### OFF

First OFF is Topicality:

#### The role of the ballot is to determine the desirability of topical action:

#### “USFG should” means the debate is solely about a policy established by governmental means

Ericson 3 – Jon M. Ericson, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting – “The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb *should*—the first part of a verb phrase that urges action. 3. An action verb to follow *should* in the *should*-verb combination. For example, *should adopt* here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase *free trade*, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the *affirmative side* in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Prohibitions must forbid by law.

LUNGREN 91 --- DANIEL E. LUNGREN Attorney General, State of California, OFFICE OF THE ATTORNEY GENERAL, September 26, 1991 , https://oag.ca.gov/system/files/opinions/pdfs/91-306.pdf

In the recent case of City of Redwood City v. Dalton Construction Co. (1990) 221 Cal.App.3d 1570, 1573, the court drew the following distinction between a regulation and a prohibition:

". . . The distinction between a regulation and a prohibition is well understood in municipal law. [Citation.] The term `prohibit' means `[t]o forbid by law; to prevent; - not synonymous with "regulate."' [Citation.] The term `regulate' means `to adjust by rule, method, or established mode; to direct by rule or restriction; to subject something to governing principles of law. It does not include a power to suppress or prohibit [citation].' [Citation.]"

**Antitrust law refers to statutory law.**

**US Code**, Chapter 34—Antitrust Civil Process, https://www.law.cornell.edu/uscode/text/15/1311

(a)The term “antitrust law” includes:

(1) Each provision of law defined as one of the antitrust laws by section 12 of this title

**[Inserting Section 12]**

(a)“Antitrust laws,” as used herein, includes the Act entitled “An Act to protect trade and commerce against unlawful restraints and monopolies,” approved July second, eighteen hundred and ninety; sections seventy-three to seventy-six, inclusive, of an Act entitled “An Act to reduce taxation, to provide revenue for the Government, and for other purposes,” of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled “An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled ‘An Act to reduce taxation, to provide revenue for the Government, and for other purposes,’ ” approved February twelfth, nineteen hundred and thirteen; and also this Act.

“Commerce,” as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: Provided, That nothing in this Act contained shall apply to the Philippine Islands.

The word “person” or “persons” wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

(b)This Act may be cited as the “Clayton Act”.

(Oct. 15, 1914, ch. 323, § 1, 38 Stat. 730; Pub. L. 94–435, title III, § 305(b), Sept. 30, 1976, 90 Stat. 1397; Pub. L. 107–273, div. C, title IV, § 14102(c)(2)(A), Nov. 2, 2002, 116 Stat. 1921.)

**[Section 12 Ends]**; and

(2) Any statute enacted on and after September 19, 1962, by the Congress which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to any restraint upon or monopolization of interstate or foreign trade or commerce;

#### Vote neg for two reasons:

#### First - predictable limits---allowing the aff to pick any grounds for debate makes engagement impossible by skirting a predictable starting point and undermining preparation and research. Radical aff choice shifts the grounds for the debate and puts the aff far ahead: they have incentives to cement their infinite prep by selecting the most one-sided ideas and can choose only orientations toward the word, not praxis with an actor or mechanism. Fairness is an intrinsic good, vital to the practice of debate, and logically prior to deciding any other argument.

#### Second- our Testing warrant:

#### A well-defined resolution is critical to allow an iterative process of argument testing and improvement---this does not require particular forms of argument, but does require a common point of disagreement.

Poscher ‘16

Director at the Institute for Staatswissenschaft and Philosophy of Law at the University of Freiburg (Ralf, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement”, Metaphilosophy of Law, Tomasz Gizbert-Studnicki/Adam Dyrda/Pawel Banas (eds.), Hart Publishing, forthcoming. Modified for language that may offend)

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the (perspective) ~~view~~ towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above.

2. THE SEMANTICS OF AGONISTIC DISAGREEMENTS

The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes.

In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements.

A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached.

The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics.

In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are ~~talking about~~ (discussing) the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Our testing arg *link turns* the Aff’s efforts to counter injustice. It’s also a reason to Negate their method based on external offense. Testing is the stronger mechanism for actualizing solvency for Aff and Neg impacts.

Connolly 17

William Connolly, Krieger-Eisenhower Professor of Political Science at Johns Hopkins University, Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism, p. 694-777

If a dissident movement is to acquire momentum, the democratic Left must also identify more young leaders in multiple settings who are charismatic in democratic ways and who can inspire large constituencies as they counter the appeal of Trumpian authoritarian charisma. For Trump is a charismatic adversary whose rhetorical effectiveness has not yet been measured adequately by enough of his critics. He and Hitler are both right about one thing: there is a tendency in the professoriate to downplay the role of rhetoric in politics and the ubiquitous importance of the visceral register of culture to public life. We often love writing more than speech. There is thus a corollary reticence to working hard enough to counter a rhetoric organized around authoritarian leadership, militarism, whiteness, and aggressive national assertion with another mode that draws on our higher angels to encourage horizontal modes of organization and an ethos of presumptive generosity as it articulates the differential class, regional, and urban dangers of rapid climate change.

We both need to learn more about Trump and to rebut his rhetorical style with positive styles of engagement. Bernie Sanders shined a bright light here, too. For visceral group identifications do not always and only pass through the filter of a narcissistic leader, as a few steeped in Freudianism may think. They can also be mediated by horizontal connections on both the visceral and refined registers of cultural life— connections forged across a variety of associational meetings, church assemblies, blogs, family gatherings, classrooms, neighborhood groups, school boards, tavern conversations, unions, and so on— as we forge reciprocal ties of presumptive generosity and care.[ 12] Charismatic, pluralizing, egalitarian leaders support such horizontal connections and infusions in the ways they provide Democratic leadership.[ 13] It is possible to improve the internal ethos of the United States while coming to terms more nobly with its new condition in the world, even if the probabilities may point in another direction. Indeed, it is imperative to try to accomplish both together, because failure to do so risks unleashing the vast military power of the country in a series of destructive wars that could be calamitous for the world. Think merely of how climate change— a gathering planetary force massive in destructive power— is subject to denial in part because those who seek to return to an old “greatness” are told that such a return requires the modes of industry, mining, imperial power, triumphalism, and fossil fuel energy that powered growth the last time around.

Trump’s attack upon the media and the professoriate is strategically chosen in this respect. His tweets calling the media “the enemy of the people” and carriers of “fake news” must never be treated lightly. Above all, this is not a site, if there is any site, at which the Left should seek to “accelerate the contradictions” of the order to speed up its collapse.[ 14] The latter route, however unintentionally, is a route to fascism.

Trump’s goal is to trap the media in a bind: he hopes he can win if the media evades the charges he makes; he hopes he can win if they reply simply by correcting the evidence when he endlessly accuses them of fake news. The best strategy, perhaps, is to keep exposing how the Big Lie works, to respond with evidence-based claims to each Lie as you also explain why he pursues it, to play up dramatically how critical a press free from state control or intimidation is to a democratic society, and to explore the real and neglected grievances of those constituencies most tempted to embrace Trump tweets. Yes, the media often deserves intense criticism from the democratic Left for its softness on a neoliberal corporate culture, but the Left must also expose and attack Trumpian intimidation of it. It recently seemed unwise to me, for instance, when a few on the Left reenforced Trump and Putin denials of the Putin intervention in the election with statements that came close to describing this as fake news. The media and professoriate will both be vicious targets of Trump attacks for the next four years (at least), as he deflects attention from his probable collusion with Putin and the failure of his policies to uplift the working class. It is possible for critics on the Left to chew gum and walk at the same time, in this case, to hold the media accountable as you also defend it against vicious Trumpian assaults that could get worse as his false promises continue to encounter harsh realities.

I have doted a bit on the working class not because it could today become the center of a new movement toward egalitarian democracy oriented to both pluralism and the new planetary condition. We do not inhabit a Fordist era in which much of the working class is centered in large factories. That class is now even more dispersed geographically and underorganized into unions. It is often distributed in small clusters in fast-food restaurants, shopping mall stores, janitorial duties, farm work, small factories, prison work, security assignments, subordinate administrative duties, hospital services, and so on. Moreover, its dispersed distribution makes it easier for those outside those circumstances to ignore or deny its grievances, as they look merely at yearly income statistics and fail to register how differences in lifetime income and an evolving infrastructure of consumption make it harder for many with apparently decent incomes to make ends meet. Its very dispersion, disorganization, and uneven geodistribution, however, mean that, intelligently engaged, it could also forge indispensable elements in a vibrant pluralism that has been on the move for a while without its active involvement, a pluralism that can also constitute a key bulwark against aspirational fascism. That is why it is wise to appreciate the working class today as one dispersed minority among others.

### OFF

Next OFF is Frame Subtraction:

#### Two links:

#### 1 - The 1AC’s value stands on its own---responding to it with judgement and the ballot is a hollow validation that siphons off political energy and draws them into the oppressive gaze of the academy---vote Negative to decline affirmation

Phillips 99 – Dr. Kendall R. Phillips, Professor of Communication at Central Missouri State University, PhD in Speech Communication from Pennsylvania State University, MA in Speech Communication from Central Missouri State University, BS in Psychology and Sociology from Southwest Baptist University, “Rhetoric, Resistance, and Criticism: A Response to Sloop and Ono”, Philosophy & Rhetoric, Volume 32, Number 1, p. 96-101

My concern with this movement centers around an issue that Sloop and Ono seem to take as a given, namely, the role of the critic. On one hand, calling for the systematic investigation of existing marginalized discourses is a natural extension both of critical rhetoric (see McKerrow 1989, 1991) and of the general ideological turn in criticism (see Wander 1983). On the other hand, the ease of transition from criticism in the service of resistance to criticism of resistance may obscure the need to address some fundamental issues regarding the general function of rhetorical criticism in an uncertain and contentious world. Beyond licensing the critic to engage in political struggle, Sloop and Ono advocate the pursuit of covert resistant discourses.

Such a move not only stretches our understanding of rhetoric and criticism, but also alters significantly the relationship between critic and out- law. Critical interrogation of dominant discursive practices in the service of political/cultural reform is supplanted in favor of positioning covert out- law communities as objects of investigation. Invited to seek out subversive discourses, the critic is positioned as the active agent of change and the out-law discourse becomes merely instrumental. Rather than academic criticism acting in service of everyday acts of resistance, everyday acts of resistance are put into the service of academic criticism.

