## 1NC

### 1NC --- Racial Cap K

#### The 1ac’s analysis of the housing market’s racial disparities foregrounds affective and ontological logics over material and historical processes. This process obscures Black life and inhibits radical force from material movements capable of coalescing to address racial capitalism

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This essay is a preliminary attempt to analyze varieties of disappointment, disillusionment, and exhaustion in contemporary Black critical theory, which I argue is linked to an ongoing crisis of temporality. By “crisis,” I mean a theoretical and affective discrepancy between temporality and history, an experience of time lived and theorized as an accretion of exhausted past possibilities and foreclosed futures. I argue that the experience of living in the aftermath of subverted, annulled, or still unfulfilled freedom dreams across the diaspora has intensified the feeling of disordered time, distorting or displacing an impulse toward engaging what Hortense Spillers calls the “total perspective against which the work of the intellectual unfolds” into ontology, which tends to obscure material conditions and the complexities of Black living (431, italics in original). A “crisis of temporality” has as its flipside a crisis of history, a conceptual blockage on navigating unresolved antagonisms and attachments to outmoded forms of thinking and desiring even as those antagonisms now assume new forms. I offer “Black situation” as a critical and theoretical framework through which to link the experience of time with historical analysis and engage such a perspective toward the end of theorizing what Lauren Berlant has called our “stretched-out present” (5).

The crisis of temporality, as a sense of temporal stuckness, manifests in some prominent strands of contemporary Black critical theory that rely on the sense of a static, quasi-ontological antinomy rather than antagonism or dialectical struggle to account for Blackness. I write more than a year following George Floyd’s murder and the subsequent uprising, a month after his murderer’s unlikely conviction in a Minnesota court, and as the COVID-19 pandemic exhaustingly continues. Ian Baucom’s claim in Specters of the Atlantic (2005) resonates: “Time does not pass or progress, it accumulates.” Time accumulates, he continues, “even in the work of forgetting or ending, even in the immense labor it takes to surrender what-has-been, or to make reparation on it, or to address its ill effects” (330–331). A critique of progress narratives becomes method. He is not alone. We can read him alongside Saidiya Hartman’s 2008 analysis of the “afterlife of slavery”—“skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” (6). To a similar effect, Christina Sharpe, invoking Maurice Blanchot, has described the ongoing “wake” of chattel slavery as a “disaster”: at once historical and “deeply atemporal” (5).

“Crisis of temporality” names a structure of “deeply atemporal” feeling for those living in the wake of long- and shortterm disasters, a feeling of being cut off from transformative possibilities, or even livable futures. This crisis is organic to a historical conjuncture whose rhythms of attachment and sociality David Scott, discussing “the ethical-political experience of the temporal ‘afterness’ of our postcolonial, postsocialist time” (21), links to the problem of “living on in the wake of past political time,” what I would thematize as ambivalence (2). Answering Rinaldo Walcott’s call for “a theory of post-civil rights black disappointment,” this essay takes Black Nationalism—especially its insistence on a common transhistorical “Black experience”—to be one such temporal horizon, navigated as the “ruins” of what yesterday seemed like possibilities (118).

One cause of the current crisis for Black critical theory is the serial collapse, co-optation, or depoliticization of the most meaningful spaces within which Black people nurtured substantive alternatives to the present order. Moreover, as Black intellectuals have gained toeholds in previously barred institutions, the fates of Black lifeworlds have worsened globally. The tendency to individualize— through pathology or exception—makes it more difficult to conceive substantive forms of collectivity or solidarity. One result, as I will take up, is Black critical theory’s increasing tendency to invoke Blackness as fundamentally figural, as inhering in rhetorical, grammatical, and tropological configurations that are definitionally prior to any history. The figural easily slides into the ontological, which predetermines any possible “meaning” of Blackness and, moreover, undermines material analysis despite claims to radicalness. To be clear, chattel slavery—using the term as a shorthand for the array of ideologies, statutes, customs, stories, myths, and cultural logics that normalize enslavement—unsettles the myths and narratives of capitalist modernity; its legacies inform both institutions and concepts such as liberty and humanity without which thinking about our social world is difficult. When we mistake our shorthand for the contradictory practices that shaped the practices of slavery in different contexts, we enter into the play of tropes and grammars that shape contemporary self-understanding even as we adapt a posture of critique. In short, I worry about the ways a narrative thematization of slavery as coextensive with contemporary racially distributed violence obscures other ways of conceiving Black living.

One symptom of the crisis of temporality at issue here is a turn to ontology, which is also a tendency toward the figural. For some strands of critical theory, “Blackness” stands as a figure of some thing that stands outside of Western universalisms, which are always more specific than they might appear. For some, Blackness also figures as antithesis and therefore critique of the Western categories whose very capaciousness at once depends upon and disavows it. Staged in that way, a certain “Blackness” motivates a critique of systems of thought and social organization historically shaped by or juxtaposed with the formation of Western modernity. Presenting Blackness as a thing rather than a process requires abstracting a whatness (not to say “essence”) from concrete forms of Black life. In other words, Blackness becomes nominal. As such, critical intuition connects irreducibly unique events and practices into an intelligible form, a name, which can then be treated as natural or general. Presenting the generality of the concept as “historical” (meaning only that some past event or conceptual matrix is said to determine the present form of what usually appears as an antinomy) obscures the conceptual labor that (re)produces it. Theories proceeding in this mode, such as Afropessimism, often struggle to articulate a relationship between the singular and the exemplary. Afropessimism abstracts Blackness from more general histories of colonial modernity or racial capitalism so that it seems to be cause rather than effect. Afropessimists’ trenchant critiques of the social order target conceptual logics and theoretical formations that depend on unacknowledged but constitutive exclusions that its authors—linked more by a common way of posing questions than their answers— gather under the sign of “anti-Blackness” (as distinct from “antiBlack racism”).

Although he expressly rejects the Afropessimist label, Fred Moten’s early work is instructive for the ways he reframes historical struggles as conceptual, even ontological, abstracting those struggles from specific contexts. In the Break (2003) develops Moten’s concept of “objection,” the ongoing processes by which Black people refuse objectification and commodification. Objection can be literal, conceptual, or both. Isolating the moment in Karl Marx’s discussion of commodity fetishism where prosopopoeia endows the commodity with fictive, impossible speech, Moten observes the consequences of Marx’s ignoring enslaved people—commodities who did speak, scream, and otherwise object. Moten’s procedure thus avoids simply opposing Blackness and Western modernity in order to demonstrate the degree to which philosophers often rely on an implicit account of Blackness that they disavow. Few working in Black critical theory have emphasized Black social life more or done so to more bracing effect. Yet continually foregrounding the white supremacist logics that Blackness subverts can make Blackness seem merely reactive. More concerning is it that figuring Blackness as a matter of discursive positioning suggests that solutions are within philosophy, which makes the ultimate effect of objection ambiguous. Moreover, as we will see, objection is always present .

