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#### The role of the ballot is to determine the efficacy of a topical proposal relative to the status quo or a competing option.

#### Anticompetitive’ behavior are business practices that restrict competition without providing lower cost or higher quality goods and services

OECD 3 – OECD Glossary of Statistical Terms, from the Glossary of Industrial Organisation Economics and Competition Law, compiled by R. S. Khemani and D. M. Shapiro, commissioned by the Directorate for Financial, Fiscal and Enterprise Affairs, OECD, 1993, https://stats.oecd.org/glossary/detail.asp?ID=3145

Definition:

Anticompetitive practices refer to a wide range of business practices in which a firm or group of firms may engage in order to restrict inter-firm competition to maintain or increase their relative market position and profits without necessarily providing goods and services at a lower cost or of higher quality.

#### ‘Expanding the scope’ must increase the area covered by antitrust law

Cesar A. Noble 17, Judge on the Connecticut Superior Court, Hartford Judicial District, 777 Residential, LLC v. Metro. Dist. Comm'n, 2017 Conn. Super. LEXIS 4178, \*4-5 (Conn. Super. Ct. August 1, 2017), 8/1/2017, Lexis

The defendant relies upon §7-249 as authority for the supplemental assessment. The statute provides that "[b]enefits to buildings or structures constructed or expanded after the initial assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the initial assessment." The parties dispute whether the conversion of the property constitutes a construction or expansion of buildings or structures granting authority to the defendant to levy a supplemental assessment. The plaintiff argues that because the conversion did not constitute an expansion, that is, an increase in the volume or physical area of a building the defendant had no authority under §7-249 for the supplemental assessment. 5 In the view of the plaintiff it is significant that the conversion did not increase the physical footprint or interior square footage of the property in any way including by a vertical [\*5] enlargement. Absent such an increase, asserts the plaintiff, there can be no construction or expansion of any building or structure. The defendant assert that the construction of the 285 new residential units constitute new structures within the plain meaning of §7-249. The court agrees with the defendant.

[FOOTNOTE]

5 The plaintiff relies upon the definition of the word "expand" found in Merriam-Webster's Collegiate Dictionary (10th ed. 2002) of "to open up; to increase the extent, number, volume, or scope of."

#### Violation---the affirmative doesn’t defend prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws.

#### The impact is clash---debates about scholarship in a vacuum are myopic and breed reactionary generics---they allow the aff to cement their infinite prep advantage, because all the aff has to do is find evidence supporting an ideological orientation towards the world---this crushes clash because all of our prepared negative strategies are based on praxis, and by not defending a clear actor and mechanism we lose 90% of negative ground, and the aff still retains traditional competition standards like perms to make being neg impossible---clash is an intrinsic good and it’s vital to the overall practice of debate. Every debater is here for different reasons, but they trace back to the pedagogical uniqueness of the space. An open topic prevents iteration through shallow debates, unpredictable advocacies, and lack of testing.

#### Debates over antitrust and competition are constantly in flux, thus requiring openness to error.

Michael C.A. Stork 10, BA, Economics, Boston College, "Untying Cerberus: A Gatekeeper's Guide to Economic Evidence," Boston College, 2010, pg. 25-26.

In the philosophy of science, fallibilism is the realization that our current ideas will probably turn out to be wrong.115 The history of science demonstrates the constant replacement of old theories by new theories, so scientists would be well-advised to anticipate that such a pattern will continue. As Albert Einstein noted, “There are no eternal theories in science. It always happens that some of the facts predicted by a theory are disproved by experiment. Every theory has its period of gradual development and triumph, after which it may experience a rapid decline.”116 Fallibilism is creative destruction in the marketplace of ideas, and it fosters an intellectual humility regarding our economic theories. The impact of fallibilism can be found in the way that statisticians talk about hypothesis testing; they are careful to either “reject the null hypothesis” or “fail to reject the null hypothesis,” never confirming either way.117

Because fallibilism is well-supported in the philosophy of science,118 it is important for judges to rely on evidence that deals with the problems that fallibilism presents. In sum, judges must prefer empirical approaches because only empirical approaches progress; empirical approaches offer the best chance to avoid applying false theories. If fallibilism is like creative destruction, then empiricism is like the price system; empiricism is in constant flux, rejecting theories that become inconsistent as we gather more data or improve how we make observations. To complete the analogy, theoretical approaches are like a planned economy; a priorism does not respond to observation, meaning that the a priori conclusions are static in spite of any changes or improvements. If the caution of fallibilism is correct, then we should be eager to embrace empiricism—the approach that helps us weed out bad theories.

Now a praxeologist may view this type of constancy as an advantage of a theoretical approach. In fact, a praxeologist would probably point to the constant uncertainty in empirical studies as an indication of problems with empiricism.119 To refute such a claim, one only needs to study the history of an empirical discipline—whether economics or a natural science—and conclude that contemporaneous scientists have more predictive power than earlier scientists. A number of factors, whether technological, cultural, or institutional, affect the stock of scientific knowledge, and it would be radical to argue that human beings have the same understanding of the world today as we had in ancient times. Such a growth in the stock of knowledge is characteristic of empirical, not theoretical, approaches. Because the axiom of human action is true at all times for all people, the same conclusions should hold today and two millennia from now. What empirical economists know today, however, may be only a fraction of what they will know in the future.

To clarify the need for a progressive approach, consider the evolution of tying law over the past century. Initially, tying arrangements were treated as per se illegal by the courts, means that they were considered inherently anti-competitive. 120 As antitrust became more economically-based in the second half of the twentieth century, however, courts began to judge tying arrangements according to the rule of reason, meaning that the consequences of the arrangements had to be considered before a ruling could be made. If the courts had insisted on using the a priori per se rule, there would be no way for an efficient tying arrangement to survive. An arrangement that would benefit consumers, therefore, would be deemed illegal. The advantage of the rule of reason and for empiricism is clear: as judges come to better understand the world, they can adjust their rulings to generate better consequences.

#### That’s vital to inculcate epistemic tolerance---refines decision-making and improves advocacy.

Vlasta Sikimić et al. 20, Carl Friedrich von Weizsäcker Center, University of Tübingen; Tijana Nikitović, Institute of Psychology, Department of Psychology, Faculty of Philosophy, University of Belgrade; Miljan Vasić, Institute for Philosophy, Department of Philosophy, Faculty of Philosophy, University of Belgrade; Vanja Subotić, Institute for Philosophy, Department of Philosophy, Faculty of Philosophy, University of Belgrade, "Do Political Attitudes Matter for Epistemic Decisions of Scientists?" Review of Philosophy and Psychology, 08/25/2020, Springer.

As mentioned, the principal aim of our research was to operationalize and empirically test epistemic attitudes, with epistemic tolerance construed as an epistemic virtue, epistemic authoritarianism as an epistemic vice, and skepticism towards the scientific method as a Janus-faced epistemic attitude, rather than virtuous at all times. The first step concerns the confirmation of the quality of the newly proposed scales and the interpretation of the descriptive statistics of all scales presented in the previous section.

When it comes to descriptive statistics, from skewness and kurtosis values, as well as from Kolmogorov-Smirnov tests of normality, we see that none of the relevant variables are normally distributed. This does not necessarily indicate a problem with the used scales but rather reflects upon the underlying nature of the measured phenomena, as well as the characteristics of the scientific community. Our sample of researchers is shown to group around high values in cases of epistemic tolerance and beliefs about the theory of evolution. On the other hand, the participants’ scores group around low values in cases of epistemic authoritarianism, skepticism towards the scientific method, and beliefs in astrology. It is important to note that the standardized skewness of conservatism did not deviate from the normal distribution. The high negative value of kurtosis indicates a higher number of cases with extreme values than expected in a normal distribution. Therefore, we were able to ensure the diversity of the sample with regard to conservatism, which cannot be said for the political orientation. Namely, there was a small number of participants who classified themselves as being on the far-right side of the political spectrum. This could be a specific characteristic of the scientific community, though it should be noted that we used convenient sampling methods.

As indicated by the internal reliabilities and measures of representativeness, the three proposed scales for epistemic attitudes performed well. The adequateness of the scales is further demonstrated by the results of the confirmatory factor analysis that reproduced the factors of the three scales with the corresponding items. The fact that epistemic authoritarianism and tolerance are moderately correlated, with skepticism being related to epistemic authoritarianism but not tolerance, as well as the results of the principal component analysis, suggest that these constructs cannot be theoretically reduced to one another.Footnote7

An overview of the main relationships found in the study can be seen in Fig. 4. The relationships between conservatism and epistemic attitudes (epistemic tolerance, epistemic authoritarianism, and skepticism towards the scientific method) are present but weak. This, alongside the fact that our second hypothesis was not confirmed, i.e., that the political orientation does not affect the epistemic attitudes, implies that, contrary to common expectations, political attitudes do not strongly affect professional beliefs and decisions of scientists. This finding goes in the direction that science could be free of political views (cf. Mattes 2019). Moreover, the effect of the scientific field on epistemic attitudes was more relevant than the effect of sociopolitical views. Natural scientists were, on average, more epistemically authoritarian and less epistemically tolerant. This is to be expected given the nature of their field, i.e., the methods used by natural scientists are stricter in comparison to the ones of social scientists. Nonetheless, it is worth noticing that both natural and social scientists are, to a large extent, tolerant, even though social scientists exhibit higher levels of epistemic tolerance.

#### Investigating legal intervention into sectors of the economy opens the toolbox for reconfiguring the broader economic system.

Renee Hatcher 19, Assistant Professor of Law at John Marshall Law School-Chicago, where she serves as the Director of the Community Enterprise and Solidarity Economy Clinic, "Solidarity Economy Lawyering," Tennessee Journal of Race, Gender, & Social Justice, Vol. 8, Issue 23, 2019, Lexis.

"To most public interest-minded law students and lawyers, practicing transactional law isn't an obvious path to saving the world . . . [But] now transactional lawyers are needed, en masse, to aid in an epic reinvention of our economic system." -- Janelle Orsi 1

An emerging cohort of lawyers are working to transform the dominant economy from one that centers on self-interest, greed, and profit maximization to an economy that centers the needs of people and the planet. These lawyers work in private practice, at legal service organizations, as in-house counsels, clinical professors, and pro-bono volunteers. Their work includes corporate structuring, contract drafting, real estate deals, regulatory advising, and law reform projects, among other things. Their clients are individuals, organizations, small businesses, social enterprises, cooperatives, worker self-directed nonprofits, community land trusts, time banks, and other collective experiments that seek to build alternative mechanisms for both economic justice and social liberation. 2 This is the "solidarity economy" movement, a growing movement building a new economic system rooted in economic democracy, social solidarity, and environmental sustainability. 3

At the heart of this new economic system are five unifying principles: (1) solidarity, (2) equity in all dimensions (race, gender, ability, etc.), (3) pluralism, (4) participatory democracy, and (5) sustainability. 4 The movement's ultimate vision is twofold, first to grow these values and practices through grassroots initiatives, and second to link these solidarity economy activities in a network of mutual support, transforming the current dominant global economy into a just, democratic, and sustainable economic system. 5 To that end, the core principles are embedded in the organizational and business structures, governance, financing, and the ways in which solidarity economy enterprises and organizations build their supply chains and partnerships. As a result, solidarity economy lawyers, lawyers that work with solidarity economy clients, often work at the cutting edge of corporate law, securities regulations, employment law, licensing, and intellectual property. However, in some cases the current legal regime is ill suited for these new types of enterprise. So, while solidarity economy practitioners are reimagining the economy and means of economic exchange, solidarity economy lawyers are attempting to reimagine the law to reflect the needs of their clients.

This essay explores solidarity economy lawyering as an emergent field of practice in the United States. After a short explanation of solidarity economy theory and practice, the essay explores the way in which transactional representation of solidarity economy enterprise clients is different from traditional business and nonprofit representation. The essay goes on to argue that transactional lawyers have a particular role to play in 1) advocating for corporate, regulatory, and contract law reform to better suit the needs of grassroots solidarity economy enterprises, 2) creatively redeploying legal techniques and practices relating to risk management, organizational form, and the allocation of property rights to further the purpose of internalizing social and ecological values into the heart of [\*26] economic exchange, otherwise known as 'radical transactionalism', and 3) "scaling up" the solidarity economy through the linkage of solidarity economy organizations and enterprises. These contributions are instrumental to the long and short-term success of the solidarity economy movement. The essay concludes with some thoughts on how solidarity economy lawyers can be most effective.

I. What is Solidarity Economy?

The solidarity economy (SE) 6 is a set of theories and practices that promote equitable, solidaristic, democratic, ecological, and sustainable development with an ultimate vision of 1) growing these values and practices through grassroots initiatives, and 2) linking these solidarity economy activities in a network of mutual support, such that they transform the current dominant global economy into a just, democratic, and sustainable economic system. 7 Many communities, across the United States and across the globe, are engaging in SE activities through grassroots economic initiatives such as: alternative currencies; community-run resource libraries; participatory budgeting; worker, consumer, and producer cooperatives; community land trusts; intentional communities; community development credit unions; community supported agriculture programs; open source free software initiatives and others. 8 Not only do SE initiatives and enterprises currently exist in every sector of the dominant economy, but they also are prevalent in informal diverse economies.9 \*\*\*FOOTNOTE BEGINS\*\*\* See, e.g., J.K. GIBSON-GRAHAM, A POSTCAPITALIST POLITICS 69 (2006) ("[W]hat is usually regarded as the "economy" -- wage labor, market exchange of commodities, and capitalist enterprise -- comprises but a small subset of the activities by which we produce, exchange, and distribute value." Diverse economies refers to a theoretical framework that accounts for all of the alternative means of economic activity.); J.K. GIBSON-GRAHAM, THE END OF CAPITALISM (AS WE KNEW IT): A FEMINIST CRITIQUE OF POLITICAL ECONOMY 4 (1996); Brian Burke & Boone Shear, Introduction: Engaged Scholarship for Non-capitalist Political Ecologies, 21 J. POL. ECON. 127 (2014); Janelle Cornwell, Worker Co-operatives and Spaces of Possibility: An Investigation of Subject Space at Collective Copies, 44 ANTIPODE 725, 739 (2012); J.K. Gibson-Graham, Diverse Economies: Performative Practices for 'Other Worlds', 32 PROGRESS HUM. GEOGRAPHY 613, 623-24 (2008). \*\*\*FOOTNOTE ENDS\*\*\* As a political project, solidarity economy proposes a transformational shift of [\*27] the relationships between the market, the state, and people, centering the needs of people and the environment over the needs of private interests and capital. 10 In doing so, SE seeks to be the "next system," replacing neoliberal capitalism by building and connecting networks of grassroots economic initiatives and practices that embody the five core principles of SE: solidarity, sustainability, equity in all dimensions (race, gender, ability, etc.), participatory democracy, and pluralism. 11

Solidarity economy is not a static concept or blueprint for a new economy. It is an ever-evolving movement that grows from existing and emergent practices, guided by the theoretical principles. 12 In other words, the theory and the practice of SE are circular through an ongoing praxis of "debate, experience research, organizing and reflection." 13 This continuous iterative evolution of SE allows for new forms of organization and experiments of exchange that best serve the material needs of its practitioners. 14 Solidarity economy broadly defines the economy as all of the ways in which people, communities, and organizations meet their material needs. 15 Therefore, solidarity economy can be thought of as "a dynamic process of economic organizing in which organizations, communities, and social movements work to identify, strengthen, and create democratic and liberatory means of meeting their needs." 16 Figure 1 illustrates some of the current kinds of initiatives that make up the solidarity economy. 17

[\*28] Figure 1. Ethan Miller, Defining Solidarity Economy: Key Concepts and Issues.

While many communities and cultures have longed practiced solidarity and cooperation to provide for the material needs of its members, 18 solidarity economy theory in the United States is relatively new. The U.S. solidarity economy movement emerged in 2007, although solidarity economy practices have existed since early in the twentieth century. 19 As in other parts of the world, the solidarity economy movement in the United States directly grew out of failures of the dominant economy, neoliberal and austerity policies, and the impending economic downturn of 2008. In many ways, the economic downtown, spurred by the collapse of the mortgage securities market and subprime loans catastrophe, shook not only the U.S. economy but also main-street's general trust in the invisible hand of the market and integrity of the financial industry. It was in the early days of the economic downtown, that communities and organizations took the first steps to nationally coordinate the U.S. solidarity economy movement. In 2007, at the U.S. Social Forum, a number of SE practitioners and organizations convened, discussed emerging practices, and strategized the future of the SE movement in the U.S. 20 Subsequently, there [\*29] have been numerous meetings to discuss the theory and future of the movement. 21 Over the last decade, the solidarity economy in the United States has grown significantly. 22 By one conservative estimate, there were more than 700 solidarity-economy businesses in 2016. 23

Moreover, the solidarity economy movement is in many ways a movement of movements, as many current movements are incorporating solidarity economy strategies into their organizing work. For example, the Movement for Black Lives Policy Platform advocates for the support of cooperative development and social economy networks as a tenet of economic justice. 24 Furthermore, a number of solidarity-economy initiatives have sprung out of local organizing efforts affiliated with the Black Lives Matter movement. 25 The indigenous rights and environmental justice movements are pushing for the creation of public banks in the wake of the Standing Rock protests. 26 Immigrant-rights advocates are incubating worker cooperatives to ensure immigrant workers can take ownership of their labor and have a say in their working conditions. 27 These efforts and other SE initiatives need legal support to thrive and flourish.

II. Transactional Lawyering in the Solidarity Economy Movement

At its core, transactional lawyering is about the structuring of organizational and individual relationships within the parameters of the law. Transactional lawyers structure businesses, negotiate and draft contracts, and advise clients on relevant laws and [\*30] regulations. 28 These skills are imperative to the long-term success of the solidarity economy movement. SE enterprises, like traditional enterprises, retain lawyers to advise on entity formation and governance, draft relevant agreements and contracts, and counsel on applicable regulations. However, SE initiatives are markedly different from traditional enterprises in three major ways: 1) the motivations of the enterprise are guided by the five SE principles and not the maximization of profit, 2) the relationships within the enterprise are often blurred and overlapping, and 3) the means of exchange are varied and diverse. 29 It's important that lawyers understand and explore these differences as there are implications on the law and legal practice.

For example, imagine a group of seven women seek out a lawyer to start a catering and prepared-food business. The women decided that they want to be equal partners, share in profits and put up the same value of start-up capital. Easy enough. This is a scenario that most experienced transactional lawyers would be able to address. However, imagine for a second that the women go on to say 1) all of the women will work and contribute to the day-to-day decisions based on democratic consensus, 2) two of the women are applying for asylum and do not have work authorization, 3) the business will provide free meals to those that are food insecure in their community, 4) a number of the capital contributions will be in the form of sweat equity, and 5) the business intends to compensate the lawyer not in dollars, but in future meals prepared by the business. '

Each additional piece of information would have an impact not only on the laws implicated but also how the lawyer might approach the case. To begin, in the spirit of consensus building, the lawyer might ensure that all seven women could attend and participate in any future client meetings. This particular business, a worker cooperative, would require a deeper analysis of entity formation and applicable regulations to help meet the client's goals. 30 Cooperative law varies greatly from state to state and the lawyer would need to think through the relevant state and federal regulations that might classify the worker-owners as either an employee or an owner of the business. 31 The lawyer would carefully have to research and analyze the relevant immigration and employment regulations to ensure that all members can participate and will be classified as owners for the purpose of federal work authorization laws. 32 The implications of such classifications can mean the difference between success and failure of the business, as well as the protection of its members. 33 Given that the business' purpose is in-part charitable, and inpart wealth building (for-profit), the lawyer would want to identify the best combination of benefits and structures, as well as carefully draft governance agreements. 34 As such, the lawyer would need to do additional fact investigation and have a better understanding of [\*31] the client's goals and priorities to provide effective counseling on entity formation. 35 In addition to considering the various entity options, the lawyer would need to explore the issue of sweat equity contributions by the worker-owners. The Fair Labor Standards Act (FLSA), 36 or other relevant state laws, might potentially prevent the worker-owners from investing sweat equity without receiving immediate compensation. The lawyer's compensation is also an issue, as the lawyer would need to research relevant regulations for the proposed barter arrangement. 37 What language would go into an engagement letter if the attorney agreed to represent the business in exchange for a future promise of food? Would the prepared meals be taxable income for the lawyer? Would the lawyer get to try the food first? All important questions that would need to be addressed before moving forward with representation of the client.

This is just one cursory example of how a solidarity economy business client might be different from a traditional business. Yet, it demonstrates the new type of legal practice that is emerging to adequately serve solidarity economy clients. SE lawyers must have a broad understanding of the full range of legal structures. Otherwise the tendency may be to propose those structures with which they are most familiar, leaving other potential options unexplored. Other substantive areas of law include securities law, employment law, tax law, intellectual property, contact law, and commercial law. Still, SE practice can implicate a wide range of legal issues far beyond these traditional bodies of business law. In the example above, the lawyer would need to research immigration law, Good Samaritan food statutes, and barter exchange taxation regulations to adequately serve the client. This is not uncommon. SE clients are rethinking and remaking the means of economic exchange. 38 This will continue to require transactional SE lawyers to expand their substantive areas of practice. Further, many solidarity economy initiatives are connected to or a part of social movements. 39 Such connections are likely to have an impact on the legal support required. In the long term, SE lawyers may need to regularly consult and collaborate with attorneys in a range of practice areas and be nimble in responding to the needs of their clients.

Beyond the technical skills and expertise of transactional practice, SE lawyering also requires what has been referred to as the right "culture fit" or the "touch." 40 This can best be explained as the willingness of a lawyer to embrace the imaginations and experimentations of clients, and subsequently put the law in service to those ends. 41 Both in legal education and mainstream practice, the minimization of risks is emphasized as the lawyer's primary concern. 42 While important, a fixation on risks in SE practice often will not best serve the goals of the clients.