Rhetorical resistance

That we are "caught within conflicting logics of justice that are culturally struggled over" (Sloop and Ono 1997, 50) and that rhetoric is employed in these struggles seems an uncontroversial statement. Despite the theoretical miasma surrounding judgment, Sloop and Ono accurately note, the material process of rendering judgments (and of disputing the logics of litigation) continues in the world of actually practiced discourse. In the materially contested world, rhetoric is utilized both by those seeking to secure the grounds of dominant judgment and by those seeking to undermine or supplant dominant cultural logics with some out-law notion of justice.

The distinction between these two cultural groups, "in-law" and out- law, however, deserves some consideration prior to any discussion of the role of the critic as implied in the out-law discourse project. The discourse of the dominant or those within the bounds of superordinate logics of litigation is reminiscent of Michel De Certeau's (1984) strategic discourse. For De Certeau, strategies are utilized by those who have authority by virtue of their proper position. Strategies exploit the institutionally guaranteed background consensus by which power relations (and litigations) are maintained and advanced. In contrast, tactics are utilized by those having no proper place of authority within the discursive economy who must seek opportunities whereby the discourse of the dominant might be undermined and contested. To extend Sloop and Ono's definition, out-law discourses are those that can (and, by their analysis, do) take advantage of situations (e.g., race riots) to disrupt the regularity of dominant cultural groups.

The ongoing struggle between strategically instituted cultural dominants and the "out-law always lurk[ing] in the distance" (66) is acknowledged, even celebrated, by Sloop and Ono. What their acknowledgment fails to provide, however, is a clear need for critical intervention. Indeed, quite the reverse is presented: It is the critic (particularly the left-leaning critic) who needs out-law discourse. While the struggles over justice, equality, and freedom have gone on, the left-leaning critics are those who have theoretically excluded themselves from the disputes. The study of out-law dis- courses, then, provides a means to reinvigorate the intellectual and re-institute (academic) leftist thinking into popular political struggles (53-54). Thus, Sloop and Ono's project incorporates three types of rhetoric: the rhetoric of the in-law, presumably the traditional object of critical attention; the rhetoric of the out-law, the study of which may transform our understanding of judgment as well as reinvigorate leftist democratic critiques; and the rhetoric of the critics who, having lost their political po- tency, can exploit the discourse of the out-law to promote ideological struggles. It is to this critical rhetoric that I now turn.

Resistance criticism

Sloop and Ono (1997) clearly state the relationship they envision between the rhetorical critic and out-law discourse: "Ultimately, we will argue that the role of critical rhetoricians is to produce 'materialist conceptions of judgment,' using out-law judgments to disrupt dominant logics of judgment" (54; emphasis added). Here the critic seeks out vernacular discourse (60), focuses on the methods and values embodied in these communities (62), listens to and evaluates the out-law community (62-63), and chooses appropriate discourses for the purpose of disrupting dominant practices (63). Essentially, it is the critic who seeks out marginalized discourses and returns them to the center for the purpose of provoking dominant cultural groups (63).

Despite acknowledging the efficacy of out-law discourses, Sloop and Ono assume that the critiques generated and presented by the out-law community have only minimal effect. The irony, and indeed arrogance, of this assumption is evident when they claim: "There are cases, however, when, without the prompting of academic critics, out-law discourses serve local purposes at times and at others resonate within dominant discourses, disrupting sedimented ways of thinking, transforming dominant forms of judgment" (60; emphasis added). Sloop and Ono seem to suggest that such locally generated critiques are the exception, whereas the political efficacy of the academic critic is the rule. This seems an odd claim, given that the justification for their out-law discourse project is the lack of politically viable academic critique and the perceived potency of out-law conceptions of judgment. Their suggestion that out-law communities are in need of the academic critic contradicts not only the already disruptive nature of existing out-law discourses (the grounds for using out-law discourse), but also the impotence of contemporary critical discourse (the warrant for studying out-law discourse).

By this I do not mean that the critiques and theories generated by academically instituted intellectuals have not been incorporated into subversive discourses. Just as out-law discourses inevitably mount critiques of dominant logics, so, too, the perspectives on rhetoric and criticism generated by academics are used in resistance movements. Feminist critiques of patriarchy, queer theories of homophobia, postcolonial interrogations of race have found their way into the service of resistant groups. The key distinction I wish to make is that the existence of criticism (academic or self-generated) in resistance does not necessitate Sloop and Ono's move to a criticism of resistance.

What Sloop and Ono fail to offer is an adequate argument for "taking public speaking out of the streets and studying it in the classroom, for treating it less as an expression of protest" (Wander 1983, 3) and more as an object for analysis and reproduction within the political economy of the academy. Philip Wander made a similar charge against Herbert Wicheln's early critical project, and this concern should remain at the forefront of any discussion aimed at expanding the scope and function of criticism. Sloop and Ono offer numerous directives for the critic without addressing whether the critic should be examining out-law discourses in the first place. While it is too early to suggest any definitive answer to the question of criticism of resistance, some preliminary arguments as to why critics should not pursue out-law discourses can be offered:

(1) Hidden out-law discourses may have good reasons to stay hidden. Sloop and Ono specifically instruct us that "the logic of the out-law must constantly be searched for, brought forth" (66) and used to disrupt dominant practices. But are we to believe that all out-law discourses are prepared to mount such a challenge to the dominant cultural logic? Or, indeed, that the members of out-law communities are prepared to be brought into the arena of public surveillance in the service of reconstituting logics of litigation? It seems highly unlikely that all divergent cultural groups have developed equally, or that all members of these groups share Sloop and Ono's "imperial impulse" (51) to promote their conceptions and practices of justice.

(2) Academic critical discourse is not transparent. Here I allude to the overall problem of translation (see Foucault 1994; Lyotard 1988; Lyotard and Thebaud 1985; Zabus 1995) as an extension of the previous concern. Critical discourse cannot become the medium of commensurability for divergent language games. Are we to believe that the "use" of out-law dis- course by critics to disrupt dominant practices can fail to do violence to these diverse/divergent logics? Are out-law discourses merely tools to be exploited and discarded in the pursuit of returning leftist academic dis- course to the center?

(3) Perhaps the academic translation of out-law discourse could be true to the internal logic of the out-law community. And, perhaps the re-presentation of out-law logic within the academic community will bestow a degree of legitimacy on the out-law community. Nonetheless, the effect of legitimizing out-law discourse is unknown and potentially destructive. In an effort to siphon the political energy of out-law discourse into academic practice, we may ultimately destroy the dissatisfaction that serves as a cathexis for these out-law discourses. It seems possible that academic recognition might take the place of struggle for material opportunities (see Fraser 1997). But, will academic legitimation create any material changes in the conditions of out-law communities? I mean to suggest, not that it is better to allow the out-law community to suffer for its cause, but rather that incorporating the struggle into an (admittedly) impotent academic critique does not offer a prima facie alternative.

(4) Criticism of resistance denies the practical and theoretical importance of opportunity. Returning to De Certeau's notion of tactics, the crucial element of these discursive moves is their use of opportunity to disrupt the proper authority of the dominant. The kairos of intervention provides the key to undermining "in-law" discourses. But when is the "right moment in time" for the academic reproduction of out-law discourse? Mapping the points of resistance (ala Foucault and Biesecker) entails interrogating "in-law" discourses for their incongruities and contradictions, not turning the academic gaze upon those communities waiting for an opportunity. Out-laws do not lurk in the forefront (66), hoping to be exposed by academic critics; they wait for the right moment for their disruption. Rhetoricians can provide rhetorical instructions for seeking opportunities and for exploiting these opportunities (literally making the culturally weaker argument the stronger), but this does not justify interrogating (intervening in) the cultural logics of the marginalized.

The concerns raised here are not designed to dismiss Sloop and Ono's provocative essay. The divergent critical logic they outline deserves careful consideration within the critical community, and it is my hope that the concerns I raise may help to further problematize the relationship between

resistance and rhetorical criticism.

Rhetorical criticism

As I have suggested, my purpose is to use the provocative nature of Sloop and Ono's project to extend disputes regarding the ends of rhetorical criticism. Diverging perspectives on the ends of criticism have been categorized by Barbara Warnick (1992) as falling along four general lines: artist, analyst, audience, and advocate. Leah Ceccarelli (1997) discerns similar categories around the aesthetic, epistemic, and political ends of rhetorical criticism.

The out-law discourse project presents clear ties to the notion of critic as advocate. For Sloop and Ono, the critic is an interested party, discerning (and at times disputing) the underlying values and forces contained within a discourse. Additionally, however, the out-law discourse critic is an analyst focusing on the hidden, aberrant texts of the out-law and "rendering] an incoherent or esoteric text comprehensible" (Warnick 1992, 233). Now, I am not suggesting that a critic must serve only one function or that the roles of advocate and analyst are mutually exclusive; rather, these entanglings of power (political ends) and knowledge (epistemic ends) are inevitable. My concern is that we not neglect the complexity of these entanglements. Turning covert out-law discourses into objects of our analyses runs the risk of subjecting them both to the gaze of the dominant and to the power relations of the academy. As the works of Michel Foucault (especially 1979, 1980) aptly illustrate, practices presented as extending such noble goals as emancipation and humanity may endow institutions of confinement and objectification. Any justification for studying out-law dis- course because doing so may extend our political usefulness in the pursuit of emancipatory goals must not obscure the already existing power relations authorizing such studies. Our attempts to extend our domains of knowledge and expertise (authority) must not be pursued unreflexively.

#### 2 - Calling debate practices “anti-competitive business practices” flattens the nuance of the harmful norms and monopolization. Speech acts grow more potent when such deployments are removed.

Kipnis ‘7 Andrew Kipnis - Senior Fellow and Professor Andrew Kipnis in The Department of Anthropology, The Australian National University – “Neoliberalism reified: suzhi discourse and tropes of neoliberalism in the People's Republic of China” - Journal of the Royal Anthropological Institute (N.S.) 13,383-400 - #E&F – modified for language that may offend - obtained via J-Stor database.