Both Moten and the Afropessimists take up Hartman’s work, but their respective ways of navigating the “ruins” of an older, outward-looking Black Nationalism ultimately dulls the critical edge of their work. Where Hartman insists on “terror of the mundane and the quotidian . . . the diffusion of terror” and violence in places critics generally had not looked—“pleasure, paternalism, and property”—(Scenes 4), Moten attunes us to a “terrible beauty” in scenes of subjection that seeds rebellions past and to come. Black aesthetics thus express an “[e]xhaustive celebration of and in and through our [Black] suffering” (Black and Blur xiii). Drawing on Cedric Robinson, Moten conceives “the performative essence of blackness” (Black and Blur 16) as fidelity to “the ontological totality, granted by a metaphysical system that had never allowed for property in either the physical, philosophical, temporal, legal, social, or psychic senses” (Robinson 168). The relative absence of temporality as a theme in this work—the relative privilege of mediated performance rather than the performers and their publics—indicates a more general problem in contemporary criticism related to theories of Blackness and Black politics that miss the complexities of those performers and audiences comprise the aesthetic event.

A notion of tradition corresponding to “the ontological totality”—which resonates with earlier Black Nationalist critical procedures—grants a form of aesthetic autonomy that ultimately alienates artworks from communities. The artists, meanwhile, correspond with a community that appears on no map (a fantasy that media such as print, film, and sound recording often invite), and thus this mode of analysis need not concern itself with historical transformations of those communities. Ironing out historical differences, his work leaves the impression that Black aesthetics develop according to an atemporal logic that allows discrete moments—a representation of Aunt Hester in Frederick Douglass’ 1845 Narrative and Hartman’s Scenes of Subjection (1997) and a Marvin Gaye recording from 1976—to appear both simultaneous with one another and unmediated.3 Moten’s refusal to draw lines between historical periods, genres, and mediums enables such startling connections—what he might term the ante-historical aspects of Blackness. The drawback is that it becomes difficult within such an analysis—perhaps even beside the point—to inquire about specific historical processes, the networks of performance and publication that materially reproduce both Black aesthetics and counterpublics. Rather, to make a very small distinction, his sensibility is deeply historical, even as his analysis proceeds by way of astonishing montages of moments and details whose connections are forged in and through his critical practice.

One notes that Moten’s engagement with aesthetic objects, framed by Black feminist thought and Derridean deconstruction, tends to serve a larger critique of Western phenomenology. Black texts, functionally identical with Black performances, become iterations of an underlying Blackness, discussed above, which they imperfectly embody. That framework allows for a notion of tradition that unites disparate performances, textual and otherwise, across time. His claim that “[c]elebration is the essence of black thought, the animation of black operations, which are, in the first instance, our undercommon, underground, submarine sociality” leaves us at something of an impasse when our project is to move between Blackness and Black people, Black life and Black lives (Machine 197, my italics). These are roughly analogous to the relationship between poetry and poems, music and songs.

The strangely out-of-time aspect of his approach to aesthetics also informs Moten’s articulation of Blackness. In the opening pages of his pathbreaking In the Break, Moten defines Blackness in three ways: it is “the extended movement of a specific upheaval, an ongoing irruption that anarranges [sic] every line”; “a strain that pressures the assumption of the equivalence of personhood and subjectivity”; and “always a disruptive surprise moving in the rich nonfullness of every term it modifies” (1, 255n1). Movement, upheaval, irruption, disruption, surprise—Blackness apparently acts of its own volition. As Moten has subsequently written, there are important distinctions between Blackness and (individual) Black people: to “say that Blackness is intrinsically experimental is not the same thing as to say that Black folk are intrinsically experimental” (“Forum” 130). Moten’s textual metaphors are therefore symptomatic of the degree to which Blackness for him is abstracted from the quotidian and historical contingencies of social life. Akin to Derridean differance , Blackness differs/defers meaning, prevents conceptual closure, inhabits those fields of thought from which it seems excluded. The misfit—indeed, the indistinction—between the general and the specific makes Blackness nominal. Moten elevates the idea that Black performance, rooted in colonial slavery, carries secret meanings opaque to the white disciplinary gaze to the place of the West’s selfreproduction as self-identical and modern. Doing so makes Blackness a proxy for philosophical problems, which in turn confers on it a curious form of autonomy: every potential example is true; plus, the heuristic value of any example is already subsumed by the concept’s generality. From within this theoretical frame, it is difficult to see how Blackness can be anything other than a position in discourse.

#### Racial capitalism is terminally unsustainable, it culminates in constant war, interventions, and the super exploitation of blackness in the name of profit.

Burden-Stelly 20 [Charisse Burden-Stelly, Assistant Professor of Africana Studies and Political Science At Carelton University, July 1, 2020, “Modern U.S. Racial Capitalism”, EBSCOhost, Pages 8-10, JMH]