[\*32] There are many gray areas of law related to SE practice. 43 It's the lawyer's job to assess, analyze, and provide the most viable options for achieving the client's goals, recognizing that the law is not always clear. 44 Specifically, in a SE lawyering practice, it's necessary for the lawyer to demonstrate creative capacity, a deep understanding of the client's perspective and goals, and a commitment to the shared values of the solidarity economy movement. 45 Recognizing that the attorney-client relationship is more than just a mere transaction, effective solidarity-economy lawyers build authentic and solidaristic relationships with their clients. 46 Relationship building is a primary way in which SE lawyers can demonstrate a shared commitment to SE values and principles. As SE lawyers grow in their experience and practice, they come to rely on their acquired knowledge, while continuing to embrace the innovative goals of SE initiatives. 47 Furthermore, as is the case with all effective lawyering, SE lawyers will need to commit themselves to understanding the context in which their clients are operating, including the movements that clients may ground themselves in. Currently, lawyers across the country are engaged in SE lawyering. 48

A growing cadre of lawyers are representing SE organizations at legal service organizations, community economic development law clinics, law firms, and in solo practice. 49 For example, the Sustainable Economies Law Center (SELC), a 501(c)3 organization, is an institutional pioneer in solidarity economy lawyering. 50 SELC has provided legal services to hundreds of solidarity economy enterprises through their Resilient Communities Legal Cafes, 51 direct representation, and legal resources on their website, including materials on cooperative law, grassroots financing, community renewable energy law, food enterprises, and alternative forms of exchange or money. 52 Beyond providing legal support to SE enterprises, SELC is an example of a solidarity economy legal service organization. 53 The organization functions as a worker self-directed nonprofit, a hybrid governance model in which a nonprofit organization adopts governance characteristics of a worker cooperative. 54 Worker self-directed nonprofits empower their workers to collectively make decisions on behalf of the organization. 55 While these nonprofits still have a governing board of directors, the board concedes significant decision-making authority to the employees or members. 56 This particular model of nonprofit governance embodies the SE principle of participatory democracy. 57 Moreover, [\*33] in furtherance of solidarity and equity principles, all SELC employees, legal and non-legal, receive the same salary, 58 and the organization provides services on a sliding scale. 59

While SELC is often cited as "the" solidarity economy legal service organization," 60 a number of legal service organizations specialize in SE lawyering. A few are worth mentioning in an attempt to build awareness for law students and interested lawyers. Baltimore Activating Solidarity Economies, for example, has provided support to a number of SE initiatives in Baltimore, Maryland, including a mapping project of the local solidarity economy. 61 Likewise, the Urban Cooperative Legal Center based in Newark, New Jersey, provides legal support to start-up coops and organizes community events to discuss cooperative development. 62 Additionally, the Urban Justice Center's Community Development Project works with a number of New York City cooperatives and SE initiatives. 63 In the same vein, the Center for Community Based 2 Enterprise (C2BE) in Detroit, Michigan, not only provides cooperative legal support but also integrates cultural organizing to scale the local Detroit solidarity economy. 64 Law for Black Lives has also provided and facilitated legal support to a number of SE campaigns. 65 Finally, organizations like the Working World and the ICA Group have lawyers on staff that regularly engage SE legal practice. 66

Similarly, a number of transactional and community economic development (CED) law school clinics around the country provide legal support to SE enterprises. For the past two years, the clinic that I direct at John Marshall Law School-Chicago has used solidarity economy theory as a framework for case selection, prioritizing those clients that exemplify the five principles of SE (equity, sustainability, participatory democracy, solidarity, and pluralism). Currently, most of our clients are worker cooperatives and cooperative incubators. Recognizing the local emerging solidarity economy and gap in legal services [\*34] in Chicago, the clinic at John Marshall Law School is currently being rebranded from the Business Enterprise Law Clinic to the Community Enterprise and Solidarity Economy Clinic. Other clinics to highlight with a SE practice are Vermont Law School's New Economy Law Center, 67 Harvard Law School's Community Enterprise Project, 68 Hofstra Law's Community and Economic Development Clinic, 69 New York Law School's Nonprofit and Small Business Clinic, 70 University of Baltimore School of Law's Community Development Clinic, 71 University of Michigan Community and Economic Development Clinic, 72 American University Washington College of Law's Community and Economic Development Law Clinic, 73 and CUNY Law School's Community and Economic Development Clinic. 74 There are also a number of law firms engaged in SE practice including the Tuttle Law Group, 75 Dorsey & Whitney LLP, 76 Gilmore Khandhar LLC, 77 the Law Office of Elizabeth Carter, 78 and Sarah Kaplan Law Office 79 to name a few. Lawyers at these institutions and others are exploring new organizational forms and governance structures, engaging in law reform projects, and structuring relationships between SE enterprises. 80

III. SE Lawyers are Reimagining the Law

Law reform is a particular point of intervention in which lawyers can add value to the SE movement. In examining the fullness of the solidarity economy movement, there are complex and innovative initiatives that require the exploration of "gray areas" of the law, law reform projects, and the creative redeployment of transactional practice, referred [\*35] to as 'radical transactionalism.' 81 Unlike traditional businesses, SE enterprises do not fit neatly within established laws. The current statutory framework is largely designed to regulate adverse self-interests of economic actors in the mainstream economy, like the employer/employee, landlord/tenant, and producer/consumer relationship. 82 As such, our laws often fail to account for the diverse economic arrangements and overlapping, solidaristic nature of relationships within the solidarity economy. Continuing with the example of a worker cooperative, there are numerous state and federal laws that regulate the employer-employee relationship. 83 Most of these statutes assume that there are two separate and distinct parties, the employer and the employee, that have separate and adverse interests. However, in worker cooperative enterprises, worker-owners are effectively both employees and employers. This leaves significant ambiguity as to whether worker-owners will be classified as an employee under any given regulation or if an employee relationship exists within a worker cooperative business.

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#### Afro-futurism devoid of collective action devolves into coop-table aesthetic spectacle which reinforces capitalism.

M.I. Jazz Freeman 18, writer on Medium, self-described “Agender Jazz Aesthete ⊙ Dedicated to the development of new humanizing praxis to combat Imperialist White Supremacist Capitalist Patriarchy”, 2/18/18, “Aesthetic vs. Praxis in Afro-futurism,” https://medium.com/@amai.m.i.freeman/aesthetic-vs-praxis-in-afro-futurism-12d966efea44

It’s not news to anyone to say that black cultural, political, and socio-economic life in America has undergone a renaissance of sorts. An upwelling of fervor, dreams, insights, rage, creativity, vision, and determination have all marked the increase of black visibility in the public arena. And yet, this new reality, a cyclical reappearance of unapologetically black social currents in the media, in the streets, and in the public imagination are all born from the profound contradictions we have been forced to acknowledge. Two terms of America’s first black president alongside ritualized police murders of black-life, a rise of white apologism for an accumulating white supremacist violence that destroys black bodies. We saw a dramatic increase in deportations, the emergence of drone warfare, and an economic crises that prompted a new wave of political movements against inequity, followed by an uprising of black lead direct actions and black revolt. It is in these various contexts that the visibility of blackness is more present than ever before. The opportunities for expression, the platforms for protest, and the historically significant struggles we find ourselves within have inspired and ignited showcases of black life — real as well as creatively re-imagined. It is not a coincidence that this era has given birth to a resurgence of Afro-Futurism. Afro-Futurism is the practice of constructing new ways of existing, retrieving the past ancestry of the black diaspora, inventing styles of presenting ourselves in the world, and projecting our visions of how we would like to see ourselves in the future. There are a number of figures who stand out in our collective memory as highly imaginative and sharply perceptive of what was their reality. Octavia E. Butler and Sun Ra are a few who have passed away only to have new generations engage and ultimately embody their work today. Despite this stirring in the cultural life of black americans, there exists a significant gulf — a distance between intentions and practices in this movement and I would like to focus my attention on those differences. In doing so, I hope to uncover some salient lessons and distinctions that lay beneath the surface of Afro-Futurism. An indisputable element of Afro-Futurism is its aesthetic. It is this difference from the normal — what we might otherwise expect to be created or adorned by black people — that comes focused into view in such a way that suggests that it has arrived from the future. This element alone is what people are most likely to see, grasp in passing, and consume as art. It’s relatively easy to replicate if one is interested purely in the profit to be yielded from its commodification. These are the nods we see celebrities make in set stages, album covers, films, and the like. To sift out the intention and impact of Afro-Futurism from its aesthetics, there are two simple questions that prove useful: What is the future being presented? How do we get there? Depending on the particular conjurer of Afro-Futurism, the utility of their vision can vary widely from others. An “afro future” can be a site of grief as much as it can be a site of hope. In summoning the figures of black ancestry, we situate our present in the context of who brought us here, honoring their past struggles, sacrifices, and joys. The perspective that comes with this sort of time-travel can aid efforts to appreciate what is in front of us today, and it can embolden us to pursue a greater life. Whether one dimension outweighs the other or balances in union together of course determines whether or not we witnesses to afro-futurism grow complacent or more courageous in the face of the status quo. It what is commonly viewed as the opposite of the past, the futures of afro-futurism can be spaces of mourning over the goals that feel locked away from the realm of possibility today. Inversely, they can be an insightful warning or a positive suggestion for what can be or must be done today. Stated a different way, Afro-Futurism is a portal into black desires that have yet to be manifested or actualized. Now some possible political consequences become more clear as we pass over some of the intentions behind the speculative nature of Afro-Futurism. I wish now to place some Afro-Futurist media under a magnifying glass so that we can answer the two instructive questions I mentioned above. Following the very recent Black Panther Movie release, the excitement around this blockbuster spectacle has been at its peak. The representation of black people in so visible a medium has generated a crossover appeal for Disney’s Marvel Franchise. The cast, the soundtrack, the black history evoked by its very title all draw from the cultural wellspring of black culture that has been generated over the past several decades. At the same time, what is the future Black Panther presents us? We have Wakanda, a fictionalized black african nation that’s become the most advanced in the world. This is based on the premise that one fictional precious metal, Vibranium, was never ruthlessly extracted by exploiting wakandans, allowing them to remain untouched by white supremacy. It follows from these circumstances that Wakanda was granted with an opportunity to actualize a vision of black self-determination that produced inconceivable wealth, technology, and a preserved patriarchal monarchist hierarchy. The story is a reinvention of co-opted and dismantled black power that is a fictional doppelganger for the fate of the real-life black panthers, as the main conflict is about imperialist powers meddling with Wakandan affairs and social movements. If we peel away the impossible embellishments of the fictional story, the premise is simply that Africa would not be destitute were it not for Colonialism, Slavery, Capitalism, and Imperialism. So how do we actualize Wakanda? We cannot. War, Slavery, Genocide, Global Imperialism ravaged Africa and fractured the diaspora permanently, changing the trajectory of every African nation. The black diaspora is ensnared globally within imperialism and there is no Wakanda to protect us. Not all of us can be wealthy. We are largely outgunned within and outside our respective nations. We have only ourselves. For these reasons I posit that the Black Panther Movie is a commodification of Afro-Futurist grief, and it grieves for those who define black liberation as the freedom to amass wealth and wield a nation state in our modern age of Globalism. It presents us with a media commodity that we want to consume because we so rarely see ourselves empowered in reality and in media. As we watch, we get exciting entertainment and time to reflect on our historic victories and losses as the film not-so-subtly reinforces the current state of affairs. Compare this to, say, Sun Ra’s humorous but combative songs about nuclear war, black invisibility, or his pursuit of the “green note” that would abolish money with a single sound! Another is Octavia Butler’s Earthseed from her Parable Novels, which conceived of a communal culture of resilience, cooperation, and agency that would “deliver us to the stars,” away from a planet made uninhabitable by capitalism. She identified real obstacles that are suffocating we who live in the present, and she evokes a culture of resistance with a common target in mind. Octavia Butler, who despised super-heroes, details her afro futures vividly and directs readers attention to explicit systems of oppression that must be dismantled. While her stories often portray dystopias or post-apocalyptic futures, we have very clear answers regarding to how we might end up in such an oppressive predicament: unchecked climate change and environmental destruction, a defeated anti-racist movement, endless imperialist war, the privatization of water along with public institutions, unchallenged hierarchical power and authority, and patriarchal male chauvinism and violence that feminists have not eradicated. She answers our question in the negative: we will end up in terrible futures if we do not act now against everything that will lead to our extinction! Turning now to the realm of music, I would like to call attention to how often the political potency and portrayals of agency in Afro Futures seem to show a correlation wherein black women and queer black folks tend to have more radical and optimistic visions, contrast with cis-straight black men risking fatalism, and sometimes misogyny in their iterations of Afro-futurism and their lived praxis. A perfect example of these poles would be Flying Lotus, who is a critically acclaimed music producer known for innovating afro-futurist soundscapes contrast with Wizard Apprentice, underground black feminist afro-futurist musician known also for her organizing projects and work as a healer who helps black folks process trauma. Despite being a descendant of the late Afro-Futurist Alice Coltrane, Flying Lotus over the years has consistently become more fatalistic, hedonistic, and indifferent to politics as he pursues a career as an avante-garde musician and filmmaker. He’s found himself time-after-time mired by his own chauvinist comments, apologies for a rapist associated with his own music label, and increasingly vulgar masturbatory art as evidenced by his full-length feature film, Kuso. All beg the question of whether he may even find himself exposed by today’s #Metoo movement. Another example of the opposite ends of the afro-futurist political spectrum would be the dynamic duo Rasheedah Phillips and Camae Ayewa (a.k.a. Moor Mother) of the Philadelphia-based Afro-Futurist Affair contrast with Ishmael Butler and Tendai “Baba” Maraire of Shabazz Palaces. The experimental music the Afro-futurist Affair duo creates is explicitly about confronting — through unapologetic revolt — racial injustice, ancestral trauma, police violence and the prison industrial complex, patriarchy and sexual assault. While their essays, music, poetry, and fiction all embody the spirit of their determination to get free, their work in the community harmoniously compliments their creativity. Rasheedah Phillips works as a housing defense lawyer combating homelessness and gentrification, while she and Camae Ayewa run the House of Future Sciences for training political organizers to literally build futures and heal from trauma. Shabazz Palaces, albeit sonically inventive and clever, make lyrical critiques that lean very heavily towards their careers and the stagnation of the rap industry today. They borrow from and transform aesthetics of Sun Ra and they collaborate with Flying Lotus, Funkadelic, and George Clinton, creating songs that inspire black pride, occasionally scrutinizing systems of oppression in passing. Their impact on their respective genres have been powerful, but they leave something to be desired for how the rest of us can get free or at least be “successful” under capitalism, given that their praxis is limited to their music. Returning just briefly to the Black Panther film, Kendrick Lamar scored its soundtrack and is facing a copyright violation lawsuit for using Lina Iris Viktor’s work in one of his music videos. Here we have a multiple grammy winning artist, lifting a black woman’s work without her consent and without compensating her. This reflects a parallel between Wakandan’s tightly protected wealth, and a real-world media industry that leaves women out in the pursuit of men’s profit. As for Afro-Futurism as political praxis, adrienne maree brown’s emergent strategy is incredibly exemplary! In it she distills an actionable praxis from Octavia Butler’s novels and weaves them with her wealth of experience facilitating political work and organizational affinity within the left as well as the collective wisdom she’s accumulated from a plethora of organizers, healers, writers, and collectives. Her mantra “all organizing is science fiction” brings the future-building part of Afro-Futurism squarely into view. She provides an optimistic and empowering manual for us who are ready to “bury capitalism” while also “moving towards pleasure.”

#### Stopping capital is necessary to avoid extinction.

William Robinson 16, UC Santa Barbra sociology professor, 4-12-2016, “Sadistic Capitalism: Six Urgent Matters for Humanity in Global Crisis,” http://www.truth-out.org/opinion/item/35596-sadistic-capitalism-six-urgent-matters-for-humanity-in-global-crisis)

In these mean streets of globalized capitalism in crisis, it has become profitable to turn poverty and inequality into a tourist attraction. The South African Emoya Luxury Hotel and Spa company has made a glamorized spectacle of it. The resort recently advertised an opportunity for tourists to stay "in our unique Shanty Town ... and experience traditional township living within a safe private game reserve environment." A cluster of simulated shanties outside of Bloemfontein that the company has constructed "is ideal for team building, braais, bachelors [parties], theme parties and an experience of a lifetime," read the ad. The luxury accommodations, made to appear from the outside as shacks, featured paraffin lamps, candles, a battery-operated radio, an outside toilet, a drum and fireplace for cooking, as well as under-floor heating, air conditioning and wireless internet access. A well-dressed, young white couple is pictured embracing in a field with the corrugated tin shanties in the background. The only thing missing in this fantasy world of sanitized space and glamorized poverty was the people themselves living in poverty. The "luxury shanty town" in South Africa is a fitting metaphor for global capitalism as a whole. Faced with a stagnant global economy, elites have managed to turn war, structural violence and inequality into opportunities for capital, pleasure and entertainment. It is hard not to conclude that unchecked capitalism has become what I term "sadistic capitalism," in which the suffering and deprivation generated by capitalism become a source of aesthetic pleasure, leisure and entertainment for others. I recently had the opportunity to travel through several countries in Latin America, the Middle East, North Africa, East Asia and throughout North America. I was on sabbatical to research what the global crisis looks like on the ground around the world. Everywhere I went, social polarization and political tensions have reached explosive dimensions. Where is the crisis headed, what are the possible outcomes and what does it tell us about global capitalism and resistance? This crisis is not like earlier structural crises of world capitalism, such as in the 1930s or 1970s. This one is fast becoming systemic. The crisis of humanity shares aspects of earlier structural crises of world capitalism, but there are six novel, interrelated dimensions to the current moment that I highlight here, in broad strokes, as the "big picture" context in which countries and peoples around the world are experiencing a descent into chaos and uncertainty. 1) The level of global social polarization and inequality is unprecedented in the face of out-of-control, over-accumulated capital. In January 2016, the development agency Oxfam published a follow-up to its report on global inequality that had been released the previous year. According to the new report, now just 62 billionaires -- down from 80 identified by the agency in its January 2015 report -- control as much wealth as one half of the world's population, and the top 1% owns more wealth than the other 99% combined. Beyond the transnational capitalist class and the upper echelons of the global power bloc, the richest 20 percent of humanity owns some 95 percent of the world's wealth, while the bottom 80 percent has to make do with just 5 percent. This 20-80 divide of global society into haves and the have-nots is the new global social apartheid. It is evident not just between rich and poor countries, but within each country, North and South, with the rise of new affluent high-consumption sectors alongside the downward mobility, "precariatization," destabilization and expulsion of majorities. Escalating inequalities fuel capitalism's chronic problem of over-accumulation: The transnational capitalist class cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to stagnation in the world economy. The signs of an impending depression are everywhere. The front page of the February 20 issue of The Economist read, "The World Economy: Out of Ammo?" Extreme levels of social polarization present a challenge to dominant groups. They strive to purchase the loyalty of that 20 percent, while at the same time dividing the 80 percent, co-opting some into a hegemonic bloc and repressing the rest. Alongside the spread of frightening new systems of social control and repression is heightened dissemination through the culture industries and corporate marketing strategies that depoliticize through consumerist fantasies and the manipulation of desire. As "Trumpism" in the United States so well illustrates, another strategy of co-optation is the manipulation of fear and insecurity among the downwardly mobile so that social anxiety is channeled toward scapegoated communities. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Scapegoated communities are under siege, such as the Rohingya in Myanmar, the Muslim minority in India, the Kurds in Turkey, southern African immigrants in South Africa, and Syrian and Iraqi refugees and other immigrants in Europe. As with its 20th century predecessor, 21st century fascism hinges on such manipulation of social anxiety at a time of acute capitalist crisis. Extreme inequality requires extreme violence and repression that lend to projects of 21st century fascism. 2) The system is fast reaching the ecological limits to its reproduction. We have reached several tipping points in what environmental scientists refer to as nine crucial "planetary boundaries." We have already exceeded these boundaries in three areas -- climate change, the nitrogen cycle and diversity loss. There have been five previous mass extinctions in earth's history. While all these were due to natural causes, for the first time ever, human conduct is intersecting with and fundamentally altering the earth system. We have entered what Paul Crutzen, the Dutch environmental scientist and Nobel Prize winner, termed the Anthropocene -- a new age in which humans have transformed up to half of the world's surface. We are altering the composition of the atmosphere and acidifying the oceans at a rate that undermines the conditions for life. The ecological dimensions of global crisis cannot be understated. "We are deciding, without quite meaning to, which evolutionary pathways will remain open and which will forever be closed," observes Elizabeth Kolbert in her best seller, The Sixth Extinction. "No other creature has ever managed this ... The Sixth Extinction will continue to determine the course of life long after everything people have written and painted and built has been ground into dust." Capitalism cannot be held solely responsible. The human-nature contradiction has deep roots in civilization itself. The ancient Sumerian empires, for example, collapsed after the population over-salinated their crop soil. The Mayan city-state network collapsed about AD 900 due to deforestation. And the former Soviet Union wrecked havoc on the environment. However, given capital's implacable impulse to accumulate profit and its accelerated commodification of nature, it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system. "Green capitalism" appears as an oxymoron, as sadistic capitalism's attempt to turn the ecological crisis into a profit-making opportunity, along with the conversion of poverty into a tourist attraction. 3) The sheer magnitude of the means of violence is unprecedented, as is the concentrated control over the means of global communications and the production and circulation of knowledge, symbols and images. We have seen the spread of frightening new systems of social control and repression that have brought us into the panoptical surveillance society and the age of thought control.

#### The alternative is a politics of organizing around the common experience of life shaped by political economy. This starting point creates a mode of solidarity that doesn’t just add categories and stirs but creates an inclusive class identity via struggle that transforms participants.

Leo Panitch 18, York University Canada Research Chair in Comparative Political Economy, From the Streets to the State: Changing The World By Taking Power, pg 26-28

What accounts for the impasse of the left by the late twentieth century? Over the last four decades one of the central tropes of intellectual discourse, epitomized by the popularity of Laclau and Mouffe’s Hegemony and Socialist Strategy, criticizes the strategic mistake of excessively emphasizing class identity and consciousness. Even Geoff Eley’s (2002) monumental historical study, quoted above, which demonstrates how effective socialist labor movements were as advocates for democratic reform, also stresses “the insufficiencies of socialist advocacy,” not least pertaining to gender and race, in terms of “all the ways socialism’s dominance of the Left marginalized issues not easily assimilable to the class-political precepts so fundamental to the socialist vision” (10). Yet the left’s current conundrum in the face of the new right also brings to light the insufficiencies of the politics of identity, which has not only filled the void of class politics in recent decades but has often played a significant role in shunting class aside. Adolph Reed Jr. (1999) has perhaps most powerfully made the case for “a politics focused on bringing people together” around the common experience of everyday life shaped and constrained by political economy—for example, finding, keeping or advancing in a job with a living wage, keeping or attaining access to decent healthcare, securing decent, affordable housing. . . . Such concerns and the objective of collectively crafting a vehicle to address them is a politics that proceeds from what we have in common. . . . To the extent that differences are real and meaningful, the best way to negotiate them is from a foundation of shared purpose and practical solidarity based on a pragmatic understanding of the old principle that an injury to one is an injury to all. This is not simply a politics that attempts to build on a base in the working class; it is a politics that in the process can fashion a broadly inclusive class identity. (xxvii–xxviii) The failure to absorb this strategic insight, which might entail severe costs even for liberal democracy, is becoming ever clearer amidst the reactionary electoral appeal of a new right to working class voters. Nevertheless, this chapter shall argue that it also has much to do with the longstanding problems with the practice of democracy inside the institutions of the labor movement and the political parties with which they were intertwined. It has become far too commonplace to address these problems by criticizing the “ontological” mistake of those theorists who advance a class-oriented politics. This is a kind of idealism which attributes far too much historical impact to theoretical texts. It avoids serious inquiry into what determined the actual historical practices of working class parties and unions as democratic institutions. It thereby fails to uncover what really accounts for their limited contribution to the development of workers’ democratic capacities so as to carry the struggle for democracy beyond the electoral arena to the workplace, to the corporations and banks that dominate the economy, and perhaps most important to the democratization of the institutions of the state.

### 1NC---Case

#### Afrofuturism needs to grapple with creating collective subjects that can solve material disasters that can extend for centuries instead of focusing on individual escapism.

Demos, 18—Professor in the Department of the History of Art and Visual Culture, University of California, Santa Cruz (T.J., “To Save a World: Geoengineering, Conflictual Futurisms, and the Unthinkable,” e-flux #94, October 2018, dml)

The Anthropocene is proving to be an era of world war, or rather, worlds at war. Not that this is anything new. We are no doubt living in the continuation of longstanding onto-epistemological and politico-military conflicts set within (still unfolding) histories of colonial and global states of violence and dispossession. If catastrophe lies before us, then it flows from what’s come before. Consider two ideological formations that speak to our current situation. First, geoengineering’s techno-utopianism, which is premised on climate-change fixes for the symptoms of fossil capital’s centuries-long effect on the environment. Adherents suggest that solar radiation management and carbon capture can stabilize temperatures so as to avert calamitous environmental transformation. The Breakthrough Institute offers a futurist vision of the “good Anthropocene,” articulated as a coming world where “humans use their growing social, economic, and technological powers to make life better for people, stabilize the climate, and protect the natural world.” The second formation we should consider is the tragic and redemptive Afrofuturism appearing in Arthur Jafa’s shattering 2016 video Love is the Message, the Message is Death. As one model among numerous Indigenous and anticolonial futurisms embedded within social movements dedicated to justice-to-come, it foregrounds the heartrending violence of the present as the fundamental basis upon which any alternative—one of co-existence, equality, love, and peace—can be imagined.