Another problem is that neoliberal policies, *however defined*, may be sincerely or disingenously pursued. Often enough, powerful *social actors* ~~mouth~~ (deploy) neoliberal slogans or ideology of one form or another in a crass attempt to grab power or exploit others. There may be no intention of actually enacting neoliberal policy or striving for neoliberal goals. This issue should be of crucial interest to those who believe (as the author of this article does not) that neoliberalism is systemic in the contemporary world. If neoliberalism is a systemic 'discourse' (as some governmen-tality theorists would have it), then it reproduces itself by producing 'responsibilized' subject/citizens who re-create neoliberal institutions. From this vantage, disingenuous applications of neoliberal discourse would thus work to undermine neoliberal-ism. But if neoliberalism is an 'ideology' that serves merely to mask the true workings of class domination, then disingenuous applications of neoliberal ideas are central to the reproduction of neoliberalism. In such a case, the actual production of autonomous, responsible citizen/subjects would undermine neoliberalism. Few who write as if neoliberalism were systemic in the contemporary world demonstrate awareness of this contradiction.

#### Neolib discourse *creates realities* which re-frame the social violence cited by the Aff. That link turns case … it’s also external offense via neolib’s perpetuation of sexualized, racialized, and socio-economic repression.

Della Faille ’15 Dr. Dimitri DELLA FAILLE (PhD, Sociology) is a professor in International Development and Social Sciences at Université du Québec en Outaouai - “A Sociological Understanding of Neoliberal Discourses of Development” - #E&F - https://hal.archives-ouvertes.fr/hal-02046915/document

This paper will attempt to show that social scientists studying development issues must consider these common ideas with considerable caution. We argue that words are, in fact, actions. And as such, they must be investigated. We contend that an examination of underdevelopment and "developing" societies must go beyond an artificial divide between discourse and action. But also, that it must not limit its definition of discourse to an act of deception. Otherwise, we run the risk of misunderstanding social problems, which is the basis for much social action and collective mobilization in the "developing" world. We will also propose in this paper a number of ways to examine language and discourse that go beyond received ideas. We will attempt to show that they are integral parts of action - whether scholarly, activist, administrative or otherwise - against underdevelopment. In the first place, we will focus most of our explanation on how neoliberal governance and policymaking use language, social representation and discourse to achieve their goals. Using example of neoliberal discourses, we will attempt to show how the main ideologies of the various contemporary development discourses transforms our perception and understanding of development problems. This transformation, we argue, exists both in imposing the use of specific words and in successfully controlling means of communication.

We will begin with a quick presentation of discourse and a definition of neoliberal ideologies. Then, we will demonstrate how discourse analysis could study neoliberal discourses by applying to documents about a natural disaster in the Philippines. After this demonstration, we present other various examples of discourse analysis as it applies to development discourses. Then, we present some of the major approaches and methodologies of discourse analysis. Before concluding, we will present some ethical considerations for the analysis of development discourses.

Words of Caution

A paper about language and discourse would fall short of its goal to draw attention to the use of language if it did not contain at least some form of criticism of usages of the word "development". We argue that calling societies "developing" is actually making a normative statement about the past trajectory, current status and expected future of these societies. Social scientists may contend that political, scientific, ethical or lay statements about development and underdevelopment are in fact "problematizations" of human societies. A problematization is a process by which social relations, practices, rules, institutions, and habits previously established are suddenly viewed as doubtful and problematic (Foucault 2001). The word "development" itself may carry different meanings around the world (Thornton et al. 2012). The understanding and expectations of actions in the name of "development" are conditioned by social representations and interpretations. However, we contend that development discourses are problematizations of the "developing" world because they transform the history of societies of Latin America, Asia, Africa and some parts of Europe into a long story of troubles and failures. They do that in order to justify social transformations and interventions (Escobar 1994). We also contend that they are problematizations because they produce cultural discourses that apply specifically to "developing" countries, and therefore reinforce ideas about the perceived superiority of "developed" countries over the rest of the world (Mohanty 1984).

This paper refuses to hierarchize societies based on perceptions of their economic achievement, their form of political governance or the global recognition of their cultural products. We recognize that discourses about "development" are problematizations, and that perceptions of any social, political or cultural inferiority of these regions, countries or populations must be criticized. We therefore use the term "developing" for some societies, not as a normative statement on regions, countries, and populations viewed as economically, socially, politically or culturally inferior to the "developed world", but rather as an unfortunate shortcut to describe regions and countries in which actors desire to act in the name of "development". There is a wealth of scholarly literature on criticism of the use of the word "development", some of which is evoked further in this paper.

We will give further explanations that might help you better understand why we must be cautious when comparing societies in terms of their perceived "development". Now that we explained why we, in this paper, are cautious of talking about "development" and "underdevelopment", let us very briefly present some aspects of discourse and its analysis.

Understanding discourse and its analysis

If discourse analysis is getting more recognition in development studies, before we further embark in this paper it must be noted that if you chose to study discourse, you might encounter disapproval (Ziai 2015). As we have argued elsewhere, discourse analysis is often viewed with reservations or criticized in the context of the study of "development" and "underdevelopment" (Delia Faille 2011; 2014). But very often, the criticism comes from misunderstanding of what discourse actually is. Discourse analysts face many commonly held ideas, as per the examples we have provided in the introduction of this paper. We believe that the best way for social scientists to justify the analysis of words, language and communication is to approach it with a clear definition of discourse that relates to the study of social relations and also to present convincing analysis. This section attempts to clarify our definition of discourse analysis and the following sections will attempt to illustrate how this analysis relates to the study of social relations and "development".

Social scientists studying discourses are examining the social and institutional constraints of language. At the conceptual level, language can be apprehended either as a social fact determined by material conditions and social domination, or as a field of social activity with specific rules and a social environment where meaning, social relations, and society are produced. Most discourse analysts adopt the latter conception. They attempt to reveal the strategies that aim to convey cultural values and ideologies, whether implicitly or explicitly. They define language as the production of meaning and the results of acts of communication that are conditioned by collective rules and social codes. Through the use of language, social groups and individuals come to build their identity, describe themselves, interact, and share ideas. Language is thus more than the use of specific vocabularies and grammars. It is an organized sequence of social acts that is not limited to speech or utterance. Some analysts study images and material artefacts as sequences of social acts and social strategies to convey ideologies.

In the 1960s French and British philosophers, sociologists and political scientists began to understand the production of language in terms of communication strategies. This new direction was dubbed the "linguistic turn" of humanities and social sciences (Rorty 1967). Based on several decades of debate in literary study, linguistics and anthropology, discourse analysis emerged as a new discipline. It proposed a way to see language as a field of social confrontation and struggles. Discourse is therefore understood as the social usage of language and studied as a social practice and a materialization of social relations. It means that discourse analysts are interested in the social practice of using language to put forward agendas, to express dissent, to defend a position, or to transmit values. They also study acts of silencing and censoring - such as prohibiting other worldviews from circulating and being heard. Therefore, discourse analysts see language as a series of social processes and they acknowledge that language is not limited to otherwise unrelated individual acts.

Discourse analysis could be described as a political understanding of the use of language in the context of unequal access to platforms of decision making, economic resources, and social recognition. As we will attempt to demonstrate throughout this paper, the study of discourse is not limited to looking for hidden agendas, lies or the uttering of meaningless and empty words. Deception is only one of the strategies used to convey worldviews, and it is not necessarily the most effective or even the most interesting for discourse analysts.

Some schools of discourse analysis criticize social reproduction of gender inequality, racism and social class. Critical Discourse Analysis is an example of this field. For this school of thought, discourse analysis is the social study of language, its social constraints and its effects (Fairclough 2001). Through language, social groups come to represent society in a way that perpetuates domination, positive or negative discrimination, and social repression. Critical discourse analysts look at the perpetuation of social conflicts and unequal relations of power. They examine issues related to gender, sexuality, social class, and ethnicity.

While our presentation of neoliberal discourses and its analysis does not fall totally under the umbrella of the school of Critical Discourse Analysis, this paper demonstrates how to analyse discourse in the context of the study of global inequalities, social discrimination and repression. We are critical of the current state of global politics, economy and society as it reproduces and reinforces inequalities. Therefore, the next section presents a critical analysis of neoliberalism understood as an ideology whose aim is to impose its ~~worldviews~~ (perspective) and the interest of the actors it attempts to defend and whose interests this ideology is putting forward in the context of development discourses.

#### We can defend the rest of the aff strategy and negate only certain parts. 2NR consolidation is best and we can subtract 2AC frames.

#### Only conditional tests of limited agreement incentivize narrow testing of their specific claims. Requiring us to disprove the entire aff forces extreme impact turns that lack nuance and political utility.

#### Nuanced testing is a better model of engagement to improve praxis.

Williams 15 – Douglas Williams, Third-Generation Organizer, BA in Political Science from the University of Minnesota at Morris, MPA from the University of Missouri Columbia, Doctoral Student in Political Science at Wayne State University, internally quoting Freddie DeBoer, Lecturer at Purdue University and PhD in Rhetoric and Composition from Purdue University and MA in English with a Concentration in Writing and Rhetoric from The University of Rhode Island, The South Lawn, <https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/> [language modified]

What conversation is there to be had around that? It is as if the mere existence of her identity inoculates her from any critique. How did we get here?

—

Freddie DeBoer makes a great point in his piece on what he calls “critique drift“:

“This all largely descends from a related condition: many in the broad online left have adopted a norm where being an ally means that you never critique people who are presumed to be speaking from your side, and especially if they are seen as speaking from a position of greater oppression. I understand the need for solidarity, I understand the problem of undermining and derailing, and I recognize why people feel strongly that those who have traditionally been silenced should be given a position of privilege in our conversations. But critique drift demonstrates why a[n] [effective] ~~healthy~~, functioning political movement can’t forbid tactical criticism of those with whom you largely agree. Because critical vocabulary and political arguments are common intellectual property which gain or lose power based on their communal use, never criticizing those who misuse them ultimately ~~disarms~~ [undermines] the left. Refusing to say ‘this is a real thing, but you are not being fair or helpful in making that accusation right now’ alienates potential allies, contributes to the burgeoning backlash against social justice politics, and prevents us from making the most accurate, cogent critique possible.”

Look, I am Black. Also, sometimes, I can be wrong. Those two things are not mutually exclusive, and yet we have gotten to a point where any critique of tactics used by oppressed communities can result in being deemed “sexist/racist/insert oppression here-ist” and cast out of the Social Justice Magic Circle. And listen, maybe that is cool with some folks. Maybe the revolution that so many of these types speak about will simply consist of everyone spontaneously coming to consciousness and there will be no need for coalitions, give-and-take, or contact with people who do not know every word or phrase that these groups use as some sort of litmus test for the unwashed.