Drawing on the intellectual production of twentieth-century Black anticapitalists**, I theorize modern U.S. racial capitalism as a racially hierarchical political economy constituting war and militarism, imperialist accumulation, expropriation by domination, and labor superexploitation.14** The racial here specifically refers to Blackness, defined as African descendants’ relationship to the capitalist mode of production—their structural location—and the condition, status, and material realities emanating therefrom.15 It is out of this structural location that the irresolvable contradiction of value minus worth arises. Stated differently, Blackness is a capacious category of surplus value extraction essential to an array of political-economic functions, including accumulation, disaccumulation, debt, planned obsolescence, and absorption of the burdens of economic crises.16 At the same time**, Blackness is the quintessential condition of disposability, expendability, and devalorization.** My operationalization of capitalism follows Oliver Cromwell Cox’s explication in Capitalism and American Leadership. 17 Modern U.S. racial capitalism arose in the context of the First World War, when, as Cox explains, the United States took advantage of the conflict to capture the markets of South America, Asia, and Africa for its “over-expanded capacity.”18 Cox further expounds upon this auspicious moment of ascendant modern U.S. racial capitalism thus: By 1914, the United States had brought its superb natural resources within reach of intensive exploitation. Under the stimulus of its foreign-trade outlets, the financial assistance of the older capitalist nations, and a flexible system of protective tariffs, the nation developed a magnificent work of transportation and communication so that its mines, factories, and farms became integrated into an effectively producing organism having easy access to its seaports.… [Likewise,] further internal expansion depended upon far greater emphasis on an ever widening foreign commerce.… Major entrepreneurs of the United States proceeded to step up their campaign for expansion abroad. The war accentuated this movement. It accelerated the growth of [modern] American [racial] capitalism and impressed upon its leaders as nothing had before the need for external markets.19 Relatedly, Peter James Hudson argues that the First World War fundamentally changed the terms of order of international finance, allowing New York to compete with London, Paris, and Berlin for the first time in the realm of global banking. This was not least because the Great War “drastically reordered global credit flows,” with the United States transforming from a debtor into a creditor nation.20 In addition to Latin American and Caribbean nations and businesses turning to the United States for financing and credit, domestic saving and investment patterns were altered to the benefit of imperial financial institutions like the City Bank.21 Although the United States is, to use Cox’s terminology, more a “lusty child of an already highly developed capitalism” than an exceptional capitalist power, the nation perfected its techniques of accumulation through its vast natural wealth, large domestic market, imbalance of Northern and Southern economies, and, importantly, through its lack of concern for the political and economic welfare of the overwhelming masses of its population, least of all the descendants of the enslaved.22 **Modern U.S. racial capitalism is thus sustained by military expenditure, the maintenance of an extremely low standard of living in “dependent” countries, and the domestic superexploitation of Black toilers and laborers**. Cox notes that Black labor has been the “chief human factor” in wealth production; as such, “the dominant economic class has always been at the motivating center of the spreads of racial antagonism. This is to be expected since the economic content of the antagonism, especially at its proliferating source in the South, has been precisely that of labor-capital relations.”23 In a general sense, **racial capitalism in the United States constitutes “a peculiar variant of capitalist production” in which Blackness expresses a structural location at the bottom of the labor hierarchy characterized by depressed wages, working conditions, job opportunities, and widespread exclusion from labor unions.24** Furthermore, modern U.S. racial capitalism is rooted in the imbrication of anti-Blackness and antiradicalism. Anti-Blackness describes the reduction of Blackness to a category of abjection and subjection through narrations of absolute biological or cultural difference; ruling-class monopolization of political power; negative and derogatory mass media propaganda; the ascent of discriminatory legislation that maintains and reinscribes inequality, not least various modes of segregation; and social relations in which distrust and antipathy toward those racialized as Black is normalized and in which “interracial mass behavior involving violence assumes a continuously potential danger.”25 Anti-Blackness thus conceals the inherent contradiction of Blackness—value minus worth—obscuring and distorting its structural location by, as Ralph and Singhal remark, contorting it into only a “debilitated condition.”26 **Antiradicalism can be understood as the physical and discursive repression and condemnation of anticapitalist and/or left-leaning ideas, politics, practices, and modes of organizing that are construed as subversive, seditious, and otherwise threatening to capitalist socie**ty. These include, but are not limited to, internationalism, anti-imperialism, anticolonialism, peace activism, and antisexism. Anti-Blackness and antiradicalism function as the legitimating architecture of modern U.S. racial capitalism, which includes rationalizing discourses, cultural narratives, technologies of repression, legal structures, and social practices that inform and are informed by racial capitalism’s political economy.27 Throughout the twentieth century, anti-Blackness propelled the “Black Scare,” defined as the specter of racial, social, and economic domination of superior whites by inferior Black populations. Antiradicalism, in turn, was enunciated through the “Red Scare,” understood as the threat of communist takeover, infiltration, and disruption of the American way of life.28 For example, in the 1919 Justice Department Report, Radicalism and Sedition Among the Negroes, As Reflected in Their Publications, it was asserted that the radical antigovernment stance of a certain class of Negroes was manifested in their “ill-governed reaction toward race rioting,” “threat of retaliatory measures in connection with lynching,” open demand for social equality, identification with the International Workers of the World (IWW), and “outspoken advocacy of the Bolshevik or Soviet doctrine.”2 Here, **anti-Blackness, articulated through the fear of the “assertion of race consciousness,”** was attached to the IWW and Bolshevism—in other words, to anticapitalism—to make it appear even more subversive and dangerous. Likewise, antiradicalism, expressed through the denigration of the IWW and Soviet Doctrine, was made to seem all the more threatening and antithetical to the social order in **its linkage with Black insistence on equality and self-defense against racial terrorism.** In this way, “defiance and insolently race-centered condemnation of the white race” and “the Negro seeing red” came to be understood as seditious in the context of modern U.S. racial capitalism. The link between my theory of modern U.S. racial capitalism and Robinson’s catholic theory of racial capitalism, beyond his “suggest[ion] that it was there,” is vivified through the prison abolitionist and scholar Ruth Wilson Gilmore, who writes: “Capitalism…[is] never not racial.… Racial capitalism: a mode of production developed in agriculture, improved by enclosure in the Old World, and captive land and labor in the Americas, perfected in slavery’s time-motion, field factory choreography, its imperative forged on the anvils of imperial war-making monarchs.”**30 Racial capitalism, she continues, “requires all kinds of scheming, including hard work by elites and their compradors in the overlapping and interlocking space-economies of the planet’s surface. They build and dismantle and reconfigure states, moving capacity into and out of the public realm.** And they think very hard about money on the move.”31 Perhaps more than Gilmore, though, my approach aligns with that of Neville Alexander as described by Hudson.32 Like Alexander, who focused on South Africa, I offer a particularistic understanding of racial capitalism, mine being rooted in the political economy of Blackness and the legitimating architectures of anti-Blackness and antiradicalism in the United States. Gilmore qua Robinson offers a more universalist and transhistorical conception. Like Alexander, my theory of modern U.S. racial capitalism is primarily rooted in (Black) Marxist-Leninists and fellow travelers. This is an important epistemological distinction: whereas Robinson finds Marxism-Leninism to be, at best, inattentive to race, my theory of modern U.S. racial capitalism is rooted in the work of Black freedom fighters who, as Marxist-Leninists, were able to offer potent and enduring analyses and critiques of the conjunctural entanglements of racialism, white supremacy, and anti-Blackness, on the one hand, and capitalist exploitation and class antagonism on the other hand.33

#### The alternative is a rejection of the 1AC’s ideological neglect in favor of black radical anti-capitalist resistance. Our call to action is a necessary launching point for challenging the system of racial capitalism both within debate and on the ground.

Red Voice 21 [Red Voice, the voices of the People- news, commentary, and coverage, September 29, 2021, “The Devil Wears Dashikis, Pt. 4: Theoretical and Practical Lessons for the Struggle (Conclusion”, <https://redvoice.news/the-devil-wears-conclusion/>, JMH]