Following the impulses behind the 2016 Movement for Black Lives Platform, which built on longstanding African-American approaches to environmental justice, it is crucial to bring these politico-ecological strands together in intersectional analysis. The above two modelings of the future offer an expedient comparison between the current techno-scientific rationality of climate-change response and the social in/justice concerns around racial capitalism. It invites a much-needed discussion of futures that could potentially be locked in for hundreds, even thousands of years, especially in light of the fact that technocratic climate science tends to ignore, or, at best, merely pays lip service to the differential impacts of environmental transformations on disenfranchised communities subject to ongoing racial and economic discrimination, and that social justice activism also tends to shunt ecological matters to the side due to an all-too-immediate confrontation with police brutality.

Jafa, a filmmaker by trade, unleashes an archive of citizen-journalist, dash cam, and media videos through which the black body is subjected to police brutality and other for ms of violence. Set to (the artist formerly named) Kanye West’s transcendent gospel-rap anthem “Ultralight Beam,” the video quickly cycles through recent and historical footage, intermixing clips of horrific, civilization-destroying aliens from Hollywood films. It would appear that Jafa proposes an allegory for the destruction of the world that, in a parallel universe, geoengineering wishes to repair. My 2017 book Against the Anthropocene similarly criticizes the Anthropocene thesis for its regressive and narcissistic neo-humanism, its evasion of the differential causes and effects of climate breakdown, its disavowal of petrocapitalist culpability, and its ecology of affluence. That analysis extended to diverse visual-cultural expressions of remote sensing data, the kind that offers “whole earth” perspectives of the planet as not only devoid of social conflict but also safely in the grips of an emergent scientific mastery. These observations still plague theories, and the unfolding reception, of the Anthropocene today—despite parallel attempts to mobilize it critically, work progressively with its conceptualization, and also nominate additional terms to better comprehend current conditions, such as the Chthulucene or the Capitalocene. While Jafa’s video powerfully elucidates the problems with this formation—dramatizing the extreme costs of the social asymmetries that go unaddressed within engineering—the last couple of years have shown us, with increasing clarity, that the neoliberalization of the Anthropocene is ascendant. The growth in climate engineering theory and practice and its status-conserving technofixes threaten a future grounded in social justice. Geoengineering unfolds directly from the Anthropocene thesis, beginning with the initial 2000 proposal made by atmospheric chemist Paul Crutzen and biologist Eugene Stoermer to designate a new geological era during which Earth systems are increasingly determined by “human activities.” As they explained, “an exciting, but also difficult and daunting task lies ahead of the global research and engineering community to guide man-kind towards global, sustainable, environmental management.” Crutzen soon followed up with more explicit suggestions that large-scale engineering projects, including his own one for stratospheric sulfur injections, may well be necessary to “optimize” the climate. Much dispute remains over the dating of this post-Holocene epoch: whether it began with the nineteenth-century industrial revolution, or nuclear science in the 1940s, or again much earlier with the Orbis Spike of 1610. The latter coincides with the geological implications of colonization and genocide in the Americas, which also unknowingly dropped atmospheric carbon levels thanks to large-scale afforestation of once-cultivated Indigenous lands. Its apparently causal connection to geoengineering shows that the Anthropocene is not only far from innocent in historical diagnosis (it matters both geologically and politically when we date it), but preemptive in techno-scientific prescription for future response. Essentially, by interpreting the past, we determine the future. For Crutzen, engineering may be a last resort to forestall catastrophic breakdown, where reducing emissions proves insurmountable; for others, it represents an attractive first option to advance ecological modernization, merging climate solutions with economic opportunity. This becomes explicit with The Breakthrough Institute’s notorious proposal for a good Anthropocene, founded on the dubious “decoupling” of economic growth from environmental impacts. This “leading big money, anti-green, pro-nuclear”—and pro-geoengineering—“think tank in the United States” was founded in 2003 by Michael Shellenberger and Ted Nordhaus. In their 2004 essay “The Death of Environmentalism: Global Warming Politics in a Post-Environmental World,” Shellenberger and Nordhaus sought to dispatch what they termed the “politics of limits”—the kind based in the regulatory environmentalism of the 1970s emphasizing Earth’s finite carrying capacity—and replace it with a “politics of possibility” dedicated to technologically-driven economic growth. They count Carl Page, brother of Google founder Larry Page, among its funders, indicating the growing convergence of Big Tech with green economics. According to critics, The Institute remains singularly “dedicated to propagandizing capitalist technological-investment ‘solutions’ to climate change.” The clearest articulation of the Institute’s position is “An Ecomodernist Manifesto,” written by eighteen authors including Shellenberger and Nordhaus. It advances this techno-solutions-based goal: “More-productive economies are wealthier economies, capable of better meeting human needs while committing more of their economic surplus to non-economic amenities, including better human health, greater human freedom and opportunity, arts, culture, and the conservation of nature.” Despite its familiar trickle-down economics and liberal-coated goodwill, the Manifesto’s expansive spatiotemporal scales and abstract rhetoric, like much of the Anthropocene’s planetary imagery and deep time frame, overshoot the figural, the actual, the experiential. It’s not surprising, then, that its “politics of possibility” fails to mention the terms “race,” “equality,” or “justice,” which would help connect to the actual antagonisms of current social experience, while the lofty and generalizing language of “human,” “technology,” and “growth” abound. By evading such key facets of justice-based environmentalism—which they do their best to consign to the grave—Ecomodernism’s color-blind formulations reflect yet another version of what Van Jones has called “the unbearable whiteness of green,” here doubly unbearable because the Manifesto’s utopianism utterly fails to reflect on the intolerable social conditions that it disappears and implicitly seeks to protect. Alternately, if we can describe Jafa’s video as expressing an environmentalism of sorts—which I argue we can, even though the video’s reception to date has largely evaded such an analysis—then it’s one attuned to what Christina Sharpe terms “antiblackness as total climate.” And compared to the Ecomodernist Manifesto’s many conceptual loopholes, Love is the Message is laser-focused on figurations distorted within the everyday environments of racial-capitalism’s necropolitics. Indeed, Jafa’s stream of rhythmic edits cycles relentlessly through shots of police hitting, pummeling, punching, shooting, and brutalizing Black bodies (recalling and updating approaches of Third Cinema and specifically Cuban filmmaker Santiago Álvarez’s then-shocking portrayal of US racist policing set to Lena Horne’s rousing civil-rights number in his short 1965 film Now!). Visualizing the policing of distinct climates of life and death, Jafa includes the 2015 murder of Walter Scott in South Carolina, the abusive 2014 arrest of Kametra Barbour in her car with her four children in Dallas, and the cruel ground-tackling of fifteen-year-old, bikini-clad Dajerria Becton, who a white police officer violently forced to the ground at a pool party in McKinney, Texas in 2015. Where long-term environmental management is integrally related to social control with racial, gendered, and classed differentials, we can term these practices “climate control.” Elsewhere, Jafa contextualizes this historic anti-blackness with additional footage drawn from the historical archive, showing midcentury scenes of police fire-hosing Black protestors, striking civil rights activists with nightsticks, as well as whites brutalizing lunch counter protestors in North Carolina, and footage from D. W. Griffith’s notorious 1915 film The Birth of a Nation, with its scandalously positive portrayal of Klu Klux Klan members and white actors in blackface. In returning to Ecomodernism, The Breakthrough Institute willfully contributes to the widespread invisibility of these scenes, divorcing what may be termed the Black Anthropocene—wherein ecology is inseparable from the social terms of racial capitalism—from its geoengineered future. While these models are capable of climate control at the regional level, as in its solar radiation management proposals, Jafa’s video, which exhibits affinities with the fields of political ecology and climate justice grounds the environment as the realm of socio-political and techno-economic inequality. This equation is most explicit where his video includes passages of African-Americans wading through the flood waters of Hurricane Katrina. For many New Orleanians, years of structural negligence, municipal and infrastructure defunding, systematic racial inequality, and impoverishment were only compounded by the “unnatural” disaster. In fact, taking that context writ large, geoengineering appears to be a technological construct mobilized in part precisely so as not to address social injustice and to restrict our understanding of environment to the biogeophysical realm. Showing how police brutality enacts the every day (and sometimes spectacular) meanings of US environmental management, Love is the Message brings environmental control down to the racialized and classed figural scale. We witness how white supremacy, disaster capitalism, and authoritarian neoliberalism operate at such a granular level, models that today have come to represent Trumpism, itself a signature instance of the pathologies of Anthropocene rationality.

“Climate change is global-scale violence against places and species, as well as against human beings,” contends Rebecca Solnit. Naomi Klein extends that insight where she writes how “the reality of an economic order built on white supremacy is the whispered subtext of our entire response to the climate crisis,” which is far from accidental, but rather “the result of a series of policy decisions the governments of wealthy countries have made—and continue to make—with full knowledge of the facts and in the face of strenuous objections.” Attacking such decisions at UN climate summits, the Sudanese diplomat and climate negotiator Lumumba di Aping has predicted the results to be “climate genocide,” where limiting warming to two degrees Celsius means accepting a global average that will translate into 4-5 degrees in some places, meaning “Africa will burn.” Owing to the massive scales, delayed impacts, and tremendous complexity of climate science, as well as its networked agencies built of cybernetic systems, the challenge is urgent to render these insights into visual evidence capable of forming collective political subjects who act, so that we can shape the future we want to live in—at least while there’s yet time left to do so.

Even while Love is the Message doesn’t specifically reference geoengineering, it nonetheless offers a discernable cry of protest against the latter’s ambition to sustain our present culture with no alteration to its governing sociopolitical and economic arrangements, with mitigation technology only intervening at the level of regional weather control and atmospheric waste management. By virtue of its montage, Jafa’s video joins passages of black death and police violence to close-up shots of angry sun flares, as seen from NASA’s International Space Station’s near-live feed, offering an insight common in environmental justice circles that views global warming as a threat multiplier that exacerbates social conflict and inequality. According to well-documented research, disenfranchised and impoverished communities of color experience higher levels of exposure to climate-related disasters and their aftermath, food and water shortages, major health risks, and other forms of environmental vulnerability. In this vein, it’s feasible to understand the video’s footage of the alien’s dripping secondary jaws from Ridley Scott’s 1979 classic, and those of the city-destroying monster from Cloverfield, Matt Reeve’s 2008 faux-found-footage horror film, as further allegories, serving to elevate the tragic-but-quotidian documents of police violence and social oppression to the realm of cosmopolitical significance, the arena where worlds are annihilated and remade. In other words, any given police attack cannot be seen as a stand-alone local event, but rather, by virtue of Jafa’s stream of collected footage, part of systematic and widespread violence, and more, as a matter of civilizational threat akin to the horror of an alien assault on planet earth. As such, the monstrous here is a story of racial injustice, which Jafa sets in a post-natural dystopia resulting from runaway climate change.

The many film fables that the monstrous proposes might also be read variously as representing the greedy and senseless destruction of the world conducted by the rapacious power of carceral capital, bolstered by police climate control, the colonization of debt, and the chains of spectacle; the radical and threatening otherness of racial difference become a predatory behemoth; alternately, a justice-seeking revenge fantasy upon white-supremacist culture by what lies beyond recognition; or the materialization of contemporary fears of a genetically and geo-engineered Frankensteinian science in creating post-natural dystopias and runaway climate change—or indeed some element of each all mixed together without articulate or stable meaning. The Breakthrough Institute also references our “contemporary Frankenstein”—enlisting no less than Bruno Latour in its theoretical armory, who argues that we must not disown the planetary monster we have created—the earth of the Anthropocene—but rather learn to love and care for it through further technological acts of “modernizing modernization.” While Naomi Klein overlooks Latour’s subtler call for a “compositionist” modernity as “a process of becoming ever-more attached to, and intimate with, a panoply of nonhuman natures,” she criticizes the presumptuousness of his proposal especially where it aids in the Institute’s pro-engineering agenda: “The earth is not our prisoner, our patient, our machine, or, indeed, our monster. It is our entire world. And the solution to global warming is not to fix the world, it is to fix ourselves.” Adding to mounting opposition to geoengineering, she highlights the unintended side-effects (e.g. interfering in Monsoons in South Asia, exacerbating drought in North Africa, widening the ozone hole); the lack of any regulatory protocol for climate interventions with trans-national implications; its lock-in effect making it next to impossible to abandon the technology once it’s been implemented; its anti-democratic basis in an era of globalism led by a handful of powerful developed nations; and, crucially, its directing of precious resources away from the causes of climate disruption, in favor of addressing symptoms.

Indeed, in recent years popular resistance movements have formed around climate justice, asserting the fundamental principle of “system change, not climate change,” where justice means dedication to equality, fairness, and the inclusion of the most vulnerable and members of frontline communities in the deliberation of climate solutions. Think of the ongoing battle in central France to stop the new airport and invent a non-capitalist commons at the Zad; Standing Rock’s ongoing opposition to the Dakota Access Pipeline and expression of multi-national resurgence in the name of Indigenous and environmental rights; the many examples of Blockadia pitted against fossil-fuel infrastructure and extraction projects across the Americas, including protests in Louisiana against the Bayou Bridge Pipeline, in British Columbia against the Trans Mountain Pipeline, and those in Ecuador against oil drilling in Yasuní National Park; and the European climate camps and the Ende Gelände [Here and No Further!] movement in Germany, where the state is currently threatening to tear down the ancient Hambach forest to dig for coal, evicting activists along the way. These are all pledged variously to the goal of reinventing forms of life by refusing the imperatives of capitalist growth and market-based mechanisms for addressing climate breakdown, even while they also seek to expand the social technologies of equality and justice.

But despite such momentum and creative transitions, what’s becoming clear with the ongoing development of geoengineering is that massive resources and funding bodies are mobilizing the technology under the star of the neoliberal Anthropocene. If anything, that formation parallels and joins the same forces that support the militarization and technologization of police functions, growing economic inequality and generalized indebtedness, the privatization of and creation of for-profit prisons, and the criminalization of protest, to the point where the criminal justice complex increasingly treats both environmental and antiracist activism as terrorism. Consider Breakthrough Initiatives—no relation to the Institute other than sharing a trending term within the field of competitive tech development—which is one among many trying to “save the planet” and motivated in doing so by what some see as a $12 trillion opportunity. Funded in part by Facebook’s Mark Zuckerberg and Israeli-Russian venture capitalist Yuri Milner of Digital Sky Technologies, and counting the late Stephen Hawking among its collaborators, the project recently put $100 million into a radio wave project to search for alien life. Led by a libertarian entrepreneurialism that derides the outmoded and bureaucratic state agencies of the Cold War, Breakthrough Initiatives is part of a growing “colonial futurism” premised upon the neoliberalization of outer space. It connects to the projects of Silicon Valley’s modeling of “NewSpace,” as in the rhetoric of Elon Musk, set on off-planet resource mining, terraforming other planets, and extending property claims far into the galaxy. With the neoliberal corporate-military-state complex determined to occupy and settle the very place that certain Afrofuturists have long sought as a destination to escape colonized Earth, such starry-eyed fantasies are quickly becoming grim futures.

Other initiatives focus their attention on Earth, representing how the neocolonialist spirit haunts new wave environmentalism. There’s ScoPex, Harvard University’s current $20 million Stratospheric Controlled Perturbation Experiment, notable for its first-ever plans to test solar radiation management technologies outside the lab in the earth’s atmosphere above Arizona. Led by David Keith, Harvard professor of applied physics, founder and board member of the private corporation Carbon Engineering, and signatory of “An Ecomodernist Manifesto,” the project is supported by Microsoft’s Bill Gates and his Fund for Innovative Climate and Energy Research, as well as by the Hewlett Foundation and the Alfred P. Sloan Foundation (an appropriate beneficiary, considering it is named for the longtime CEO of General Motors). Notable for its funding model joining university engineering and climate-science research to Big Tech and fossil capital, ScoPex parallels a marine cloud-brightening field experiment in Moss Landing, California, led by the Joint Institute for the Study of the Atmosphere and Ocean (JISAO) at the University of Washington, directed by Thomas Peter Ackerman, Professor of Atmospheric Sciences, with Paul Crutzen as a senior advisor. With $16 million in funding from Gates and others, the project plans to shoot seawater droplets into the atmosphere from a ship with high-pressure nozzles, creating a solar shield to deflect sunlight. In light of Cameroonian theorist Achille Mbembe’s diagnoses of creeping precaratization as “the becoming-black of the world”—meaning the post-racial generalization of dispossession, indebtedness, and loss of powers of self-determination—geoengineering’s desire to save the world by whitening the sky reveals how completely detached the field is from the catastrophes currently occurring on the ground in the here and now. While geoengineering may profess to stem from love of earth, its message is death: the death of social justice, equality, and democratic inclusion. The go-to guide for Zuckerberg and Gates is Yuval Noah Harari’s recent book Homo Deus: A Brief History of Tomorrow, which, tellingly, includes a chapter titled “The Anthropocene.” Driven by an endless quest for “bliss, immortality, and divinity,” anthropos, in this narrative, figures as ultimate self-creator, for whom no challenge—climate change, agricultural failure, artificial intelligence, planetary hunger, even death and extinction—will be beyond technological overcoming, especially when matched to Silicon Valley capital. At the same time, the cost will be greater inequality and technocracy, an expanding useless class, a new religion of algorithmic “dataism,” and the reduction of humanity to “biochemical subsystems” monitored by global networks. More prosaically, the Good—read: Neoliberal—Anthropocene emerges in this and the Breakthrough Institute’s narrations as the ideological mechanism of choice for suspending contradictions between economic growth and climate solutions. In fact, even climate-change denying Texas Republicans can get on board with geoengineering as a not-to-be-missed pro-tech economic opportunity, requiring no need to debate sources of environmental transformation or hold petrocapitalism responsible, as causality is sacrificed on the alter of techno-solutionism.

While the Trump administration has defied the scientific consensus on climate change and supported fossil-fuel deregulations, its February 2018 budget, supported by many in congress, included the first-ever tax breaks for new technologies of atmospheric carbon capture. Meanwhile, the Hoover Institution, The Heartland Institute, and the American Enterprise Institute—all key conservative think-tanks—support this move, the latter hailing geoengineering as nothing less than “a revolutionary approach to climate change.” Even more alarming is the current conceptualization by Keith and others of “counter-geoengineering,” the counteracting of the militarization and weaponization of climate manipulation technologies as deployed by imagined rogue states or non-state actors. This additional danger dramatizes engineering’s ungovernable status and potential for destructive instrumentalization in the era of Homo Deus. Even more than biologically regressive, neo-humanist and universalist, depoliticizing and neocolonialist, Anthropocene geoengineering is proving most threatening where techno-utopianism merges with military unilateralism in proposing near-future global weather wars, going far beyond anything imagined in the Cold War.

While the horror of those systems are devastatingly presented in Jafa’s video, Love is the Message also powerfully intercuts passages portraying the remarkable resilience, accomplishment, and beauty of African American culture—despite all—in activism, politics, speculative imagination, rhetoric, music, dance, literature, athletics, and, profoundly, everyday forms of creativity. The negative and the positive, love and death, repeatedly and relentlessly oscillate and converge in explosive combination in his piece, proposing something like a singular Vine compilation of cutting philosophical import, or an Instagram feed of alternating soul-destroying and restorative affects. Jafa terms it the “the abject sublime,” an extraordinary mix of beauty and horror, issuing from an archive of black visual culture that seems infinite in its range of experiences. For Jafa, this ultimately beyond-quantifiable record of being stems from an ontological construction inseparable from the wake of transatlantic slavery. Indeed, the video’s description-defying vastness, its overwhelming multivalence, is signaled in Greg Tate’s necessarily transgressive grammar used in describing the piece: “The viral outgrowth of an aborted found-footage exercise, the 7-minute video is an alternately mirthful-cum-melancholic-cum-cardiac-arresting meditation on race-agency wrapped in a visually sermonic recitation of race tragedy wrapped in a nuanced and feverish exultation of diverse Black American lives at various states of collapse and regeneration.”

Yet even though the video offers an amazing account of generative ambivalence and creative survival, even while it also gives rise to encompassing hopefulness in collective moments of love, solidarity, ethical conviction, and collective justice-seeking, it simultaneously obliterates any consideration of extending or sustaining its world of horror, one of beyond-grotesque inequality, impoverishment, and violence that renders Black life and lives matterless by the state and its techno-human apparatuses. Unlike The Breakthrough Institute, which proffers art and leisure as rewards, Jafa’s sci-fi reaches the realm of cosmopolitical magnitude without losing sight of vernacular instances of in/justice, of situated expressions that are future-oriented but historically informed, and which are dedicated to the reinvention of everyday life, art, culture, politics, mourning. It follows, then, that Jafa would extend solidarity to a younger generation by including artist Martine Syms. During her cameo, she reads from her 2015 “Mundane Afrofuturist Manifesto,” which reprises the longstanding black cultural aesthetic that draws on visions of a utopian time to come, one reached only by passing through the traumatic alienations of racial capitalism. No simple time travel or shapeshifting is possible, however. “Mundane Afrofuturists recognize that we are not aliens,” Syms explains, while facing the camera seated behind a desk.

Jafa borrows the clip from Syms’s eponymous documentary, which, over the course of its hour-long duration, eschews what its author sees as the depoliticized fantasies of past Afrofuturisms. According to Syms, they have sunk into hackneyed fashions, commodifiable styles and stale pop-cultural spectacles severed from any radical imagination inspiring collective liberation. More, she warns against acritical escapism, as when “magic interstellar travel and/or the wondrous communication grid” lead to “an illusion of outer space and cyberspace as egalitarian.” For her, “jive-talking aliens,” “reference to Sun Ra,” and “Egyptian mythology and iconography” are all out, calling instead for “a new focus on black humanity: our science, technology, culture, politics, religions, individuality, needs, dreams, hopes, and failings … Mundane Afrofuturism is the ultimate laboratory for world-building outside of imperialist, capitalist, white patriarchy.” While Love is the Message expresses potential solidarity with the oppressed and excluded, both human and non, Syms’s sentiment rejects equivalence between racial difference and the monstrous. It is expressive of what Aria Dean diagnoses as the conjunction of black accelerationism and Afrofuturism that entails both a catalytic movement toward “the end of the world” and a revolution beyond the in/humanisms of racial capitalism. In other words, a younger generation has elected to update Afrofuturism, asking us to witness a double move that rhymes negative critique with positive transformation.The challenge here is bringing this vision of social critique and social liberation into explicit connection—and more importantly, direct conflict—with the neoliberal Anthropocene, and to oppose the threat of white supremacist tendencies and colonial, extractive futurism. These Ecomodernist agendas are intent on shaping the world to come; with resources and the political will to do so, it will not only set us on a track of unstoppable climate transformation but also interminably extend racial injustice and white supremacy. Against that scenario, we urgently need to invent and work toward cultivating futures beyond the world’s end, where that end is no longer unthinkable beyond current socio-political and economic arrangements, or where that end has already in fact occurred. It is urgent that we ask ourselves, why should cultures outside Afrofuturism—which remain comfortably shielded by whiteness and the current narratives that uphold its position—care?