But for the rest of us who reside in a reality-based world, where every social interaction is not tailored for your idiosyncratic indignations, we know that casting folks out for the tiniest of offenses will lead to a Left that will forever be marginalized and ineffective. I have stated before that the kind of people who put out these lists and engage in the kind of identitarian caterwauling that has become rote copy on the Internet might actually want that, as a world where left-wing activism is made potent and transformative will be one where they cannot simply take comfort in their cocoon of self-righteousness. But damn them when I can turn on my computer and see one Black person after another being gunned down by police. Damn them when we have a president that can sit there with a straight face and speak the words of freedom and liberation while using the power at his disposal to deny those very concepts to others. And damn them when we can get thousands of words on Patricia Arquette drunk at a party or how it is privileged to not like the same musicians that they do, but we cannot seem to get any thoughts on how the biggest moment for communities of color since the 1960s is being squandered in a hail of intergenerational squabbling. And do not even get me started on people writing articles that malign long-standing activist organizations without a whiff of evidence that there has been any wrongdoing on their part.

### OFF

#### FTC’s increasing enforcement in privacy now---it’s focused on algorithmic bias.

James V. Fazio 21. Special counsel in the Intellectual Property Practice Group at Sheppard, Mullin, Richter & Hampton LLP, with Liisa M. Thomas, 3/11. “What Is FTC’s Course Under Biden?” https://www.natlawreview.com/article/what-ftc-s-course-under-biden

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may increase enforcement and penalties in the privacy and data security realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind: Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others. FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches. Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13. Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic. Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.” Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech. Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will beef up privacy law penalties and will ask for more notification to injured consumers.

#### Antitrust enforcement saps up FTC resources and personnel, which are finite.

Tara L. Reinhart, et al. 21. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing antitrust litigation is an expensive and laborious process, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a handful of antitrust matters at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the FTC will still have to pick its cases carefully and cannot challenge every deal or every instance of alleged unlawful conduct.

#### That trades off with the necessary resources for privacy enforcement.

John O. McGinnis\* and Linda Sun\*\* 20. \*George C. Dix Professor, Northwestern University, and Associate-Designate, Wilmer Pickering Hale & Dorr LLP. “Unifying Antitrust Enforcement for the Digital Age.” Northwestern Public Law Research Paper No. 20-20. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3669087

The FTC needs more resources to adequately address the nation’s growing privacy concerns. Currently, the FTC oversees both consumer protection—encompassing privacy—and antitrust,249 making the FTC the chief federal agency on privacy policy and enforcement250 and the nation’s de-facto privacy agency.251 The agency has long-standing experience in enforcing privacy statutes252 and also has special privacy assets, such as an internet lab capable of high-quality tech forensics to track invasions of privacy.253 The FTC, however, has failed to keep pace with the massive growth of privacy concerns—a phenomenon also driven by modern technology. Very few Americans feel conﬁdent in the privacy of their information in the digital age.254 According to a 2019 study, over 80% of Americans feel that they have little to no control over the data collected on them by companies and the government.255 To adequately address privacy concerns, the FTC needs more resources.256 The agency has been explicit that it needs more manpower to police tech companies. In requesting increased funding from Congress, FTC Director Joseph Simons said the money would allow the agency to hire additional staff and bring more privacy cases.257 A former director of the FTC’s Bureau of Consumer Protection, which houses the privacy unit, has called the FTC “woefully understaffed.”258 As of the spring of 2019, the FTC had only forty employees dedicated to privacy and data security, compared to 500 and 110 employees at comparable agencies in the UK. and Ireland, respectively.259 Without more lawyers, investigators, and technologists, the FTC will be forced to conduct privacy investigations less thoroughly, and in some cases, forgo them altogether.260 Currently, the FT C’s resources are spread thin across multiple missions, to the detriment of its privacy efforts. Removing the agency’s antitrust responsibilities would reallocate resources from the antitrust department to its privacy unit and other areas of consumer protection. Further, it would free up the scarce time of the commissioners to oversee this essential effort.261

#### Unchecked algorithmic bias risks massive inequality and extinction.

Mike Thomas 20. Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn. THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts little stock in extreme scenarios — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s much more concerned with machines — war robots, for instance — being fed faulty “incentives” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The real threat from AI isn’t malice, like in silly Hollywood movies, but competence — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too. “I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.” What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing. “Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.” But no one knows for sure. “There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.” But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to eliminate data bias, which has a corrupting effect on algorithms and is currently a fat fly in the AI ointment. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should. “Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and if we just bumble into this unprepared, it will probably be the biggest mistake in human history. It could enable brutal global dictatorship with unprecedented inequality, surveillance, suffering and maybe even human extinction. But if we steer carefully, we could end up in a fantastic future where everybody’s better off—the poor are richer, the rich are richer, everybody’s healthy and free to live out their dreams.”

### Case

#### TVA’s can engage the Res and break from ontological error replication and historic inaccessibility

**Greer & Vallas ‘21**

(**Jeremie Greer**, Co-Founder and Co-Executive Director at Liberation in a Generation, a national movement support organization building the power of people of color to totally transform the economy, Soros Equality Fellow, racial justice activist who began his career as a community organizer in the Columbia Heights and Shaw neighborhoods in Washington, DC, and national policy expert on the causes and the policy solutions to close racial wealth gap, formerly working at the Government Accountability Office, the Local Initiative Support Corporation, and Prosperity Now (formerly CFED), MPP George Mason University, BA Social Work, University of St. Thomas, currently working on an Executive Education Certificate in Nonprofit Leadership from Harvard University’s Kennedy School of Government; interviewed by **Rebecca Vallas**, senior fellow at The Century Foundation, work focuses on economic justice, formerly spent seven years at the Center for American Progress, built and lead CAP’s Poverty to Prosperity Program, and helped to establish CAP’s Disability Justice Initiative, the first disability policy project at a U.S. think tank, as well as the organization’s criminal justice reform work, her policy and advocacy work flows from her years as a legal aid lawyer, representing low-income individuals and families at Community Legal Services in Philadelphia, creator and host of Off-Kilter, a nationally distributed podcast about poverty, inequality, and everything they intersect with, JD University of Virginia, BA psychology, Emory University; “Reimagining Anti-Monopoly Activism Through Racial Justice — feat. Liberation in a Generation’s Jeremie Greer,” Off-Kilter Podcast, 3-26-2021, Modified for language that may offend - https://offkiltershow.medium.com/reimagining-anti-monopoly-activism-through-racial-justice-feat-e3a124c1c61)

**VALLAS:** And I want to quote you, because you offer, I think, a really, really smart definition here in the report. You say, “We define monopoly as a corporate entity — a single corporation, or a group of corporations — whose sheer size and anti-competitive behavior grant it disproportionate economic power and governing influence.” And as you’ve been describing, you say, “This negatively affects the well-being of workers, consumers, markets, local communities, democratic governance, and the planet.” That’s a somewhat broader definition than maybe the sort of technical antitrust definition of monopoly. But for all the reasons you’re starting to get into, you really, you argue in this report that it’s necessary that we think a little more broadly and a little more functionally about who’s operating like a monopoly, and therefore where we need to be thinking about challenging unchecked corporate power.

You’ve already started to delve into the link between unchecked corporate power, monopolistic behavior, and the numerous types of racial injustice and structural racism that run rampant throughout the U.S. economy and our broader society. But you have a very powerful way that you phrase this in this report. You say, “Racial wealth inequality,” and you specifically are talking there about racial wealth inequality, “is the consequential disease caused by the oppression economy.” I can’t remember reading another publication about monopolistic behavior and the need for an anti-trust movement that draws such a **direct causal link** between **monopolies** and the ways that they operate, and **racial wealth inequality** and **structural racism**. Talk a little bit about how monopolies are contributing to the immense and historic levels of racial wealth inequality that folks are maybe more familiar with, but not aware of that link.

**GREER:** Yeah. No, thanks for that question. And what I think of an important distinction around the framing there is that, yes, it is driving, monopolies are driving racial wealth inequality. And yes, monopolies are a product of an oppressive economy that is, you know, where racism is baked into the design of the economy. But they’re also a profit tier, they are gaining profit from the existence of that oppression economy. So, it is in their interest to sustain it and maintain it and to keep it going. And an example that we draw out in the paper that I think is so important and I think really illustrates this is, as we mentioned, one of the pillars that holds up the oppression economy is the criminalization of people of color. That people of color as criminals, or defined as criminals, and mass incarceration, the over-policing of Black and brown communities is something that upholds this oppression economy. And then when you have a company like Amazon who purchases the Ring Corporation —

And for those that may not be familiar, Ring is a product that’s provided by Amazon in which they provide surveillance and home security to everyone. You can get a little Ring doorbell where someone rings the door. You could be at work, you can open it. It’s like, “Oh, cool. Leave my package there.” That’s how they market it. But what that does is that that Ring device pulls in a lot of data. And what we have is cameras in homes all across the country that can be used to surveil people. And what we know is one of the things that police do is they over-surveil Black and brown communities, which leads to the type of mass incarceration that we’ve seen in this country. Well, Amazon has contracts, in fact, 770 contracts with police departments so that they can get the data from those Ring devices. So, I think that really illustrates that not only are monopolies driving racial inequality through the low wages that they pay workers, through the way that they crowd out Back businesses, from the way that they treat immigrants at the workplace, but they’re also actively doing things to prop up and uphold this oppression economy because they are profiting from it.

**VALLAS:** And I really want to encourage folks to read the report, especially activists and advocates who I know we have lots who listen to the show, folks in grassroots-based work who I think are really going to find this report very much geared towards them. That’s another really, I think, significantly unique aspect about what you guys have done here. This isn’t the kind of think tank report that you traditionally read, right? In a lot of ways, you actually really wrote this for, and almost to, grassroots leaders of color as sort of a primer on anti-monopoly activism, but also as something of the beginning of a tool kit that really could help people start to take this on as part and parcel of their work. I’d love to get a little bit into kind of why you structured the report this way, why you took this somewhat different approach in writing, not just for the media and for policymakers and for the Washington elites, but actually for grassroots leaders of color on the ground.

I’m going to quote you again. You write, “This paper aims to contribute a major step in the long journey of bridging the divide between anti-monopoly researchers and policy advocates and grassroots leaders of color.” And you write, “The first step on that journey is knowledge.” What does the current anti-monopoly fight look like? And why do you believe, and Solana as well, why did you guys prioritize bridging this divide?