The ideological neglect, based in chauvinism, allows movements to not question the hierarchy and rigidity and cults of personality formed around great and strong individuals or units and deference to single sites of authority in these organizations who get credit and attention and even bread from the blood, sweat, and tears of members under them. The ideological neglect and chauvinism leaves unexamined the voracious almost evangelical/fundamentalist ways each of them wants to be the agent of revolutionary change, the vanguard who has the correct line and "out-organizes" everyone else, and the grift and manipulation that often hides behind these zealous declarations. Ideological neglect and chauvinism will also not question the fact that such values and procedural or methodological infrastructures are inculcated in bourgeois institutions like the church and nuclear family. To say nothing of the fact that it puts a spotlight on figures or formations that, when wiped out by the enemy or by their own internal contradictions, means the diffusion of revolutionary consciousness and necessary movement infrastructures and comradely bonds is slowed down or brought to a halt (let’s think about the revolving door in Black Hammer membership). And, further, it allows for the elevation of individual personality flaws and horrors to the level of antagonistic contradiction (as was so commonly taken advantage of by COINTELPRO to disrupt movement last century). What does it say about the anti-colonial Left in an age of celebrity "activism" (AOC at the Met; CBS producing a show like "The Activist"; and all the Derays and Shaun Kings), a wholly bourgeois and counterinsurgent phenomenon, that a YouTuber like Gazi was catapulted to prominence, with catastrophic consequences, in part with the help of organizations in our movement? It's the residue of ruling class ideology and gendered political values that allowed people to get wrapped up in Black Hammer's antics. And that is why these formations and milieus are so vulnerable to even non-fed wreckers who come and undermine revolutionary organizations, like the one under consideration in this document. The established anti-colonial Left’s chauvinism and ideological neglect prevents them from fully grasping the value in what INCITE! meant by “misogynists make great informants.” They cannot appreciate that it is as much a question of principles and care for all our people as it is a question of operational security and militant praxis to observe how gender violence and the techniques used to shield it destroy movements and dovetail with pig work. Only an acknowledgement that the emancipation of gender/sexuality is essential to the endogenous Third World national dynamics by which we fight for class liberation could have led the organizers in INCITE! to name how the same deceitful behaviors that allow an abuser to hide their deeds or manipulate sympathy and excuses from folk proximal to them are the exact strategies used by agents of the State infiltrating our movements. And this same acknowledgement, that **the problem of the color line is threaded at the nexus of gender/sexuality as a material question**, is why more broadly, QTGNC and marginalized gender Africans have identified that when the negrosie needs to distract the people they are exploiting from identifying the pressures of class oppression and amelioration, they will simply whip up fervor around homosexuality through appeals to defending “sovereignty.” Here, the source of deprivation is identified as a Queer/trans problem, juxtaposed against a reactionary nationalism, which is a mystificatory narrative. Few of the most major anti-colonial Left voices, however, have admitted this when speaking on the composition and strategies of the puppet/misleadership class in this neocolonial age. Just like a good number of them could not predict the monstrosities that would come out of BHO, and did not make attempts to adequately struggle against them. And why would they, when majority of them are used to and/or benefit from the relative degrees of safety, access, ideological commitments and behavioral sanction of cisheteronormative institutions such as the nuclear family, certain religions, education systems, medical industries, the State, etc. thereby sharing adjacent subjective contradictions and even interests as the outright reactionaries? **Matter precedes mind, once again, and the weight of a cisheteronormative history, a material question, has imbricated upon our movements to create a certain ideological inertia that can only be addressed through consciously synthesizing from within.** Everyone, including queer, trans, gender nonconforming folk in Third World/colonized contexts need to understand these lessons. No population is inherently radical or inherently reactionary: what’s decisive is how we choose to synthesize the material conditions with the endogenous dynamics unfolding in our histories of societal development. There was a time when the national liberation struggle was not class conscious; **it took conscious struggle against internal contradictions in order for anti-capitalism to more visibly become a staple of Black nationalist politics.** The African Blood Brotherhood made a similar observation, back in 1922, when they announced their program: “A race without a program is like a ship at sea without a rudder. It is absolutely at the mercy of the elements. It is buffeted hither and thither and in a storm is bound to flounder. It is in such a plight as this that the Negro race has drifted for the past fifty years and more. Rarely ever did it know exactly what it was seeking and never once did it formulate any intelligent and workable plan of getting what it was seeking, even in the rare instances when it did know what it wanted.” The Black struggle had at a time demonstrated one qualitative phase of development (a non-class conscious one) that began to give way to a markedly distinct qualitative phase (a class conscious one) only because of the efforts of organizations like the ABB and many others, especially going into the civil rights movements and the mid-to-late 20th century militant decolonization movements. The white Left, however, being chauvinistic, would often dismiss Black and Third World concerns on the mere account of our self-determined interaction with the anti-capitalist movement, which did not pattern their frame of reference. So, they refused to operate in solidarity with many of our organizations, both theoretically and practically. They essentially spat on the ship and wagged their fingers at the tired seasick sailors trying to find a way to guide it home to port, causing a number of our ancestors to break away from alliance with them. When it comes to the roadblocks in class consciousness along gender/sexual lines, where the ship is still finding its way, both for cisgender/heterosexual people and for QTGNC people, a similar thing is happening. A conscious struggle is needed in order to achieve a higher unity and the next phase in ideological evolution (ie, the ship needs revolutionaries who understand what it takes to build its rudder). But, just as the chauvinists in the white Marxist (and anarchist) settings isolate and even work against Black and Third World radicals that try/tried to do so, Black/Third World women and other marginalized gender radicals have had to either wrestle with or break away from the historical left because of the chauvinistic refusal of solidarity from supposed comrades and allies who also worked against us. Claudia Jones, Frances Beal, the Combahee River Collective are examples of this from the last century; but it is still prominent now. **The ship needs a coxswain or a few, yet cishet radicals and even marginalized gender radicals who unite with their chauvinism wag their fingers at those of us who are training ourselves for the task.** These refusals to extend self-determination in this way are wholly connected to many of the conservative, radlib, and neoliberal tendencies the Left likes to critique. Gazi was an entire QTGNC revolutionary anti-colonialist who kept pushing Hotep-like analyses of Black cis male oppression and calling for violence against trans Black women just like these reactionary forces do, and who visited violence and abuse and labor exploitation onto several Black women and other marginalized genders with the help of white/non-Black cis comrades. Then, there are QTGNC Black Lives Matter organizers speaking of “abundance” in the way prosperity ministers do and even going on right-wing platforms like the Breakfast Club to justify their grift, and echoing support of white imperialist politicians. And there are whole Queer- run Black Leftist publications and radio shows pushing the same lines about feminist/queer movements that go into why misleadership in places like Ghana and Nigeria are legislating against QTGNC rights (the latter of which is being facilitated by white religious movements partnering with local governments). **Here, then, the white left’s anti-blackness converging with white liberal/conservative reaction, is translated into a bias in our movements along gender/sexual lines that dovetails with parallel biases in bourgeois society across nations, all with the same impact.** And that's why, after the 2020 rebellions, when the right-wing insists on protecting the nuclear family alongside defending the nation, ratcheting up both the police state and anti-trans/anti-abortion legislation; we have anti-colonial Left voices piling on “identity politics” and related topics more vociferously than they are actually denouncing cisheteropatriarchy and organizing against it! Self-described revolutionaries tailing the ruling class? This, by the way, is the same thing the white Left did after the election of Trump in 2016, with dismissal of “wokeness." The latter should not be surprising for us, as the divide in the working class is maintained at the color line. But, reductive anti-colonialists, whether cisgender/heterosexual or not, who dismiss or fail to fully apprehend the gender/sexual horizons of the struggle for both self-determination and class liberation, are no different theoretically or practically, from the white reductionists who have been so historically chauvinistic and antagonistic toward Black and Third World movement. Perhaps that's why the two camps worked together so closely in BHO (and in cults like APSP who BHO patterned themselves on); and why in other organizations both camps have a discursive unity with the conservatives' insistence on cisheteropatriarchy and anti-feminism in particular. **Is any of this advancing our struggle? Not when certain Black people have chosen to avoid Left politics because of an overrepresentation of whiteness within the anti-capitalist movement**. They feel alienated. In this way we lose potential comrades. And, similarly, some QTGNC folk in particular have avoided the Left because of an overrepresentation of cisheteropatriarchy and abuse within the same. Because of alienation. More potential comrades lost. **Then the liberals exploit this, encouraging folk to stick with and try to reform the system they know intimately (capitalism and the State); hence the popularity of representation politics, rather than be “fooled” into trying to join liberatory movements that promise something better but that end up an “authoritarian” nightmare behind the scenes. We lose comrades because of these myths.