One answer is to reiterate the desirable terms of a shared world where “injustice anywhere is a threat to justice everywhere.” Expressing a future-oriented imperative with new politico-ecological purpose, Fred Moten, in a recent public conversation with Robin D. G. Kelley, has updated that famous ethico-political formulation of Dr. Martin Luther King Jr. (who, it should be noted, makes a notable appearance in Jafa’s video). He posits the mission of contemporary Black studies as “on the most fundamental level to try to save the earth, and on a secondary level to save the possibility of human existence.” Kelley adds that this is a “project for liberation,” a “transformative project,” and if it doesn’t exist as a response to “the neoliberal, neo-fascist turn, then it’s worthless.” Why should this project for liberation not also be the overarching imperative of artistic practice today? If so, then art will name the practice of creative aesthetics that merges ecological insight with political engagement in the hopes of not only saving what good we have but securing a flourishing and emancipated future for all.

#### Afrofuturist pedagogy can and should be applied to policy scenario planning—this requires rejecting their colonialist relegation of blackness to eternal negativity, but doesn’t link to any of their liberalism DAs.

Pillow, 17—University of Utah (Wanda, “Imagining Policy [Data] Differently,” *Policy and Inequality in Education* pp 133-151, springer, dml) [Note on the acronym “EPY,” from footnote 2: “Expectant and parenting youth” (EPY) refers to young parents, male and female, ages 12–21, and is the current preferred term in US youth policy. In this chapter, EPY is interchangeably used with young parents except when referring to young mothers. Teen mothers/teen pregnancy is used when referring to representations in research, media, and policy discourse. Chapter focus on Black EPY arises from the research setting in which Black youth represented over 85% of EPY.]

Afrofuturism acknowledges and affirms that for Black diaspora the apocalypse occurred; it was the worldwide conduit of Black slavery, including capture and an active trade economy of Black bodies and attempted erasure of Black memory, landscapes, languages, and cultures. After the Middle Passage, Blackness in the colonial/American memory is represented and theorized with an origin that begins only with colonialization and slavery, creating an always “negative ontological placement of black subjects in Western modernity” (Weheliye 2002, p. 28). In other words, Blackness cannot exist—theoretically or in research, policy and practice—as fully human in modernity and thus never accorded full and equal status, rights, and conditions. Given this onto-epistemological position, Afrofuturism recovers and “remains connected to an African humanist past” (Anderson 2015, p. 182) in order to “provide a critical link … (to) express a radical black subjectivity” in the future (David 2007, p. 697). As Eshun (2003, p. 293) explains: “Afrofuturism … is concerned with the possibilities for intervention within the dimension of the predictive, the projected, the proleptic, the envisioned, the virtual, the anticipatory and the future conditional.” The anticipatory and reimagining of futures is necessary for those oppressed by empire and the intertwined racisms and primacy of heteropatriarchy Judeo-Christian belief systems (Wynter 2003). As Delany (1984, p. 35), a Black fiction author stated at a 1978 talk titled The Necessity of Tomorrows: “We need visions of the future, and our people need them more than most.” Delany (1984, p. 35) continues: Without an image of tomorrow, one is trapped by blind history, economics, and politics beyond our control. One is tied up in a web, in a net, with no way to struggle free. Only by having clear and vital images of the many alternatives, good and bad, of where one can go, will we have any control over the way we may actually get there in a reality tomorrow will bring all too quickly. It would be a mistake to think Afrofuturism theorizations are naïve. They are not. Afrofuturistic genres are often raw, difficult to look at or comprehend, leaving readers/viewers in states of affirmation, despair, discomforts, or rage. While hope may be found and read through Afrofuturism, the analytics of reimagining involves complete disruptions of not only what we think we know but also how we think we know. As Eshun (2003, p. 297) describes: By creating temporal complications and anachronistic episodes that disturb the linear time of progress, these futurisms adjust the temporal logics that condemned black subjects to prehistory. Chronopolitically speaking, these revisionist historicities may be understood as a series of powerful competing futures that infiltrate the present at different rates. Afrofuturism traverses times, places, spaces and speaks to connective globalalities by thinking with and out of the present as articulation of a “developing past and perplexing future” (Josephs 2013, p. 123). Interruptions of time/space/place and insertion of Brown/Black, Queer and differently embodied people into ‘space,’ into futures, as skilled technological, philosophical, and artistic subjects is key to Afrofuturism. If as Bould (2007, p. 177) states: “The space race showed us which race space was for”, we need other space(s) to reimagine. Temporal reimagining’s do more however than place the ‘other’ into space; they re-interpret and interrupt “colonization of memory” through what Lugones (2010) terms a “fractured locus” of seeing, traveling and being. For Lugones, a “fractured locus”—the capacity to live, relate and theorize multiply—is made possible when a colonial binary of defeat/resistance is refused and “the colonized” is not “simply imagined and constructed by the colonizer…in accordance with the colonial imagination and the strictures of the capitalist colonial venture” (2010, p. 748). Likewise, Afrofuturism releases colonial histories from the limits of colonial imagination, celebrating the capacity to live with a “fractured locus” that is able to survive the present, through rewritten, reimagined pasts and futures. In this way, Afrofuturism shares similarities with Women of Color theorizing, queer theory and queer of color critique, which rewrite temporality and futurities (Ferguson 2003; Halberstam 2005; Lorde 1982; Muñoz 1999; Pillow 2015a, c, 2016; Soto 2010). Afrofuturism affirms Blackness with an onto-epistemological capacity to occur differently across space, time, place, geography, and structures by “imagining a black past and envisioning a black future” (Josephs 2013, p. 125). In this way, “inquiry into production of futures becomes fundamental, rather than trivial” because as Eshun argues, “power also functions through the envisioning, management, and delivery of reliable futures” (2003, p. 289). Afrofuturism’s potential connections with and challenges to policy studies are many, including focus on what is embedded in policy productions of “reliable futures.” 8.5 Thinking with Afrofuturisms at the Policy Table What can Afrofuturism offer to those working at the nexus of race and education policy? Let’s return to the earlier discussion of how brute EPY data were, at the policy table, interpreted through entrenched constructions of and feelings about EPY. Faced with the brute absence of acknowledgement of brute EPY data, Afrofuturism shifted a locus of analysis from EPY to colonial legacies shaping present day EPY materialities, including how EPY are defined and known in deficit research. This emphasis led to data re-envisioned as including: 1. NYC historical patterns of education access, placement, and achievement; 2. Attention to how EPY were discussed—how language at the policy table indicated feelings about EPY; 3. Attention to how EPY futures are imagined; and 4. The roles and responsibilities of policy//// to invest in EPY futures. While in the beginning stages of seeing where such thinking may take policy, introduction of the above foci initiated—as one member stated—“philosophical yet applicable” questions and challenges at the policy table. For instance, raising points 2 and 3, initially felt like a gimmick to some key players—“really, we are going to talk about how we feel?!” Making connections between how policy actors feel about subjects to what becomes imaginable felt risky. What was I doing asking busy, high-ranking professionals to engage in Afrofuturism theory? Initiating this process, quotes from Afrofuturist writings were useful, but at the policy table it was important to “show”—to show for example how language use about EPY limited how EPY futures were thought. Ironically, showing required showing more data, an issue troubled above. However, thinking with Afrofuturism refocused what was thought of as data at the policy table. “Data” now primarily comprised the four bullet points above, shifting the focus from EPY to how a policy accounting of the colonial social, education materialities and affects EPY face and are defined by. While many at the policy table initially were skeptical about attempting to think about constructions of knowledge linked to colonialism, the above data moves sparked discussion and memories of personal experiences or experiences with youth. As one table member shared: “I used to think about traveling in space or living somewhere else. So I get that part. I had to imagine something dramatically different in order to get by and I’ve never thought about how maybe that helped me survive and succeed.” After showing the language our policy table had been using to define EPY by literally listing word phrasings used at a prior meeting, another key player stated: We always say that so many of our [Black] youth do not speak as though they have a future and we fault them for that. We say they aren’t motivated or that they have no sense of direction. But maybe we aren’t really investing in their futures, y’know? Maybe we are also limiting what is possible. This statement sparked a conversation that at a crucial moment a participant added: “So you are asking us to really challenge how we think about EPY, right? How we really feel about them and then think about what futures we imagine for them, not just for tomorrow or next week or next month, but years from now, right?” Although such comments generated rich conversation, the question of “So what? What does all this really matter for how what we actually do?” continued to remain the overarching theme and challenge. In order to keep provocations of Afrofuturism in play, nimble questioning circulated while attending to a desire for identification of valid policy pathways: “What do ‘so what’ questions constrain? How can policy thinking be opened up? What would this look like operationalized?” In these instances, data—thickly detailed feminist genealogies demonstrating ongoing impacts of disparate stratification of education access and outcomes—became necessary to calls for reimagining at the policy table. The more Afrofuturism influenced, feminist genealogy data I could show, the further this policy table was willing to push thinking and attempt to reimagine how EPY futures are thought and felt. Questions about data abound in this example—and I return to a discussion of data in the conclusion—but here share an anecdote that articulates the tensions of ‘so what’ questions and responsibilities to imagine otherwise at the policy table. Although, school data were presented at the policy table, it was limited due to a lack of education data specifically on EPY (Pillow 2006). Afrofuturisms reinforced the necessity to dig deeper. Disaggregating nearly 400 young mothers in foster care school attendance data allowed an analysis of the places EPY were attempting to access education. Identification of which schools and boroughs young mothers had been in school or were attempting to re-enroll allowed documentation of attendance zone characteristics including overall school attendance and graduation rates; type of school curriculum; teacher turnover; and school ranking. This documentation demonstrated that in the group of students identified, young mothers overwhelmingly attended schools demarcated as ‘failing’ by NYC Board of Education standards. While this was not surprising, two specific data points did create a shift in conversation and thinking at the policy table. The first is mentioned earlier in this chapter: based on disaggregated NYC data, when young mothers are compared with their peers they are not underperforming; young mothers attendance and school completion rates are similar to their peers. This finding contradicts many entrenched deficit beliefs about EPY. Secondly, a nonprofit group provided a report on overage middle school students in NYC. Defined as students who are three or more years overage for grade level, this classification includes many EPY. In 2012, over 8500 middle school students were 3+ years overage for their grade, not including students unenrolled in school (Advocates for Children of New York 2014). During the same year there were less than 450 seats available in placements willing to accept overage students—a ratio of 5% available seats in relation to known need, which does not include youth not tracked by schools. These numbers reflect a US education debt of underserving youth who are most ‘at risk’ and dramatically demonstrate conditions EPY face when attempting to return to school as well as the institutional, structural limitations faced by adults trying to help youth return to school. When the above points were first presented, the challenge to shift assumed deficit thinking about EPY alongside the context of EPY placement in failing schools, alongside the numeric reality and discrepancy between student need and actual seat availability was so large (95%)—just too big—that discussion of ramifications were effectively removed from the table. When Afrofuturism was introduced, this data were put back on the table and placed beside available historical and current contextual information on EPY education access. Thought with Afrofuturisms, the data were discussed as disparities of racialized access directly connected to colonial racial de-humanizing. Further, with Afrofuturisms, these ‘too big’ issues were discussed and restructured as insights and evidence of how deficit data shape how policy talk enacts feelings about EPY, feelings that impact what is imagined in terms of future talk at the policy table. As could be expected, conversations also included policy actors saying imagining requires limitless budget and resources, which then led to comments that “imagining” was not helpful given “we must deal with reality.” In these debates, Afrofuturism was useful as a reminder of the need to face existing material conditions while identifying and understanding how deep entrenchments of deficit talk limits, in this case, imagining of EPY futures and policy’s roles in these futures. Afrofuturism became a crucial analytic to imagine otherwise; to think policy outside of existing deficit structures, outside of self-imposed temporalities and to question policy responsibility

to futures for youth like EPY. Four initial analytic shifts arose: Are we asking/requiring EPY to attend broken and unfair school systems? What would it mean to acknowledge the previous point to EPY? To acknowledge the strength it takes to navigate unjust systems while concurrently providing supports to temporally navigate such spaces? What would it look like to raise the education bar for EPY? What if EPY were characterized as some of the most motivated students rather than most deficit? Can policy theorize and implement processes to support “a series of powerful competing futures that infiltrate the present at different rates” (Eshun 2003, p. 297)? The shift in these questions appears small, but are seismic in potential impact. By relocating attention from EPY as deficit to how and why policy creates feelings about and thus imagines futures for EPY, the range of viable policy questions and considerations is expanded. 8.6 Policy Scientificity 3.0, Data and Futurism at the Policy Table In policy contexts that are pre-scripted before we even sit down at a policy table—contexts shaped by deficit data, education debts, social constructions, and imposed limits on temporality—critical theory interruptions are not enough. If urban education policy currently exists amidst the ruins of education and policy debt (Pillow 2014b), then policy studies require 3.0 and beyond analytics that can work the ruins (St. Pierre and Pillow 2000) and, in the case of this chapter, acknowledge colonial debts in order to rethink how and whose policy futures are imagined and unimaginable. ‘Data’ remained a conundrum and tension in this process. Policy agents expect to see brute data, hence how policy studies scholars theorize and present data deeply matters, particularly when data create deficit gap entrenchments, like those surrounding EPY. However, this chapter demonstrates how brute data of disenfranchised subjects can be ignored or reconstructed in deficit discourses and deficit feelings about policy subjects, feelings that limit how policy futures are imagined. Here the problem is not data per se, but rather what counts as data at the policy table and how data are thought. Afrofuturism became the impetus to imagine policy data differently and served as a linguistic interruption of deficit conceptions of Black EPY by forefronting Black futurity. In constrained contexts where Black youth futures are believed to be limited, Afrofuturism forced a call to reimagine futures in which Black youth and Black EPY flourish and forced discussions of what it means for policy to take responsibility for such futures. Given deficit entrenchments surrounding EPY, theoretical analytics that recognize colonial education debts and challenge the unimaginability of alternative EPY futures is necessary to any attempt to think policy differently. As a working example, this chapter is less about Afrofuturism as an analytical answer to policy studies, than a willingness and commitment by policy studies scholars to utilize the profound critiques in race, gender, sexuality, decolonial theories to interrupt and expand how policy and policy data are theorized and imagined (Pillow 2016). Specifically attending to how policy futures are theorized provokes analysis of who has access to futurity and how futures are imagined, a discussion that necessarily acknowledges colonial materialities and affects. This work will require innovative 3.0 analytics.

#### The rhetorical connection between poetry and explanatory theory terminally destroys the effectiveness of both. Vote neg to affirm either the performance without the rest of the 1AC or the rest of the 1AC without the performance. They have the burden of proof to justify everything in the 1AC; we should win if they can't prove why both the poem and the cards are necessary.

Kennedy, 17

American University of Paris (Kevin, "Heterology as Aesthetics: Bataille, Sovereign Art and the Affirmation of Impossibility," Theory, Culture and Society July 28, 2017)

Bataille’s conception of sovereign art, as something that essentially withdraws from discourse, exhibits certain similarities with Graham Harman’s object-oriented ontology, which claims that the essential feature of all objects lies in their withdrawal from or unavailability to precise or exhaustive definition. In an essay on the fiction of H.P. Lovecraft, Harman argues that philosophy and art are similar in that they both probe but never fully explain this withdrawal (see Harman, 2008). While Harman’s account is illuminating regarding the potential strangeness of all objects, he nonetheless fails to consider that philosophy, by systematizing this strangeness, inevitably reduces it. It thereby (to use Bataille’s diction) deprives the strange of its heterogeneous character. In the fiction of H.P. Lovecraft or Edgar Allan Poe, the strange, uncanny or heterogeneous can be experienced because they are not subsumed within a general theory of strangeness, which would immediately diminish the feeling of horror and confusion their stories so masterfully provoke. In order for sovereign art (such as the works of Lovecraft) to have the desired effect (confusion, elation, attraction, repulsion, etc.) its aesthetic sovereignty needs to resist the anaesthetic effects of theory. In Bataille’s essay on William Blake he clarifies this point in relation to ‘the confusion that is provoked’ (2006b: 94) by the works of the English poet. Here the attempts of criticism and philosophy to account for this confusion by forcing it into some kind of conceptual straightjacket are likened to a state of sleep, which always petrifies and numbs the sovereign power of the work: ‘As we try to escape from it, we pass from waking and awareness of the confusion to the sleep of logical explanation’ (2006b: 94). Bataille’s later account of art is closer to Rancie`re’s delineation of Schiller’s aesthetic theory, which also insists on the radical incongruence between heterogeneous art and homogeneous thought: ‘Free appearance is the power of the heterogeneous sensible element ... it is foreign to all volition, to every combination of means and end ... inaccessible for the thought, desires and ends of the subject contemplating it’ (2009: 34). However, unlike Schiller, for whom, according to Rancie`re, ‘this strangeness...this radical unavailability ... bears the mark of man’s full humanity and the promise of a humanity to come, one at last in tune with the fullness of its essence’ (2009: 34), Bataille’s conception of sovereign art is radically divorced from any notion of utopian fulfillment. In the third part of The Accursed Share, simply entitled Sovereignty, he explains the difference between traditional forms of sovereignty (such as the idea of god, the feudal lord or the fascist leader) and his notion of sovereign art: ‘Sovereign art is such only in the renunciation of, indeed in the repudiation of the functions and the power assumed by real sovereignty. From the viewpoint of power, sovereign art is an abdication. It throws the responsibility for managing things back onto things themselves’ (1993: 421). In his work of the 1930s, as we have seen, art is rejected because of its lack of revolutionary or political leverage. In Bataille’s later work this lack of efficacy in the socio-political realm becomes the mark of its sovereignty, of its sovereign rejection of responsibility and accountability. Bataille now insists that the much decried distance or separation between the artistic and the political realm in modern society needs to be maintained or even made more trenchant, as any attempt at fusion would instantly compromise art’s sovereign immediacy, its freedom to celebrate confusion, disorder and incoherence. For this reason it should never be expected to create blueprints or models for a possible future society: ‘I have continually placed the present moment against a concern for the future and for me poetry is defined by concern for the present moment’ (2006a: 86). Conversely, political action is now placed squarely in the realm of the homogeneous, as it is always guided by a concern for the future, which, according to Bataille’s definition, is a rational concern. Every work of art is always an act ‘against the unacceptable world of rational utility’ (2006a: 70), as it is aimed at an experience of immediacy beyond the practical and future-oriented considerations of everyday life. However, ‘the refusal this involves would gain from not being confounded with the reasoned refusal of unreasonable conditions of life’ (2006a: 70). In other words, it would be a mistake to attempt to enlist the heterogeneous, immediate nature of art and poetry to combat the ‘unreasonable conditions of life’, as this always requires a sober analysis of those conditions, devoid of the effusive powers of attraction and repulsion: ‘the mastery of [intellectual aptitude] remains the key to rigorous emancipation’ (2006a: 50). Bataille’s postwar insistence on the separation between these two spheres, the political/rational (homogeneous) and artistic/aesthetic (heterogeneous), then presents an attempt to solve the immanent contradiction that surfaced in his initial theory of heterogeneity. If, as we have seen, the sovereign/heterogeneous is posited as that which resists instrumentalization (for revolutionary or utopian goals), this new disassociation is not only warranted but implicit in Bataille’s account of heterogeneity from the very first. He now argues that the attempt to apply the heterogeneous to the realm of homogeneity, the immediate to mediating categories, art to politics, constitutes a disservice to both realms: on the one hand it denies the effusive, strange, opaque dimension of the sovereign artwork and reduces the latter to the flatness of a formula or a service rendered: ‘In modes of thought in which the rational and the poetic remain confounded, the mind cannot elevate itself to the conception of poetic liberty, it subordinates the instant to some ulterior goal’ (2006a: 65). On the other hand, to infuse politics with the perplexing power of the heterogeneous precludes a clearheaded and rational appraisal of the real conditions of social life, which is a prerequisite for any meaningful attempt to bring about political change.

#### Their appeal to artistic resistance is a desire for symptom-free racism that actively deradicalizes social movements by undermining the collectivity necessary for effective activism

Andrews 18 [Kehinde, Associate Professor in Sociology at Birmingham City School of Social Sciences, *Back to Black: Retelling Black Radicalism for the 21st Century*, p. 219 – 231]

There’s certainly something romantic about the idea of the artists, writers, poets and musicians being the revolutionary vanguard, painting a new vision for the future and calling us to its tune. However, in reality this is just an intellectual version of cultural nationalism. We know society is corrupt but instead of trying to overthrow it we seek solace in the beauty that has been created in the hideous. We can affirm ourselves by getting lost in the sorrow songs, fiction and poetry or watching the achingly beautiful choreography of the Alvin Ailey Dance Theatre. But none of this culture, no matter how beautiful or genre defying, is revolutionary. It does not pave the way for revolution, or even in itself open up possibilities. Culture is always a product of the political moment. Slavery and marronage make the blues; the New Negro movement shapes the Harlem Renaissance; Pan-Africanism calls into existence Afro-beat; Rastafari and Garveyism produce Reggae; and Black Power creates the Black Arts movement. Even the lack of cohesive Black political movements can be traced to the commercialisation and gangsta-isation of Hip Hop. In a memorable quote from the James Baldwin documentary I am Not Your Negro , he explains that he was a ‘witness’ to the political events that shaped his work. The film is based on a book he was writing about Malcolm X, Martin Luther King and Medgar Evers. Unlike those three he was not a leader in any organisation, and he did not pay with his life for his commitment. Baldwin was on the side-lines, linked in but not fully part of the movements. This is not to belittle or downplay Baldwin’s role, but to recognise it. Artists document the political moment, they do not create it. It is a vital role, but not a revolutionary one.

Perhaps the loosest use of the term revolution I have come across is in Shayne Lee’s *Erotic Revolutionaries*. Lee argues that ‘erotic revolutionaries … effectively wage war against the politics of respectability and challenge traditional scripts offering women a greater space to indulge in a fuller range of sexual expressiveness’.27 His revolutionary vanguard includes singers, video vixens and models who blaze their transformative trail against sexual conformity. It is almost too obvious that this version of revolutionary is not radical, and is probably not meant to be. I doubt even Lee believes that doing video blogs giving tips on how to improve your sex life is a revolutionary act on a par with trying to bring down a political and economic system that kills children. But the redefinition of revolutionary is important to discuss because it has implications for Black political movements, particularly in the West where revolutionary overthrow is not an option.