**GREER:** Yeah, so, as I mentioned in my opening about Liberation in a Generation, we believe that the leaders that are going to lead us into having a **liberation economy** and dismantling this oppression economy that we’ve been talking about are grassroots leaders of color who are building power in communities. And the reason why we believe that is one, they are closest to the people who are experiencing the pain and harm of systemic racism. They are in there with them, they understand, they hear their stories, and they’re organizing them for change. The other thing that we believe is so important is that they are in the business of **building** the power, the **political power**, of those people. They’re not there to serve them, which there’s people that do that. And there’s a reason for that, and it’s important. But they see their role in helping those people build power so that they can have **the agency** to **force their government**, whether it’s a **local**, **state** or **federal**, to **act on their behalf**.

And we believe that if one of the **government’s roles** is to **curb corporate monopoly power**, **they should be the ones driving that change**. Because they will **come with experiences**, which we try to reflect in the report, of **how monopoly power is impacting communities**. You know, how a Amazon distribution center in the Inland Empire in California is impacting not just the economic life, but the quality of life of people in those communities. They could speak to that in real terms. And that not only does the advocacy need to be informed by that, but also the policy making needs to be informed by that.

So, what we did was, with that kind of assumption, we went to groups like the Athena Coalition, who is organizing people against Amazon across the country. We went to Color of Change, who’s an organization that is focusing on curbing the power of big tech: Facebook, Amazon, Google, Apple. We went to ACRE: Action Center for Race and the Economy. And they’re doing a lot of work focusing on big banks and the corporate and monopoly power of big banks. And we said, you know, what is holding the kind of grassroots movement back from really diving in, into this anti-monopoly issue? And they came up with, there was a lot of reasons, a lot of varies they identified, and some of them that we’re working with them to solve.

But one of them was, you know, we don’t have kind of a global understanding of how monopoly power impacts people of color in particular. We understand it through the lens of a particular firm, Amazon, Bank of America, like that. But we don’t really have a good grounding in how it happens globally. Therefore, our policymaking doesn’t have kind of an eye towards how could we globally and kind of more broadly address this problem in a way that impacts people across the economy? So, that’s what we hope that this paper would do: would provide that kind of grounding for grassroots leaders so that they can begin to build the type of strategies that kind of have that massive economy-wide impact for people of color.

**VALLAS:** And it might be eye-opening for grassroots leaders who are learning about this issue, who are exploring whether this is something that they can get involved with. But it’s also potentially eye-opening for people who already think they know the antitrust movement or the anti-monopoly movement, given that it is incredibly rare, as you point out, for conversations about the economy to really discuss human impacts. They’re often extremely technocratic conversations, right, that have lots of facts and figures and jargon. But something that you really make a point of doing in this report, which I can’t say I’ve ever seen in a report on monopoly power or anti-trust, is you really walk through the human impacts on people of color as workers, as consumers, as residents in local communities, as small business owners and entrepreneurs, and also as subjects of surveillance, similar to the Amazon Ring concerns that you were raising before. Share some of the examples in the report of those kinds of human impacts on people of color who can obviously be more than just one of those things in that list of categories.

**GREER:** Yeah, I’ll share a couple. There’s one that really, I mean, really broke my heart when I first read about it was Alec Raeshawn Smith, whose mother — and this is something that’s in the media. So, it’s not as if I’m violating any confidentiality here — but Alec Raeshawn Smith, whose mother, he aged off of his mother’s insurance plan. And this is a story we heard a lot during the ACA kind of debate and the debate around universal healthcare. But he aged off of his mother’s insurance plan, and he made this diff-, had to make this difficult choice about whether he continued to allow his mother to bear the burden of his insulin medication that he needed to regulate his diabetes, or whether he would try to do it kind of on his own. And he determined, he decided to do it on his own. And it’s a hard decision that people have to make every single day, but the cost of that insulin was so high that he was rationing it, that he wasn’t taking what the doctor prescribed. And he passed, and he died from his diabetes.

And this is the type of story that we see all too often. You know, his insulin costs were $1,300 a month without insurance. And we see that a corporation that can control pricing of pharmaceuticals for a lifesaving drug like insulin is how this plays out in real life. And we can get into a law, you know, you can get into a law classroom or into a debate on Congress, and you can start to forget about the real lives that are impacted by these policies. And the reason why we wanted to talk about these stories is because that is what organizers are dealing with every day: They’re working with people that are on insulin, you know. They are working with people who are working at a Amazon fulfillment center. They’re working with people who can’t get a bank account because Bank of America has all these fees on their credit cards and their checking accounts and things like that. So, bringing these stories out is what is going, and this real **human impact**, is what **is going to mobilize**, we believe, **the type of effort that’s needed** to fight back against monopoly power.

**VALLAS:** And I think we’ve got time for a few more examples, because it just, it isn’t the part of the conversation that usually gets any airtime. And it’s part of why I wanted to have you on the show is really to put a human face on some of the impacts. Share a few more examples that really, that popped for you as you were pulling this report together.

**GREER:** Sure. I’d love to talk about John Ingram, who is a Black farmer in Jackson, Mississippi, and he’s a chicken farmer. He grows chickens, and he sells his chickens to Koch Foods, K-o-c-h Foods. And they are the fifth largest poultry company in the country that provides food to places all across the country. But the model which they work with John is very much in the model of the sharecropping model from post-Civil War and on into the Jim Crow era. You know, they determine the way in which John must run his farm, like to how much he feeds his chickens, to the types of facilities he keeps his chickens in, all the way to the price that they will pay to buy his chickens. And what this does is create incredible power over Black farmers like John. And what you have is — And this is pretty much allowed to take place by the USDA.

He had complained, and Black farmers, many Black farmers complained to the Obama-era USDA. And because of the power of those poultry monopolies — you know, I mentioned one in the beginning, Tysons and Koch is another — they really didn’t do anything. And what we see across the country are Black farmers being forced out of business because of the power that these monopolies have.

Another example that I think is really good is also in Mississippi. There’s a Nissan plant that was built in Canton, Mississippi. They relocated there. And they had gotten there because they had gotten a lot of tax breaks from the local government, from the state of Mississippi. And they did so with the promise of good jobs. They talked about jobs would be between $26 and $26 an hour. Well, the type of jobs that they provided were called perma-temp jobs. And these are basically permanent temporary jobs, which I can’t really wrap my mind around what that is, because those are conflicting. Like, what is something that’s permanent and temporary? But they created these jobs that were permanent and temporary, which basically meant that they could at will fire people from their jobs.

So, these aren’t real sound jobs. The wages were low. They did not get great benefits. So, a lot of the promise that was offered was not delivered upon. And that these were primarily the jobs that were provided in this part of Mississippi, despite the millions in tax breaks that Nissan got from, again, the state of Mississippi and the local government there.

**VALLAS:** And there’s so many more examples throughout the report. We’ve got a link and show notes so folks can go in and can sort of page through. It’s written in an incredibly accessible way, right? So, I want to just make that point. You intentionally set this up so that you don’t have to be a lawyer to read this. You don’t have to be a deep antitrust expert to be able to read this. This is actually really for people who might be a little bit newer to the issue.

And one of the big kind of frames of the report as well is you spend a lot of time discussing how, you know, hey, we know folks are busy. We know folks are **fighting a lot of fights right now** and probably **don’t feel like they’ve got** one more to take on, **space for one more to take on**. **But** you really make the point that for folks who are working on, say, advancing the Green New Deal or the Homes Guarantee or other policies within the social and the economic and the racial justice advocacy sphere, you really make the point that **challenging monopoly power is actually a prerequisite to succeeding in those other fights**. What’s your message to advocates and to activists and policy folks, anyone who’s listening or who might read the report, what’s your message to them about why they should see the anti-monopoly fight as their own, even if they feel like that’s not the space that they work in?

**GREER:** Yeah, I mentioned Action Center for Race and the Economy. Mo BP-Weeks, who is a co-director there, often says, You just have to follow the money.” And I think organizers know that when you follow the money, you usually find exactly the targets that you need. And there’s a section in the report called Monopoly Power Is Corporate Power Magnified and Maximized. And we believe, and I think that we’re right, that if you focus in on and treat these monopolies like corporate entities, you can begin to see change in a lot of the transformative movements that people are having, for example, the Green New Deal and efforts to create a more equitable and healthy environment and to curb climate change. You know, the targets are Big Oil and Big Energy. And those institutions, while they’re large, still operate like corporations. They have a CEO, they have Board of Directors, they have shareholders. And all of those people have some stake in the company and have some culpability to the issues that you are trying to solve. So, it becomes another tool in the toolbox.

We believe that anti-monopoly advocacy is just another tool in the toolbox that could be used to curb corporate power so that you can **begin to get wins on other issues** that you may be focusing on, whether it is the **environment**, whether it is affordable housing, whether it’s creating higher wages for workers, whether it is to create a safer community free of **police violence**. We think that by focusing on curbing the monopoly power of the corporations that are causing that pain is just another tool that can be used in the advocacy for those broader kind of movement priorities that we hear a lot about.

**VALLAS:** Now, one of the things that you and I have talked about a good amount before, and something that we actually get into a lot on this podcast, is the narratives that are out there that we’re often sort of fighting against that might be invisible, but that shape people’s views about, say, the economy and economic policy, even if they’re not aware that that’s the sort of lens that they’re looking through or the pair of glasses that they’re looking through. It’s also something that you really spend a lot of time working on. And it’s very, it’s central, really, to a lot of what Liberation in a Generation is advancing, is narrative change, right? Especially dismantling, for example, the neoliberal narratives that are really at the root of so many of the social injustices that folks who listen to the show are out there fighting every day.

You talk about government, in the case of the anti-monopoly fight, as a villain and as complicit with corporations in allowing unchecked corporate power to do the damage that you’ve been talking about, that we’ve been discussing up to this point. But you actually talk about them in the context of the anti-monopoly fight government as the villain who could turn into the hero. Talk about why you think it’s so important to construct a narrative with a villain, with a hero. And we’ll get back now into kind of the policy conversation of this, why government has the potential to turn from being a villain to being a hero in this context.