** Is any of this advancing a united front? It is difficult to disprove propaganda from the enemy, if we insist on chauvinism, invalidating legitimate concerns about exclusion and violence and abuse and manipulation that lend certain stories credence. Gazi is just a very extreme example of what’s being described here, and so it was with a few of those who have helped them rise to and remain in prominence. Again, that is what will happen when you refuse to ideologically deal with developments endogenous to our national and gender experiences, to see their implications for class struggle. Like the white left marginalizing Black interests, Gazi/BHO, and their acolytes and supporters across races and tendencies held to a resounding refusal to synthesize specific histories and concerns of the QTGNC struggle with anti-colonial Left ideology. They insisted on calling “intersectionality” a white supremacist project. In an atmosphere like that, of course the dynamics that enable abuse to persist can go hidden. The ideological chauvinism had practical implications. There was complete erasure and lack of political education around the origins of the modern QTGNC movement as it relates to uprisings and lumpenized labor organizations led by Third World women of trans experience such as the gorls of STAR during the 70s era anti-colonial upheavals. Certain values, praxis, theoretical concerns cannot be synthesized in a movement when you bypass endogenous developments like this in our history. And that's why a failure to name, anticipate or respond to abuse in a principled way is so common. The need to build a rudder for the ship, borrowing once more from the words of the ABB, was neither acknowledged nor consciously struggled for. Instead, the ship was allowed to verse the high seas without direction, while some claiming to be vanguards either scoffed from the shore or they climbed aboard pretending to steer it, though they lacked the tools to do so, as they knew nothing of the waves or the winds or the stars and navigation, and simply let the most vulnerable rot at the bottom of the hold, and led folk, particularly youth, including underage ones, into destruction. And what came of that? All of the horrors we went over in this document, and then some. True political education and a culture of genuine revolutionary learning and practice is the only thing that would have allowed folk to identify this stuff from jump and act against it. It is not enough for folk to call themselves “scientific” revolutionaries, Nkrumahists, Marxists/Leninists, Maoists, or whatever other persuasion, too, all while maintaining a movement atmosphere and ideological milieu built on reaction to reaction and vice versa; not dialectics. **Gazi’s antics could hardly be critiqued effectively when the self-described materialists around them had only learned to theorize gender by way of cissexist idealists like Tommy Curry (who believes sexualized racism against Black cishet men absolves them of patriarchal violence),** Frances Cress Welsing (who believes white supremacy is primarily motivated by fear of Black cishet male virility), Clenora Hudson Weems (who sees Black feminism as divisive and prefers a “holistic” gender politics that is cissexist/heterosexist instead) when discussing gender contradiction. Gazi’s antics could hardly be critiqued effectively when the self-described queer radicals of the Left had only learned to theorize gender struggles by misusing Sylvia Wynter and Hortense Spillers’ critiques about the colonial basis of modern cisheteropatriarchy to idealize precolonial Africa as genderless and all Black people as essentially nonbinary. Gazi’s antics could hardly be critiqued effectively while the ship still lacks a rudder, while no synthesis toward higher unity is being advanced, while bad theoretical moves steeped in chauvinism and class interests mask horrible practices like gender violence and abuse. Even sadder is that due to all this, attempts to establish a better precedent on part of some Black/Third World radicals, particularly trans and nonbinary, especially trans woman, transfeminine, and transmisogyny-affected (TMA) ones, were being and are still being dismissed. There is still reactionary criticism upon reactionary criticism compounding, and all this shitslinging, and divisiveness, and hot takes, sensationalistic media titles (“fuck black history month” and “feminism is inherently bourgeois”), incendiary commentary (like those which denied the literal existence of a Black elder and political prisoner), intentional internet controversy campaigns (“operation storm of white tears”), and endless podcasts and breadtubes with surface level analysis akin to the revolving door of mainstream media reporting, rants that sound more like Shade Room comment sections, and exclusionary academic panel-style events led by wanna-be public intellectual types, the courting of celebrities, and overall reliance on the marketing apparatus that is social media (even to the point of mistaking mere popular education and even populism for political education and conscientization). Does any of this advance the struggle? **Black Hammer Organization’s inconsistency at the theoretical level, their lack of cohesive understanding on colonialism and gender struggles, and the way that provided a smokescreen to cover the abusive and cult-like dynamics: it is made possible by a general problem on the anti-colonial Left where gender and hierarchy are seldom confronted materially.** And this milieu is still driving more wedges, still keeps alienating potential comrades from the anti-colonial Left, and it shields chauvinists, and though you can scratch a chauvinist, and almost always either find an apologist for abuse or an actual abuser, like what happened with Gazi, these radicals are mystified as our movements are so rife with the people like the latter, and so they can't even effectively protect themselves or anyone else from these wreckers, just dusting their hands or looking the other way when the damage is done, or claiming that discussion of these things is a tool of the white Man. **Sounds just like how abuse culture happens in the bourgeois world, right? The same stuff that led to a #MeToo movement? Interesting... . The anti-colonial Left must take this moment as indication about how necessary it is to parse embourgeoisement in our spaces.** And we can only walk through the manifestations thereof by paying attention to the gendered/sexual contradictions that provide a throughline. **Counterinsurgency is heavily reliant on celebrity activism and social media to water down and misrepresent radical ideas, and the problem of cults and hierarchy, which are gendered problems, is a perfect doorway to these bourgeois tendencies infecting our spaces.** All Gazi did was foster a significantly horrible version of an alignment between an old problem and new realities that the rest of our movement hasn't fully grappled with yet. An organization like Black Hammer could rise to prominence without much opposition as a result of not dealing with this. To the point of being defended despite its egregious doings, and its astounding liberalism, its lack of cohesive scientific analysis or ideology or operational security, and its outright campaigns against other revolutionaries (in which BHO deemed us “opposition” or “enemies”). There is no valid reason that criticism of these issues was dismissed so readily and enthusiastically, or at least not taken seriously, save that there is unpreparedness on the anti-colonial Left to confront gender contradictions as a material/labor/praxis question. If something is not done about this immediately, at theoretical and procedural, and interpersonal and individual levels, at organizational and intracommunal levels, we will see the increased magnification of individualism, of cults of personality and of abuse and the apologism and shielding around the same, as well as grift and opportunism, to the point that there would cease to be a meaningful distinction between a “radical” space and a “radlib” or even “alt-right” space. With the gamut of tactics used by BHO to supposedly propagandize and politically educate that we have seen, the lines here are already blurred. And gender violence, especially (trans)misogynoir, will always be the tell. There is a web that must be detangled, ultimately, and it is threaded in gendered contradictions that stem from or are reaction to cisheteropatriarchy. **It's this that enabled the rise of BHO/Gazi, which that formation unfortunately took to absolutely depraved extremes, but which much of the anti-colonial Left is guilty of either participating in or failing to meaningfully struggle against.** One may say that correlation ain't causation, but correlation requires a look at the context that shapes a certain connection: and as regards cults, gender violence, etc, a context entrenched in organizational methodologies which value individualism and visibility and one-dimensional expressions of radical thought, that see other ideologies as competition (reminds us, competition on the Left is a residue of capitalist market logic), that regard "the masses'' as tabulae rasae who must be proselytized with the gospel of Marx or Lenin or Mao or Nkrumah or whomever, often cannot address the issue, see it coming, and they will even stand by it and make excuses or sweep narratives under the rug. And it is because their values come from the same gendered histories and institutions that already rely on abuse and manipulation. Every true revolutionary must have a commitment to extricating themselves from gendered oppression and exploitation and domination and division, and striving not to replicate them, if we want to see all power to the people. The ruling class is clear on this, that is why they are waging war on bodily autonomy through gender oppression, and on our consciousness through mystification around gender, as part of broader attempts to undermine revolutionary struggle. We want true transformation of ourselves and our movements, we need to be ready for this. **We need the tools to anticipate and stamp out future abuse and cults, or at least adequately support victims and repair the damage that has already been done, and that could come in the future. This can only come when we put our faith in the magic of the hands, as Assata called it.** Discovering how to practice this is the mission of this generation, and it's the gender/sexual struggle, it is a confrontation with cisheteropatriarchy as a material question, it is the courage to develop new institutions and new genres of being, it is the willingness to free the available "cultural and political maneuvers" that gender has enclosed, to liberate them from the inherited models so reliant on bourgeois hierarchies and values and labor ascriptions: this phase of struggle is what will help us both discover and fulfill that charge. **We owe it to our ancestors and to all survivors and to our descendants, to see it thusly, and to move accordingly. And we owe it to our planet too, because the earth is being killed, and only a real united front of Black/Third World radical movements and networks can heal it.** Shall we stagnate because we waited on “demiurges” who only want fame and to enact violence on the most vulnerable? or will we teach ourselves and our people that it's our collective strength that's gonna get us free? **The choice is ours. Queer or not, we gotta do better.**