One of the most fundamental problems with Lee’s argument is his obsession with the politics of respectability and therefore the need to move beyond it. Respectability politics refers to the notion that Black people must represent ourselves as upright and decent citizens to counter the negative stereotypes of the lazy and deviant Black person. There is long history of respectability in Black politics, with Booker T. Washington and the ‘pull yourself up by your bootstraps’; 28 and Dubois’ notion of the ‘Best of the Race’. For radical figures such as Garvey and even Malcolm, the idea of being clean-cut and upright was seen as paramount in how we portrayed ourselves. For more conservative versions of Black politics, it is not just a question of appearance but the idea that acting, dressing and talking ‘right’ is the key ingredient to success in society. One of the best examples of this poisonous logic was when Bill Cosby used his speech at the fiftieth anniversary of the desegregation of schooling to attack the ‘people with their hat on backwards, pants down around the crack’. He launched a tirade against women with their ‘dresses all the way up to the crack’ and ‘five or six different children’ with ‘eight or ten different’ fathers. He even goes as far as to blame victims of police killings for their deaths, using the hypothetical example of people getting upset over the police shooting someone who was stealing pound cake. The problem is not the police but that they ‘were holding the pound cake’ in the first place.29 Respectability politics is a problem with vastly negative consequences for Black politics and also has particular implications for gender. Rosa Parks was not the first Black woman in Montgomery, Alabama to refuse to give up her seat to a White passenger. Nine months previously Claudette Colvin had been carried off a bus in handcuffs after she asserted her constitutional right to a seat. She sought the support of the civil rights apparatus but they did not want to use her as a test case. Claudette was fifteen and pregnant, the opposite of the steadfast Black working woman they would later use as the symbol of the campaign.30 Rosa Parks is the embodiment of what Lisa Thompson calls the ‘Black lady’ archetype, a representation that ‘relies heavily on the aggressive shielding of the body concealing sexuality; and foregrounding morality, civility and intelligence’.31 Claudette was too much the stereotype, not respectable enough as the face of the campaign. In order to have the necessary esteem in the eyes of the public and the state they needed to call in the Black lady. Lee rails against how the Black lady has dominated not just Black political representation but also Black feminist scholarly work. Seminal scholars such as Patricia Hill Collins have forensically analysed how mainstream culture provides limited ‘controlling images’ of Black women. From the sexless, nurturing ‘mammy’ figure to the deviant, oversexed ‘jezebel’,32 the Black female body has been policed in popular culture. Lee is critical of how scholarship has overdetermined the role that sexualisation of Black females has played and therefore limited the space for Black female sexuality to be appreciated on its own terms. There is some truth to this; the Black lady in particular is an overcorrection to the negative representations of mainstream culture. But we have to view it as a response and a resistance to this cultural oppression.

Sexual abuse of Black female bodies has historically been so central to racial oppression that it is difficult to overstate. Rape was part of the fabric of plantation life. The gruesome world tour that Saartije Baartman was subjected to, paraded naked in a cage to show off her big breasts and large backside, is testament to the powerful image of Black female sexuality underlying mainstream discourse. The controlling image of deviant Black people is not just used to make White people feel superior, but also to justify oppressive treatment. If Black women are sexual vixens then they cannot be raped. Embracing the image of the Black lady was a political manoeuvre in part enacted to protect Black women, to desexualise and make them less of a target of unwanted desire. Of course, this is a limited kind of defence and you could even argue it perpetuates rape myths about people bringing on their own assaults. But the reality is that the Black lady, and the politics of respectability in general, however misguided, are a defence mechanism. It is a symptom and not the disease. Therefore rejecting it is not a revolutionary act of liberation, just a correction of a problematic political position that arose in the struggle.

#### Racialization is an exercise of power that exists contingently. Changing it depends on interest group competition and creating new opportunities. They gloss over the meaningful change this can produce.

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Fortunately, to the extent that the present global capitalistic system is the ultimate structure supporting regress in internal US progress toward social justice for African Americans, resignation is not the only realistic or prudent response. A global system works on many institutional levels of governmental and economic structure, including its injustice as experienced by real people who suffer from it in their concrete daily existence. And it is that kind of individually experienced injustice, which can be addressed, on the ground. It may not be (as Alexander and West have, respectively, called for and proclaimed to have begun) that even a movement is necessary or sufficient in order to address specific contemporary experiences of injustice. It may be that tangible practical first steps can be taken on the level of local activism and it may be that in societies with democratic structures, such activism is more effective than the promulgation of liberatory global system theory'. If local problems are corrected without at the same time calling for a new national or global movement, there may be less political opposition on local levels. We will return to this question of “scope of activism” in the next section, after more theoretical ground has been reclaimed for “what to do.” NEW CONSTRUCTIONS OF RACE Global understanding is important—we are all required to be informed about the world—but it is not the only worthwhile theoretical goal. Theory and analysis are also important for developing ideas for how to correct injustice on concrete, specific levels. Under-examined in the construction of revisionist history, as well as in the idea of regress, is a circular theory of human history. We seem to go ahead, and then we go back. But what could it mean to “go back”? No one has claimed that the present or recent past duplicates the more distant past or literally replays it. Although, some scholars have claimed that some structures of status are remarkably resilient, even though the principles defending them have been rejected. For example, the idea that nonwhites are inferior to whites and need to be kept separate from them for the benefit of both groups has been abandoned as an explicit, official justification for racial segregation, but racial segregation—in US housing, education, and social life—has not been abandoned. (Residential segre- gation continues without legal requirement as the result of real estate prices, sedimented social practices, poverty, and mortgage lenders who redline.) Rival Siegel argues that status arrangements may persist with complete legality after their original justificatory principles are struck down, so long as different justifications are concocted: The wavs in which the legal system enforces social stratification are various and evolve over time, Efforts to reform a status regime bring about changes in its rule structure and justificatory rhetoric—a dynamic I have elsewhere called ’preservation-through-transforma-tion,“ In short, status-enforcing state action evolves in form as it is contested.22 Siegel's thesis raises the question of what kind of thing or relation the original social stratification is, so that it can persist from generation to generation under different names, with different justifications. The social metaphysics could involve “memes,” or intergenerational habits, or outright lies and conspiracies. Perhaps there are power relationships between blacks and whites that members of each group inherit and whites are loathe to give up, because they have more power. To relate the present to the past in such ways is a complex interdisciplinary work consisting at least of sociology, history, and legal and political history, before philosophers and other theorists could formulate their own disciplinary interpretations. It may be simpler and more conclusive to approach this issue of permanent-status-through-change by starting fresh with present power and status differences. When Alexander calls the present racially biased prison system “the new Jim Crow,” she adds that she does not mean to draw a literal comparison, but to write metaphorically.23 This raises the question of why we need a metaphor that invokes the past to describe present conditions that are well studied by contemporary social scientists, with events reported by journalists and recorded on video, as they occur. What would happen if we simply stayed with our current best descriptions and attempted to theorize them? One result might be to shift the discourse from a somewhat rigid idea of types of events, a kind of essentializing of history, to the use of more recent tools involving the idea of social construction. It’s already well accepted within the academy that biological human racial divisions, as well as their social meanings, were constructed in the past.24 We also know that biological foundations for human races are now repudiated in the same scientific fields that invented them. That knowledge supports recognition of racial construction within society which was explicitly based on assumed biological determinism in the past. Indeed, one indication of a lack of biological foundation for racial taxonomies in society is the historical and geographic variation of the epistemology of social race. Thus, for example, before they were assimilated into the middle class, Europeans who were Irish, Italian, Jewish, Finnish, Polish, and even German, were not considered white; the ethnic category of Hispanic/Latino was created by the US census and has since been regarded as a race or at least an object of racism; Middle Eastern Americans came to be identified as a nonwhite racial group after 9/11; mixed black and white people are conventionally identified as black. Such social construction of race has always been closely associated with citizenship rights and social status and it has been maintained and changed for changing political and economic purposes. Race and racial divisions should be viewed as constantly “under construction.” Dominant groups may reiterate some general ideas based on their knowledge of history, but their present focus is always on their present goals for dominance. Race as it has been known, and as we continue to know it, is a dynamic process. Consider, for example, Richard Nixon’s reported intentions to appeal to white racists, with language that would not explicitly mention blacks or other nonwhites. The social construction of black men as criminals that has accompanied broad public acceptance of police racial profiling, as well as the racial imbalance in incarceration, has its origins in this early 1970s political rhetoric and policy. That is, our present form of the social construction of black men started as a relatively new, post-civil rights movement strategy for getting votes. This is not to say that the strategy had not been successfully used before then, for instance, as Alexander notes, in extinguishing the late nineteenth-century populist movement.26 But it was a new political strategy for the 1970s. And all that was required to sustain it from then on was a steady increase in the funding and construction of the infrastructure supporting it, and occasional ideological revitalization. For example, in the 1988 presidential campaign, George H. W. Bush used against Michael Dukakis, his Democratic opponent, the example of William "Willie" Horton, a convicted first-degree murderer, Horton committed rape and assault when released on furlough during Dukakis's second term as governor of Massachusetts. In his first term as governor, Dukakis had vetoed a hill that would have stopped furloughs for first-degree murderers. Ergo, Dukakis was portrayed as “soft on crime," and Bush won the election. 27 If we view the social construction of race as an ongoing dynamic process, we need to understand that Nixon and H. W. Bush were not merely manipulating existing public fears about black men, but fanning them, exacerbating them, and giving them new faces—faces from their time, not faces from the late nineteenth century—and in that process reconstructing race. They were not turning the clock back to the beginning of a new era of Jim Crow (no matter how metaphorically that may be understood) but moving forward with new ideas about black male identity. Of course, these ideas were not difficult to “sell” because the paradigm case of black manhood they held up was genuinely scary and the mass of economically insecure white voters was already predisposed to accept a racist ideology. But “predisposed” does not mean “predetermined.”