**GREER:** Yeah, I mean, it’s really, when you ~~look at~~ (consider) the **history** of **anti-monopoly advocacy**, you see that **there once was a time where the government was an active participant in curbing corporate power** and was doing so on behalf of workers. You know, you see there were passages of transformative legislation like the Sherman Act or the Clayton Act or the Federal Trade and Commissions Act. And these were all passed in the early 20th century. And they were meant to curb this kind of corporate monopoly power in, you know, back in the Gilded Age when we saw the trust corporations, the railroads, the Carnegie steel industry. And there was this active role of government doing this.

But what we’ve seen since then is, as corporate power grew, begin to influence government more, a real devolution of that activist role the government played. And what we began to see really, you know, and probably the heyday of this for the monopolies began in the 1980s and continues on today, was actual collusion between the government and these monopolies. And that what we saw, what we see today is there have been, there were more mergers and acquisitions under Obama administration than any other administration before it. So, we’re at the point now where the government is really seen as a, it’s really a collaborator in building monopoly power.

What we need to get back to is a place where the government is playing its role in making sure that not just the, it’s not just about the size of the company, but that the company’s power is not getting to the point where they’re bringing down the standard of living for workers, particularly Black, Latinx, Indigenous, and Asian-American workers. That consumers are seeing the type of prices so that they can afford the things that they need to live a daily life. That small businesses, particularly Black businesses, are not being crowded out. And that that is a role for government. So, **government can be the hero**, and it **should be the hero** because **it is our government**, you know.

We are a democracy. We should have say, each and every one of us, in what our government does, and our government should be working on our behalf, not on behalf of Jeff Bezos, Warren Buffett, or Elon Musk. **We should be expecting the government to play that active role**, and **not just** recognizing that it should be done **for all workers**, but ensuring that workers of color in particular and people of color, households of color **in particular**, are being protected against the tyranny of monopoly power.

**VALLAS:** And one of the later chapters in the report really offers kind of a primer in some of that early 20th century history that you were just summarizing around the time when government in the U.S. actually did take action to rein in monopoly power. You mentioned the Sherman Act and the Clayton Act and the creation of the Federal Trade Commission, all of that, I would encourage folks to go in and read. And there’s probably a lot that folks don’t know about that era following the gilded era, that really was the time when the federal government in the U.S. did actually take action to check corporate power. Who are the key players with power in the federal government to do something about this? And what are some of the existing solutions that are being advanced?

**GREER:** Yeah. So, today, I mean, it’s your Congress, of course, has a lot of power. Because there’s an, I believe, there’s a need for new kind of legislation that new powers be created, new constructions of how we regulate monopoly that only Congress could do by passing laws. But under our current laws, the Federal Trade Commission is responsible for responding and kind of being the first, the cop on the beat to make sure that companies aren’t violating any of our current antitrust laws. They can issue criminal and civil penalties, and they are the ones who are in charge of enforcing those kind of monumental legislation that we’ve talked about.

The Justice Department also has a important role in moving legislation forward. In fact, they are the entity that when you hear about breaking up corporations, the Justice Department is the one that usually does that. And they’ve done it in the past. You know, they did it. They broke up the big railroad monopolies of the past, and they broke up AT&T in the 1970s into what they call the Baby Bells. And they currently have a lawsuit today against Google to look at Google’s monopoly power. And in the lawsuit, there’s a call for breaking it up into smaller pieces. So, there’s that.

And then there’s other agencies, you know. As it relates to banking, it’s the Department of Treasury with the Comptroller of the Currency and the Federal Deposit Insurance Agency, the CFPB in banking. In agriculture, it’s the U.S. Department of Agriculture. In energy, it’s the Department of Energy and the Environmental Protection Agency. Each of these industries kind of have their own government entity that is responsible for regulating the work that they do. And they play a role in curbing corporate power. And one other one that I’d mention is states. State Attorney Generals also have a lot of power to curb corporate power, because one thing that’s little known is that states are the ones that incorporate corporations. And so, they have a lot of ability and a lot of power to regulate agencies.

As far as solutions go, there’s a lot of solutions that are kind of out there. And what this report does not do is propose to put forth a particular solution that would work for people of color, because we actually think that that’s the work that grassroots leaders of color should embark on in the future, is **designing and developing** those **particular solutions**. But some of the solutions that we have in our toolbox today are, for example, breaking up large corporations. That is something that we can do today. We can also regulate, tightly regulate corporations using the existing tools in the toolbox. The CFPB and what it’s done in the banking industry is a good example of that.

But one idea that’s been batted around, and I think Elizabeth Warren proposes for big tech in particular, is new enforcement agencies that are more in line with the realities that we see in the economy today and the way in which monopolies form. A lot of our laws are meant, were developed to regulate railroad and steel monopolies, and those aren’t the monopolies that we’re seeing today. So, there is a group of folks out there talking and saying that there’s a real need to think about new agencies with **new authorities that could regulate monopoly power**.

**VALLAS:** And of course, it’s **not** exactly **a pie-in-the-sky idea** to think about creating those new agencies. Elizabeth Warren, who you mentioned, right, was the godmother of the Consumer Financial Protection Bureau, the CFPB, which is pretty young as far as federal agencies go. It was created during the Obama years. Although that may feel like a different lifetime at this point in a lot of ways.

We’re going to run out of time. But the last couple of minutes that we have, I’d really love to spend delving into the recommendation that really is, in a lot of ways, the kind of central call of this report. A lot of it is really addressed to grassroots leaders, and for the reasons you’ve discussed, right, about bridging that divide. But it’s also addressed to the existing anti-monopoly tent: the folks who are already working within research and advocacy spaces on these issues. And you say very pointedly, “The anti-monopoly movement, within **research and advocacy spaces** especially, should embolden grassroots leaders of color to deliver anti-racist policy solutions aimed specifically to curtail monopoly power.” So, there you’re describing that agenda that you think grassroots leaders really should be centered in developing. But you continue. You actually, you sort of raise the ante with this call. You also say, “It’s **not enough** to ~~speak~~ **(argue) virtuously** about racial equity and economic justice. We **have to intentionally center people of color** in the development of **policy change**.”

And you call explicitly for a reimagination of this movement through a racial justice lens that broadens the tent and **intentionally makes this work more accessible** and **more human-impact focused** so that it’s not just about bringing folks in and centering the work differently. It’s actually about doing the work differently, entirely, so that it’s **not just that technocratic** and sort of small-tent D.C. **elite approach** to **changing these policies**. Talk a little bit about what that actually would look like. You have some pretty specific ideas that, I agree with you, would actually **transform the anti-monopoly movement** in ways that would **reimagine it** and approach the work differently. Get concrete. What would that actually look like?

**GREER:** Yeah, and thank you for this question, Rebecca. You know, I mentioned that history. And I think what we know about public policy and the **history** of public **policy** in the United States, whether it was this antitrust movement in response to the Gilded Age, whether it was the New Deal, is that when it’s done in a **race-neutral** way, it doesn’t just leave people of color behind — Black, Indigenous, Latinx, Asian Americans — it also **harms people of color**. And what we need to do is, of course, what we **can learn from that history** is that we should **not repeat it**. And we should not repeat it, **by centering people of color as the core beneficiaries** of the **policy**. Because we believe **if that is done**, not only will they be served, but we will all then be served because we’re **ensuring** that we’re **not leaving anyone behind**, and we’re not intentionally harming anyone. And we think that that’s so critically important in this kind of **new era of antitrust policy that could come forth**.

#### We’ll react to their Math-threads

No ev that math = intrinsically Antiblack OR that all Antitrust Affs have to rely on an antiblack model of mathematics.

The first McKittrick card goes the other direction – saying blackness is cast inside the mathematics of unlivingness.

That’s an ontology arg – but does not suggest that all Math is irredeemable.

#### Topical Affs would not need to reject the citation practices cited in the 1AC. Many genres can support governmental action.

Anderson ‘6

(Amanda, Andrew W. Mellon Professor of Humanities and English at Brown University “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, 281-290, modified for language that may offend - dml)

My recent book, The Way We Argue Now, has in a sense two theses. In the first place, the book makes the case for the importance of debate and argument to any vital democratic or pluralistic intellectual culture. This is in many ways an unexceptional position, but the premise of the book is that the claims of reasoned argument are often trumped, within the current intellectual terrain, by appeals to cultural identity and what I gather more broadly under the rubric of ethos, which includes cultural identity but also forms of ethical piety and charismatic authority. In promoting argument as a universal practice keyed to a human capacity for communicative reason, my book is a critique of relativism and identity politics, or the notion that forms of cultural authenticity or group identity have a certain unquestioned legitimacy, one that cannot or should not be subjected to the challenges of reason or principle, precisely because reason and what is often called "false universalism" are, according to this pattern of thinking, always involved in forms of exclusion, power, or domination. My book insists, by contrast, that argument is a form of respect, that the ideals of democracy, whether conceived from a nationalist or an internationalist perspective, rely fundamentally upon procedures of argumentation and debate in order to legitimate themselves and to keep their central institutions vital. And the idea that one should be protected from debate, that argument is somehow injurious to persons if it does not honor their desire to have their basic beliefs and claims and solidarities accepted without challenge, is strenuously opposed. As is the notion that any attempt to ask people to agree upon processes of reason-giving argument is somehow necessarily to impose a coercive norm, one that will ~~disable~~ (hamper) the free expression and performance of identities, feelings, or solidarities. Disagreement is, by the terms of my book, a form of respect, not a form of disrespect. And by disagreement, I don't mean simply to say that we should expect disagreement rather than agreement, which is a frequently voiced—if misconceived—criticism of Habermas. Of course we should expect disagreement. My point is that we should focus on the moment of dissatisfaction in the face of disagreement—the internal dynamic in argument that imagines argument might be the beginning of [End Page 281] a process of persuasion and exchange that could end in agreement (or partial agreement). For those who advocate reconciling ourselves to disagreements rather than arguing them out, by contrast, there is a complacent—and in some versions, even celebratory—attitude toward fixed disagreement. Refusing these options, I make the case for dissatisfied disagreement in the final chapter of the book and argue that people should be willing to justify their positions in dialogue with one another, especially if they hope to live together in a post-traditional pluralist society.

One example of the trumping of argument by ethos is the form that was taken by the late stage of the Foucault/Habermas debate, where an appeal to ethos—specifically, an appeal to Foucault's style of ironic or negative critique, often seen as most in evidence in the interviews, where he would playfully refuse labels or evade direct answers—was used to exemplify an alternative to the forms of argument employed by Habermas and like-minded critics. (I should pause to say that I provide this example, and the framing summary of the book that surrounds it, not to take up airtime through expansive self-reference, but because neither of my respondents provided any contextualizing summary of the book's central arguments, though one certainly gets an incremental sense of the book's claims from Bruce Robbins. Because I don't assume that readers of this forum have necessarily read the book, and because I believe that it is the obligation of forum participants to provide sufficient context for their remarks, I will perform this task as economically as I can, with the recognition that it might have carried more weight if provided by a respondent rather than the author.)