### 1NC --- Frame Subtraction

#### Interpretation: the negatives burden is to negate any of the affs frames, including 2AC frames and Cross-Ex moments – we can agree with the vast majority of the aff but you should still vote neg – 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.

#### We disagree with the following frame:

#### 1 – The focus on “the way black women live”

#### This props up “black women” as a protected legal class at the expense of black trans lives.

Green and Bey 2017 – Kai M. Green is an Assistant Professor of Women's, Gender and Sexuality studies at Williams college and Marquis Bey is Assistant Professor of African American Studies and English at Northwestern University (“Where Black Feminist Thought and Trans\* Feminism Meet: A Conversation,” Souls, 19:4, pp. 440-443)//arnav

What Black feminists pointed to was that when the term feminist was used, it evoked white ciswomen, its imagined and idealized subject was white-ciswomencentered. When we say “woman” today we usually mean cisgender; a whole host of other bodies, trans and gender non-conforming, are left out of our imaginary. It is important, too, to note how the visibility of transgender people, particularly the visibility of Black and transgender women of color has shifted the grammars of Black liberation this time. This time, Black liberation has laid itself out as the platform for those most marginalized under capitalisms’ time. We name patriarchy, misogyny, and racial capitalism. Women, Black and Queer, become the faces and the voices this time: Patrisse, Opal, Alicia, Charlene, CeCe. Agendas launched in the name of Black women, Black femmes. Say her name. Black lives matter. Black Queer feminist lens. Our language has changed and we on the left (or left of left), have become hyper aware this time of the erasures that took place in earlier Black liberation movements. So when we say Black lives matter we mean ALL Black lives matter. Trans and cis. Gender Non-Conforming. Poor. Unemployed. No one is to be left behind this time. Consumed by naming, naming ourselves and those who we have lost, Sandra Bland, Chyna Gibson, Tamir Rice … We long to account for all the ways we have been separated from one another because of generations of systematic oppression, violence, and the outright predatory assault on our institutions, neighborhoods, families, and bodies. Say her name. We know that our potential for liberation requires a critical collectivity, a collective consciousness, but in our desires to bring ourselves together some slippages occur, some miscommunications. Inclusion was/is necessary, but what did/does inclusion truly mean? Is the model being mirrored this time, still, a neoliberal mode of diversity and inclusion? Are the master’s tools still being harnessed to dismantle the master’s house? I point to the evocation of a term like All Black Lives Matter and ask what it says about how we, this time, long to account for difference within our Black liberation movement. Have our desires for inclusion, compelled us to believe we were accounting for difference within? Are we still uneasy and unsure of how to deal with difference so we mollify it with ands? Black women, trans, and cis.

In Cathy Cohen’s 2015 interview “Ask a Feminist: A Conversation with Cathy Cohen on Black Lives Matter, Feminism, and Contemporary Activism,” she states, “cis and trans women—have to be at the center of how we think about black liberation. The centering of cis and trans women and lesbians and gay men as members and leaders of our communities, that to me is significant and new.” She later continues, “I don’t think we have often seen movements say that the common thread of blackness is not just the male body, or the presumed cis male body, but in fact that cis and trans black women can represent the intersectional positionality and oppression that black communities face.”4

In a similar fashion, my good friend and comrade, Charlene Carruthers, the national director of BYP100 (an organization that is a part of the broader movement for Black lives) writes in a 2016 Colorlines article, “The execution of Korryn Gaines at the hands of the Baltimore County Police Department (BCoPD) requires a national call-to-action to defend Black women. Gaines’s story shows us the inextricable links between the struggles to secure Black liberation and reproductive justice in America. In this moment, everyone who believes that Black lives do indeed matter is needed to build a defense of Gaines and all Black women (transgender and cisgender) who are victims of state-sanctioned violence.”5

How does the category of woman function here? Who is it able to hold and how is it able to hold difference? Those of us who are interested in Black liberation must be weary of the “and” in “trans and cis” as it purports to have reckoned with the real difference and fissures that rest between trans and cis. It is a question of relationality. How do we/they belong to one another? The “and” here is not natural as it seeks to bring transgender women into the fold of the category women (read cisgender), a category that has been critiqued by Black and Women of Color feminists as a category that continuously fails, fails to articulate clearly what it is that makes some women, who are not white, who are not middle class, illegible as the imagined universalized representative subject of the category. So we are left asking (1) Are Black women, women? (When? How?) (2) If not, why do we hold on to that category “woman” at all? (When? How?)

