** We will argue for this logical and also horrific history of abstraction in more detail below as we explore the interoperability of digital systems and their colonization of the semiotic, corporeal and material domains. The global learning curve of revolutionary praxis must attend to this modal innovation of systemic oppression, an oppression which is at once beyond all calculation and one with it.7

#### ICT development is dependent on anti-Black labor practices, material extraction, and environmental destruction.

Noble 16, assistant professor in the Department of Information Studies in the Graduate School of Education and Information Studies at UCLA. (Safiya Umoja, 2016, “A Future for Intersectional Black Feminist Technology Studies”, *Socialist & Feminist Online*, Issue 13.3-14.1, <https://sfonline.barnard.edu/traversing-technologies/safiya-umoja-noble-a-future-for-intersectional-black-feminist-technology-studies/>, accessed 8/26/2021)

\*\*\*note – underlined portion of the card has mention to sexual assault, it will not be highlighted.

The New Scramble for Africa: An Intersectional Analysis of the IT Sector

In the new scramble for Africa’s resources, transnational information and communication industries are racing to control the minerals and land needed for their aggressive expansion and growth—an echo of earlier colonial pursuits by European nations looking to open new markets for cotton and revitalize depressed Western economies.[20] Neocolonial processes remain intact, particularly in places like the Democratic Republic of Congo. That nation’s history of Western plunder began a century and a half earlier, under the rule of King Leopold II of Belgium, when its rubber and ivory resources were extracted for the manufacture of tires and condoms destined for the sprawling automobile and leisure culture of the United States.[21]

Efforts to reclaim autonomy over the Congo and its natural-resource riches were led in part by the pan-Africanist Patrice Lumumba, whose opposition to Belgian and US control of the Congo resulted in his assassination in 1961. This was but one of many efforts to subdue and effectively put down Black liberation movements on the continent of Africa. The foreclosing of African anti-colonial movements by Western state powers was mirrored in the US government’s simultaneously enacted Counter Intelligence Program (COINTELPRO), which systematically assassinated and jailed Black feminist and Black Power liberation and civil rights movement activists in the US from the 1960s to the 1980s. Many of these same strategies are being re-enacted in this historical moment under the USA Patriot Act. The North American activists targeted by COINTELPRO were seeking liberation from interlocking oppressions, and developed relationships of solidarity and mutual aid with many pan-Africanist movements. Since the 1940s, pan-Africanists had been actively engaging in conferences and knowledge production designed to unify the interests of oppressed peoples directly affected by imperialist projects around the globe. This is an important intellectual lineage from which intersectional feminist critiques and activism emerged, their origins evident in the statement issued in 1945 from the Fifth Pan-African Conference:

We condemn the monopoly of capital and the rule of private wealth and industry for profit alone. We welcome economic democracy as the only real democracy. Therefore we shall complain, appeal and we will make the world listen to the facts of our condition. We will fight every way we can for freedom, democracy and social betterment.[22]

These intellectual linkages of critique and resistance demonstrate the connection between colonial projects of the past to the neocolonial, transnational, and neoliberal projects of the contemporary moment. Indeed, the neocolonial projects that fuel extraction industries (and their concomitant environmental and human catastrophes) in places like the Congo today persist in a historical trajectory of global capital’s thirst for expansion at the expense of Black life. Pádraig Carmody details the colonial quest for rubber and ivory in the Congo that led to the slaughter of more than ten million people; Carmody estimates that another three to five million were killed from 1983 to 2003 in wars over minerals and the control of coltan.[23] Coltan, short for columbite-tantalite, is a mineral, more potent than steel which is needed for computers and electronics to release electrical charges in small capacitors.[24] Contemporary global communications infrastructure, including the internet and the billions of devices, appliances, electronics, and “things” connected to it, could not exist without cheap access to coltan. Nevertheless, the bloody “conflict mineral” wars over its control—the rape, violence, and loss of human life involved—are largely invisible byproducts to digital tech users in the West.

In the networked economy of resources needed for global communications infrastructure, Black lives are engaged in some of the most treacherous labor essential to the growth and proliferation of the internet. Capital’s organization in multi-tiered global supply chains[25] obfuscates the direct relationships between Black labor, child labor, civil war, rape, and a smartphone, laptop, or iPad. Electronics companies such as Google, Apple, Dell, Intel, Sony, Nokia, and Ericsson are heavily invested in the computer and electronics hardware manufacturing industries and need raw minerals such as coltan to produce components such as tantalum capacitors for microprocessor chips. But this labor is outsourced, and thus conveniently out of sight and out of mind, going to low-bidders who provide the cheapest labor under favorable neoliberal economic policies. These practices are consistent with other forms of racialized and outsourced internet labor, such as commercial content moderation for large internet companies.[26]

In a transnational and neoliberal context, such practices are not limited to sites located geographically outside the West. David Pellow and Lisa Sun-Hee Park have written a comprehensive study of the underside of Silicon Valley—touted as a panacea of innovation, wealth, and opportunity, when this is the reality only for a choice few.[27] Just as in other areas of the globe, the technology and communications industries headquartered in Silicon Valley achieve their capital accumulation at the expense of overuse and abuse of the environment, gross poverty, and health degradation as they rely on an invisible labor force of immigrants and others living in the transnational, racialized margins:

Power, privilege and wealth are relational, which often means that one person’s riches and leisure time are derived from another’s impoverishment and hard labor; one’s socioeconomic or racial/ethnic group’s access to safe, high-salary jobs and clean neighborhoods is frequently linked to another group’s relegation to dangerous, low-wage occupations and environmentally contaminated communities. This is the essence of environmental racism and environmental injustice: ecological policies and practices are characterized by unfair treatment, discrimination, and oppression.[28]

Intersectional analysis makes these relational elements visible and allows us to trace the connections forged by inequities of wealth and power that bind local communities to others around the globe. Taking an intersectional approach to the internet and its infrastructure bridges the African diaspora, to help us see where and how oppressions are operationalized in similar ways and in the service of shared agents or shared motivations. The internet and its infrastructure are implicated in cases such as the recent public health crisis in Flint, Michigan, where state and corporate abuses, in the interest of multinational companies heavily invested in the technology sector, resulted in poisoned water supplies. The web is functioning as a site of online hyper-surveillance and trolling of Black activists engaged in the #BlackLivesMatter movement in the US and beyond. It is fundamental to Wall Street, where, through the mortgage crisis and Great Recession of 2008, information technology and the gamification of financial markets led to the largest decimation of Black wealth in the history of the United States. It is central to the oppressive working conditions facing Congolese laborers engaged in mineral extraction, in mineral wars, and in creating the greatest site of sexual violence in the world, according to the United Nations. It is evident in the toxic waste sites on the west coast of Africa, in Ghana, where e-waste is shipped in from the West and dumped, poisoning land, water, people, and environments.

These connections need to be made in order to understand the tradeoffs and true costs that come with the overemphasis, financially and in policy, on digital technologies and internet infrastructures. Communications scholar Robert Mejia has critiqued the multiple ways in which electronics and communications devices and infrastructures have material consequences with potent environmental impacts. He notes:

it is imperative that media and cultural studies scholars offer an account of how the 3.7 million gallons of water used per day by Intel in Hillsboro, Oregon, and the millions more used elsewhere, contribute to an ecology hospitable to infectious disease and its natural reservoirs… Knowing that an estimated 632,000 pounds of mercury were disposed of in United States’ landfills between 1997 and 2007, from just discarded personal computers alone, and that about 130 million cellphones are thrown away each year.[29]

The consequences of these ecological disasters are not equitably applied to everyone. The study of the materiality of the internet includes thinking through the specific contexts of who is affected by the social, environmental, economic, and policy arrangements of the digital.[30]

Intellectual investments in thinking of the internet and the digital as disembodied and ephemeral—as if they have no materiality—come at a great cost of erasure and denial. Jean-François Blanchette has written one of the most detailed critical accounts of the development of computing—including the ways in which information is processed, networks are developed and managed, and fiber infrastructure is built and maintained—in order to dislodge the idea that the internet and computing are immaterial or abstract.[31] An intersectional examination of the global information infrastructure underscores that it is predicated upon a complex, globalized, and fundamentally material economy of resource extraction and human labor, from Congolese labor to extract minerals, to Chinese labor working for poverty wages at Foxconn to make Apple’s iPhones, to the exclusion of African American labor from high-wage IT jobs in the United States, to Ghanaians sifting through electronic trash and toxic waste.

#### Risk management induces volatility upon billions to produce stability for the security state and capitalism. That ensures extinction by warming.

Beller 21, Professor of Humanities and Media Studies and Critical and Visual Studies, Pratt Institute, Brooklyn NY. (Jonathan, February 2021, *The World Computer: Derivative Conditions of Racial Capitalism*, 46-47 Duke University Press)

Innovation organized by entrepreneurs of the self, of the cyberself, creates possibilities for arbitrage on those super-sets of labor-time, attention and life-time; and all the while, everyday risk management is underpinned and indeed anchored by the calculus of genocide. From the binary of the A-bomb to IBM’s punch-carding of the Nazi Holocaust, from the calculus of sovereign debt to that of social media, the lives of people (in Nagasaki, in Auschwitz, in Furguson), become the substrate that registers the meaning of the compute—at least the meaning as far as they may have been concerned. So many are posited as but renewable pawns in an endless game, and the game goes on. Dispossession and genocide, and the capacity to wreak these, guarantee the liquidity of the financial system by guaranteeing that there will always be some billions willing or forced to do anything for its money and the access to information, to informed matter and therefore to life that it provides. In our era, we see clearly that, under capital, the “stability” imposed by systemic integrations and its programs of finance, surveillance, security, mediation, and so on produces ever greater volatility, and we see that this volatility risk can be bought and sold; it can be cut up, bundled, bought, and resold, priced as content-indifferent numbers based upon volatility indices. Meanwhile the markets roil, dispossession rages, and the planet boils.