The construction of the idea of the late twentieth-century black male ghetto dweller as an inherently dangerous and later crack-crazed maniac was a newly constructed stereotype. It prompted a whole new generation of nonblack women to clutch their purses when a black man stepped onto elevators with them, and signaled everyone else to click their car doors into “locked” when they saw a black man advancing down the street.28 In turn, these attitudes can be viewed as antecedents to acceptance of the legality of recent high profile cases of police homicide following attempted stops and frisks of unarmed young African American men. Overall, such stereotypes support the criminalization of black male bodies in the public imaginary because those bodies have become icons—they both symbolize criminals and are perceived as physically dangerous. That Willie Horton, who was a violent black male criminal, became the face of black male crime and not any one of hundreds of thousands other black men, who had already been incarcerated for possession of small amounts of marijuana or cocaine, meant and continues to mean, that the preoccupation with crime in America is a locus on physical crime. There is now a prevailing impression that “crime" means “physi- cal violence," so that “white-collar crime" (a term now out of date sarto-rially) is not viewed as truly dangerous. And physical crime is imagined to be mainly perpetrated by black men, an association so strong that being a criminal has become part of the casual identity of being a black male. The quotidian phenomenology of that new construction of race for all black men, especially poor black youth, is nothing less than the phenomenology of traumatic encounters with bullies against whom the victim cannot win—if the victim tries to win, he can be killed by police officers, with impunity.29 I suggest that we view the post—civil rights movement association of crime with African American men and boys as a new construction of race. Alexander names this construction “criminalblackman, 30 but does not sufficiently treat it as a new racial construction. She is aware that something new has occurred, but she views it as an attribute of crime, rather than a reconstruction of black maleness: “For black men, the stigma of being; a ‘criminal’ in the era of mass incarceration is funda- mentally a racial stigma. . . . Whiteness mitigates crime, whereas blackness defines the criminal.”31 Alexander does not tell us what she means by the preexisting “blackness” that defines the criminal. There is no preexisting blackness, except for dark skin and poverty. In this case, “criminal” defines and constructs blackness. And that is why the almost 70 percent of African Americans who are black, but not poor, also suffer from this new construction of “criminal black man.” Such slanderous characterizations of an entire group as dangerously criminal do not directly result from the financial and economic structures of a system of global capitalism, descending like the forefinger of God to shape the minds of the white populace. They are opportunistically discovered by politicians seeking votes, based on their assumptions that their highest good is getting elected, instead of getting elected for the right reasons. (It should go without saying that such politicians cannot be presumed to believe what they say in order to get people to vote for them.) If the politicians get elected, they try out a few new programs. If those on whom the programs are inflicted (e.g., the victims of Reagan’s War on Drugs that followed a general valorization of “law and order”) are already vulnerable to government power and the rest of the population is not vigilant about everyone’s rights, the programs succeed and their growth accelerates in new times of crisis. Such programs will only work if they are able to intersect with existing or bur- geoning corporate interests, in this case, private prison contractors. If the intersection “takes," then soon enough, a criminal justice system such as the one in place is the historical result. It is a historical result because it developed over time and at many different stages its present state could not have been predicted with a high degree of probability. It may therefore be an unduly Manichean use of history to view such a system as a deliberate design by the ultimate architects of global corporate capitalism. That is not to say that individuals, especially poor and nonwhite people, do not encounter the present criminal justice system as both real and unyielding. And it is not to overlook the jobs provided to law enforcement officers, prison personnel, and civilians who prosper from the economic stimulus of prisons in their locales,32 In addition, we should be concerned about Alexander's account of the dire consequences for eligibility for government aid and prospective employment, as well as loss of personal and familial regard, suffered by contemporary felons. Once convicted, or sometimes, even only arrested for minor drug offenses, the poor and especially black victims of this system become branded as lifelong criminals. They are usually barred from both jury duty and voting and are precluded from ever fully rejoining respectable society. Their inability to vote in geographical areas with large poor black populations can tip the results of key elections. Most of the victims and fearful observers are now accustomed to this system, their habits settled within and outside it, as though it were completely natural, “just the way things are.”33 These are terrible conditions of existence for millions of poor black people. However, the question is not whether or not they are related to larger historical trends, which they without question are, but whether the most effective way to address them via activist discourse is to take on the big global picture or focus on comparative ways in which American blacks and whites, poor and middle class, are treated by their—everyone’s—government. The prison-poverty system became an entrenched institution by the mid-1990s. Alexander notes that during the Clinton administration, the prison budget, after increasing by 171 percent, became twice what was allocated to Aid to Families with Dependent Children (AFDC) and that funding for public housing was reduced by 61 percent. At the same time, those who had been convicted for drug offenses were barred from public housing and faced homelessness.34 Described in these terms, the prison-poverty system exceeds the institution of Jim Crow because of its dedicated federal funding. In studying this structure, everything that happens can be described as though it were designed to oppress poor black people, for the benefit of others. But even that description, in addition to its transcendental excess, may rely too much on the net results of contingent, uncertain, incremental components. Moreover, although poor black ghetto dwellers are the main human resources for this system and the rate of poverty among American blacks is twice that among whites, most American blacks, about 75 percent, are not at this time poor ghetto dwellers.35 The majority of American blacks, who are neither poor nor incarcerated are stigmatized and thereby endangered by stereotypes that connect the prison to the ghetto, but they are not directly part of that connection. This does not mean life is not unjust for all African Americans, but it does mean that the majority retains its civic ability to educate the next generation, vote, protest, and cultivate optimism about the future. (A visitor from another planet might wonder if that majority is doing enough to fulfill its civic obligations in the early twenty-first century.) HISTORICAL AND POLITICAL BOUNDARIES Unlike Jim Crow, which had mainly excluded blacks from mainstream economic and social life, the post—civil rights criminal justice system initiated positive federal programs that were intended to directly and punitively address African Americans, partly because key people in government believed that was what white Americans wanted. While it seemed at first that affirmative action for middle-class African Americans was a helpful positive program—and it did in fact help many—white backlash attacking it as "reverse discrimination" has curtailed explicit affirmative action policies, under the direction of the US Supreme Court, Antidiscrimination laws remain on the books, but there is little evidence that antidiscrimination lawsuits, since 1980 have been effective. In place of affirmative action there has been a perceived need for racial diversity in organizations and some observers conclude that compliance reviews are more effective than lawsuits tor organizational change, especially in the diversification of management positions. Overall, the twenty years following the success of the civil rights move- ment was a period of regress, which many observers in 2015 consider to remain in full swing. But, what is happening during this period is exactly a competition among interest groups, and as Bentley might have predicted, with no clear-cut resolution yet. It therefore makes sense to consider appropriate time frames with which to think about the current situation of racial injustice. Raymond Williams was a twentieth-century English cultural critic who seems to be largely unknown to US philosophers of race who write about social justice. He was one of the founders of the British New Left Review, but his ideas were a site of contention for more orthodox Marxists, because he was skeptical of economic analyses that did not take lived cultural experience into account. Williams believed that masses, and also perhaps classes, did not literally exist, except for how theorists defined and viewed them. He also anticipated later feminist emphases on "nutritive and generative” aspects of lived experience as a major social institution on a par with the economy and politics. Williams has been considered most influential for his ideas that all members and groups in society contribute to its structured feelings at any given time and for his idea of the long revolution that recurred throughout his writing, after he introduced it in a 1961 book of the same title.37 The Long Revolution named by Williams was a process of social change toward democracy, which began in modernity in the late eighteenth century with the French Revolution, “the mould in which experience was cast."38 By “experience” in this context, Williams meant the experience of writers and poets, and he believed that what was expressed in literature both reflected feelings in society and influenced them. The structured feeling of the Long Revolution is centered on goals of universal human recognition, for all members of society, as whole human beings. Everyone is to be accepted for what they are in the system to come after capitalism: “There can be no acceptable human order while the full humanity of any class of men is in practice denied.”39 In disagreement with contemporary Marxists, Williams was skeptical of the ability of socialism or state control that would entail complex bureaucracy to realize the goal of universal humanity: “We seem reduced to a choice between speculator and bureaucrat and while we do not like the speculator, the bureaucrat is not exactly inviting either.”40 His proposed solution was a form of self-rule based on open discussion and voting, with representatives to larger governing bodies responsible to their constituents. Williams has been interpreted as advocating that “the people” rule themselves, but he is not usually associated with an archism.41 It is very difficult for a theorist to decide how big a picture to consider, how long a period of history to take as a unit for long-term trends. Since we cannot successfully intervene in a global system, and the same facts can usually be explained by more than one theory, there is little that can or should interfere with a long-term view that is tilted toward optimism. The temporal perspective introduced by Williams, although he probably would not have described it in these terms, permits us to think about history as extending into the future, as well as the past.42 Suppose that there is a Long Revolution and there are Wide Humanistic Values to match it, which preclude racism, because the full humanity of all human beings will be recognized, eventually. It might be useful, as a matter of sanity, as well as hope, to see the present conditions of American antiblack punitive racism as a relatively short span of events within those lengths. Such events need to be endured and the hope is that they will pass into the past at some stage in the future of the Long Revolution. About hope, Williams wrote the following at the end of Towards 2000: It is only in a shared belief and insistence that there are practical alternatives that the balance of forces and chances begins to alter.... Once the inevitabilities are challenged, we begin gathering our resources for a journey of hope. If there are no easy answers there are still available and discoverable hard answers and it is these that we can now learn to make and share. This has been, from the beginning, the sense and impulse of the Long Revolution.43 The Elasticity and Inclusiveness of Identities Since the US civil rights movement, African American theorists, academics especially, have emphasized the importance of black identity, in the tradition of W. E. B. Du Bois and Frantz Fanon. There has been a shift toward prophecy in Cornel West’s sense of speaking the truth about oppression in the present, but overall, the methodological consensus is that improvement in the conditions of African Americans needs to be demanded by and for African Americans, as a racial group. This discourse displays little confidence in human rights or a humani-tarianism such as Williams emphasized, because there is a longstanding belief that many whites have in the Long Oppression failed to recognize the humanity of blacks. Moreover, the language of “color blindness,” which does not mention race, is strongly associated with the regress of post-civil rights movement black poverty and deep experience of injustice in the criminal justice system. However, this view may be too concrete, too focused on short-term historical contingencies, to get us from here to where and how we want the future to be. American politicians have been able for a while to manipulate and implement racism in racially neutral language, which leaves little opportunity for either nonwhite racial affirmation or successful race-based litigation—that is, judges do not accept wholly race-based affirmative action or complaints about antiblack racism in situations that have been already described in race-neutral language, such as the War on Drugs. Nevertheless, it does not follow from any of this that neutrality about race is not a humanistic ideal or that humanistic ideals are not valid general ideals. It may be a self-defeating long-term error, albeit expedient in the short term, to insist that all efforts toward improving the present conditions of poor African Americans be described in terms of their racial identities, rather than their human identities. There are more poor whites than poor blacks or Hispanics in the United States, even though black poverty is twice as common as white poverty and the residential segregation of the black poor creates additional race-associated vulnerabilities.44 African American poor people are more vulnerable to the exploitation of being inducted into the US criminal justice system, as well as more vulnerable in lacking adequate housing, food, a living wage, and public education that provides real opportunities for their children. All of these ills and comparative disadvantages create distinct circumstances of the “blackpoor.” But the condition of poverty itself, where the poor have less income and wealth than those who are not poor, is a measurable condition that includes people of all races, including whites and especially whites who are homeless or unemployed. There has been much debate about whether race or class is more important to consider for understanding the situation of poor African Americans: Does black racial identity in an antiblack racist society predetermine a high likelihood of poverty, which persists over generations as antiblack racism continues? Or, is poverty sufficiently oppressive to account for its own persitence, regardless of race? Does race and racism change the nature of poverty? Or, is pover-ty, like criminality, part of a new black identity? Much can be said in answer to such questions about the theoretical aspects of race or class as a lens for studying the oppression of the blackpoor. Lucius Outlaw has developed a now paradigmatic perspective that historical and contemporary studies of race support a critical theory of race that is more relevant to African American experience than traditional critical theories based on class.45 Still, the question in terms of activism and the correction of concrete social injustice is not how poverty has been caused, but how it can be corrected. (It may have causes mainly in racism but mainly economic corrections.) To correct poverty and attendant issues such as food insecurity and homelessness among children, it neither makes sense, nor is it morally principled, to focus on the poverty of only African Americans. The discourse of social class may not be adequate to account for institutional racism and specifically racist institutions, because there is usually an added element of ignorance, neglect, or malice, concerning blacks. But addressing poverty needs to be an inclusive project. It would not only become another contentious form of “affirmative action” if only the blackpoor were considered, but it would be cruel insofar as the poor of all racial groups suffer. In 1961, at the age of ninety-three, W. E. B. Du Bois joined the Communist Party and then said the following to the New York Times'. “Capitalism cannot reform itself; it is doomed to self-destruction. No universal selfishness can bring social good to all. . . . Communism—the effort to give all men what they need and to ask of each the best they can contribute—this is the only way of human life.”46 Black spokespeo-ple have for many decades emphasized poverty as a primary human problem and not a problem for only black Americans. Martin Luther King Jr. expressed that humanitarian emphasis, as has Cornel West, in our own era. Following his award of the Nobel Peace Prize in 1964, King announced a shift from civil rights to human rights, through his organization of the multiracial Poor People's Campaign. Before he was assassinated in 1968, King envisioned a Poor People's March on Washington, D.C.47 West and Tavis Smiley, in their Poverty Tours, have emphasized the importance of "jobs with a living wage," as a goal for millions of Americans of all races.48 Poverty is also a world concern. In a way similar to this racially inclusive view of poverty, US govern-ment action toward peoples of nonwhite races outside of our borders has been an African American concern, in black liberatory discourse. As early as 1919, nine years after he founded the NAACP, Du Bois organized a second Pan-African Congress in Paris, presenting a petition to the Versailles Peace Conference (or recognition of worldwide peoples’ rights to anticolonialist self-determination. The petition was rejected. Du Bois continued to connect the situation of American blacks with that of global people of color, until the NAACP expelled him in 1948, for reasons of political prudence involving the Cold War.49 King carried on Du Bois's insights that the treatment of African Americans was related to America's international policies, especially after he was awarded the 1964 Nobel Peace Prize. His protests of the Vietnam War and beyond that his call for land reform (in his 1967 Riverside Church speech), against US policy in Latin America, resulted in harsh assessments and dissention within the civil rights movement he had come to symbolize. He was also disinvited from the Johnson White House.50 We have already noted, in chapter 5, West's emphasis on US foreign policy, as part of the black prophetic tradition, as well as his harsh remarks about President Obama. West is also not welcome in Obama’s White House.51 These projects of making African American concerns more broad by extending the area of complaint and protest to nonblack American poor people and non-American people of color have not met with great success. They have neither strengthened the movements of their time, nor reduced or ended poverty (and American foreign policy has been impervious to their demands). Bitter reactions from the African American community to the US presidency reverberate when black liberatory spokespeople voice strong opinions on foreign policy. It is unimaginable at this time that such issues can be related to African American activism in official or public understandings, but it is also unimaginable that the issues are not related in reality. This is a situation of stasis. However, there is now another dimension to global aspects of US social justice activism media. The pleas in a number of local demonstrations and protests about police homicide' of unarmed African Americans, such as “Hands Up, Don’t Shoot,’\* "I Can’t Breathe,” "Black Lives Matter" and “No Justice, No Peace," have been highly publicized by the mainstream media, as have successive police homicides after the death of Trayvon Martin in 2012,52 The New York Times brought all of this to a head on April 6, 2015, by posting a video of Walter Scott being shot in the back while fleeing a police officer in South Carolina. With prose befitting the cool temperature of The New Yorker magazine, Philip Gourivitch posted the following about that video: There it was, front and center, on the home page of my local paper, the Times, and on the BBC, and the Guardian, and the Wall Street Journal, and thousands of other news sites, as well as hundreds of thousands of Facebook pages and Twitter feeds: a freeze-frame showing a white policeman in the process of shooting a black man to death, with a play button you could click to watch the whole killing from start to finish,54 Gourevitch went on to discuss the ethics of journalistic displays of people getting killed and raised a question of respect for death on the part of viewers. What Gourevitch neglected to point out was the power of this video to provide conclusive evidence of contemporary injustice concerning the contemporary issue of police officer killings of unarmed black men, for which there have customarily been acquittals or failures to indict. The usual justification that an officer has acted out of fear for his own life is not supported by this video. What Gourevitch does succeed in pointing out is the global publicity that now attends such incidents. This international dimension of US race relations is different from the connection between US domestic and foreign policy on a theoretical level because it has the potential to spark vast external moral pressure on American government entities, perhaps similar to the Cold War pressures that were influential in Brown v. Board of Education and the 1964 Civil Rights Act, as discussed in chapter 4. Issues of poverty, including global poverty, expand theoretical concerns about the carceral and other existential vulnerabilities of poor African Americans, to include people of other races, notably whites domestically and other peoples of color abroad. By the same token US foreign policy raises issues of global white nonwhite racial divides Still in terms of activism, these have largely remained theoretical issues that support broader understanding. They may describe issues for move ments lost, past, or yet to be developed, but in terms of contemporary social justice activism, concrete change is a matter of US domestic issues concerning race relations and the practical tradition of the undra-matic, obscure aspects of the Long Revolution is very important. The vagueness of Williams s idea of the Long Revolution promises an ordinary, day-to-day methodology for addressing racial injustice. Ordinariness is required given the time span of the Long Revolution that according to Williams began in 1789. The ability to sustain continual low key and undramatic liberatory efforts may require the kind of faith found in activists within the black prophetic tradition, who were not as charismatic as Martin Luther King Jr., but attended to specific issues over decades. For instance, West contrasts the contributions of Ella Baker to those of King, describing her as “an unassuming person who helps the suppressed to help themselves.” Baker’s organizing work included her service as secretary of the NAACP, executive director of the Southern Christian Leadership Council, and cofounder of the Student Non-violent Coordinating Committee. Baker knew both Du Bois and King and was skilled at grassroots organizing, but she did not write essays or books or produce mesmerizing speeches. She talked about humility and service alongside everyday people and insisted that members of a movement motivate themselves.55 “Think Globally, Act Locally” In light of the insight that amounts to “Think globally, act locally,” borrowed from environmentalist planning discourse,56 let’s return now to Wacquant’s general model of the contemporary carceral system as a form of social control that extends beyond punishment for crimes. Wacquant’s analysis suggests that at least three different social situations would be more accessible to activist-sparked change than the overall global capitalist system: race-based residential segregation; impoverishment of the educational system as it serves the poor; assumptions about the traditional family that have had a slanderous effect on black family images. Residential segregation enables the architectural and geographic formation of ghettos as areas targeted for intrusive law enforcement surveillance, because poor and powerless blaeks are physically clustered in one place.57 Also, insofar as schools are financed by taxes based on property values, residential segregation results in impoverished resources for K-12 education. Both segregated substandard housing and inadequate schools are issues that can be addressed through local activism and support for the development of employable skills and jobs. While the "feminization of poverty" has been well-documented, ad ditional attention could be paid to the assumption that women the primary caretakers for children, which explains why welfare and workfare programs have been concentrated on them, with the state replacing the function of a male provider in a nuclear family. However, ever since reactions to the 1965 Moynihan Report, and earlier in the work of E. Franklin Frazier, it has been known that many African Americans do not grow up in, or themselves form, traditional nuclear families with stay-at-home mothers and male breadwinner fathers. Positing poverty as the cause of this unconventional family structure had been the standing practice in sociology until Patrick Moynihan, writing for the US Department of Labor, claimed that the cause of black single mothers, illegitimacy, and extended family structures, was cultural pathology with roots in social arrangements that had been necessary under slavery and Jim Crow.59 Despite the obsessive morbid interest in Moynihan's characterization of family organization among the black poor, it has been outpaced by more broad historical changes. Not only have women of color, especially African American women, always worked outside of their homes, but most white women and women in other racial and ethnic groups, on all socioeconomic levels, now work outside of their homes. For poor women, their employment hinges both on skills and available and accessible jobs. The surrogate traditional-family aspects of welfare and workfare can therefore be viewed as so outdated as not to be worth theoretical consideration. This means that the need for welfare and workfare programs reduces to a need for more jobs for poor black women—and a need for transportation to and from those jobs, as well as affordable childcare.60 As of April 2015, adult African American women had the highest rate of unemployment at 9.2 percent, compared to 6.5 for Latinas and 4.2 for white women, (The website of the National Womens Law Center has portals for instructions on how those concerned about this issue can email their congressmen and senators.) Finally, a contemporary example of spoken and active discourse about an immediate problem has been provided by activists in Ferguson, Missouri, who met with President Obama in December 2014 to discuss their attempts to influences changes in local police practices. Said Ashley Yates, cofounder of the group Millennial Activists United, "We’re definitely going to keep doing the work on the ground, but meeting with the president, for me—well, I’ll say for everybody—is just an affirmation that this movement is working.”63 In February 2015, Ferguson activist groups called for 250 students to join them during spring break to provide community service such as clearing wreckage from earlier demonstrations and helping plant gardens. Said Patricia Barnes, a Democratic committeewoman for Ferguson, “The protests have got us here. The next step is to target the ballot box, to get people elected and to change policy. Students should take that back to their college campuses and build an infrastructure. . . . There is plenty to do.”64 Yes, there is plenty to do, but what needs to be done are fairly straightforward, day-to-day, community-based actions. Global systems are overreaching causal factors of local vulnerabilities, but there is no reason to believe that their local effects cannot be addressed on their local levels. LIBERTY, FREEDOM, AND INJUSTICE From a more abstract philosophical perspective, the foregoing discussion of revisionist history and active discourse, proceeding as they have from the concrete contemporary issue of racial injustice in the US criminal justice system, is a matter of liberty and freedom. Imprisonment is, after all, the classic, concrete example of not having liberty. And if we follow John Locke in saying that it is the whole person, and not the will, that can be free,65 then a person in prison is not free. But philosophically, being in prison or not does not capture the abstract nature of liberty and freedom as political ideas and ideals. by influential political philosophers, for instance Isiah Berlin in his canonical 1958 lecture, "Two Concepts of Liberty."66 Berlin distinguished between negative liberty, or what others including government officials are not permitted to do to a person, and positive liberty, an area of personal autonomy allowing for individual choice and development. He was wary of the abuses by paternalism or quietism to which the idea of positive liberty could be subject. On the one hand, paternalistic or despotic leaders could take it upon themselves to determine what was The terms “liberty” and "freedom” have been used interchangeably good for others (for the good of a harmonious social whole, as well the individual freedom of rational beings)\* And, on the other hand, stoic quietists might seek to shrink individual choice to what was not prohib ited bv law or punishable by government force: For this doctrine, as it applies to individuals, it is no very great distance to the conceptions of those who, like Kant, identify freedom not indeed with the elimination of desires, but with resistance to them and control over them ... a sublime but, it seems to me, unmistakable, form of the doctrine of sour grapes. Insofar as Berlin championed the idea of negative liberty, in the tradition of J. S. Mill, three important qualifications tempered his libertarianism in ways that make it still relevant for active oppositional discourse. First, following Mill in equating incursions on core or essential negative liberty with coercion or slavery, Berlin acknowledged that freedom is only of value to those who can make use of it: “It is only because I believe that my inability to get a given thing is due to the fact that other human beings have made arrangements whereby I am, whereas others are not, prevented from having enough money with which to pay for it, that I think myself a victim of coercion or slaverv. 68 Second, Berlin understood that people who are not free may take action against those who are limiting their freedom(s): "Those who are wedded to the ‘negative’ concept of freedom may perhaps be forgiven if they think that self-abnegation is not the only method of overcoming obstacles; that it is also possible to do so by removing them ... in the case of human resistance, by force or persuasion.” Third, Berlin recognized the importance of status or recognition, which in some cases might outweigh the value of negative liberty, to members of groups with a history of oppressive rule by others. However, in rethinking Berlin (as well as Locke), a focus on active discourse against injustice may require a distinction between liberty and freedom. What that distinction amounts to is that freedom can be used to expand the possibilities for resistance against unjust curtailments of liberty. The term "liberty" (or negative liberty in Berlin's sense) can be used to refer to lack of external constraint and "freedom" to refer to decisions, choices, and interests of a subject, apart from their expression. For example, racially biased stops and frisks infringe on the US constitutional liberty of black subjects to be free from arbitrary searches and seizures, according to the Fourth Amendment. Poverty, viewed as a cross-racial or multiracial condition, may also be a limitation on freedom. Liberty is an external political matter, usually pertaining to rights under positive law and compliance or noncompliance with such rights. Freedom is a contested, psychic issue. If constraints on liberty are persistent and systematic, they may limit a people’s freedom, because individual decisions, choices, and interests are influenced and inspired by what individuals are practically able to do—that is, by their liberties. We can say that a people with a history of poverty accompanied by restrictions in economic liberty will not be as economically advantaged as a people whose history did not contain such restrictions because the accumulation of wealth is passed on from generation to generation. The disparity in family wealth between American blacks and whites is a strong example of this kind of ongoing constraint.70 However, when economic disadvantage is combined with racist attitudes and undereducation, the distinction between liberty and freedom may be eroded. Children growing up in constrained circumstances may not develop freedom in the psychic sense, in addition to restrictions on their liberty. An important part of the choices enabled by psychic freedom requires imagination, as well as self-esteem and knowledge of the broader world beyond one’s immediate family and neighborhood. Jean-Paul Sartre emphasized that the ability to realistically project oneself into a future set of circumstances that are different from undesirable present ones requires some knowledge of those future circumstances to cultivate a motivational dissatisfaction with present conditions. Progressive activists have shown how Sartre’s hypothesis can become a politicizing method: Organizers during early stages of Second Wave feminism conducted “consciousness raising” exercises to make women aware of their oppression;71 practical leaders of ethnic and racial liberatory movements from Ella Baker to Paolo Friere have proceeded with education of members of oppressed groups,72 exactly to activate their freedom, so that they can choose greater liberty as a goal. The Distribution of Liberty To speak of rights violations is to speak of unjust curtailments of liberty. It is presumed here that liberty consists of all the things that people are able to do, that they are in some sense entitled to do, as human beings and which government is not supposed to obstruct them from doing. The reduction of procedural justice to distributive justice in chapter 4 is now useful for considering liberty and freedom as relevant to opposi tional active discourse. The view of liberty and freedom, but especially liberty, as a matter of procedural justice is more nebulous than a view of liberty as a good that is distributed. Procedures tend to be imagined as methods that need only be justified by those who administer them and their superiors. But distributions give goods out and they have end recipients. If procedures are not always followed in the same way for blacks and whites, this can be defended by saying that something unusual happened in a particular case or that there was an innocent error. It may be claimed as an excuse that the client/citizen/resident/plaintiff/ defendant did not correctly perform her role in the procedure, interfered with the procedure delivered by officials, or failed to act in a way that expressed reasonable understanding of the procedure, for example, there was a “language barrier.” Procedures can be legally designed in ways that have different effects on members of different groups. Police racial profiling as part of a general procedure for maintaining law and order, photo ID requirements for voter registration, and English instructions to residents who do not speak English are all examples of legal procedures that have been justified without mention of race or ethnicity, but have different effects on members of different populations. However, if justice is viewed as a matter of distribution, the relevant test that it has been carried out, given all other things equal, is whether the social good that the procedure is supposed to be a fair or neutral means for distributing, does get fairly and neutrally distributed. The view of just procedures as distributed goods, bypasses color-blind policies that do not have race-neutral effects. When the distribution of negative liberty or procedural justice is unfair, the result is distributional injustice. Judith Shklar, known mainly for her claim that cruelty should be a primary or foundational concern of secular, liberal political philosophy,73 addresses injustice as a subject in its own right. Although Shklar does not refer to Berlin, her focus on the distinction between an external judgment that another who is disadvantaged is suffering from misfortune and the sufferer's perception that she has been treated unjustly does echo Berlin’s qualification that there may be minimal material and cultural requirements for a person’s nega-tive liberty to be of value to her. A poor, uneducated person, who does not understand the broader institutional causes of her poverty, may not be able to use the negative liberty legally afforded her to do anything she chooses with her life. She might not have the freedom to take advantage of her liberty. It may not occur to her to resist micro-oppres-sions or try to move into a better neighborhood because she has not been educated in ways that stimulate imagination. Externally, she may be viewed as having made poor choices or lacking the virtue of a work ethic, but subjectively she may experience her situation as unjust. And if her freedom has been impaired by restrictions on her liberty, her situa-tion is objectively unjust. In The Faces of Injustice, Shklar expresses an overall dissatisfaction with philosophical theories of justice, which is parallel to the project undertaken in this book. However, although she begins by defining injustice as “an act that goes against some known legal or ethical rule,”74 her approach to defining injustice in this short text continually wrestles with the distinction between injustice and misfortune. On the way, Shklar is very mindful of the overwhelming odds against victims of injustice in societies considered just: they are not heard; their resignation is taken for granted; they do not have remedies for redress or timely access to rectification in the form of punishment against those who have been unjust to them; they lack the means to change social practices that cause their injustice. Shklar is particularly sensitive to the plight of those who suffer injustice in concrete ways on account of their “ascriptive” identities, such as women until very recently and US racial minorities more or less permanently.75 Nevertheless, and this is where Shklar’s otherwise pessimistic combination of history and political philosophy makes an invigorating contribution to the subject of activist political discourse, she posits the recognition of injustice as both an eons-long and fundamental human moral intuition and a general civic right and obligation in democratic societies. Shklar writes: A black American may well expect that she will not get a fair hearing from certain public agencies, but as a citizen she knows this is not what is expected of our public servants, and she can certainly feel and communicate her sense of injustice when her claims are ignored. There is, however, a bond between these two kinds of expectation, Unpredicted, sudden injustices are resented far more intensely than those one has learned to endure as a member of a group. They tear away the emotional protection created by resignation and allow dis-tress to burst from its confines. Furthermore, in a way that just happens to capture the spirit of this chapter and complete the book, Shklar provides this statement of legitimation for political activism: Democratic principles oblige us to treat each expression of a sense of injustice not just fairly according to the actual rules but also with a view to better and potentially more equal ones. To be sure, democracy does not fulfill its immanent promises quickly, but at least it does not silence the voice of protest, which it knows to be the herald of change.77 Shklar here proclaims the democratic legitimacy of expression of a sense of injustice. When we add that idea to the known existence of injustice as part of a Bentleyan process of government, active political discourse in the form of real life action can be recognized as part of the whole process of government. There is sound reason to undertake it and support its undertaking with confidence, both for change now and in view of the Long Revolution.

#### Even if they are 100% right about their descriptions of power, only our model of debate allows for debaters to research the contingencies within rhizomatic organizations and come to conclusions about how to act to check violence

Yu ’06 – Department of Information Management, Seoul University of Venture & Information (Jae Eon, “Creating ‘Rhizomatic Systems’ for Understanding Complexity in Organizations”, 10/08/06, Syst Pract Act Res (2006) 19:337–349 DOI 10.1007/s11213-006-9022-8)//CW

The principal aim of systems science is how to deal with complexity or uncertainty successfully in the real world (Flood 1987; Flood and Carson 1988). What is the ‘something new’ that has happened in the learning process of ‘seeing’ the complexity in the real world? As a few systems thinkers have proposed, the focus on ‘problem solving’ in a real world situation needs to shift to the process of problematization in local and contingency situations, if a researcher wants to pursue a systemic inquiry which aims to increase one’s understanding of the nature of complexity (Tsouvalis 1995; Yu 2001). How is the complexity to be understood and dealt with in business context successfully? In the history of scientific management, it has been shown that management of business organizations is concerned with rational decision-making, by thinking about the possible consequences of each options and then choosing the appropriate course of action. How can one make an appropriate or effective decision when one is uncertain of the right thing to do? Such situations might involve the complexity that is generated from conflicts of human interests, values, uncertain situations and vague interpretations of one’s situation. It is in the nature of ‘rhizomic organizations’ that they are, in effect, constituted by flows of desire, belief, micropolitics, and micro-power, in which rhizomic decision-making can occur in the process of developing connections which, as a totality, because everything is affected, effects everything (Jackson and Carter 2000). Indeed, no problem situation or decision-making process can be understood without considering the complex and dynamic aspects of social life and ‘political’ interests in organizations. In such situations, there are inevitably limits to the scope of ‘problem-solving’ in relation to finding definite solutions for dealing successfully with ‘power and politics’ in organizations (Foucault 1980). Problem-solving will always be somewhat determined by the problem-solvers’ disposition. Thus, the goal of a systemic inquiry is not necessarily to come to definite solutions or answers to a problem (or problem situations), but merely to increase problem-solvers’ understanding of it (Checkland 1981; Checkland and Scholes 1990). To appreciate the learning process of (participatory) action research is to increase our capacity for finding alternative possibilities and developing ‘questions’ through the process of problematization (Yu 2004; Styhre and Sundgren 2005). Participatory Action Research (PAR) is a useful approach that makes use of the concepts of insider (Emic) and outsider (Ethic) perspectives so that a researcher liberates ‘subjugated knowledge’

in organizations and societies (Borda 1996; Dash 1997; McIntyre 2004; Young 2005). In this sense, our approach to PAR appreciates the potential value of PAR to explore the ‘micropolitics’ of engagement with local participants who include managers and ‘low-ranking people’ in organizations and communities (Yu 2004, p. 118). To provide practical examples, we demonstrated our research experience on the research projects that were carried out by the research team, and a postgraduate student, who is an employee at a Korean company

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#### Investigating legal intervention into sectors of the economy opens the toolbox for reconfiguring the broader economic system.

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"To most public interest-minded law students and lawyers, practicing transactional law isn't an obvious path to saving the world . . . [But] now transactional lawyers are needed, en masse, to aid in an epic reinvention of our economic system." -- Janelle Orsi 1

An emerging cohort of lawyers are working to transform the dominant economy from one that centers on self-interest, greed, and profit maximization to an economy that centers the needs of people and the planet. These lawyers work in private practice, at legal service organizations, as in-house counsels, clinical professors, and pro-bono volunteers. Their work includes corporate structuring, contract drafting, real estate deals, regulatory advising, and law reform projects, among other things. Their clients are individuals, organizations, small businesses, social enterprises, cooperatives, worker self-directed nonprofits, community land trusts, time banks, and other collective experiments that seek to build alternative mechanisms for both economic justice and social liberation. 2 This is the "solidarity economy" movement, a growing movement building a new economic system rooted in economic democracy, social solidarity, and environmental sustainability. 3

At the heart of this new economic system are five unifying principles: (1) solidarity, (2) equity in all dimensions (race, gender, ability, etc.), (3) pluralism, (4) participatory democracy, and (5) sustainability. 4 The movement's ultimate vision is twofold, first to grow these values and practices through grassroots initiatives, and second to link these solidarity economy activities in a network of mutual support, transforming the current dominant global economy into a just, democratic, and sustainable economic system. 5 To that end, the core principles are embedded in the organizational and business structures, governance, financing, and the ways in which solidarity economy enterprises and organizations build their supply chains and partnerships. As a result, solidarity economy lawyers, lawyers that work with solidarity economy clients, often work at the cutting edge of corporate law, securities regulations, employment law, licensing, and intellectual property. However, in some cases the current legal regime is ill suited for these new types of enterprise. So, while solidarity economy practitioners are reimagining the economy and means of economic exchange, solidarity economy lawyers are attempting to reimagine the law to reflect the needs of their clients.

This essay explores solidarity economy lawyering as an emergent field of practice in the United States. After a short explanation of solidarity economy theory and practice, the essay explores the way in which transactional representation of solidarity economy enterprise clients is different from traditional business and nonprofit representation. The essay goes on to argue that transactional lawyers have a particular role to play in 1) advocating for corporate, regulatory, and contract law reform to better suit the needs of grassroots solidarity economy enterprises, 2) creatively redeploying legal techniques and practices relating to risk management, organizational form, and the allocation of property rights to further the purpose of internalizing social and ecological values into the heart of [\*26] economic exchange, otherwise known as 'radical transactionalism', and 3) "scaling up" the solidarity economy through the linkage of solidarity economy organizations and enterprises. These contributions are instrumental to the long and short-term success of the solidarity economy movement. The essay concludes with some thoughts on how solidarity economy lawyers can be most effective.

I. What is Solidarity Economy?

The solidarity economy (SE) 6 is a set of theories and practices that promote equitable, solidaristic, democratic, ecological, and sustainable development with an ultimate vision of 1) growing these values and practices through grassroots initiatives, and 2) linking these solidarity economy activities in a network of mutual support, such that they transform the current dominant global economy into a just, democratic, and sustainable economic system. 7 Many communities, across the United States and across the globe, are engaging in SE activities through grassroots economic initiatives such as: alternative currencies; community-run resource libraries; participatory budgeting; worker, consumer, and producer cooperatives; community land trusts; intentional communities; community development credit unions; community supported agriculture programs; open source free software initiatives and others. 8 Not only do SE initiatives and enterprises currently exist in every sector of the dominant economy, but they also are prevalent in informal diverse economies.9 \*\*\*FOOTNOTE BEGINS\*\*\* See, e.g., J.K. GIBSON-GRAHAM, A POSTCAPITALIST POLITICS 69 (2006) ("[W]hat is usually regarded as the "economy" -- wage labor, market exchange of commodities, and capitalist enterprise -- comprises but a small subset of the activities by which we produce, exchange, and distribute value." Diverse economies refers to a theoretical framework that accounts for all of the alternative means of economic activity.); J.K. GIBSON-GRAHAM, THE END OF CAPITALISM (AS WE KNEW IT): A FEMINIST CRITIQUE OF POLITICAL ECONOMY 4 (1996); Brian Burke & Boone Shear, Introduction: Engaged Scholarship for Non-capitalist Political Ecologies, 21 J. POL. ECON. 127 (2014); Janelle Cornwell, Worker Co-operatives and Spaces of Possibility: An Investigation of Subject Space at Collective Copies, 44 ANTIPODE 725, 739 (2012); J.K. Gibson-Graham, Diverse Economies: Performative Practices for 'Other Worlds', 32 PROGRESS HUM. GEOGRAPHY 613, 623-24 (2008). \*\*\*FOOTNOTE ENDS\*\*\* As a political project, solidarity economy proposes a transformational shift of [\*27] the relationships between the market, the state, and people, centering the needs of people and the environment over the needs of private interests and capital. 10 In doing so, SE seeks to be the "next system," replacing neoliberal capitalism by building and connecting networks of grassroots economic initiatives and practices that embody the five core principles of SE: solidarity, sustainability, equity in all dimensions (race, gender, ability, etc.), participatory democracy, and pluralism. 11

Solidarity economy is not a static concept or blueprint for a new economy. It is an ever-evolving movement that grows from existing and emergent practices, guided by the theoretical principles. 12 In other words, the theory and the practice of SE are circular through an ongoing praxis of "debate, experience research, organizing and reflection." 13 This continuous iterative evolution of SE allows for new forms of organization and experiments of exchange that best serve the material needs of its practitioners. 14 Solidarity economy broadly defines the economy as all of the ways in which people, communities, and organizations meet their material needs. 15 Therefore, solidarity economy can be thought of as "a dynamic process of economic organizing in which organizations, communities, and social movements work to identify, strengthen, and create democratic and liberatory means of meeting their needs." 16 Figure 1 illustrates some of the current kinds of initiatives that make up the solidarity economy. 17

[\*28] Figure 1. Ethan Miller, Defining Solidarity Economy: Key Concepts and Issues.