It seems to me that many scholars and organizers assume the answer to Sojourner Truth’s question, “ain’t I a woman?” is “Yes!” But what if we instead took the gift of Truth as a proposition to dwell in the question? Do models of inclusion prohibit us from thinking about or asking for something else? Even more challenging: what would something else look like without the organizing binary of male and female? And even more challenging than that: what about all the ways we love gender, being seen as either this or that? We work within these limited categorical identities even though we know their limitations, even when we see that they can’t account for the nuances of holistic being. I think we fear non-existence without them as a sign post to remind us that we are human. The fear of non-existence is a logical fear for Black people and queer people as our relationship to premature death is almost always already pre-determined under racial capitalism and patriarchy. But the non-existence that I want those of us who are working toward Black liberation and gender liberation or gender self-determination is the non-existence or erasure that we impose on one another consciously and unconsciously. As our grammars shift and change to be more inclusive, particularly when it comes to a Black queer feminist politic that consciously names “cis and trans” as a modifier of “woman,” we must be careful about what the and then dislodges. It is not productive to simply add transgender women to the category of woman without thinking through the ways that transgender women force us to consider again how “woman” as a category is a failure. If we simply add “woman (cis and trans)” as the proper subjects of feminist politics, then what happens to men who have lived as women? Are they no longer a part of the narrative? Are we able to hold the stories of both CeCe McDonald, Marissa Alexander, and Kye Peterson6 under this inclusive Black Queer Feminist framing? I seek a Black feminist praxis that can hold all of these people, but in order for that to be the case we may have to disentangle ourselves from a reliance on “woman” and instead think through the ways in which femininity and masculinity are moving in and across all kinds of bodies. The category “woman” remains attached to notions of biological authenticity and realness that inevitably reaches its limits when trying to capture bodies that shift, trans bodies. Basically, what I am getting at is that we can and should shift our grammar and language to be more inclusive, but understand too that the way we think of women/men, this binary is undone (and sometimes redone) by transgender and gender-nonconforming people whose gender journeys aren’t always linear.

MB: I’m always at a bit of a loss with respect to the question of whether we should retain “woman” as a category on a few fronts: first, there is an ethical dimension to the extent to which I can even enter such a question by virtue of my identification, which is itself deeply troubled and unsettled.7 Second, marginalized folks do often find joy in claiming the category, so the extermination of it might in fact do a kind of harm (which is not to the exclusion of the very harm done by the category itself, known or not). This is all in part why I am interested more in politicized identities, following Cathy Cohen; why I am interested in the work that we do as the identities that come to subjectivate us, rather than presuming that identity is an immutable possession. The phrase you use, the “place of the demand,” is right where I want to dwell, and it is that demand that I’m interested in. It seems to me that to do or be a Black or trans feminist, or both, is to heed that demand. The “identity,” of sorts, of one who uptakes the demand Black feminism and trans feminism bear—and thus the eruptive volatility and multiplicity simmering beneath and alongside each of them—concerns less a delimited entity that is a Black and/or trans feminist and more in the vein of Nathaniel Mackey’s “enmity,” a non-substance that describes an “auto-constitutive stress.”8 The transness of Black feminism and the Blackness of trans feminism, as it were, marks a reverberatory tremor that pervades the rhythm of work done in service to Black and trans feminism. The vibratory waves of its stress is the fuzzy location in which “identity” resides, unable to be placed or limned and rather a haptic disturbance, a tenor, a worrying, a movement that is placed where it cannot be placed.

So yes, the centering of Black “women” (again, this is a troubled term, especially rubbing so close to the gender trouble that is Blackness) in conversations surrounding feminism and the operative gender category of “woman” was in many ways meant to critique that very term—to whom it actually refers in our imaginary, to what and whose ends is the term deployed, in what situations is the term deployed. “[T]he ‘Black woman,’” L.H. Stallings writes in Mutha’ Is Half a Word, a phenomenal examination of the “unnaming” processes of Black women, radical Black female sexuality, and Black queer desires, “represents an invented character by cultures not of her own making … the term unsuccessfully attempts to join the narratives of woman (white) with that of Black (man).”9 In critiquing the notions of “Black” and specifically, initially “woman,” Black women, in effect, put a pressure on it that questioned its very nominal and social status and sought to alter the very foundations and assumptions upon which the racially solipsistic category of “woman” rested.

You touch on something really important: the simultaneous urge to disrupt and change these limited and limiting categories we use to identify ourselves, and to hold them close to us because it is by virtue of these categories that we exist as subjects; we are subjectivated by these categories, so to do away with them entirely would be to feel as though we have lost ourselves. But I sometimes wonder if this is the aim, to lose ourselves, to cultivate liveable space in the losing of ourselves. Might the nexus of Black feminism and trans feminism be an enabling provocation for un/racial, un/gendered “thought and existence otherwise, an otherwise than being,” a shadethrowing deployable problem for thought that names a force rather than physical characteristic?10 Could that be a place to live? This is a genuine and open question that I really want to invite to be interrogated.

KMG: One of my favorite quotations is from D.L. Smith’s essay, “What is Black Culture?” where he writes, “Perhaps in losing ourselves, we will find ourselves.”11 We are made into subjects through processes of imprint upon bodies, identity; race, gender, class, and/or sexual orientations. Without these identities, we fear that we will lose some sense of ourselves that is bound to history, so we carry it (history), sometimes by choice and other times, identities are placed upon us from the world around us and we have no real choice in how others choose to perceive us or our embodied histories. The fact of the matter is that we know that just because you are poor doesn’t mean that you will have radical anti-capitalist politics. Just because you are Black doesn’t mean that you will somehow have an affinity towards or with other Black people. These identities are scripts and the people who carry these scripts in their body, or rather those who embody evidence of particular identities, constantly prove how categorical labels are always already, they be, incapable of articulating the fullness of we (subjects) who endure, challenge, reinforce, despise, love, and sometimes encourage the naming. This limit does not exist simply because of a failure to acknowledge intersectional identities that many people carry, that is, a Black transgender working class woman—we could continue to add on here bisexual, college educated, Latinx, Republican—all of these identity claims start to help you understand the fullness of a subject, but none of these give you the full subject even if we keep listing out all of the identities we hold, we will only ever be approaching the fullness of a being or subject as said being changes in and over time. So I think the fear that we will lose ourselves without these categories is a trap that keeps us holding on to categories that we know fail us.