As history could confirm, by the mid-twentieth century, the complexity of the techniques for the management of societies, from markets to warfare, from media to cybernetics, and now from social media to the derivatives created by synthetic finance, all required discrete state machines to store and manage the pertinent inventories, schedules, and programs--their valuable information. Though usually thought of as properly belonging to the history of science, communication, mathematics, or computation, the socioeconomic endeavors composing the history of the discrete state machine and its ever more supple functionality are to be thought as part of the increasing complexity of capitalist abstraction and thus the abstraction of social relations. They are the elaboration of real abstraction, the expansive formalization of the field of exchange taking place “behind the backs” of living people. These socioeconomic endeavors such as Google, Facebook, the security state, are the effective occupation of the space and time at all scales by the logistics of exchange and its expanding field of production.

Datalogical representation is already risk management. Management, efficiency, optimization; Foucault’s entrepreneur of the self; and even Brian Massumi and Erin Manning’s “more than human of the human” all recognize a technological paradigm of control operating in and through (and as) the individual (Massumi 2018). We may also observe that the techno-logic of capitalism built upon efficiency—the maximum exploitation of the laboring substrate to meet the demands of the falling rate of profit—prevails across all organizational scales, from the individual to the laboratory to the university to the jail, the township, the state, and the nation-state. In “cultural” spaces, representative agents (a.k.a. subjects) manage and aggregate resources, offering themselves as profiles or brands that are themselves not only marketable, but marketable as derivative exposure to their underliers: their audiences, networks, assets, and currencies. I “friend” you to add you to me, to gain exposure to your network, to add you to my portfolio I am an “influencer.” “Culture,” too, understood as a semi-autonomous domain separable from materiality and technology, can today only be a fetish—another case of platform fetishism—because the generalization of computing means that culture as the connective, communicative tissue of the sociosemiotic is ever more subject to the granularization and grammartization of commodification on the “object’ side (and, its other aspect, the fractalization of fascism on the “subject” side) in what, from a global standpoint, is a racial capitalist sociocybernetic bio-techné. Such is “culture” today—an expression of an overall informationalization of social relations subject to historically imposed computability. Cultural form, computable because inseparable from computation, heretofore always a way of connecting to (or disconnecting from) a multiplicity of networks, is now itself a derivative—a social derivative. Its derivative condition explains what was known as “the postmodern condition,” and is instituted by the universal expansion of the factory code toward the total colonization of space, time, representation, and mind: sociality itself in the largest sense.

That the principles of the ordination of matter, being, time, and value by number (or of publics by statistics, and/or of opinions by likes) were perceived to be universal, that is, generally applicable to all phenomena, was more than convenient. It was, as we have said, colonial. It was racializing and gendering. It was capacitating and maiming (Puar 2017). The math, though famously “content-indifferent,” was never value free. Nor were the devices, from desktops to mainframes, from bombers to smartphones, that it spawned. As Diane Nelson (2015: 56) writes in *Who Counts?*, her astonishing ethnography of Mayan number systems and genocide and, also and as importantly, her scathing ethnography of western mathematics and genocide, “Double-entry bookkeeping is also an ‘ethnomathematics,’ but one with an army.” Double-entry bookkeeping was also a proprietary technique; its truth claims, in the form of accounts, implied pathways of control and functionality that served as conduits for capitalization and colonization. It was a system of representation that repressed noise (context) to clearly resolve the value signal called price in a calculus of profit and loss. In our own period, where we see very clearly (simply by looking at the business pages or, for that matter, the culture pages in any newspaper) that contemporary global capitalism is in lockstep with computation, we might expect that the politico-economic meaning of computation as an emergent order of proprietary organization is becoming clear. As new and powerful terms such as *platform sovereignty* (Bratton 2016), *algorithmic governance,* and *the society of metadata* or “*metadata society*” (Pasquinelli 2018) indicate, it appears that it is the information itself that has (or indeed is) value. But the argument here is that it is only valuable within the framework of computation, and indeed within the framework of computational racial capital—at least thus far. Information is the result of that framework; it is an ethno-graphic (not just anthropocentric) instantiation composed from, in, and on states of matter. The framework, a computational infrastructure that is also primarily fixed capital, emerges in conjunction with the myriad phenomena that are now treated informatically; the apparatus is the other side of the supposedly raw material of information. Information is and can only be a relation. The clear implication of this argument is that, just as a DVD presupposes a technical world that can record it and make it play, the very presence of “information” implies the background armature of computation as a mechanism of perception and organization that is fundamentally social and historical. This background armature of perception and organization further indicates the background armature of racial capital as the primordial condition—the meta-machine architecture—of the present system of accounts. We note, and not only in passing, that this way of narrating the epic poem of AI puts anti-Blackness, slavery, settler colonialism, indentured servitude, imperialism, sexism, proletarianization, racial capitalism, and the active organization of oppression for profit at the epistemic center of a computer that could be called world history. It is computation that perceives information, and it is capital expansion that requires the perceptual-instrumental process endemic to quantification, digitization, and computation. The entire system has its conditions of possibility and derives both its significance and its character from the history of capital accumulation, that is itself theft and only theft, and which is, to defer again to the chorus: colonialism, slavery, white heteropatriarchy, imperialism, globalization, financialization, and genocide.

#### The lineage of capitalism from maritime insurance in the Middle Passage to modern financialization is marked by false inventions that revise market logics and ensure views of knowledge are rigid – that codifies racism and ensures failures of capitalism are always displaced.

Munn 20, Luke Munn is a media studies scholar based in Tāmaki Makaurau, Aotearoa New Zealand. His research investigates the sociocultural impacts of digital cultures and their broader intersections with race, politics, and the environment. (Luke, From the Black Atlantic to Black-Scholes: Precursors of Spatial Capitalization. Cultural Politics 1 March 2020; 16 (1): 92–110. doi: <https://doi.org/10.1215/17432197-8017284> Accessed 8/28/21)

Conclusion

Driven by the potentials of capitalization, both the maritime insurance of the black Atlantic and the financial formula of Black-Scholes attempted to develop logical models of space. As Henri Lefebvre (2010: 188) asserted, “One uses space just as one uses machines.” To operationalize space, it is necessary to know it—to define its boundaries, grid its geographies, and mark its points of potential. While risk in the form of bodily danger or financial exposure was key to both moments, risk could be understood as a failure to fully apprehend space—to adequately internalize the unforeseen event into a spatial system.

What do we gain by examining both these moments together? What does this somewhat experimental approach offer? First, the “computation” that drives spatial capitalization can be productively historicized. The ability to ring-fence space, to carve it up into zones, to index its flows and apprehend its dynamics—in short, to fold all of its variables into a total informational system—this imperative did not suddenly emerge in the last half of the twentieth century with von Neumann architectures but is embedded in a far longer lineage, one tightly coupled to the historical development of capital. Such techniques are not particular to computers, but to computation (Bratton 2016: 79): a more general set of mechanisms for making discrete, for rendering people and things calculable. As Beller argues (2018: 1), “The rise of information itself is an extension of the ongoing quantification and instrumentalization of the life-world imposed by early capitalism.” Informational logics did not appear with the birth of the mainframe or the microchip but were instead anticipated far earlier through a slow buildup of socio-technical developments striving to know, to map, and to manage.

This historicization provides a way of contextualizing the imperatives and operations of our contemporary technologies. Such a framing runs counter to the common assumption that these technologies, and the conditions they usher in, are unprecedented. Proclamations of a “new age” or a “digital revolution” abound in business and popular literature (Brynjolfson and McAfee 2014; Sidhu 2016; Skinner 2018). Yet even for a far more sophisticated theorist like Byung-Chul Han (2017: 1), the novelty of digital media presents a crisis of understanding: “This new medium is reprogramming us, yet we fail to grasp the radical paradigm shift that is underway.” Such historical amnesia has allowed every development to be treated as unprecedented. We are suddenly jolted from In the Age of the Smart Machine (Zuboff 1989) to The Age of Surveillance Capitalism (Zuboff 2019). Framed as entirely novel, each situation seems to demand that we forget what has come before, tossing outdated assumptions and developing a whole new set of theories.

Of course, it is true that contemporary conditions are not identical to those of the eighteenth or even the twentieth century. New technologies do alter formations of labor and capital, they do exert force at global and local levels, they do reshape ways of being and doing. Yet the historical moments sketched above stress that these technical affordances are extrapolations rather than inventions, and that the imperatives that drive them have been seen before—they are evolutionary rather than revolutionary. Granted, this evolution is uneven rather than linear, composed of stops and starts, accelerations and brakings. Nevertheless its birth can be located in the past and its developments traced through history, a formalization and intensification over time.

Taking up this approach would allow future researchers to draw richer connections between seemingly disparate objects and events. After all, a multitude of different instruments, media, and structures have been historically employed to recalculate space and rationalize knowledge, to optimize tasks and organize labor. Such moments are linked not by their outward form but by their operative logics—by calculation, not representation. This framing opens up a theoretical perspective that is not locked within a particular medium of mass communication or ring-fenced by a particular time period. Instead, this approach speculates that the means constantly shape-shift in order to achieve the ends. What is the composition of this power—the capacities that survive and thrive, the politically effective devices and strategies that jump species into the next medial form? By exploring the substantive force exerted by technical formations across time, chronologies might be productively reorganized, connecting “the factory floor, the slave ship’s manifest, the spread sheet, the stock exchange” (Beller 2018: 21). Such connections would require a theory with the same kind of flexibility, a somewhat agnostic approach that acknowledges the specificity of things, forms, and tools, while always stressing the operational over the optical.

This historicization also foregrounds the social inequalities of calculative logics, highlighting how they often leverage racial, sexual, and cultural distinctions. Building on Gregory Bateson’s (1972: 459) famous line that information is the “difference that makes a difference,” Beller (2018: 12) stresses that this informational difference is always a social difference, one that recapitulates “historical forms of racialized and gendered violence” by putting the world “in-formation.” Thus while this precursor concept was evident in earlier work (Munn 2014), Beller’s work productively extends it and stresses in particular its racial substrate. Of course Beller is also building on the work of others, from the race-as-technology of Wendy Chun (2009) to the feminist formations of Donna Haraway (2015), Diane Nelson’s quantification of life (2015), and, most explicitly, the racial capitalism of Cedric Robinson (2000). Here Jodi Melamed’s (2015) compelling work on racial capitalism should also not be overlooked. In an article of the same name, she draws on Marx to show how processes of capitalization construct and reinforce social distinctions. “Processes of differentiation and dominant comparative logics create ‘certainties’ of discreteness, distinctness, and discontinuity,” she argues (79). Capitalism codifies difference, integrating formerly untapped relations into a formalized calculus. Indeed, such inequalities are integral to the production of value. Accumulation, Melamed concludes, requires “loss, disposability, and the unequal differentiation of human value, and racism enshrines the inequalities that capitalism requires” (77).