The Foucauldian counter-critique importantly emphasizes a relation between style and position, but it obscures (1) the importance or value of the Habermasian critique and (2) the possibility that the other side of the debate might have its own ethos to advocate, one that has precisely to do with an ethos of argument, an ideal of reciprocal debate that involves taking distance on one's pre-given forms of identity or the norms of one's community, both so as to talk across differences and to articulate one's claims in relation to shared and even universal ideals. And this leads to the second thesis of the book, the insistence that an emphasis on ethos and character is interestingly present if not widely recognized in contemporary theory, and one of the ways its vitality and existential pertinence makes itself felt (even despite the occurrence of the kinds of unfair trumping moves I have mentioned). We often fail to notice this, because identity has so uniformly come to mean sociological, ascribed, or group identity—race, gender, class, nationality, ethnicity, sexuality, and so forth. Instances of the move toward character and ethos include the later Foucault (for whom ethos is a central concept), cosmopolitanism (whose aspiration it is to turn universalism into an ethos), and, more controversially, proceduralist ethics and politics (with its emphasis on sincerity and civility). Another version of this attentiveness to ethos and character appears in contemporary pragmatism, with its insistence on casualness of attitude, or insouciance in the face of [End Page 282] contingency—recommendations that get elevated into full-fledged exemplary personae in Richard Rorty's notion of the "ironist" or Barbara Herrnstein Smith's portrait of the "postmodern skeptic." These examples—and the larger claim they support—are meant to defend theory as still living, despite the many reports of its demise, and in fact still interestingly and incessantly re-elaborating its relation to practice. This second aspect of the project is at once descriptive, motivated by the notion that characterology within theory is intrinsically interesting, and critical, in its attempt to identify how characterology can itself be used to cover or evade the claims of rational argument, as in appeals to charismatic authority or in what I identify as narrow personifications of theory (pragmatism, in its insistence on insouciance in the face of contingency, is a prime example of this second form). And as a complement to the critical agenda, there is a reconstructive agenda as well, an attempt to recuperate liberalism and proceduralism, in part by advocating the possibility, as I have suggested, of an ethos of argument.

Robbins, in his extraordinarily rich and challenging response, zeroes in immediately on a crucial issue: who is to say exactly when argument is occurring or not, and what do we do when there is disagreement over the fundamentals (the primary one being over what counts as proper reasoning)? Interestingly, Robbins approaches this issue after first observing a certain tension in the book: on the one hand, The Way We Argue Now calls for dialogue, debate, argument; on the other, its project is "potentially something a bit stricter, or pushier: getting us all to agree on what should and should not count as true argument." What this point of entry into the larger issue reveals is a kind of blur that the book, I am now aware, invites. On the one hand, the book anatomizes academic debates, and in doing so is quite "debaterly." This can give the impression that what I mean by argument is a very specific form unique to disciplinary methodologies in higher education. But the book is not generally advocating a narrow practice of formal and philosophical argumentation in the culture at large, however much its author may relish adherence to the principle of non-contradiction in scholarly argument. I take pains to elaborate an ethos of argument that is linked to democratic debate and the forms of dissent that constitutional patriotism allows and even promotes. In this sense, while argument here is necessarily contextualized sociohistorically, the concept is not merely academic. It is a practice seen as integral to specific political forms and institutions in modern democracies, and to the more general activity of critique within modern societies—to the tradition of the public sphere, to speak in broad terms. Additionally, insofar as argument impels one to take distance on embedded customs, norms, and senses of given identity, it is a practice that at once acknowledges identity, the need to understand the perspectives of others, and the shared commitment to commonality and generality, to finding a way to live together under conditions of difference.

More than this: the book also discusses at great length and from several different angles the issue that Robbins inexplicably claims I entirely ignore: the [End Page 283] question of disagreement about what counts as argument. In the opening essay, "Debatable Performances," I fault the proponents of communicative ethics for not having a broader understanding of public expression, one that would include the disruptions of spectacle and performance. I return to and underscore this point in my final chapter, where I espouse a democratic politics that can embrace and accommodate a wide variety of expressions and modes. This is certainly a discussion of what counts as dialogue and hence argument in the broad sense in which I mean it, and in fact I fully acknowledge that taking distance from cultural norms and given identities can be advanced not only through critical reflection, but through ironic critique and defamiliarizing performance as well. But I do insist—and this is where I take a position on the fundamental disagreements that have arisen with respect to communicative ethics—that when they have an effect, these other dimensions of experience do not remain unreflective, and insofar as they do become reflective, they are contributing to the very form of reasoned analysis that their champions sometimes imagine they must refuse in order to liberate other modes of being (the affective, the narrative, the performative, the nonrational). If a narrative of human rights violation is persuasive in court, or in the broader cultural public sphere, it is because it draws attention to a violation of humanity that is condemned on principle; if a performance jolts people out of their normative understandings of sexuality and gender, it prompts forms of understanding that can be affirmed and communicated and also can be used to justify political positions and legislative agendas.

Robbins claims that I violate my own ideal of dialogue by failing to engage those who, according to him, are "[my] most significant antagonists": Jean-François Lyotard and Jacques Rancière. But it is simply not true that I fail to address the fundamental concerns that neither of these thinkers owns in any absolute sense. I might have addressed their work particularly (there are significant differences between them), and I think the example of Rancière is a particularly fruitful one, especially given his own critique of sociological reductionism (and identity politics), and his universalism, which shares affinities with the forms of poststructuralist universalism (notably, Etienne Balibar's) that I address in the third chapter of my book. But the relevant issues of incommensurability of language games or cultural perspectives, and the question of intractable or "hardwired" exclusion, are adduced and repeatedly critiqued throughout the book, across a range of disciplines. The debate between the accommodationist position of Thomas McCarthy and the universalist position of Habermas addresses these issues straight on, and the discussion of Habermas clearly maps out the two main alternatives to his position as (1) incommensurable perspectives and (2) overlapping consensus. The analysis of Satya Mohanty and Martha Nussbaum is also directly relevant: Mohanty situates his project with respect to a well-known and parallel debate in anthropology represented by the opposed positions of Ernest Gellner and Talal Asad. My emphasis on the newer discussions of accommodation, [End Page 284] rather than the incommensurability theorists (e.g., Lyotard), is meant to argue for the Habermasian position against its newer and more interesting challengers, and I also wanted the book to move beyond the parochial reference points of literary and cultural studies to engage relevant work in political theory and political philosophy. And of course I do discuss the work of many influential theorists and literary critics who oppose the approach I take in the book generally. But I'm not going to reproduce my complete range of references: readers are free to decide for themselves how comprehensive and various the theoretical landscape is in my book. But I will say in response to Robbins that my "primary antagonist" considered as a position rather than a set of proper names is consistently present in the book, and taken on in a number of different ways.

There is a deeper issue at play in Robbins's invocation of Lyotard and Rancière, especially given where his discussion of what he calls my "argumentative normativity" ends up. On the one hand, Robbins wants to say that the argument I am taking up is no longer relevant, that "thankfully" literary critics have moved past the critique of Enlightenment. On this account I am sadly unaware that my earlier books have actually had some influence, and seem to be stuck in an agonistic position that has no traction, and that at this point constitutes a regression toward a naively pro-Enlightenment position that is likely to invite—and that at some level deserves to invite—a strong reiteration of the critique of Enlightenment. The moves need to be replayed in slow motion here to discover exactly what is going on, since the argument is quite kinetic, and involves a dubious framing of my own project. It is certainly the case that in diagnosing the state of academic argument in the humanities today, I invoke, as one of the contributing factors, the excesses involved in the critique of Enlightenment. It is not the only factor I invoke, but it is certainly adduced as a major contributing factor to the denigration of reason, critical distance, and formal argument. I do agree with Robbins that there are many critics challenging the critique of Enlightenment. There are also, as it happens, many critics who have walked away from the debate to do other things. But it remains the case, as Robbins's own response makes clear, that the stronger version of the critique has a kind of staying power, particularly as a way of asserting political pedigree in the last instance. Indeed, Robbins must insist that I resurrect a version of the very form of Enlightenment that was once the whipping boy of poststructuralism, in order to himself reintroduce a high-stakes political allegory that will imagine cultural criticism to be an immediate actor in the current international political landscape.

Let's first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"—that [End Page 285] is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments ~~stand~~ (rise) or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police.

#### No Single Theory of Power

Wilson ‘5

et al; Arthur Wilson, Professor and Chair of Cornell's Dept. of Education, "The Problem of Power," Adult Education Research Conference. #E&F – modified for language that may offend - https://newprairiepress.org/aerc/2005/papers/10

In this paper we have started integrating what we have been learning from these various traditions about what power is and how it works. We refrain from arguing for a particular ~~point of view~~ (perspective) because we lack the hubris to believe a total or single theory of power is possible or desirable. Indeed, a key argument we make in this paper is that there are many theories of power, and hence many problems, because power is recursively imbricated in all human interactions. So, one might ask, who cares, why should we endeavor to understand power and its play in our educational work? We suggest two reasons here. First is a practical response. The world is routinely, systematically unjust and power is a major facilitator of inequitable production and distribution of resources, benefits, accesses, etc. Within a general “critical” project, we ~~see~~ (feel) the need to develop more adequate theories of power in order to improve the lives of human beings because much traditional theory (e.g., the three faces) has failed “to fully comprehend the role of power in shaping human life” (Wartenberg, 1992, p. xi). We agree with Wartenberg that too many power theorists have been unable to appreciate the complexities and nuances of power: “power manifests itself as a complex social presence that exists in an intricate network of overlapping and contradictory relations. The task . . . is to provide a conception of power that does justice to its tangled empirical reality while at the same time providing the social theorists with a precise tool for criticizing social practices and institutions. In particular, theories of power must explain the immersion of human beings in nets of power relations that constrain their possibilities while simultaneously uncovering the means by which human beings have the ability to resist and challenge those relations” (1992, p. xix). Thus we wish to promote Wartenberg’s argument for critical social inquiry that develops explanatory language that accounts for the “newly discovered complexity” of power and how it works. Second, following on Wartenberg’s suggestion, we need more than awareness; we need means. Because of the epistemological proclivities of academic adult education (among other conditions too numerous to detail), there is a fundamental problem with the discipline’s theoretical work: the theory-practice gap. That gap has persisted for so long, we now take it for granted. Among many reasons, the theory-gap persists because generally the discipline of adult education lacks a theory of practical action. Isaac provides one example of why a theory of practical action is necessary: “Theories of power . . . should be conceived as interpretative models, developed by social scientists as submitted to the rigors of critical consideration, about social structures which shape human action and distribute the capacities to act among social agents” (1987, p. 75). Neither adult education theory or much of its practice has generally been able to meet such a standard. If we cannot “see” the conditions in which we enact our social practices (like education), then we can have little hope of challenging or changing inequitable ones. This is the larger problem to which this paper is directed although we are only able to set the stage here for such an encounter. If we as a discipline are ever to have important things to ~~say~~(contend) about the work of adult educators, then we have to work towards transcending this gap. So we use the paper to begin developing a more general theory of power (or rather theories) via working toward a theory of practical action that sees power as a central constituent of human educational interaction. Because power is constructed in and through social interactions, it is always alterable and disruptable, hence the importance of understanding and using power in adult education.