While many communities and cultures have longed practiced solidarity and cooperation to provide for the material needs of its members, 18 solidarity economy theory in the United States is relatively new. The U.S. solidarity economy movement emerged in 2007, although solidarity economy practices have existed since early in the twentieth century. 19 As in other parts of the world, the solidarity economy movement in the United States directly grew out of failures of the dominant economy, neoliberal and austerity policies, and the impending economic downturn of 2008. In many ways, the economic downtown, spurred by the collapse of the mortgage securities market and subprime loans catastrophe, shook not only the U.S. economy but also main-street's general trust in the invisible hand of the market and integrity of the financial industry. It was in the early days of the economic downtown, that communities and organizations took the first steps to nationally coordinate the U.S. solidarity economy movement. In 2007, at the U.S. Social Forum, a number of SE practitioners and organizations convened, discussed emerging practices, and strategized the future of the SE movement in the U.S. 20 Subsequently, there [\*29] have been numerous meetings to discuss the theory and future of the movement. 21 Over the last decade, the solidarity economy in the United States has grown significantly. 22 By one conservative estimate, there were more than 700 solidarity-economy businesses in 2016. 23

Moreover, the solidarity economy movement is in many ways a movement of movements, as many current movements are incorporating solidarity economy strategies into their organizing work. For example, the Movement for Black Lives Policy Platform advocates for the support of cooperative development and social economy networks as a tenet of economic justice. 24 Furthermore, a number of solidarity-economy initiatives have sprung out of local organizing efforts affiliated with the Black Lives Matter movement. 25 The indigenous rights and environmental justice movements are pushing for the creation of public banks in the wake of the Standing Rock protests. 26 Immigrant-rights advocates are incubating worker cooperatives to ensure immigrant workers can take ownership of their labor and have a say in their working conditions. 27 These efforts and other SE initiatives need legal support to thrive and flourish.

II. Transactional Lawyering in the Solidarity Economy Movement

At its core, transactional lawyering is about the structuring of organizational and individual relationships within the parameters of the law. Transactional lawyers structure businesses, negotiate and draft contracts, and advise clients on relevant laws and [\*30] regulations. 28 These skills are imperative to the long-term success of the solidarity economy movement. SE enterprises, like traditional enterprises, retain lawyers to advise on entity formation and governance, draft relevant agreements and contracts, and counsel on applicable regulations. However, SE initiatives are markedly different from traditional enterprises in three major ways: 1) the motivations of the enterprise are guided by the five SE principles and not the maximization of profit, 2) the relationships within the enterprise are often blurred and overlapping, and 3) the means of exchange are varied and diverse. 29 It's important that lawyers understand and explore these differences as there are implications on the law and legal practice.

For example, imagine a group of seven women seek out a lawyer to start a catering and prepared-food business. The women decided that they want to be equal partners, share in profits and put up the same value of start-up capital. Easy enough. This is a scenario that most experienced transactional lawyers would be able to address. However, imagine for a second that the women go on to say 1) all of the women will work and contribute to the day-to-day decisions based on democratic consensus, 2) two of the women are applying for asylum and do not have work authorization, 3) the business will provide free meals to those that are food insecure in their community, 4) a number of the capital contributions will be in the form of sweat equity, and 5) the business intends to compensate the lawyer not in dollars, but in future meals prepared by the business. '

Each additional piece of information would have an impact not only on the laws implicated but also how the lawyer might approach the case. To begin, in the spirit of consensus building, the lawyer might ensure that all seven women could attend and participate in any future client meetings. This particular business, a worker cooperative, would require a deeper analysis of entity formation and applicable regulations to help meet the client's goals. 30 Cooperative law varies greatly from state to state and the lawyer would need to think through the relevant state and federal regulations that might classify the worker-owners as either an employee or an owner of the business. 31 The lawyer would carefully have to research and analyze the relevant immigration and employment regulations to ensure that all members can participate and will be classified as owners for the purpose of federal work authorization laws. 32 The implications of such classifications can mean the difference between success and failure of the business, as well as the protection of its members. 33 Given that the business' purpose is in-part charitable, and inpart wealth building (for-profit), the lawyer would want to identify the best combination of benefits and structures, as well as carefully draft governance agreements. 34 As such, the lawyer would need to do additional fact investigation and have a better understanding of [\*31] the client's goals and priorities to provide effective counseling on entity formation. 35 In addition to considering the various entity options, the lawyer would need to explore the issue of sweat equity contributions by the worker-owners. The Fair Labor Standards Act (FLSA), 36 or other relevant state laws, might potentially prevent the worker-owners from investing sweat equity without receiving immediate compensation. The lawyer's compensation is also an issue, as the lawyer would need to research relevant regulations for the proposed barter arrangement. 37 What language would go into an engagement letter if the attorney agreed to represent the business in exchange for a future promise of food? Would the prepared meals be taxable income for the lawyer? Would the lawyer get to try the food first? All important questions that would need to be addressed before moving forward with representation of the client.

This is just one cursory example of how a solidarity economy business client might be different from a traditional business. Yet, it demonstrates the new type of legal practice that is emerging to adequately serve solidarity economy clients. SE lawyers must have a broad understanding of the full range of legal structures. Otherwise the tendency may be to propose those structures with which they are most familiar, leaving other potential options unexplored. Other substantive areas of law include securities law, employment law, tax law, intellectual property, contact law, and commercial law. Still, SE practice can implicate a wide range of legal issues far beyond these traditional bodies of business law. In the example above, the lawyer would need to research immigration law, Good Samaritan food statutes, and barter exchange taxation regulations to adequately serve the client. This is not uncommon. SE clients are rethinking and remaking the means of economic exchange. 38 This will continue to require transactional SE lawyers to expand their substantive areas of practice. Further, many solidarity economy initiatives are connected to or a part of social movements. 39 Such connections are likely to have an impact on the legal support required. In the long term, SE lawyers may need to regularly consult and collaborate with attorneys in a range of practice areas and be nimble in responding to the needs of their clients.

Beyond the technical skills and expertise of transactional practice, SE lawyering also requires what has been referred to as the right "culture fit" or the "touch." 40 This can best be explained as the willingness of a lawyer to embrace the imaginations and experimentations of clients, and subsequently put the law in service to those ends. 41 Both in legal education and mainstream practice, the minimization of risks is emphasized as the lawyer's primary concern. 42 While important, a fixation on risks in SE practice often will not best serve the goals of the clients.

[\*32] There are many gray areas of law related to SE practice. 43 It's the lawyer's job to assess, analyze, and provide the most viable options for achieving the client's goals, recognizing that the law is not always clear. 44 Specifically, in a SE lawyering practice, it's necessary for the lawyer to demonstrate creative capacity, a deep understanding of the client's perspective and goals, and a commitment to the shared values of the solidarity economy movement. 45 Recognizing that the attorney-client relationship is more than just a mere transaction, effective solidarity-economy lawyers build authentic and solidaristic relationships with their clients. 46 Relationship building is a primary way in which SE lawyers can demonstrate a shared commitment to SE values and principles. As SE lawyers grow in their experience and practice, they come to rely on their acquired knowledge, while continuing to embrace the innovative goals of SE initiatives. 47 Furthermore, as is the case with all effective lawyering, SE lawyers will need to commit themselves to understanding the context in which their clients are operating, including the movements that clients may ground themselves in. Currently, lawyers across the country are engaged in SE lawyering. 48

A growing cadre of lawyers are representing SE organizations at legal service organizations, community economic development law clinics, law firms, and in solo practice. 49 For example, the Sustainable Economies Law Center (SELC), a 501(c)3 organization, is an institutional pioneer in solidarity economy lawyering. 50 SELC has provided legal services to hundreds of solidarity economy enterprises through their Resilient Communities Legal Cafes, 51 direct representation, and legal resources on their website, including materials on cooperative law, grassroots financing, community renewable energy law, food enterprises, and alternative forms of exchange or money. 52 Beyond providing legal support to SE enterprises, SELC is an example of a solidarity economy legal service organization. 53 The organization functions as a worker self-directed nonprofit, a hybrid governance model in which a nonprofit organization adopts governance characteristics of a worker cooperative. 54 Worker self-directed nonprofits empower their workers to collectively make decisions on behalf of the organization. 55 While these nonprofits still have a governing board of directors, the board concedes significant decision-making authority to the employees or members. 56 This particular model of nonprofit governance embodies the SE principle of participatory democracy. 57 Moreover, [\*33] in furtherance of solidarity and equity principles, all SELC employees, legal and non-legal, receive the same salary, 58 and the organization provides services on a sliding scale. 59

While SELC is often cited as "the" solidarity economy legal service organization," 60 a number of legal service organizations specialize in SE lawyering. A few are worth mentioning in an attempt to build awareness for law students and interested lawyers. Baltimore Activating Solidarity Economies, for example, has provided support to a number of SE initiatives in Baltimore, Maryland, including a mapping project of the local solidarity economy. 61 Likewise, the Urban Cooperative Legal Center based in Newark, New Jersey, provides legal support to start-up coops and organizes community events to discuss cooperative development. 62 Additionally, the Urban Justice Center's Community Development Project works with a number of New York City cooperatives and SE initiatives. 63 In the same vein, the Center for Community Based 2 Enterprise (C2BE) in Detroit, Michigan, not only provides cooperative legal support but also integrates cultural organizing to scale the local Detroit solidarity economy. 64 Law for Black Lives has also provided and facilitated legal support to a number of SE campaigns. 65 Finally, organizations like the Working World and the ICA Group have lawyers on staff that regularly engage SE legal practice. 66

Similarly, a number of transactional and community economic development (CED) law school clinics around the country provide legal support to SE enterprises. For the past two years, the clinic that I direct at John Marshall Law School-Chicago has used solidarity economy theory as a framework for case selection, prioritizing those clients that exemplify the five principles of SE (equity, sustainability, participatory democracy, solidarity, and pluralism). Currently, most of our clients are worker cooperatives and cooperative incubators. Recognizing the local emerging solidarity economy and gap in legal services [\*34] in Chicago, the clinic at John Marshall Law School is currently being rebranded from the Business Enterprise Law Clinic to the Community Enterprise and Solidarity Economy Clinic. Other clinics to highlight with a SE practice are Vermont Law School's New Economy Law Center, 67 Harvard Law School's Community Enterprise Project, 68 Hofstra Law's Community and Economic Development Clinic, 69 New York Law School's Nonprofit and Small Business Clinic, 70 University of Baltimore School of Law's Community Development Clinic, 71 University of Michigan Community and Economic Development Clinic, 72 American University Washington College of Law's Community and Economic Development Law Clinic, 73 and CUNY Law School's Community and Economic Development Clinic. 74 There are also a number of law firms engaged in SE practice including the Tuttle Law Group, 75 Dorsey & Whitney LLP, 76 Gilmore Khandhar LLC, 77 the Law Office of Elizabeth Carter, 78 and Sarah Kaplan Law Office 79 to name a few. Lawyers at these institutions and others are exploring new organizational forms and governance structures, engaging in law reform projects, and structuring relationships between SE enterprises. 80

III. SE Lawyers are Reimagining the Law

Law reform is a particular point of intervention in which lawyers can add value to the SE movement. In examining the fullness of the solidarity economy movement, there are complex and innovative initiatives that require the exploration of "gray areas" of the law, law reform projects, and the creative redeployment of transactional practice, referred [\*35] to as 'radical transactionalism.' 81 Unlike traditional businesses, SE enterprises do not fit neatly within established laws. The current statutory framework is largely designed to regulate adverse self-interests of economic actors in the mainstream economy, like the employer/employee, landlord/tenant, and producer/consumer relationship. 82 As such, our laws often fail to account for the diverse economic arrangements and overlapping, solidaristic nature of relationships within the solidarity economy. Continuing with the example of a worker cooperative, there are numerous state and federal laws that regulate the employer-employee relationship. 83 Most of these statutes assume that there are two separate and distinct parties, the employer and the employee, that have separate and adverse interests. However, in worker cooperative enterprises, worker-owners are effectively both employees and employers. This leaves significant ambiguity as to whether worker-owners will be classified as an employee under any given regulation or if an employee relationship exists within a worker cooperative business.

In the course of their work, lawyers are well positioned to identify the insufficiencies of the law to address the needs of SE clients. In understanding the confines of the legal framework, lawyers can propose and participate in law reform campaigns that better accommodate the innovation of the SE movement. For example, SELC has been instrumental in a number of policy reform campaigns in California, 84 most recently helping to secure the California Worker Cooperative Act. 85 The statute provides important visibility to California worker cooperatives, and also provides some clarification on the employee classification of worker-owners. 86 The law also confers additional benefits on worker cooperative businesses, including important securities exemptions and limiting the power of "community investors". 87

Often law reform efforts are guided by SE organizational coalitions. Lawyers can play an important role within these coalitions. Specifically:

[\*36] 1. SE lawyers can serve as legal translators of the status quo and produce popular education resources on the current state of the law. 88

2. SE lawyers can identify which aspects of the law are barriers for the long-term success of the SE movement.

3. SE lawyers can draw upon their experiences in practice to craft legislation that's responsive to the wider SE movement.

4. SE lawyers can work with government staffers to draft legislation.

5. SE lawyers can provide legal alerts and continuing legal education programs to educate lawyers on updates to the law.

In each of these roles, lawyers can add value and support to the larger SE movement. While SE lawyers are currently doing this work, many more are needed to support local and state law reform efforts.

Beyond law reform, lawyers are also, more daringly, radically reimagining the laws of economic activity. "Radical transactionalism" is the creative redeployment of transactional legal techniques and practices to reimagine and reconfigure the legal building blocks of the economy based upon social and ecological values. 89 One such example is the reimagining of intellectual property law and copyright licensing that gave way to the creation of the Creative Commons license. 90 The Creative Commons license, established in 2001, "provides free, easy-to-use copyright licenses to make a simple and standardized way to give the public permission to share and use creative works." 91 Created by law professor Lawrence Lessig, Creative Commons is a relatively new innovation that legally allows individuals to share "knowledge and creativity to build a more equitable, accessible, and innovative world." 92 In the larger scheme of our hegemonic legal underpinnings, this example only begins to scratch the surface of what is possible. Imagine if a group of 1000 SE lawyers, based in communities, actively and collectively began to reimagine the "rules of our economic road." What would it look like to infuse the principles of equity, sustainability, solidarity, and participatory democracy into contract law, employment law, property law, and the laws of business organizations? The result would be nothing less than a transformation of the current social economic system. Developing and popularizing alternative rules based upon transformative principles can be the beginning of a more just future. 93

[\*37] The difference between law reform and radical transactionalism is akin to the difference between reformist reforms and transformational re-imaginings. 94 In the case of law reform, the given policy proposal starts from the status quo and often deals in rigid legal frameworks, as well as the assumptions and ideological underpinnings of the current system. Radical transactionalism as applied to SE lawyering, begins with the principles and values of solidarity economy theory. From there the lawyer deconstructs and re-envisions the legal building blocks of economic activity. This kind of political project and radical reimagining, again, speaks to the creative capacity necessary for effective solidarity economy lawyering.

IV. SE Lawyers are Positioned to Scale the Solidarity Economy

SE lawyers can also add value to the solidarity economy movement by linking and structuring relationships between solidarity economy enterprises. As local communities continue to innovate diverse SE initiatives, the larger part of SE theory and practice is linking these various grass-root organizations in international networks of exchange to build out a just global economy. In other words, the full ambition of the solidarity economy movement is a "pluralistic conglomeration of worldwide economic activities that share a set of core values." 95 To achieve this goal, the solidarity economy rejects the traditional concept of "scale" and focuses on the meaningful linkage and integration of SE initiatives into larger solidaristic networks. 96 "Scaling-up" the solidarity economy includes the structuring of supply chains and the provision of services between SE enterprises, but also extends to activities of mutual aid and support like collective skill-sharing and workshops, policy advocacy, financing, joint ventures, and the development of solidarity markets. 97 All of these activities serve to move an even-larger share economic activity out of the dominant capitalist sector and strengthen the growing global solidarity economy.

SE lawyers are poised to aid in this important work of scaling-up the solidarity economy. Lawyers are well situated to identify potential scaling opportunities and structure relationships between solidarity economy initiatives. Being few and far between, SE lawyers tend to work with a number of SE enterprises in their specific locales. As a result, SE lawyers can be instrumental in mapping the local solidarity economy, identifying the needs and offerings of existing SE enterprises, and structuring business relationships between SE initiatives by drafting agreements. For example, in 2018, the Business Enterprise Law Clinic at John Marshall Law School- Chicago was commissioned by the Illinois Worker Cooperative Alliance to complete a policy report that included mapping the local worker cooperative ecosystem. 98 Law students in the clinic researched, identified, and interviewed existing worker cooperative businesses, some of which were current or previous clients. 99 The clinic is also participating in a local coalition building effort, Chicagoland Cooperative Ecosystem Coalition (CCEC), that aims to facilitate opportunities for cooperation among cooperatives and supporting technical assistance [\*38] providers. 100 Another example is the work of SE lawyers with the Baltimore Roundtable for Economic Democracy (BRED). BRED is a network table of Maryland-based worker cooperatives established in 2016. 101 BRED provides non-exploited financing and technical assistance support to further the local Baltimore solidarity economy. 102 The organization also provides popular education and workshops on cooperative development to the larger Baltimore community. 103 Solidarity economy lawyers in Baltimore have been an integral part of the BRED initiative, 104 and contributed to mapping project of the Baltimore solidarity economy. 105 These examples highlight some of the ways in which lawyers are currently scaling the SE movement.

CONCLUSION

In conclusion, solidarity-economy lawyering is an emerging practice for transactional lawyers. Skilled transactional lawyers are needed to provide direct representation to the increasing number of SE enterprises. If attorneys are to be effective in the endeavor of SE lawyering, they will need to use new creative approaches and utilize every tool in the transactional lawyering toolbox. Specifically, SE lawyers need to have a broad knowledge business law concepts, including the full range of legal entities, commercial law, tax, employment law, intellectual property law, and securities. Beyond a working knowledge of the substantive areas of law, effective SE lawyers will need to embrace the imaginations and experimentations of SE clients, and put the law in service of their clients' visions. This requires creative capacity and the willingness to explore and advise SE clients on "gray areas" of the law. Navigating this kind of practice also necessitates a meaningful understanding of the client's context and goals.

**No link to their labor DAs – the processual nature of debate is meant to create space for new action based off of scholarly introduction of the rhetorical artifact of the AFF, not the labor of the body  - only our model of debate ensures speech acts endure long after the round ends**

**Beltran Undurraga ’16, Assistant Professor at the Sociology Institute of the Pontificia Universidad Católica de Chile, “Amor Mundi: Politics, Democracy, and TechoScience”, 2016, UCLA Electronic Theses and Dissertations, pp. 26-31,**<https://escholarship.org/content/qt3rh226m9/qt3rh226m9.pdf?t=o85m1y&nosplash=abc819e852c074f03b3efbb95f4dc537>**\*edited for gendered language, \*STS =Science and Technology Studies, ANT = Actor-Network Theory**

 “Work and not action is the most important concept in The Human Condition” (Markell 2011, 18). This controversial but fairly accurate affirmation is founded on Markell’s subtle observation that the ‘architecture’ of the book rests not on the familiar three-part distinction of labor, work, action, but on two pairs of distinctions: labor and work, and work and action. 12 Although there are many ideas to unpack here, I will concentrate on Markell’s claim that “**work is not to action as labor is to work**” (18). The asymmetry rests on the difference between the more territorial demarcation of work from labor, on the one hand, and the ‘relational architecture’ separating and connecting work and action, on the other. The latter, I believe, is the crux of Markell’s contribution, but both deserve some attention.

Labor and work, as he correctly notes, have at least one crucial thing in common, namely the processual, chain-like character that the instrumentality of fabrication assumes when nothing can put an end to the chain of means and ends; the end product of fabrication becomes a means for a further end, which then becomes a means for another end, and so on. The main reason behind Arendt’s rejection of Kant's well-known solution to this problem, his positing of the human being as an ‘end in itself,’ points to the privilege she confers upon the ‘world’ and its standards over subjective or anthropocentric considerations. Arendt’s amor mundi, which does not play an important role in Markell’s account, is in fact of utmost importance for my own arguments in this chapter, and shall be examined later on. But **this processual aspect, present in “the labor of our bodies” and lurking behind the instrumental aspect of work, is also characteristic of the irreversibility of action’s new beginnings** (Arendt 1998, 230-236). **Therefore, it cannot be said to connect one pair of concepts more than the other**.

The really interesting interdependence is the one between work and action. Markell’s preferred metaphor for this relational architecture is not the impenetrable wall that in Ancient times encloses each household, separating it from the public realm of the polis, but walls with passages, which, like doors and windows, connect and separate the inside and the outside. His point here, it should be stressed, is not that Arendt ends up undoing the signature distinctions she appears to draw so forcibly in the first chapters of the book, but rather that distinctions draw boundaries that are not just dividing lines, but also points of passage.

According to Markell, this articulation—and the resulting destabilization of any strong territorial demarcation—occurs during Arendt’s discussion of works of art in Chapter IV of The Human Condition (Arendt 1998, 167-174), a section which anticipates the language usually thought to belong to Arendt’s treatment of action.

Firstly, the section in question introduces what I would characterize as an affinity between work and action. Going against the grain of familiar accounts of Arendt’s thought, her understanding of ‘work’ turns out to exceed the functionality of use objects and the instrumentality involved in fabrication. **These are the two defining aspects of work that separate it from ‘labor’, an activity in which things are immediately consumed after being produced**; the relative durability of use objects separates them from the fleeting and meaningless existence of consumption goods. It is worth noticing that it is the thing involved that sustains the demarcation, not the difference between labor and work qua human modes of activity. Importantly, as I will argue in detail, the standard is the world, as opposed to that of animal laborans or homo faber. As Arendt had pointed out earlier, “The distinction between a bread, whose ‘life expectancy’ in the world is hardly more than a day, and a table, which may easily survive generations of (humans) men, is certainly much more obvious and decisive than the difference between a baker and a carpenter” (1998, 94).