The two moments examined here foregrounded this racialization of information. If the slave trade was the cutting edge of maritime insurance, then the key financial instruments that emerged from it are the direct product of its logic of racial difference. In striving to render the Atlantic calculable, insurance policies’ acceptable loss of 10 percent on the “goods” of slaves codified a violent distinction. The force of the policy bore down on captains, captains bore down on sailors, and sailors on slaves. Given a potential insurrection, punishments or executions were enacted on those individuals deemed to pose the most risk, an acceptable “sacrifice” legitimated through maritime law and necessary to ensure the capitalization of the total at the end of the voyage. In the cold logic of capital, the sociocultural ancestry of the individual was stripped away, replaced instead by a disposable, interchangeable integer: a slave-unit. Epidermal difference, formalized and financialized, ensured that some perished while others prospered. Indeed, for Ta-Nehisi Coates (2017: 370), this is the real material difference that underpins the productive fiction of race—there are those who plunder and those who are plundered.

The racialized dimension of calculation appears again at the end of the Black-Scholes narrative. The development of an option pricing formula using a handful of inputs seemed to tame the terrain of financial risk, shifting trades from subjective hunch to empirical objectivity. Based on the formula, strategies like dynamic hedging fueled an explosive new market in derivatives and their variations. Yet the 2008 financial crash dramatically exposed the constraints of this calculative power. There was a general awareness that it was Main Street, rather than Wall Street, that had paid for this miscalculation, that “systemic economic risks and calculable damages have been transformed into elemental dangers for the dependent majority who are powerless to make decisions” (Vogl 2014: 298). Yet more specifically, the crash was triggered by the precarious base of “toxic assets” that underlay its highly leveraged positions—credit default swaps made of bundled home mortgages obtained from predatory lending practices. This meant that the crash’s material fallout of devaluation and foreclosures fell most heavily on black buyers, black houses, and black neighborhoods. Profits and losses, possession and dispossession, bailouts and evictions—these were divided not just along class lines, but along racialized lines.

This article has drawn together the black Atlantic and Black-Scholes to suggest an alternative approach, one that undermines the blinkered presentism and bright optimism that tends to dominate technological rhetoric. Far from being unprecedented, contemporary technologies are simply the most sophisticated instances of a long-standing dream: if space could be more comprehensively captured and coded, it could be more intensively capitalized. At the same time, this technically driven capitalization is often predicated on social difference, leveraging racial distinctions, among others, to amplify a space’s ability to accumulate capital. If these calculative logics have a long lineage, it is also a dark lineage, based on inequality and dispossession.

**You should reject the affirmative in favor of a cognitive strike. This refuses the internalization of relations that structures the racial capital of the world computer and disrupts the functioning of capitalism by engendering futilities that creates noise.**

Beller 21 (Jonathan Beller = Professor of Humanities and Media Studies and Critical and Visual Studies at Pratt Institute, “Introduction:  The Social Difference Engine and the World Computer,” in *The World Computer: Derivative Conditions of Racial Capitalism*, Duke University Press, pp. 183-189 BEH)