#### Zero solvency – No exit.

#### McKittrick’s K reifies – that’s particularly true in the manner advance here. The Aff ultimately can’t escape its ontological or epistemic claims.

Mahtani ‘6

Review of McKittrick - Dr. Minelle Mahtani is an Associate Professor in the Department of Human Geography and the Program in Journalism, University of Toronto Scarborough – From the Journal: Gender, Place and Culture – “Book Review” - Vol. 13, No. 6, pp. 697-714, December 2006 – modified for language that may be objectionable - obtained via Taylor & Francis Combined Library (SSH & ST) Database.

I think her book has the potential to do for race in geography what Gillian Rose's (1993 Rose, G. 1993. Feminism and Geography: The Limits of Geographical Knowledge, Minneapolis: University of Minnesota Press. ) book Feminism and Geography did for feminist geography. There is consensus that Rose's book provided a crucial critique of geography's lack of engagement with feminism, and I think McKittrick's work does the same by critically analyzing geography's omission of engagement with black feminism. McKittrick states, ‘[G]eography is ... an academic discipline and a set of theoretical concerns developed by human geographers’, but ‘sites/citations of struggle indicate that traditional geographies and their attendant hierarchical categories of humanness, cannot do the emancipatory work some subjects demand’ (p. xix). However, both books suffer what I think is the same flaw. Namely, I find that they both end on too high a philosophical note, too mired in potential possibilities without providing a blueprint for applying the ideas politically. The irony here is they have finales that seem to me to be almost depoliticized and deterritorialized. Let me explain what I mean by that. Rose, in her last chapter, evocatively titled, ‘A Politics of Paradoxical Space’, provided what some called a tantalizing concept which had the potential to provide a radical framework for feminist geography. She ends her book with a discussion of the possibilities of space, declaring that ‘space itself … is insecure, precarious and fluctuating ... [These possibilities] are destabilized both by the geographical desire to know and by the resistance of the marginalized victims of that desire. And other possibilities, other sorts of geographies … complement and contest one another. This chapter has tried to describe just one of them. There are many more’ (p. 160). McKittrick's book offers something similar. In her conclusion, titled ‘Stay Human’, McKittrick alludes to the places where black human geographies might take us. She insists that ‘the geographic meanings of racialized human geographies is not so much rooted in a paradoxical description as it is a projection of life, livability and possibility’ (p. 143). Not unlike Rose, McKittrick ~~speaks~~ (mentions) often about possibilities. On page 54 she writes, ‘I am interested in thinking about the kinds of possibilities black feminism opens up in terms of geography’. She also argues that ‘black women's geographies open up a meaningful way to approach both the power and possibilities of geographic inquiry’ (p. xii), and she explains that she ‘uses [Wynters's] work to clarify what the tenets of geography make possible’ (p. xxv). I wish that McKittrick had further pursued the potent pedagogical and epistemological possibilities present in her work. McKittrick asks, ‘if we have come to know, understand and map the world according to disavowal and violence, where does this take us?’ And this is where I was left yearning for more. Where does this take us? Even the production of this kind of knowledge in geography is one that is punishable, erasable and oppositional. What are the implications of this kind of thinking for our discipline's ontological and epistemological futures? Will this kind of story, for example, open up new spaces for graduate students of colour in our discipline? What does it make possible in regard to the continual marginalization of faculty of colour in geography? At times, I felt that McKittrick leaves us with too many questions and not enough answers—a geography full of possibilities, promise and imagination, like the one to which Rose alludes, but no blueprint or map with which to stumble through those variegated landscapes.

#### **we K the Aff’s rhetorical selection of the phrase “slavery”. A growing body of lit instead selects the term “enslaved”. This Alt avoids adopting the terminology of the oppressor.**

Zorn ’19

Internally quoting Nikole Hannah-Jones - a Pulitzer Prize-winning reporter covering racial injustice for The New York Times Magazine and creator of the landmark 1619 Project. Eric Zorn is an op-ed columnist for the Chicago Tribune with a liberal/progressive bent who specializes in local news and politics, modified for language that may offend - <https://www.chicagotribune.com/columns/eric-zorn/ct-column-slave-enslaved-language-people-first-debate-zorn-20190906-audknctayrarfijimpz6uk7hvy-story.html>

I was 16 paragraphs into the powerful opening essay of The New York Times’ recent 1619 Project on the 400th anniversary of chattel slavery in the United States when I realized author Nikole Hannah-Jones had studiously avoided using the term “slave.” In its place she deployed variations on “enslaved,” as in the passage where she noted that the U.S. Constitution “prohibited the federal government from intervening to end the importation of enslaved Africans for a term of 20 years, allowed Congress to mobilize the militia to put down insurrections by the enslaved and forced states that had outlawed slavery to turn over enslaved people who had run away seeking refuge.” That this was a distraction for me as a reader was likely intentional. A debate has been percolating for the last quarter-century or so — mostly in academia — about whether “slave” is a needlessly dehumanizing word to describe a person who was in bondage. In a 2015 Slate essay on the subject, Katy Waldman described one side of the debate this way: “The heightened delicacy of ‘enslaved person’ — the men and women it describes are humans first, commodities second — (does) important work: restoring identity, reversing a cascade of institutional denials and obliterations,” she wrote. “To reduce the people involved to a nonhuman noun … reproduce(s) the violence of slavery on a linguistic level; to dispense with it amount(s) to a form of emancipation.” For a counterpoint, Waldman quoted Columbia University historian Eric Foner: “Slave is a familiar word and if it was good enough for Frederick Douglass and other abolitionists who fought to end the system, it is good enough for me,” he said. Mary Schmich: Be curious. Be uncomfortable. Let yourself learn the history of slavery. » “I do not think that ‘slave’ suggests that this is the essence of a person’s being,” Foner said. “It is a condition in which people (found) themselves and that severely limit(ed) their opportunities and options, but it does not mean, as some claim, that the word means they (were) nothing but slaves. ”In many ways, then, the debate over “slave” is part of the larger debate over “people first” language, a movement in which advocates ask us to use circumlocutions that stress the humanity of individuals rather than their characteristics. “Person with a disability” rather than “disabled person,” for instance. Or “person living in the country illegally” rather than “illegal (or undocumented) immigrant.” Occasionally this effort veers into self-parody. For example, Glen Koorey, a transportation and safety specialist in Christchurch, New Zealand, has long argued that the word “cyclist” conjures “images of a relatively small bunch of weird people,” but the term “people who cycle” reinforces how normal most of them are And in July, the San Francisco Board of Examiners passed a nonbinding resolution urging city departments to begin using "people-first language with respect to people with criminal records.” Instead of “inmate,” they recommended “currently incarcerated person,” for example. Instead of “juvenile offender,” they recommended “young person impacted by the justice system.” And occasionally the effort backfires. In 1993 the National Federation of the Blind passed a resolution declaring “people with blindness” to be “totally unacceptable and deserving only ridicule” because that term (and other euphemisms such as “visually impaired”) “implies shame instead of true equality, and portrays the blind as touchy and belligerent.” Similarly, the National Association of the Deaf rejects the term “people with hearing loss” and notes on its website that “deaf and hard of hearing people prefer to be called ‘deaf’ or ‘hard of hearing.’ The NAD also frowns on “hearing impaired” because it implies that a person is “substandard, hindered, or damaged … and ought to be fixed if possible.” A counterargument to the use of “enslaved person” for “slave” is that stressing the humanity of African Americans who were in bondage “implies a degree of autonomy that was simply never there,” historian Foner said in the Slate article. Therefore, it stands to gloss over the comprehensively and grotesquely dehumanizing quality of slavery. Yes, some people who are readers are rolling their eyes at this column and grousing to themselves about “political correctness.” But that’s always the first step in the transformation of language. Many rolled their eyes when first told that “retarded” was no longer an acceptable way to refer to people with intellectual disabilities or an acceptable insult. They groused when first scolded not to say that someone is “confined to a wheelchair” or “crippled.” But most got over it and have adapted. You glossed right over my use of “African Americans” just above, didn’t you? Because you probably don’t remember or even know of the eye-rolling, protestations and general huffiness that followed the December 1988 news conference at the Hyatt Regency O’Hare at which the Rev. Jesse Jackson announced that his people would now like to be called “African American” instead of “black.” “We were called ‘colored,’ and we're not that," Jackson said, "and then ‘Negro,’ and we're not that. To be called ‘black’ is just as baseless. To be called ‘African American’ has cultural integrity. It puts us in our proper historical context.” And using it has become second nature. Most of us now effortlessly use “postal carrier,” “firefighter,” “flight attendant” and other nongendered terms for professions that earlier generations considered prissy and forced. And each time we do it strikes a subliminal blow against sexism. In the same way, most of us are likely to begin saying and writing “enslaved person,” if not in place of then at least interchangeably with “slave.” It will become less and less distracting and more and more a tiny but healthy reminder that these ~~men, women and children~~ (people) were not property that could be owned — terminology and practice of the day notwithstanding — but human beings with the same inherent dignity, rights and feelings as anyone else. It’s precisely because “enslaved person” is a repellent contradiction in terms that we should try to use it more often.