This sheds light on the other, significant aspect of use objects that ‘transcends’ their instrumentality and usefulness and connects work to action: **the fact that they appear and are seen in public**. Every object has a shape, a ‘look’ that can be more or less ‘fit’ for public appearance; and this is not a prerogative of works of art, as one could assume. The crucial passage Markell has highlighted reads as follows:

To be sure, an ordinary use object is not and should not be intended to be beautiful; yet whatever has a shape at all and is seen cannot help being either beautiful, ugly, or something in-between. Everything that is, must appear, and nothing can appear without a shape of its own; hence there is in fact no thing that does not in some way transcend its functional use, and its transcendence, its beauty or ugliness, is identical with appearing publicly and being seen. By the same token, namely, in its sheer worldly existence, every thing also transcends the sphere of pure instrumentality once it is completed. **The standard by which a thing’s excellence is judged is never mere usefulness**, as though an ugly table will fulfill the same function as a handsome one, but its adequacy or inadequacy to what it should look like…. In other words, even use objects are judged not only according to the subjective needs of (humans) men but by the objective standards of the world where they will find their place, to last, to be seen, and to be used (Arendt 1998, 173).

This has several implications, both for our understanding of Arendt’s concept of work, and for its affinity with action. On the one hand, **appearance in public**—always a matter of how things ‘look’—**is something that every mundane artifact can share with the words and deeds of political actors**. I emphasize the contingency of this because whereas action is simply unthinkable without a public space of appearance, the things comprising ‘the human artifice’ retain a tangible existence even when their ‘looks’ are not at stake. I will later revisit this question about the import of a thing’s appearance in the case of science and technology, and argue that politics is partly about caring and attending to the appearance of the human artifice from the worldly, nonsubjective perspective alluded to in the passage above.

On the other hand, **work is not the sovereign activity it is often taken to be**. “[**W]here work had originally been cast as a matter of form-giving mastery exercised in isolation**, by the end of the chapter **homo faber’s sovereignty has been qualified in at least one crucial respect**: his last act, it seems, is **to show (their)** his **work in public**—**that is, to surrender it, figuratively or literally, to its users and judges**” (Markell 2011, 32). A care for what things ‘look like’ is present even in 13 the use objects which homo faber proudly displays in the marketplace (Arendt 1998, 159-167). In this sense, **the first affinity between work and action is precisely this non-sovereign character: in order to transcend the endless chain of means-ends instrumentality, homo faber depends on the presence of a public whose judgment (they)** he **cannot control or predict**. In this sense, fabrication is not necessarily anti-political, as simplistic readings of Arendt’s critique of “the substitution of making for acting” would have us believe (Markell 2011, 19).

Secondly, alongside this connection between action and work in general is the ‘service’ works of art (“the most worldly of all things”) provide for political action. As Arendt extensively shows in Chapter V, **action is a fleeting, intangible performance whose meaning requires certain forms of ‘reification’ if it is to perdure**. And reification is the main task of fabrication (Arendt 1998, 139). “The specific content as well as the general meaning of action and speech may take various forms of reification in art works which glorify a deed or an accomplishment and, by transformation and condensation, show some extraordinary event in its full significance” (187). Thus, **work plays a pivotal role by establishing a boundary between action and labor, both of which, if left to themselves, leave nothing perdurable behind**. **Action and speech “share with life its essential futility,”** according to Arendt, because

**the ‘doing of great deeds and the speaking of great words’ will leave no trace, no product that might endure after the moment of action and the spoken word has passed** … acting and speaking men need the help of homo faber in his highest capacity, that is, the help of the artist, of poets and historiographers, of monument-builders or writers, because without them the only product of their activity, the story they enact and tell, would not survive at all (173).

## CASE

**Performative pedagogy fails in the context of a competitive debate -- there is no rigorous criteria for deciding whether or not we have sufficiently "performed" our pedagogy**

**Medina and Perry '11** Mia, University of British Columbia, Carmen, Indiana University "Embodiment and Performance in Pedagogy Research: Investigating the Possibility of the Body in Curriculum Experience" Journal of Curriculum Theorizing Volume 27, Number 3, 2 [http://www.academia.](http://www.academia./)...y\_in\_curriculum

Jean-Luc Nancy (1994) reminds us that our endeavour to write about embodiment fails before it begins, as the body is impenetrable by the means that we have at our disposal â€” words,ink, page, computer. And we would add that the endeavour to talk about the body is also challenging if not futile, due to the discourses that we have at the ready, that is, the dominant discourses of the mind. In the face of this methodological predicament, Caroline Fusco (2008)regrets that in educational research a â€œdiscursive and material disinfecting and cleansing take[s] placeâ€ in the transcription of body and space to written or visual texts (p. 160). In the following analysis, we acknowledge the limitations of representing research in the written and visualformat of a journal article, but embrace the affordances that analytic discourses and written text provide. In this way, we aspire to contribute to a much larger conversation that necessarily extends beyond these two authors, beyond this study, and beyond the modalities of written andvisual texts.

**This turns the case - ambivalence of becoming can never be revolutionary absent analysis of intermediate political consequences. They can’t be revolutionary if they serve to completely break with current framework.**

Thomas **Nail 12**, Assistant Professor of Philosophy at University of Denver, PhD from University of Oregon, "Returning to Revolution: Deleuze, Guattari and Zapatismo," 2012

Revolution, according to Patton, is a groundless, unconditioned, unthinkable (in-itself) difference ‘that is the condition of there being events at all’ (2009: 42). Insofar as actual political struggles exhibit this ‘hermeneutical sublime in the highest degree . . . they realise the potential break with existing frameworks of understanding’ (2009: 43). They constitute a ‘pure exteriority and metamorphosis’ (2000: 114) (absolute deterritorialisation) from the state of affairs and its processes of representation. Rather than presuppose existing political conditions, revolution, or the pure eventness of transformation, change and becoming itself, Patton argues, must be considered as ‘the source or condition of the emergence of the new’ (2009: 50).¶ Similarly, as Dan Smith argues in ‘Deleuze and the Production of the New’, ‘if identity (A is A) were the primary principle, that is, if identities were already pregiven, then there would in principle be no production of the new (no new differences)’ (2008: 151). Thus, Smith continues, ‘for Deleuze, the conditions of the new can be found only in a principle of difference’ (2008: 151), ‘no less capable of dissolving and destroying individuals than of constituting them temporarily’ (Deleuze 1994: 56/38). While Patton and Smith accurately develop the important concept of ‘difference-in-itself’ drawn from Deleuze’s earlier works, I believe that this concept not only remains unable to account for a theory of revolutionary intervention and political change but even risks blocking it by affirming the unconditioned ambivalence and non-relational ‘exteriority’ of political action. By valorising revolution as the unconditioned (real) potentiality for ‘change as such’ (liberatory change as well as nonliberatory change) or what Patton calls ‘critical freedom’ (2000: 83), radical politics remains optimistically tied to an ultimately indifferent and ambivalent principle of difference for its own sake: the aleatory temporal constitution no less than the destruction of individuals; or spontaneous insurrection.¶ However, the contemporary return to revolution, I argue, is more than an affirmation that ‘another world is possible’. And insofar as revolution affirms pure eventness ‘as that part of every event that escapes its own actualisation’ exterior to history, it remains ultimately (in its pure form) abstracted from all actual and concrete political relations as well as different **political events in their specificity**. To be clear, this is not the same criticism well refuted by John Protevi in his review of Peter Hallward’s Out of This World (Protevi 2006). It is not the case that the virtual simply remains abstractly above the actual as a spiritual realm. Insofar as revolution is the ‘general transformative movement between actualization and counter-actualization’, it remains **non-related to any determinate quasi-causal political event and its**singular**concrete consequences.** It remains **unable to conceptualise the multiple intermediate stages of any local political intervention. I disagree that concrete revolutionary struggles are radical only insofar as they abandon their actual relations and affirm ‘only’ their capacity to become-other**-as-such in a pure becoming-actual-becoming-virtual.¶ II. A Time for Revolution ¶ THE FUTURE ANTERIOR¶ How then are we to understand political transformation such that a non-representational revolutionary praxis is not merely possible but **actually constructed**? Distinct from the notion that revolutionary intervention is based on opposition and from the notion that it is a form of pure ‘eventness’ that conditions all events as such, in this next section I argue for a third position. In order to understand the contemporary return to revolution we need to analyse four **intermediate and concrete stages** that take place between the processes of representation (developed in Chapter 1) on the one hand, and the so-called pure exteriority of ‘eventness’ or ‘absolute deterritorialisation’ on the other. Between the pre-given facts, subjects and objects of the situation and their history (the past) and the radically unconditioned potentiality for their transformation ‘to come’ (the future), I argue, there are four intermediate **stages of political transformation** distributed by a revolutionary event.

**Instrumental movements to resist the status quo political economy are NOT “bootstraps logic” and are not mututally exclusive with critical black literature --- here are some examples**

**Ferguson ‘15** (Stephen C., Assoc. Prof. in Liberal Studies @ North Carolina A & T State U., *Philosophy of African American Studies: Nothing Left of Blackness*, p. 7-14)

Marxism in Ebony Materialist Philosophical Inquiry and Black Studies In any academic discipline, there exist varying, oftentimes even conflicting, conceptual frameworks, theoretical approaches, and methods. Black Studies is no different. In light of the theoretical works prominent today, however, a number of students in AAS might easily conclude that philosophical idealism is the only school of thought. To the contrary, Black Leftist activists were significant players during the early period of Black Studies. The first introductory textbooks in African American Studies were written by Marxist/socialist scholars and activists; for instance, Peoples College's Introduction to Afro-American Studies and Clarence Munford's Production Relations, Class and Black Liberation: A Marxist Perspective in Afro-American Studies. Communist like Jack O'Dell and Robert Rhodes taught African American Studies courses at the Antioch College branch campus in Washington, D. C. And pioneering Black historian and "antibourgeois gadfly" Earl Thorpe - chair of the history department at North Carolina College - was recruited to teach courses on "Marxism and Black Liberation" for the Black Studies program at Duke University.23 However, today, Leftist thought is marginal to the politics and philosophy of Black Studies. **Socialism and Marxism-Leninism are integral parts of African American history and culture.** Of course, Marxist scholar/activists contributed to African American intellectual history and culture long before what is, in more formal terms, considered the advent of Black Studies during the late 1960s. In the tradition of Hubert Harrison, Susie Revels Cayton, Maude White Katz, Richard B. Moore, Paul Robeson, Oliver Cox, Eugene Holmes, Abram Harris, Claudia Jones, Walter Rodney, Angela Davis, and John McClendon, there is a need to bring the Black working-class-men and women-back into AAS. A materialist philosophy inquiry into Black Studies is grounded on three presuppositions. **A materialist conception of epistemology and ontology presumes that there is a reality independent of our consciousness.** **A materialist ontology asserts the primacy of material reality over consciousness.** **And a materialist epistemology posits that this reality is knowable and knowledge or what is cognitive** (social consciousness) **corresponds to and** thus **ideally approximates this material reality.** Lastly, a materialist philosophy presupposes that the social world is a stratified ontology of which class relations (i.e., social relations of production) form the ground for understanding social processes. The call for a materialist conception of science and epistemology should not be seen as a call for an essentialist ascription of AAS, wherein it is viewed only as a social scientific enterprise devoid of cultural studies. **The current popularity of cultural studies**, often in collaboration with various species of historicism and postmodernist trends, **fosters a separation between cultural studies and social relations of production.** As a school of thought, **it gives less attention to the material conditions that give rise to African American culture and relativizes the objective character of the Black experience.**In my estimation, **the Black working-class has become lost in the whirlwind of cultural idealism.** Contemporary Black cultural theory – under the spell of poststructuralism and Afrocentricity – has declared: class is dead! **All that exists is intersectionality and a "matrix of domination," in which everyone is oppressed** – women, men, capitalist, workers, children, ad infinitum. And there is a tendency in Black Studies to transform the Black workingclass into some obscure gray matter known as the consumer, the multitude, or – my favorite from the "friends of the poor" – the Black underclass.24 The relevance and importance of **the Black working-class must be brought to the forefront** of Black Studies.25 **This would entail discarding analytical notions such as "cultural deprivation," "human capital," "culture of poverty," "nihilism," "feminization of poverty," "intersectionality," "underclass," "cultural pathology," and "menticide" that**have served to **explain the contemporary** and historical **crisis that confronts the Black working-class.** We must discard the cultural idealism of Maulana Karenga, Corne! West, Jawanza Kunjufu, Marimba Ani, Patricia Hill Collins, Molefi Asante, and William Julius Wilson who perceive the "Negro Question'' as an ideological or axiological crisis, for example, as alienation from ancient African values, the loss of a "love ethic," or the lack of human capital. When we view the “Negro Question” as preeminently ideological, moral, or cultural, we ultimately discount the determinate role of material contradictions rooted in class contradictions. As Robert Allen astutely noted, **" ... the question is not politics or no politics; rather it is which politics?** Whom will Black Studies serve? **Will it be truly democratic in its intellectual and political vision, or will it become 'apolitical' and acquiesce to a narrow, elitist and bourgeois view of education?"**26 Black Studies and the Question of Western Civilization Revisited C. L. R. James wrote what could be considered a Marxist manifesto for Black Studies in 1969. Speaking at Federal City College, James argues, at the level of theory, that Black Studies should be anti-racist and anti-imperialist in character, but not anti-white. From James's perspective, there is no intellectual space in Black Studies for philosophies of Blackness in which ancient African civilizations, values, and cultural perspectives constitute a "presuppositionless beginning" for Black Studies.27 He parts company with Black nationalists and their contemporary progeny (e.g., Afrocentrists) who argue that every culture rests on a metaphysical, permanent substratum that gives rise to a particular system of thought. He cogently proclaims: **We need a careful systematic building up of historical, economic, political, literary ideas, knowledge and information**, on the Negro question ... Because **it is only where we have** Bolshevik ideas, Marxist ideas, **Marxist knowledge,** Marxist **history,** Marxist perspectives, **that you are certain to drive out bourgeois ideas,** bourgeois history, bourgeois perspectives **which are so powerful on the question of the races in the United States.**28 [Italics Added] For James, the antithesis between bourgeois ideology and proletarian ideology is essential to the development, direction, and aim of Black Studies. James is often viewed as someone who was head-over-heels in love with Western culture and/or civilization. Yet, it is important to note that dialectical and historical materialism (or Marxism-Leninism) constitutes the conceptual and theoretical framework for his assessment of "The Fate of Humanity." In a 1939 article, "Revolution and the Negro" James boldly avows, "What we as Marxists have to see is the tremendous role played by Negroes in the transformation of Western civilization from feudalism to capitalism. It is only from this vantage-point that we shall be able to appreciate (and prepare for) the still greater role they must of necessity play in the transition from capitalism to socialism."29 James's classic works such as *The Black ]acobins* and *A History of Pan-African Revolt* are **ardently attentive to** the fact that **slavery, colonialism, and imperialism** are part and parcel of capitalism. Moreover, the revolutionary resistance of people of African descent ostensibly indicates the critical role of Black people as actors or subjects of history and the dialectical development of Western civilization. In **unswerving disapproval of Hegel's views** about Africans and their place outside of world history, James meticulously documents and effectively demonstrates that-far from being removed from world historical event-African people and their descendants in the diaspora transformed the landscape of world history in a monumental fashion.3° **Yet, James's historiography is not some form of racial vindicationism**, which claims that ancient African civilization is the real source of Black historic magnitude and ultimately collective identity. Rather James offers insights into the Black struggles against slavery and colonialism as manifestations of the antagonistic contradictions within the modern (bourgeois) stage of world history. Cultural idealism has no place within James's worldview and consequently his philosophy of history. **James's philosophy of history is not anti-European, anti-Western, or anti-white; his philosophy of history is stridently anti-slavery, anti-imperialist, anti-racist, and anticapitalist.**31 James introduces **a conceptual distinction between what is European and what is Eurocentrism.** Moreover, he did not accept the abstract concept of the West as monolithic, devoid of internal class relations and contradictory class interests. Black sociologist Alex Dupuy points out that James's dialectical analysis takes into consideration the tremendous value of European culture and its influence on the African diaspora, and vice versa.32 Dupuy argues, "James was redefining the meaning of Western culture away from its Eurocentric understanding. For [James], West Indians were a modern and Western people, though they were not European, a point [James] made in many of his writings, e.g., his semiautobiography, Beyond a Boundary (1963)." 33 **James resolutely rejected any outlook that requires Black Studies to be grounded on a uniquely formulated Black perspective** (e.g., Senghor's Negritude or Karenga's Kawaida or Asante's Afrocentricity). Dupuy points out that James does not "reject African culture in favor of Western culture." 34 Rather, James's analysis is based on "a historical materialist understanding of culture" and the recognition that "the predominant influences in the Caribbean were those of Western Europe."35 As Dupuy insightfully notes, "The Black ]acobins remains ... one of the most succinct critiques of the barbarism of Western European imperialism but also of the promise of bourgeois civilization."36 Any philosophy of AAS worth its salt should follow in the "Giant Steps" of C. L. R. James. **Embracing an ethnophilosophy that is anti-European is as fruitful as masturbation. It may be pleasurable, perhaps even therapeutic, but it won't give birth to a scientific approach to Black Studies.**"And that Black Fist becomes a Red Spark" Black Studies and Black Working-Class Studies37 In a post-Cold War world, the "spectre of communism" has apparently been exorcised and laid to rest. There is the widespread belief that we have witnessed the death-knell of Marxism. So, **why argue for the legitimacy of and necessity for Marxism in Black Studies?** No doubt this has been a hotly debated question both in the Black Liberation movement and in Black Studies for a considerable time. I tend to agree with Brian Lloyd: "I presume that **we are witnessing, not the death of Marxism, but the end of the first period during which Marxists managed to seize and**, for a time, **wield state power.** That it has fewer adherents at the end than during other phases of this period, and that as many of them can be found in universities as in factories or fields, is neither disheartening as is imaged by some of its proponents nor as amusing as is supposed by all of its detractors."38 It has become the custom to summarily dismiss Marxism as a viable methodological approach and philosophical perspective for Black Studies. Most of the adversarial postures toward Marxism-Leninism in Black Studies have discounted the value of a materialist dialectical philosophy of liberation, class analysis, class struggle, proletarian internationalism, and the scientific socialist principle of the dictatorship of the proletariat. Despite the sharp divergence of their political views, Harold Cruse, Cedric Robinson, Cornel West, Marimba Ani, Patricia Hill Collins, and Charles Mills have condemned Marx and Marxism for everything from economic determinism to class reductionism to historical teleology and any number of other "conceits." We even find Asante making such puerile statements such as the following: "In fact, we have no history of a communist movement in the United States where communists put their bodies and l.ives on the line as African Americans did."39 Contrary to Asante's claim, scholars such as Mark Naison, Ted Vincent, Erik S. McDuffie, Gerald Horne, Carole Boyce Davies, Robin Kelley, Minkah Makalani, and Mark Solomon in addition to autobiographies by Harry Haywood, Hosea Hudson, and Michael Hamlin offer a much more nuanced picture of communism, socialism, and Marxism-Leninism in Black life and culture. **Over the years, scholarship in labor studies and Black Studies has revealed the historical legacy of Black worker militancy.** As we travel through the annals of Black history, we unearth Peter Clark's crucial involvement in **the Great Railway Strike of 1877,** Lucy Parsons's unflinching engagement in **the Haymarket Square struggle,** the **heroic efforts of Ralph Gray, Tommy Gray, Eula Gray, Al Murphy, and scores of Black sharecroppers, tenant farmers, and agricultural laborers to organize** the predominantly **Black underground organization** the Share Croppers Union, **A. Philip Randolph's tireless efforts with rhe Brotherhood of Sleeping Car Porters,**Ferdinand Smith's vanguard role in **the National Maritime Union and** Paul Robeson's monumental efforts to use **folk music to entertain Spanish Civil War loyalists and striking workers** as he gave support to international socialist solidarity. **We could mention** the steadfast leadership of Velma **Hopkins and** Moranda **Smith in the 1947 strike at the Reynolds Tobacco Company in Winston Salem,** North Carolina. There were Black postal workers like Cleveland Morgan, a member of New York Branch 36 of the National Association of Letter Carriers, who played a seminal role in the nationwide 1970 postal wildcat strike. We could also mention the historic efforts of the League of Revolutionary Black Workers to organize wildcat strikes in Detroit, Michigan. And, in more recent times, we could mention working-class Black women who have fought against the attack on public services, such as public housing and welfare. We should not ignore the fact that many of these activists were socialists, and quite a few were Marxist-Leninist in their ideological outlook. The scholarship of Clarence Lang, John Arena, Adolph Reed, Barbara Ransby, Rhonda Y. Williams, and Joe Trotter has demonstrated the historic importance of the Black working-class to African American history and culture. They bring to light the centrality of class struggle and conflict as determinate features of what makes up the Black working-class. **World capitalism gave birth to the Black working-class.** The initial accumulation of large sums of capital, which in turn, was invested in the exploitation of European workers, derived from the slave trade and the plantation system in the so-called New World. In volume one of Capital, Marx so famously wrote "capital comes dripping from head to foot, from every pore, with blood and dirt."40 The ruthless exploitation of Black bodies, in a manner of speaking, became the proverbial goose that lays golden eggs, possessing the magical ability to increase the magnitude of capital. Incidentally, the profitability of the "proverbial goose" prompted slaveholder Thomas Jefferson to remark, "it would never do to destroy the goose."41 Leaving the decks of the slave ship, "In the Name of Jesus," large numbers of Wolof, Mande, Fulani, and Mandingo were bound together by chains, from neck to neck and wrist to wrist.42 Out of the diversity of African ethnic groups a new synthesis was formed under the brutal system of capitalist slavery, giving birth to African Americans. The incessant "demand for Black labor" by Northern industrial capital and the plantation bourgeoisie fueled world capitalist development. Black slaves toiled in textile mills, shipyards, sawmills, and coalmines from Virginia to Mississippi. Black women labored on tobacco fields in the Carolina piedmont and picked cotton on plantations along the coast of Georgia. Black men like Tom Molineaux and Black women like Sylvia DuBois were given release time from slave labor in order to engage in athletic labor (as boxers) to bring entertainment and profits to slaveholders and the larger white Southern community. 43 From the seventeenth century to the twenty-first century, from slave plantations to auto factories, Black women, men, and children labored under the hard times of capitalist exploitation. **The brutal forces unleashed by the capitalist drive for surplus value laid the foundation for the development of African American life and culture, from religion to music.**44 **Presently, we are witnessing**, from New York to North Carolina to Missouri to Wisconsin to California, **concerted attacks on public sector workers in order to resolve the economic crisis ravaging US capitalism.** We cannot ignore the fact that Black people are prominent in the leadership as well as in the rank and file in a great number of these mass demonstrations. In cities throughout the country, working-class men and women, Black, white, and Latino, are being blown away by police officers who are ultimately protected by the rule of law. In the aftermath of the murders of Trayvon Martin, Michael Brown, Aiyanna Jones, Yvette Smith, Rekia Boyd, and Eric Garner, Black working people are not silently standing by while the "Lords of Capital" via their "special bodies of armed men'' – with military weapons and tanks – confront them in the streets. **This seminal point is lost on Black critics of Marxism during the past 90 years.**As numerous studies in AAS have demonstrated, **the working-class is not one-dimensional, exclusively composed of white people.** The working-class is composed of women, men, and children, in addition to being multinational in character. **Marxist studies of Black working-class life and culture are needed now more than ever because in the souls of the Black working-class the grapes of wrarh are filling and growing heavy.** As Karl Marx so famously put it, **"The weapon of criticism cannot**, of course, **replace criticism of the weapon, material force must be overthrown by material force; but theory** also **becomes a material force as soon as it has gripped the masses."**45 Philosophy of African American Studies, I hope, wilt serve a prolegomena to the Herculean task of developing a philosophy of AAS from the standpoint of materialism. How well I have backed up this reaffirmation of philosophical materialism and revolutionary socialism with good arguments I leave it to my readers to judge. But the attempt to do so provides an answer-satisfactory to me at least-to justify writing this book.