Given the sea change in the nature of **languages and images** themselves— their wholesale transposition and transformation from a means of **representation to a means of production**— the difficulty here is both with the substrate of communication (its bits) and with the us- versus- them perspective: we want to ban advertisers, but today we must also confront the disturbing possibility that we are them. Remember, “they” **program** “our” language and “our” imagination, “we” speak **“their” thought**— indeed, that is our work, or rather our labor. What to do with the fact that “we have seen the enemy and he is us?” One could say, one could want to say, “I don’t care who you are: if you live in the first world, if you live in the Global North, then fuck you! You ain’t no victim, even if you’re sick.” But who would be saying that? Probably some other Northerner, writing about how culture or the Venice Biennale, as if it were, could or should be more than a lavish spectacle of global suffering staged for a cosmopolitan elite. As capital’s nations, banks, armies, schools, languages, newspapers, and films did to its colonies and colonial subjects, the current **institutions from states to computer**- media companies do to “us”: they command us to make ourselves over **in capital’s image** for their own profit through networked strategies of **expropriation and dispossession**. “We” do it to ourselves, and our representations of **self and other are designed to sell** a version of ourselves back to ourselves so that we can perform further work on what is now the raw material for the next iteration of images. Therein lies our ontological lack, an ontological lack of solidarity and of even the possibility for solidarity. Therein lies the desire for and indeed necessity **to become a plantation manager** — the word is overseer. Though it is beyond the scope of this essay, this digital neocolonialism that practically commands global Northerners to in one way or another accept Nazism and genocide with their cappuccino could be understood as being on a continuum with the internal colonization of Europe by the German banks— which depends of course on the **distributed production of a kind of neoliberal “realism**” that Mark Fisher (2009) called “**capitalist realism,”** and was only ever a hair’s breadth away from fascism. This fact of our investment in and by advertising, the conversion of the sign to what I call the “advertisign,” poses a genuine problem for theory— indeed an unprecedented one. This problem is particularly evident considering the material conditions (class, nationality, education, race, language, et c.) of the participants in the would-be counterhegemonic theoretical discussions of culture and policy that presuppose the books, computers, schools, and institutions that sustain these. Those within the circuit of these discussions have already passed through a homogenization process which **programs them in compatible systems languages**. **Without submitting ourselves** and our own aspirations to radical critique, without conducting a Gramscian inventory of our ostensibly internal constitutions, we run the risk of merely trying to set up a **competing corporation** with a new business model. The revolution will not **be televised**; decolonization **will not be a brand.** Any would-be anticapitalist “we” runs this risk of coopting and cooptation from the get-go, particularly if it does not think about the materiality of **social production** from top to bottom: class, yes, but also race, nation, gender, sexuality, ability, geolocation, historical stratification. The world’s postmodern poor, the two billion– plus living on two dollars a day, also lab or to survive in the material landscape organized by the post- Fordist social factory its **anti- Blackness, its Islamophobia, its endless and mutating racism** and imperialism. However, from the standpoint of capital, **the role of those at the bottom is to serve as substrate** for image- production and semiosis; not only in factories, cottage- industries, subsistence farming, and informal economies, but also as starving Advertisarial Relationshordes; “irrational,” criminalized or surplused populations; subject- objects for policing, encampment, and bombing; desperate refugees; and even as voids in the idea of the world—as sites of social death. Forgive me, but I’d wager that no one capable of understanding these words can claim full exemption from the indictment they issue regarding structural complicity with the production and reproduction of everyday life. Humans **are troped (via discourse and the screen) to organize military production**, national policy, internment camps and prisons, bourgeois imaginations, museum shows, corporate strategy, and market projections. Let us clearly state here that **any program** that does not admit this excluded **planet into dialogues** **that vitiate** the **monologues imposed by capitalist** informatics and advertisigns is still floating in the realm of the ruling ideas **and therefore participant in murder.** These ruling ideas are the ones whose density and weight, whose material support and very machinery, threaten to further crush the late- capitalist poor out of not just representation but out of existence. This erasure and disposability, imposed by systems of informatic inscription designed to absorbe very output of sense, is the achievement of the advertisarial relations endemic to computational racial capitalism. When information is an advertisement for itself that presupposes the operating system of the world computer as virtual machine, **banning what we recognize as advertising on the internet, even if an excellent beginning,** is just not adequate to address these issues of representation, social justice, planetary and climate racism, and emancipation. To summarize: the forms of sociality which are the conditions of possibility for the online, informatically organized r elations— best characterized as advertisarial — run through e very sector and register of planetary life. The internet, while recognizable as an effect and a cause of the current form of **planetary production and reproduction**, cannot be considered in isolation as a **merely technical platform or set of platforms if its historical role is to be properly understood.** To take the internet as an autonomous technological force results in a species of platform **fetishism that disavows both the histories and material conditions** of its emergence, conditions that are, in short, those of screen culture and racial capitalism; this is to say that it, the internet, is the very means by which the capitalist suppression of global democracy (which is emphatically, economic democracy as well) has been accomplished and continues. If the internet is autonomous, it is because it expresses the autonomization of the value form. As noted previously, **with the hijacking of communications** and **semiotic infrastructures** by racial capitalism, the medium is the message and **the message is murder.** To ban advertising on the internet would be a good start— but what if the whole thing is advertising? **One reading of** what I have said thus far might suggest that, giv**en the expropriation of the cognitive- linguistic, our volition is overtaken by capital logic;** and given our inability to cogitate in any way that is genuinely resistant to capitalist expropriation, coercion, strictly speaking, **is no longer necessary to impose cooperation for capitalist production.** We “want” to cooperate productively, our desire— which, from the dispossession of even language and mind constitutes ourselves as subjects in the media ecology of the capital is t technical image, that is, in and through the organization of digital information—**is itself an iteration of capital, a script of becoming predestined to become capital**. The old language scored by the new image machines and their extractive algorithms locally organizes cooperative subjects who want to cooperate with vectoral capitalization. **We want to provide content in order to derive currency and survive.** Our solidarity on the internet produces more internet. Thus, in a certain way— and particularly since **we no longer properly have any thoughts of our own—we all collaborate in a world organized by images and screens, thereby participating more or less mindlessly in the seamless realization and triumphant apotheosis of the programming business.** However, I am sorry to have to report that the dystopian vision **here is not quite as bucolic as even this** already dreary picture of unwitting and irredeemable pulverization and servitude. While I do see that representation and semiotics have been increasingly flattened à la Orwell and Marcuse by a vast internalization of the apparatuses of oppression ( in which “**thought” is the** [productive] thought **of the [capitalist**] Party and “**repressive desublimation**” is an engine of capitalist- fascist **production)** the “old problems” like the hierarchy of class have not gone away; neither have racism, sexism, homophobia, transphobia, ableism, and fascist nationalisms ceased playing their roles to create vectors of privilege for white male– identifying aspiration. Indeed, most thought today, such that it is, is all about maintaining hierarchical society. **The thinking runs thus**: capital is nature, capital is eternal, capital is information is nature. Or, in a more pedestrian mode: **human beings are naturally acquisitive and competitive**, economic growth and technological advancement mean progress, **this tech provides**, **or almost provides,** a color- , gender- , and religion- blind society, and so on— and one must advance one’s place in it by any (crypto- or not- s o- cryptofascist**) means necessary.** Of course, there exists better thinking out there. Mia Mingus: “As organizers, we need to think of access with an understanding of disability justice, moving away from an equality based model of sameness and ‘we are just like you’ to a model of disability that embraces difference, confronts privilege and challenges what is considered ‘normal’ on every front. We don ’t want to simply join the ranks of the privileged; we want to dismantle those ranks and the systems that maintain them” (Mingus 2011, cited in Puar 2017: 16). However, there is **broad- band, ambient programming that facilitates assuming neo- liberal** and full-on **fascist subjective sovereignty**. This programming seeks triumphant brushes with plenitude (communion with the big Other, as distinct from the racial or otherwise other, becomes the ego- ideal) , and this same programming is violent, competitive, hateful, mean- spirited, and alienating when embraced—at the same time that it is also cooperative, simpering, and abject. Servitude, even when automatic and mostly unconscious, is unhappy and, as we can see any day from the daily news, utterly pathological and sick. Of course, this diagnosis represents a huge generalization, but despite its broad-brushing lack of subtlety we may find that such a schizoid oscillation between entitled adjudicator and abject supplicant sums up the contours of your average reality televisions how or comments section on YouTube. It is Bateson’s (2000) and Deleuze and Guattari’s (1977) schizophrenic, caught in the double- bind, who has become the capitalist norm— the one who struggles to negotiate in the form of contradictory signals the aporias of hierarchical society, while reproducing it, and all the while experiencing their own psychic dissolution as an injunction to create. 3 With this schizoid capture in mind, let me then develop my question about the internet— “ What if it is all advertising?”—in the framework of post- Fordist production. The argument is that, in the context of virtuosity and the expropriation of the cognitive- linguistic by computational racial capital, sociality itself has become advertisarial, a ceaseless waging of capitalized exploits designed to garner attention and value for oneself and one’s capitalistic. This situation represents— indeed imposes— a derivative logic, a logic **in which every action** is a hedge, a kind of risk management devoted to maximize a return. In addition to the fractalization of fascism, in which agency is manifest as a profile that has aggregated the attention of others, advertising has worked its way into the sign itself, into the image, and into data visualization, and it has generated the advertising . All signs become points of potential cathexis, derivative positions on the underlier that is social currency and ultimately value. This new type of sign is not simply the brand but also an element of vectoral language (Wark 2007): functionalized words in a production channel, engaging in the micromanagement of desire, the production of new needs, and the capturing of the imagination, all in order to induce linguistic and behavioral shifts in the attention of others while aggregating their attention for oneself— t urning their heads with an interface. This combination of the manipulation of market conditions (that is, everyday life) through techniques of risk management is no longer merely the province of advertising but of so- called tuman interactivity 188 Chapter 4(what was once just communication and before that culture), now become adversarial through and through. From Smythe’s claim in the “Blindspot” essay (1977) that all leisure time has become lab or time, to Virno’s (2004) notion of virtuosity, we have seen aspects of this model for the capitalist overdetermination of apparently unremunerated time before. However, here— with the financialization of expression—we clearly grasp that the financialization of everyday life means also the convergence of semiotics and financial derivatives. Given the thoroughgoing intensification of vectoral, and in fact matrixial, signs, we need to investigate its implications in the context of a discussion of radical media practice. I will make two additional points here before shifting gears and turning at the end of this chapter to what I identify as an aesthetics of survival—an aesthetics that emerges from within the matrix of adversarial, schizoid capture. The final chapter of this volume will endeavor to extend aspects of such socio aesthetic forms, those resistant to computational racial capitalism, to new notions of radical finance and the possibility of platform communism. If, as was already becoming true in the cinematic mode of production, the dominant means of representation have become the dominant means of production, the questions of and models for political agency are radically transformed, and the urgent need to decolonize communication and decolonize finance presents itself. Future communication will require a cybernetic approach, and, as wes hall argue, this cybernetic approach will necessarily be financial, though it will be reaching toward a different order and different mode of production. Like communism, because it will need to be communist, it will see economic transformation of the material relations of production and reproduction as essential to the revolution. It will draw on the repressed and extracted cognitive- linguistic resource of the racialized and other wise marginalized and configure ways to make our voices matter both as meaning and as tools for the reorginzation of the material world and the social relations therein prescribed. Language and images are neither inside nor outside; they are part of the general intellect— currently they are at once media of thought and of capital. We also know that languages and images are not isolable, meaning that they are not and have never been stand- alone entities but rather exist in relation to their media, their platforms, which are again inseparable from society and its institutions. Furthermore, each platform relates to another platform. Paraphrasing McLuhan, we could even say that the “content” of a media platform is another platform. Thusly the general intellect is inseparable from its media platforms and their financials. We see that the general intellect, once largely held in common, is increasingly being privatized; the very media of our thought belong to someone else . This expropriation of the media commons is precisely the precondition of the real subsumption of society 189 Advertisarial Relationsby capital. It is an extension of the ongoing expropriation begun by primitive accumulation and money as capital, and it has been accomplished through the financialization of media as platforms of extraction. The ramification of mediation by computation and information has resulted in its convergence into formats offering derivative exposure to underliers that are the expressive vitality and futurity of our communication. We therefore no longer have any organic relation to the materials for thought itself (sincerity has become a myth, at least in the medium- term of most circles)— t he words, images, and machines we require to think, to express ourselves, to interact, and to know have been ripped from the species and privatized via the longue durée of dissymmetrical exchange. We work on the words and images, but as numbers they belong to someone else. The media themselves have become forms of capital— forms of racial capital— and our usage of these media means that we work to add value that valorizes capital, for the capitalist and within a relation designed as much as possible to guarantee that our creative acts necessarily occur as dissymmetrical exchange with capital. I write this book in a discourse that does not just not belong to me because it is shared, but in a discourse that is increasingly the property of a set of institutions— publishers, journals, universities— that all have their eye on the bottom line. The means by which we most intimately know the world, ourselves, and our desires (our images and words) are themselves vectors of capitalization intent upon converting our very life- process into surplus value (which is to say value for capital). We need strategies that will seize the means of production and create a reverse subsumption of affect, intellect**, knowledge**, **capability, communication, and community.** When all media have converged as economic media, it is **economic media that must be re- engineered**. When all media have converged as economic media, it is economic media that must be re- engineered. Again, I think this subsumption of cognitive and affective capacity, the quasi-automating (scripting) of productive labor for capital, is what Stiegler means by the proletarianization of the nervous system—which would include the proletarianization of the pathways of feeling and thought. Our affective capacities are put to alienated and alienating work in the social factory, and their product too is alienated, producing ever-intensifying and ever-accumulating dispossession and disempowerment as the dialectical antithesis of its simultaneous production of unprecedented wealth and power for the cyborg avatars of the great media conglomerates. Intellect and emotional intelligence, the product of thousands of years of species- becoming, is being strip-mined so that extraction machines may continue their furious innovation to further discount people. I write this book aware of the pressure to think it just right, to at once extend thinking in order to command attention and produce new needs, but also to delimit it, to control myself, and to put the reins on whatever counterpower may rage within my body, because academia can tolerate only so much “bullshit” and no more. Yes sir, I’ll be careful not to cross that line, but a word to the woke: the bullshit is the best part. From a historical perspective, this encroachment on the means of representation—that Banksy and I and a billion others join the silenced majority in opposing—indicates that the individual subjective agent, itself a platform for sociality that developed with the rise of capitalism (as the subject who relates to other subjects in the market, the bearer of the commodity and thus its thought), is nearly **defunct.** As has been noted previously, in a world where life processes are stripped, ripped apart, rebundled, and sold as derivative exposures, the individual subject is an outmoded technology despite the fact that it still appears as a skeuomorph in certain updated technosocial apparatuses—like the latest forms of films, games, influencers, and versions of national politics that proffer invitations to momentary individualistic identification for the dividual purpose of providing a sense of familiarity and orientation. While palliative for some in small doses, such individuality is no longer a viable (which is to say, sustainable) fantasy. The real thought is that of the infrastructure, of the AI that codes our meat and scripts our sheets. Sure I take up the mantle for a few moments each day to appear as the agent of this text, suiting up as the operator of an intellect that might be adequate to the informatic shit-storm of racist, capitalist, imperialist, patriarchal, for-profit assaults, but then I drop off into an ocean of petty concerns, food shopping, and home repairs. And even when I say “I,” to perform as the nexus of all this insight, I also know that it’s hardly me talking. I’m just curating at the gates of shit that needs to be said, and hopefully titrating to let the right stuff through. That’s part of my politics though Dog knows that I could create a more lucrative named-professor type profile with just a little more discipline, a bit more self-interested adherence to the protocols of the academy’s factory code. Instead, there is the effort to overturn, to be or at least to live something beyond being the scribe of the world computer, to at once witness the drama of the emergence of the intelligence of commodification, testify to its outrage, and intimate the possibility of its overthrow. Such would be the art of this text, practiced at the limits of disciplinarity and of subjectivity, guaranteed by nothing and no one. The expiration of the subject form, imminent since the subject’s first intimation of mortality—and made structurally mandatory by Freud and especially, with the full-blown rise of the sign at the moment of it radical marginalization by visuality, by Lacan—is not necessarily a cause for lament, despite the increasingly intense fading of its incalculable beauty, its sad reduction to cliché. From a political perspective, it means that within each concrete individual body the presumed continuity of the individual is riddled with contradictory and indeed unassimilable indicators; it means also that there exists in differing quantities and qualities capitalist and noncapitalist striations or sectors. Hallways of emptiness, but also hallways of love. Like bundled assets, the mind-body is tranched by executable logics organized by a calculus of risk available to investors. There are, to be a bit simplistic, **aspects of desire that are** programmed (indeed farmed) to produce practices that function in perfect accord with capitalist accumulation strategies (individualizing or schizoid) and aspects of **desire that are atavistic or collectivist**, utopian, communist, or maybe even just plain lonely, and, in short, subprime. In reality, of course, desire is more singular than even such formalizations might indicate. Insert your favorite snippet of poetry here. Hortense Spillers in “All the Things You Could Be by Now If Sigmund Freud’s Wife Was Your Mother” (1997) invokes “the Dozens” and the music of and like that of Charles Mingus (152–3), to make present an “interior intersubjectivity”(140) testifying to the rich unaudited psychic life of what might today be called Blackness. There are vast resources beyond the easy resolution of hegemonic hermeneutics whether deployed by institutionally validated psychoanalysis or compressed by current systems of informatic extraction. In agreeing with Freud that consciousness makes up a small part of mental life when compared to the preconscious, the unconscious, dreams, and so on, but in rejecting the normative assumptions and disavowals (including his own Jewishness) that situate Freud and the psychoanalytic discourse that will become part of European and U.S. bourgeois society, Spillers recognizes a vast store of mental life and the possibility of listening anew. However, when speaking of politics now, we therefore necessarily speak of the abstract forms available for the conceptualization and deployment of concrete emergences whether referring to haecceities that are innumerable or collective forms of existence and psychic life actively mediating between “the one” and “the ‘masses’ ” (141). Let us listen anew. Acknowledging that we ultimately and if possible immediately want to “marry our thought” (Wynter 1994b: 65) to the wealth of subaltern forms of life and the care of the bios, allow me then to put the situation of the post- Fordist subject thusly: in Imperialism, the Highest Stage of Capitalism, Lenin (1939) showed how imperialist dividends complicated class issues in England, since many people, otherwise part of the working class, got a share of the dividends of imperialism by clipping the coupons of their investments in racist, exploitative British enterprises across the globe. Today this race-based class fractionalization is fully internalized in the Global North; on our iPads built by Chinese slaves from blood metals extracted from the Congo, we may momentarily feel like biomorphically unmarked nobles in the global cosmopolis; while on the job market or when simply seen in our raced and gendered embodiments, we are abjects. Materially and intellectually we are nodal points on a global network. The signal oscillates between narcissistic megalomania and utter abjection and can be affected by a billion parameters taking us from melancholia to outrage. **Thus, even the concrete individual is composed of class fractions, race fractions, gender fractions.** In the form of signs, we clip coupons that validate our investments. The language of object-identification, we observe here, cannot really keep up with the fluctuations resulting from the throughput of code as we work to identify and disidentify our agency. Can we audit a different mode of emergence, a different futurity than one inexorably overcoded by capital? Of course this is still somewhat simplistic and also class-specific, as many (billions even) never get to participate as an enfranchised global citizen in any aspect or moment of life, even if the lived experience of these same billions is radically overdetermined by the class(es) from which they are excluded.4 The gilded poverty of the enfranchised, as opposed to the mere poverty of the rest, is now a measure of connectivity. A more complete view is that we are the product of the world system and thus everything we are has been produced vis-à-vis globalization, and therefore everything bears the trace of the system in its entirety (again, in varying proportions). This conceptualization of concrete individuals (bodies) as global communitarian products forced to varying degrees into templates of individualized risk by capitalist states, is not to erase class; however, it suggests that, just as Fanon saw the great European metropoles as the product of third world labor, we are all products of the worst conditions prevailing in the Global South and around the planet. Global inequality is internal to **our being**. It is us. How then does one (such a one who is relatively enfranchised by the derivative language of texts such as this one) inventory those relations and produce them as formations of solidarity rather than as disavowed residuum? Is there another data-sphere, a communist one? Can we build communist interfaces, networks, **and finance?** How would **we register,** track, amplify, and render actionable the communitarian affinities, **solidarities, obligations, and debts**, the resources in the wake of too many genocides to count, that in actual practice **underpin the official economy,** collective life, and whatever authentic hope is left to our species? Perhaps we have arrived at a question worthy of theory: Is there, could there be communist algorithms? Communist derivatives? Derivative communism? We are looking for that path. To add to my point about the shifting, distributed character of political actors—that goes so far as to suggest that we can no longer think only of actors but rather must think of vectors and fields in addition to thinking of the resources developed in cultures of survival—I will make a second observation. **A political intervention** in the advertisarial relations that have this planet heading toward environmental doomsday requires not only revolutionary policy but revolutionary culture. (I defer further discussion of a third requirement, revolutionary finance, to the final chapter.) This culture must take into account that, for many on this planet, Armageddon is not the future but an **ongoing constant**. My call here (which should not be entirely unfamiliar, as it gives petit bourgeois intellectuals something important to do) is to (re)politicize semiotic and affective structures and practices, including and perhaps especially those we might control, for example our own utterances—our expression. Of course, to call them “our own” seems to contradict what I’ve said about the expropriation of the cognitive- linguistic and the intensification of aphanisis by visual, verbal, and digital media derivatives, but it is here precisely that we confront one of the significant material contradictions of our time: who or what speaks in us? This question, which I shorthand using the phrase the politics of the utterance and which you can experience palpably right now (as you endeavor to think), seems to me to insist that **our idea-making** must actively produce its solidarity with the dispossessed. We must struggle for the **radical constellation.** The question concerning the politics of the utterance, asked here in a strange passage of this text through a beyond-academic terrain, a moonless forest the traversal of which may or may not at this point lead us back to the plot, also raises the question of becoming, as well as the questions of agency and of action within the capitalist image— programmable images, racializing and racist images that, in the terms we have set out, are functionally omnipresent. Continuous media throughput has generated a capitalist imaginary structuring both language function and imaging processes, coordinated at scales and by calculative logics that exceed individual comprehension. Though the occasion is upon us, **we must struggle for space and time to think. We must** open a spread on which to bet against the dominant order. We glimpse, and we feel, that to insist upon the unremitting relevance of both culture-making and of cross-cultural transnational solidarity helps **to avoid platform fetishism** because it sees the internet and its machines not as a set or collection of autonomous technologies but as a historically emergent system of value-expropriative communication and organization, built directly upon older but nonetheless contemporaneous forms of inequality, including but not limited to historically emergent techniques of gendering, racialization, and imperialism, and embedded in the living flesh of the world. All of this calculative interconnectivity and networked agency implies, contradictorily, in fact, that the internet is not all advertising—but neither is advertising all advertising. It is also murder and struggle. Banksy knows that. The advertisarial relation is the programmatic relation encrypted in the apparatuses of capital: the war of each against all, taken all the way from finance, computation, and surveillance to the speech act and the imagination in accord with the autopoietic algorithm of the distributed Leviathan. Marx himself saw capitalism as vampiric, and today’s processes of **capitalization are even more totalitarian**, more widely distributed, and more blood-, life-, and indeed soul-sucking than even in prior eras—though such comparisons **don’t do those killed by past iterations of capitalism any good.** Despite the disavowals to the contrary, we recognize that capital needs labor, needs metabolic time more desperately and more voraciously than ever before (what else is biopolitics?) and, furthermore, that it wages war on life-time on all fronts, in order to secure labor power, its product and basis, at a discount. The pyramids of inequality become internal fractals, and even as the base broadens, the tip with the all-seeing eye (that is not a subject) ascends ever higher. **We do not** yet **know what can be destroyed** or indeed built with the massive appropriation of Banksy’s rocks, but we do know that at present **there is** total war against our using them to build anticapitalist, nonhierarchical, horizontal, solidary sociality. The refusal or détournement **of capital’s encroachment** **is** itself a creative act. Perhaps we have only **begun to glimpse what** a total **refusal might achieve.**

### 1NC---K

#### Next off is T private sector

#### The means the entire group.

Merriam-Websters 8 Online Collegiate Dictionary, http://www.m-w.com/cgi-bin/dictionary

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### Private sector means all non-governmental persons or entities, including non-profits

Senate Report 95 (Senate Report. 104-1, “UNFUNDED MANDATE REFORM ACT OF 1995,” <https://www.congress.gov/congressional-report/104th-congress/senate-report/1> , date accessed 9/10/21)

"Private sector" is defined to cover all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

#### A topical aff could change a universally-applied standard, like the CWS [Consumer Welfare Standard]

Phillips 18, commissioner on the Federal Trade Commission. (Noah J. November 1, 2018, Before the Federal Trade Commission, “Competition and Consumer Protection in the 21st Century,” <https://www.ftc.gov/system/files/documents/public_events/1415284/ftc_hearings_session_5_transcript_11-1-18_0.pdf>)

Our second topic today is the consumer welfare standard. And I think most folks even out in the public know, this is the standard that we use across the board, mergers and conduct in courts and at agencies, to judge anticompetitive conduct. It is not only a standard that we in the U.S. apply, it is a standard that is used by competition agencies around the world. It is an economically-grounded standard, and it requires that there be harm to consumers for conduct to be condemned. Mere harm to competitors is considered insufficient. So let me repeat that again. There has to be harm to consumers, not just competitors. The reason that is so, the reason harm to competitors is considered insufficient is because sometimes a less-efficient firm losing sales or market share to a cheaper, more innovative or efficient rival, can be and often is consistent with vibrant competition and with outcomes that benefit consumers. Courts and agencies have embraced this standard for decades. Today, there are two very important discussions going on about the consumer welfare standard, and they are happening simultaneously. And I think it is important that we understand that there are two conversations going on. One is a continuing discussion about how we apply the standard, regarding whether enforcement is at the appropriate level, whether it is properly targeted. This is an introspective question on some level, in which scholars, economists, practitioners, and enforcers all ask ourselves, are we bringing the right kinds of cases? Are we using the right kinds of evidence? Should we be doing more or less in certain places? The antitrust bar, the business community, and others benefit from this ongoing and active analysis. The second discussion happening now, and the one on which today’s consumer welfare standard panels will focus, is whether the standard is itself the right metric we ought to use in antitrust enforcement and in antitrust law; some argue that enforcement under the consumer welfare standard has failed because of the law, and accordingly, that we should reform the law.

#### Violation: the aff applies exclusively to conduct in a specific segment of the private sector.

#### Vote neg:

#### FIRST---limits and ground---the number of potential subsets is infinite---any industry, product, single companies, individuals---undermines clash. Only big affs have link uniqueness.

#### SECOND----precision---our interp has intent to define, exclude and is in legislative context.

## Advantage 1

### 1NC---Turn

#### Blockchain massively environmentally destructive.

Li 21 (Tiffany, MSNBC Opinion Columnist, “Bitcoin, NFTs and other crypto fads are destroying our planet,” 15 March 2021, <https://www.msnbc.com/opinion/bitcoin-nfts-other-crypto-fads-are-destroying-our-planet-n1261139>, DOA: 9-17-2021) //Snowball

It’s a fascinating technology, but unfortunately it takes a tremendous amount of energy to power these computers at the scale currently needed to sustain and grow crypto markets. A new study from Cambridge University found that mining bitcoin, perhaps the best known blockchain-backed digital currency, now consumes more energy per year than the entire nation of Argentina. Another study estimates that bitcoin’s carbon emissions are on track to equal that of the entire city of London. Scholars also argue that bitcoin emissions alone could raise the Earth’s temperature by two degrees. Surely this is not a sustainable technology, especially given our current, ever-worsening climate crisis.

### 1NC---!D---Food Wars

#### Food insecurity doesn’t cause war.

Vestby et al 18, \*Jonas, Doctoral Researcher at the Peace Research Institute Oslo, \*\*Ida Rudolfsen, doctoral researcher at the Department of Peace and Conflict Research at Uppsala University and PRIO, and \*\*\*Halvard Buhaug, Research Professor at the Peace Research Institute Oslo (PRIO); Professor of Political Science at the Norwegian University of Science and Technology (NTNU); and Associate Editor of the Journal of Peace Research and Political Geography. (5/18/18, “Does hunger cause conflict?”, *Climate & Conflict Blog*, <https://blogs.prio.org/ClimateAndConflict/2018/05/does-hunger-cause-conflict/>)

It is perhaps surprising, then, that there is little scholarly merit in the notion that a short-term reduction in access to food increases the probability that conflict will break out. This is because to start or participate in violent conflict requires people to have both the means and the will. Most people on the brink of starvation are not in the position to resort to violence, whether against the government or other social groups. In fact, the urban middle classes tend to be the most likely to protest against rises in food prices, since they often have the best opportunities, the most energy, and the best skills to coordinate and participate in protests.

Accordingly, there is a widespread misapprehension that social unrest in periods of high food prices relates primarily to food shortages. In reality, the sources of discontent are considerably more complex – linked to political structures, land ownership, corruption, the desire for democratic reforms and general economic problems – where the price of food is seen in the context of general increases in the cost of living. Research has shown that while the international media have a tendency to seek simple resource-related explanations – such as drought or famine – for conflicts in the Global South, debates in the local media are permeated by more complex political relationships.

### 1NC---COVID Thumper---Food Security

#### COVID thumps food security.

Rudolfsen 20, doctoral researcher at the Department of Peace and Conflict Research at Uppsala University and PRIO. (Ida, 7/27/20, "COVID-19, Food Access, and Social Upheaval", *Climate & Conflict*, https://blogs.prio.org/ClimateAndConflict/2020/07/covid-19-food-access-and-social-upheaval/)

According to the World Food Program’s (WFP) latest report, the COVID-19 pandemic will lead to an 82 percent increase in global food insecurity, affecting around 270 million people by the end of the year. On June 29, the organization announced it is undertaking its largest humanitarian effort to assist an increasing number of food-insecure low- and middle-income countries. In a statement about the plan, WFP Executive Director David Beasley said that “until the day we have a medical vaccine, food is the best vaccine against chaos. Without it, we could see increased social unrest and protests, a rise in migration, deepening conflict, and widespread under-nutrition among populations that were previously immune from hunger.”

Why is the pandemic leading to more food insecurity? And why is David Beasley talking about social unrest and protest in connection with food?

As COVID-19 spreads around the world, fears are mounting of how the pandemic might impact and disrupt food distribution channels (e.g., transport disruptions) and disruption in the production of staple foods (e.g., labor shortages due to quarantine measures).

So far, food supply chains have been defined as essential by governments, exempting them from most lockdown measures. Thus, the impact on supply chains has been indirect, mainly caused by reduced income and remittances. A loss of income makes it harder for poor people to access affordable food but also impacts food systems by making it more difficult for producers to sell foodstuffs, since consumer’s ability to buy food declines. Governments, especially in low- and middle-income countries, will therefore have to implement policies that avoid supply chain disruptions and higher food prices.

But what do food insecurity and food prices have to do with protest and violence? The answer: it’s complicated.

The pandemic is spreading at a time when the number of severely food insecure people in the world had already increased—by more than 820 million people before the pandemic started—adding stress to areas already hardly hit by extreme weather events, armed conflict, and low economic development. However, most of these areas have not seen widespread unrest.

## Advantage 2

### 1NC---!D---China Hegemony

#### No Chinese hegemony.

Shifrinson 21, Assistant Professor of International Relations at Boston University. (Joshua R. Itzkowitz, Winter 2021, “Neo-Primacy and the Pitfalls of US Strategy toward China”, *The Washington Quarterly*, 43:4, pg. 88-89)

The China Threat May Be Over-Hyped

First, and at the most basic level, it is not obvious that the China threat is as draconian as neo-primacy allows. To be sure, China is a more capable competitor than the United States has faced in many decades (and perhaps ever). Even compared to the Soviet Union, China enjoys a more dynamic economy, is better integrated into international institutions, has a larger and more homogenous population, and is geographically closer to the arena of major strategic contestation.51

That said, China is in a less advantageous position to do much with the capabilities at its disposal. On one level, Beijing does not enjoy the power vacuums along its periphery enjoyed by the Soviet Union during the heyday of the USSR’s post-war growth. It remains hemmed in by geography while potential balancers such as Japan, India, and Australia all retain significant latent capabilities that could be devoted to defense; many such counter-balancers have given strong signals of their inclination to oppose Chinese aggrandizement.52 These points also interact, giving a defensive advantage to many of the states along China’s periphery and underlining that a Chinese quest for regional hegemony or sphere of influence can be opposed by states positioned to help frustrate Chinese ambitions.

In essence, China is a threat, but it may not be the near-hegemon poised to ride roughshod over East Asia, cowing all local actors or carving off a sphere of influence, that neo-primacy assumes. By making more of the China threat than warranted, neo-primacy thereby risks creating a broader and deeper contest with Beijing than is warranted.

### 2AC—“China Threat”

#### Their threatening characterization of China is a xenophobic mentality that stems from the Cold War aversion to socialism.

Sui 18 (Yu, Professor, China Center for Contemporary World Studies, “The ‘China Threat’ Fallacy,” 23 March 2018, <https://www.chinausfocus.com/peace-security/the-china-threat-fallacy>, DOA: 1-31-2020) //Snowball //strikethrough of rhetoric

The ‘China threat’ has dominated the Western view of China since the end of the Cold War, especially that of the US. It is the fundamental reason behind the American reluctance to respond to China’s proposal to jointly develop a new model of major-country relations, resulting in twists and turns in bilateral relations.

The fabricants and pushers of China threat arguments don’t like socialism. They always want to change China’s color, and use the China threat as an excuse. As the Chinese proverb goes, ‘the well water does not intrude into the river water’, i.e., each one should mind his own businesses. History has made it very clear that any attempt to impose oneself on others will go nowhere.

Therefore, the China threat arguments are made to threaten China.

Second, the China threat allegations are ~~paroxysmal~~. Since the founding of New China, China threat theories have been common. But there have been ups and downs along with the changing international situation and attackers’ mindsets.

In the nearly thirty years since the end of the Cold War, there have been three waves of China threat choruses.

The first came upon Soviet disintegration and the outstanding achievements in China with reform and opening-up. While congratulating itself on the Soviet collapse, the West resorted to China threat propaganda to try to break down socialist China. Deng Xiaoping saw it clearly and proposed the approach of observing calmly, holding our position, meeting challenges with composure, keeping a low key, never taking the lead, biding our time, and making some difference when opportunities allow. As such, China stood unmoved and continued steadily along the path to peaceful development.

The second wave arrived when the US started to go downhill. Since the beginning of the new century, the US suffered from the September 11 attacks, the Iraq War and the financial crisis, whereas China became the world’s second largest economy in 2011. The striking contrast between the malfunctioning capitalist system and the successful China model prompted another round of China threat warnings.

The third wave is most recent, emerging after the 19th National Party Congress produced a grand plan for China. In face of the glorious achievements in developing socialism with Chinese characteristics, various new terms, such as ‘sharp power’, ‘creditor imperialism’ or ‘new imperial power’, have emerged, adding inflammatory new details to the China threat fallacy.

Third, scoundrelism plays a role. Fabricants and propagators of the China threat fallacy have rather different backgrounds. I’d say an overbearing arrogance was behind the initial creation of this theory. These are people who regard themselves as number one in the universe, do not accept diversities of civilization and do not allow other peoples to choose their own social system, path to development, or way of life on the basis of their own national conditions and popular will. Those people tend to have misgivings or concerns with China’s robust growth. Both fail to seek truth from facts or to shake off the Cold War mentality.

Fourth, the China threat arguments can be extremely deceptive. The West has strong mass media. The ‘China threat’ arguments are indeed able to deceive people with traditional bias against China, especially those who are ignorant of the facts. The mass media is used to distort China’s image, exaggerate existing problems (which are already being handled), and interpret everything along China threat lines.

It goes without saying that countries both cooperate with and compete against one another at the same time. The combination of cooperation with competition leads to mutual benefit. However, advocates of the China threat deliberately overstate the reasonable competition between countries as a confrontation, fooling many.

Fifth, the arguments are fragile. They can’t stand the test of time because fundamentally they are unrealistic and illogical.

# 2NC

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#### Data denies environmental progress.

Hickel 20, Fellow of the Royal Society of Arts, Visiting Senior Fellow at the International Inequalities Institute at the London School of Economics, and Senior Lecturer at Goldsmiths, University of London. He serves on the Statistical Advisory Panel for the UN Human Development Report 2020, the advisory board of the Green New Deal for Europe, and on the Harvard-Lancet Commission on Reparations and Redistributive Justice. (Dr. Jason Hickel, 10-27-2020, "Degrowth: A response to Branko Milanovic", *Jason Hickel*, <https://www.jasonhickel.org/blog/2017/11/19/why-branko-milanovic-is-wrong-about-de-growth>) \*Note: the url has a different date/title than the article---that’s not a cite mistake, just a website quirk

6. Green growth is not a thing

Milanovic believes that technology will come to our rescue, and make growth “green”. Unfortunately there is a strong consensus against this assumption. We have reviewed the relevant empirical evidence here (“Is green growth possible?”), examining both CO2 emissions and resource use.

Briefly, about CO2, the question is not whether GDP can be decoupled from emissions (we know that it can be), the question is whether this can be done fast enough to stay within safe carbon budgets while growing GDP at the same time. And the answer to this is no. More growth entails more energy use, and more energy use makes it all the more difficult to cover that demand with renewables. The only scenarios that succeed in reducing emissions fast enough to keep us under 1.5 or 2C involve a reduction in resource and energy use (in other words, degrowth). I discuss this in more depth here. This 2020 review examines 835 empirical studies and finds that decoupling alone is not adequate to achieve climate goals; it requires what the authors themselves refer to as “degrowth” scenarios. This paper in Nature Sustainability comes to similar conclusions.

As for resources: resource use continues to rise along with GDP (despite significant efficiency improvements, and a significant shift to services and knowledge as share of GDP), and indeed all existing models indicate that absolute decoupling is unlikely to happen, even under strong policy conditions. See here and here for more.

Ward et al (2016) find that even the most optimistic projections of efficiency improvements yield no absolute decoupling in the medium and long term. The authors state: “this result is a robust rebuttal to the claim of absolute decoupling”; “decoupling of GDP growth from resource use, whether relative or absolute, is at best only temporary. Permanent decoupling (absolute or relative) is impossible… because the efficiency gains are ultimately governed by physical limits.” Schandl et al (2016) find the same thing. Even in their best-case scenario projection, global material consumption still grows steadily. The authors conclude: “Our research shows that while some relative decoupling can be achieved in some scenarios, none would lead to an absolute reduction in energy or materials footprint.”

Our review was published in 2019, and the literature on this has grown since: i.e., here and here… the latter paper reviews 179 studies on decoupling published since 1990 and finds “no evidence of economy-wide, national or international absolute resource decoupling, and no evidence of the kind of decoupling needed for ecological sustainability.” Here is a 2020 meta-analysis of all available data on GDP and resource use, which comes to the same conclusion.

#### Renewables under capitalism wreak havoc on global ecosystems and cause neocolonial resource scrambles – magnifies extraction.

Hickel 19, PhD, Fellow of the Royal Society of Arts, Senior Lecturer at Goldsmiths, University of London. (Jason, 5-6-2019, "The Limits of Clean Energy", *Foreign Policy*, https://foreignpolicy.com/2019/09/06/the-path-to-clean-energy-will-be-very-dirty-climate-change-renewables/)

We need a rapid transition to renewables, yes—but scientists warn that we can’t keep growing energy use at existing rates. No energy is innocent. The only truly clean energy is less energy.In 2017, the World Bank released a little-noticed report that offered the first comprehensive look at this question. It models the increase in material extraction that would be required to build enough solar and wind utilities to produce an annual output of about 7 terawatts of electricity by 2050. That’s enough to power roughly half of the global economy. By doubling the World Bank figures, we can estimate what it will take to get all the way to zero emissions—and the results are staggering: 34 million metric tons of copper, 40 million tons of lead, 50 million tons of zinc, 162 million tons of aluminum, and no less than 4.8 billion tons of iron. In some cases, the transition to renewables will require a massive increase over existing levels of extraction. For neodymium—an essential element in wind turbines—extraction will need to rise by nearly 35 percent over current levels. Higher-end estimates reported by the World Bank suggest it could double. The same is true of silver, which is critical to solar panels. Silver extraction will go up 38 percent and perhaps as much as 105 percent. Demand for indium, also essential to solar technology, will more than triple and could end up skyrocketing by 920 percent. And then there are all the batteries we’re going to need for power storage. To keep energy flowing when the sun isn’t shining and the wind isn’t blowing will require enormous batteries at the grid level. This means 40 million tons of lithium—an eye-watering 2,700 percent increase over current levels of extraction. That’s just for electricity. We also need to think about vehicles. This year, a group of leading British scientists submitted a letter to the U.K. Committee on Climate Change outlining their concerns about the ecological impact of electric cars. They agree, of course, that we need to end the sale and use of combustion engines. But they pointed out that unless consumption habits change, replacing the world’s projected fleet of 2 billion vehicles is going to require an explosive increase in mining: Global annual extraction of neodymium and dysprosium will go up by another 70 percent, annual extraction of copper will need to more than double, and cobalt will need to increase by a factor of almost four—all for the entire period from now to 2050. The problem here is not that we’re going to run out of key minerals—although that may indeed become a concern. The real issue is that this will exacerbate an already existing crisis of overextraction. Mining has become one of the biggest single drivers of deforestation, ecosystem collapse, and biodiversity loss around the world. Ecologists estimate that even at present rates of global material use, we are overshooting sustainable levels by 82 percent. Take silver, for instance. Mexico is home to the Peñasquito mine, one of the biggest silver mines in the world. Covering nearly 40 square miles, the operation is staggering in its scale: a sprawling open-pit complex ripped into the mountains, flanked by two waste dumps each a mile long, and a tailings dam full of toxic sludge held back by a wall that’s 7 miles around and as high as a 50-story skyscraper. This mine will produce 11,000 tons of silver in 10 years before its reserves, the biggest in the world, are gone. To transition the global economy to renewables, we need to commission up to 130 more mines on the scale of Peñasquito. Just for silver. Lithium is another ecological disaster. It takes 500,000 gallons of water to produce a single ton of lithium. Even at present levels of extraction this is causing problems. In the Andes, where most of the world’s lithium is located, mining companies are burning through the water tables and leaving farmers with nothing to irrigate their crops. Many have had no choice but to abandon their land altogether. Meanwhile, chemical leaks from lithium mines have poisoned rivers from Chile to Argentina, Nevada to Tibet, killing off whole freshwater ecosystems. The lithium boom has barely even started, and it’s already a crisis. And all of this is just to power the existing global economy. Things become even more extreme when we start accounting for growth. As energy demand continues to rise, material extraction for renewables will become all the more aggressive—and the higher the growth rate, the worse it will get. It’s important to keep in mind that most of the key materials for the energy transition are located in the global south. Parts of Latin America, Africa, and Asia will likely become the target of a new scramble for resources, and some countries may become victims of new forms of colonization. It happened in the 17th and 18th centuries with the hunt for gold and silver from South America. In the 19th century, it was land for cotton and sugar plantations in the Caribbean. In the 20th century, it was diamonds from South Africa, cobalt from Congo, and oil from the Middle East. It’s not difficult to imagine that the scramble for renewables might become similarly violent. If we don’t take precautions, clean energy firms could become as destructive as fossil fuel companies—buying off politicians, trashing ecosystems, lobbying against environmental regulations, even assassinating community leaders who stand in their way.

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#### Other parts of the US code concur

US Code 96 (United States Code, 2 U.S. Code § 658 – Definitions, <https://www.law.cornell.edu/uscode/text/2/658#9> , Section effective Jan. 1, 1996, date accessed 9/10/21)

(9) Private sector

The term ``private sector'' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

#### It must be repeated, customary, and the usual mode—a singular act cannot constitute a practice

Ohio Court of Appeals 59 (YOUNGER-judge. Opinion in City of Defiance v. Nagel, 108 Ohio App. 119 - Ohio: Court of Appeals 1959, Google scholar caselaw, date accessed 8/25/21)

As used here, the noun, "practice," means an actual performance habitually engaged in; often, repeated, or customary action; usage; habit; custom; or the usual mode or method of doing something. Therefore, in this instance, the practice of doing something cannot be proved by the proof of or the admission of one single act. Criminal statutes and ordinances are to be strictly construed.

#### Also uniformity and universality—not isolated

Hanson 67 (HANSON, District Judge. Opinion in Guenther v. Morehead, 272 F. Supp. 721 - Dist. Court, SD Iowa 1967, Google scholar caselaw 8/25/21)

The Court dealt with the interpretation of the word "practice" in determining on p. 682 that:

"While conceivably a consistent course of conduct, even with respect to nonpayment of bills, might in time become a `practice', it is difficult to see how a single instance of the nonpayment of a bill could be so denominated.

`Practice' ordinarily implies uniformity and continuity, and does not denote a few isolated acts, and uniformity and universality, general notoriety and acquiescence, must characterize the actions on which a practice is predicated." (Citations omitted.)

The cases of United States v. Donahue Bros., 59 F.2d 1019 (8th Cir.) and Swift & Co. v. United States, 317 F.2d 53 (7th Cir.) were found to be grounded upon that distinction. This Court would add Bowman v. United States Department of Agriculture, 363 F.2d 81 (5th Cir.) to the cases falling within the "continuity of conduct" category.

#### Their reading is a limits nightmare

Crick et al 16 (Florence Crick-Grantham Research Institute on Climate Change and the Environment, The London School of Economics and Political Science, London. Mamadou Diop-Innovation Environnement Développement (IED) Afrique, Dakar, Senegal. Momadou Sow-Innovation Environnement Développement (IED) Afrique, Dakar, Senegal. Birame Diouf-Independent consultant, Senegal. Babacar Diouf-Independent consultant, Senegal. Joseph Muhwanga-Kenya Markets Trust (KMT), Nairobi, Kenya. and Muna Dajani- Department of Geography, The London School of Economics and Political Science, London. “Enabling private sector adaptation in developing countries and their semi-arid regions – case studies of Senegal and Kenya” Centre for Climate Change Economics and Policy Working Paper No. 291 Grantham Research Institute on Climate Change and the Environment Working Paper No. 258, <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/57692/IDL-57692.pdf> , December 2016, date accessed 7/19/21).

In addition, it is important to disaggregate the term private sector and not treat it as a homogenous entity. It covers all types of businesses that can be formal or informal and range from micro enterprises, such as local entrepreneurs and smallholder farmers, through to multinational companies operating in a multitude of countries across the world. Not all businesses possess the same capacity to consider climate change within their operations and not all businesses will require the same type of support or facilitating environment to adapt to climate change (Lonsdale et al, 2010; Pulver and Benney, 2013). In particular, small and medium enterprises (SMEs), which form a critical part of the economy in developed and developing countries, are considered highly vulnerable to climate change. They are considered to be amongst the most affected by extreme weather events and with a low ability to deal with and respond to such events (Yoshida and Deyle, 2005; Runyan, 2006; Wedawatta et al, 2010; AXA and UNEP, 2015). The impact of climate change on SMEs will have wide-ranging social and economic consequences in developing countries, as SMEs provide most employment opportunities, contribute to economic growth and are also local players strongly integrated into their communities. SMEs have the potential to integrate women and other marginalised groups into society (AfDB, 2013b). With their role in driving local development, as well as their ability to innovate and to build community resilience, SMEs are seen as important drivers for societal adaptation (Dougherty-Choux et al, 2015). Therefore, it is critical to better understand how to provide an enabling environment to support their adaptation to climate change. Yet, to date much of the literature on private sector adaptation has tended to focus on the larger companies and those based in developed countries.

#### A--single industries – here’s a shortlist.

Select USA No Date (“INDUSTRIES”, <https://www.selectusa.gov/industries> , date accessed 9/11/21)

The United States is home to the most innovative and productive companies in the world, forming a diverse and competitive group of industry sectors. The U.S. industries highlighted here are exceptionally dynamic and represent key opportunities for global growth and success.

Aerospace

Agribusiness

Automotive

Biopharmaceuticals

Chemicals

Consumer Goods

Energy

Environmental Technology

Financial Services

Logistics and Transportation

Machinery and Equipment

Media and Entertainment

Medical Technology

Professional Services

Retail Trade

Software and IT Services

Textiles

Travel, Tourism, and Hospitality

#### B--single companies – there are 32 million

FedCommunities 9/9 (“Small-business owners: Share your experiences with credit access this past year” , <https://fedcommunities.org/data/2021-take-federal-reserve-small-businesses-credit-survey/> , September 9, 2021, date accessed 9/11/21)

There are 32.5 million small businesses in the United States. That’s 32.5 million stories of small-business ownership. Representative data drawn from these stories can shed light on more universal experiences.

#### Or nonprofits -- 1.5 million

Candid Learning No Date (“How many nonprofit organizations are there in the U.S.?” , <https://learning.candid.org/resources/knowledge-base/number-of-nonprofits-in-the-u-s/> , date accessed 9/11/21)

According to the National Center for Charitable Statistics (NCCS), more than 1.5 million nonprofit organizations are registered in the U.S. This number includes public charities, private foundations, and other types of nonprofit organizations, including chambers of commerce, fraternal organizations and civic leagues.

#### Prohibitions apply globally.

Hamer et al 16 (Mark H. Hamer is a partner in Baker & McKenzie's Washington, DC office and Chair of the Firm’s North American Antitrust and Competition Practice Group. Celina Joachim is a partner in Baker McKenzie's Houston office and certified in labor and employment law by the Texas Board of Legal Specialization. She represents management in all aspects of labor and employment law, including employment arbitration, litigation, counseling, and traditional labor law. Cynthia Jackson is a partner in the Compliance Group in Baker & McKenzie's Palo Alto office. “US Federal Agencies Issue Joint Guidance for HR Professionals Warning of Criminal Liability for Wage-Fixing and No-Poaching Agreements” , <https://www.globalcompliancenews.com/2016/11/15/us-issues-guidance-for-hr-professionals-wage-fixing-20161110/> , NOVEMBER 15, 2016, date accessed 9/5/21)

US antitrust prohibitions can apply to global conduct when there is a negative effect on competition in the United States. For instance, agreements between non-US companies, or transactions driven outside of the US, that include US compensation data, wage or benefit sharing, and/or no-hire / no poach or wage fixing agreements which impact US workforces will be in violation of this new guidance and constitute unlawful antitrust agreements. Multinational employers should therefore be mindful of sharing data or entering into such restrictive agreements where they involve US workforces.

#### And affect single products.

Markham 11 (Jesse W. Markham, Jr-\* Marshall P. Madison Professor of Law, The University of San Francisco School of Law. “LESSONS FOR COMPETITION LAW FROM THE ECONOMIC CRISIS: THE PROSPECT FOR ANTITRUST RESPONSES TO THE “TOO-BIG-TO-FAIL” PHENOMENON” , FORDHAM JOURNAL OF CORPORATE & FINANCIAL LAW, Vol. 16, Issue 2, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1281&context=jcfl> , 2011, date accessed 9/11/21)

A merger is not the only setting in which antitrust champions scale efficiencies. At the retail level, economies of scale constitute a legitimate reason for a manufacturer to limit intrabrand competition by imposing vertical restraints.92 Antitrust law also generally tolerates combinations of competitors into joint ventures to achieve economies of scale, with the presence of such efficiencies removing a challenge from the application of per se condemnation and establishing a facially plausible justification for the concerted activity.93 Removing conduct from per se illegality comes close to legalizing it, given the rarity of plaintiff successes in challenging the conduct under the rule of reason.94

[[BEGIN FOOTNOTE 94]]

94. One rare successful challenge under the rule of reason is found in Polygram Holding, Inc. v. FTC, 416 F.3d 29 (D.C. Cir. 2005), a case that is indicative of the difficulties plaintiffs face under Post-Chicago School antitrust rules. In that case the FTC challenged an agreement between competing record companies to suspend advertising and discounting of two record albums temporarily during the launch period for a jointly-produced recording. The court affirmed the FTC’s application of the rule of reason to the challenged agreement, even though it involved competitors agreeing not to put specific products on sale for a period of time – a collusive restriction on price and advertising that in an earlier era probably would have met with per se condemnation.

[[END FOOTNOTE 94]]

#### A -- CWS – it’s the heart of antitrust, and plenty for a topic

Dorsey 20 (Elyse Dorsey-At the time of publication: Counsel to the Assistant Attorney General, Antitrust Division @ U.S. Department of Justice; Adjunct Professor @ George Mason University - Antonin Scalia Law School. “Antitrust in Retrograde: The Consumer Welfare Standard, Socio-Political Goals, and the Future of Enforcement”. , The Global Antitrust Institute Report *on the Digital Economy 4*, <https://gaidigitalreport.com/wp-content/uploads/2020/11/Dorsey-Antitrust-in-Retrograde.pdf> , date accessed 9/11/21)

Judge Richard A. Posner famously described the consumer welfare standard as the “lodestar that shall guide the contemporary application of the antitrust laws” in 1986.1 In the decades since, the antitrust community readily embraced the “lodestar” denomination.2 The consumer welfare standard is indeed the focal point of modern antitrust analysis, guiding decisions and informing the rules and standards antitrust law imposes. But this is not the consumer welfare standard’s only function as lodestar. It is both guide and tether. It serves as the linchpin tying antitrust law to economic concepts and reasoning. Its guidance illuminates both what antitrust law is and—just as important, what it is not. The consumer welfare standard provides the basis for distinguishing between those concerns that antitrust law appropriately considers and those that it rightly omits. In doing so, the consumer welfare standard ensures a common language is spoken across antitrust matters today.

Antitrust law did not always operate with a common language. For many decades following the passage of the Sherman Act in 1890, antitrust lacked a unifying, consistent language. It was a cacophonous area of law, where decisions could be—and often were— premised upon vastly different reasoning from one to another, leading to numerous inconsistencies and internal tensions. This resulted in a general confusion as to how any given case would be decided. But more fundamentally, to questions regarding the very goals of antitrust law.

The consumer welfare standard, with its economic underpinning, has come to represent a robust language defining antitrust discourse today. For the last several decades, courts and enforcers, economists and practitioners, and other experts have developed this language. The analysis today is far more comprehensive than it was when the courts first embraced the consumer welfare standard 40 years ago. Experts have continued to investigate and seek out theories of harm; to develop economic tools for empirically investigating conduct; and to analyze numerous other components factoring into antitrust analysis, such as potential efficiencies.

Of late, the consumer welfare standard—and antitrust law more broadly—has come under renewed criticism. Criticisms come in various forms, but largely follow a similar thread, cataloguing its purported limitations: That it myopically focuses upon the short term and only upon price effects; that it omits consideration of important sociopolitical goals; that it is incapable of identifying and condemning problems endemic in the modern economy. While some of the criticisms ring true (the consumer welfare standard does not permit consideration of socio-political factors), others do not (the consumer welfare standard addresses far more than short term price effects). And many miss the mark because they overlook the history of how and why we arrived at the current understanding.

Indeed, a common characteristic of the current criticism, often referred to as the Neo-Brandeisian movement, is that it bears remarkable resemblance to those populist movements that came before it. Today, antitrust critics make nearly the exact same arguments regarding the proper goals of antitrust law—any number of socio-political ends such as protecting small businesses and preventing “bigness”—that similar movements throughout the 20th century (and the late 19th century) espoused.3 Antitrust law did, in fact, embrace a more socio-political approach, which explicitly purported to serve just such values, for much of the 20th century.