There is a bind though because these identity categories prove useful in garnering state recognition, and also in creating a sense of community or group affinity. Think of the notion of a “protected class” that describes persons who are supposedly protected by the law because of their identity, but these anti-discrimination laws don’t always work to protect the people they set out to protect. While most hate crimes are still committed on Black bodies, it is LGBT [lesbian, gay, bisexual, and transgender] (white) folk who are most evoked when thinking of hate crimes and we are usually thinking about white queer bodies.12 For example, a recent episode of Law and Order SVU, “Transgender Bridge,”13 centers on the story of a white transgender teenage girl who is taunted by high schoolers from another school, a Black school, and an altercation ensues on the bridge after school. The Black boy pushes the girl and she falls over the bridge. She survives the initial fall, but later dies because of complications from the fall. Over the course of the episode, the Black boy keeps being reminded that he didn’t just hurt anyone, but someone from a “protected class.” The viewer isn’t supposed to be able to see or hold that the Black boy is also a part of a class that needs protecting. This kind of nuance would disrupt and make unstable the position of the white transgender girl as the proper “protected class.” The Black boy is sentenced to 7 years, 3 years in a juvenile facility, and upon his 18th birthday he’ll be transferred to an adult prison to serve the remainder.

#### The alternative is fugitive un/gendering. The claim to inhabit gender requires a white symbolic order. A negative ballot refuses subjectivity in order to produce a new forms of thinking and living with one another.

\*vitiate = spoil or impair the quality or efficiency of

Bey 2019 – Marquis Bey is Assistant Professor of African American Studies and English at Northwestern University (“Black Fugitivity Un/Gendered,” The Black Scholar, 49:1, 55-62)//arnav

A meditation on “ungendering” is of course indebted to Hortense Spillers, and constituted by an inveterate Black feminism. Gender is that which is made to attach to bodies of a domesticized space, predicated on the integrity of an ontology constituted by a white symbolic order. The subjects contained in the “lab” of the ship’s hold, as malleable flesh, ungender subjectivity by way of refusing and being refused by the necessary symbolic ontology of gender. In the context of Spillers’ other remarks, particularly regarding Blackness’s unfixation from physiognomy, ungendering might be understood usefully as a refusal of an “identity,” and furthermore of a forced ontology. Ungendering’s undercurrent of Blackness, a radically feminist Blackness, mobilizes the flesh. To live in the flesh is not, on my reading, to simply occupy an excoriated, captive abjection; flesh does not strike me as primarily that which is engulfed in an ontological state of violation, despite its subjection to searing and being ripped apart, as Spillers notes. Or, at least not the flesh with which I am concerned in this essay. Flesh is advanced here as an inexhaustible agility that evades capture and in fact names the constant eradication of oppressive apparatuses. Moving with flesh is a generative abolition of normative regimes insofar as it, and more specifically what I call below traniflesh, enacts a subjectivity that definitionally instantiates the impossibility of (gendered) normativity. And this, reader, might be a fugitive un/gendering. (Of note: the slash in un/ gendering marks a necessary slight departure from Spillers by drawing readers’ attention to the liberatory, uncapturable otherwise of flesh, of traniflesh. Un/gendering’s fleshiness is an overflow that spills over violent categorization and, instead of being generated by whips and frisks, is the unwhippable and unfriskable displacement of normative violence.)

A fugitive un/gendering can be consolidated into what I want to call, bringing together Spillers, Kai M. Green, and Treva Ellison: traniflesh. Spillers understands flesh as distinct from the body, the body as embedded in captivity and flesh as an antecedent “liberated subject-position” that Alexander Weheliye describes as “nothing less than the ethereal social (after) life of bare existence.” Green and Ellison, in turn, describe “tranifest”—transformative manifesting—as modalities that “operat[e] across normativizing and violative configurations of race, gender, class, sex, and sexuality,” mobilizing across apparatuses designed by the state.4 The spirit of these two theorizations is what I want to put forth in traniflesh. Quintessential to traniflesh is an immaterial materiality; a kind of material displacement that lingers in the vastness and fastness of the flesh, in resentful excess of the “merely” biological. There is an urgent need to conceptualize an alternative and otherwise mode of living grounded in a non-exclusionary sociality that escapes captive and captivating logics of subjectivity. A fugitive un/gendering attempts to vitiate the regime of gender by way of an unyielding, radically opening ungendering. We do this through the flesh, through trans flesh—traniflesh, flesh that throws shade on gender, that irrupts into and out of the force of Blackness, the subversive interrogative force of Black feminism, and the exuberant that-ness of trans. And that, with all its Black and trans impossibility, provides an impossible route out of the impossibility of routes.5 This flesh is a kind of being that refuses being in favor of, or in apposition to, becoming away from being as being. Traniflesh, then, does not index matter or form but a general sentient sensorium that exceeds corporeal capture and is the inaugurative muck that produces unanticipated relational affinities. Traniflesh intensifies the haptic and tactile—it’s hac (k)tile, in all its connotative touch and subversive infiltration—and challenges grammar through dehiscence and fission, always coming apart in service of coming together differently.

Moving toward an unsettled inhabitation of traniflesh is an inhabitation that would lead to a transed subjectivity, a non-normative way of living in, or even beside, oneself. This is flesh that apposes the systematicity of bodies, which renders subjects subjugable to the violence of the Law. My articulation of traniflesh denotes a decidedly un/gendered anti-terrain, “transorient[ing] sex and gender,” as C. Riley Snorton provocatively and poignantly maintains.6 Indeed, flesh is the gendered-sitethat-is-not-a-gendered-site which welcomes those who were expunged from traditional symbolics of gender, but also, to advance Spillers a bit, those who move toward and engage the sociality of the transgressive posture of fleshiness, engendering a different way of becoming as that which might have come but for Gender. This “moving toward” traniflesh indexes what Treva Ellison calls flesh “werq.” Werqing is how we move toward traniflesh, a werqing that is understood as a “performance and praxis of existence that exceed[s] the commonsense of normative categories of social being like gender, race, class, and sexuality,” a surplus and repurposing of the nodes of our subjectivities.7 Moving toward operates through the fugitive un/gendering occurring here via Black female flesh on the run from gender, on the run from legibility, by way of a kind of stepping out of a lineage, worrying the line as it were. The stepping out of line, the getting out of line, that occurs when one uptakes fleshiness and its fugitivity ruptures captivity and the social death it purports to make natural—Black flesh’s fugitivity is the onset of a livable life beyond what has qualified as being.

Perhaps it might be necessary, with this theorization, to distinguish ever so nimbly traniflesh from Spillers’ “hieroglyphic” theorization of flesh. Whereas Spillers links flesh’s activation to violence and criminal wounding, traniflesh, as noted at the outset of this essay, denotes the getting outa, which should be construed as an uncircumscribable evasion of the interpellative call to violated subjectivity. Traniflesh is that which gets outa Spillersian flesh—the excess of the violence, the refusal of being inaugurated via violence. It is where we live otherwise outa the necessary violence of legibilities imposed.

Traniflesh emerges as an impossibly possible space where we know not what will arise because it does not rely on normative frameworks. As an emergent force and “capacitating structure for alternative modes of being,” traniflesh offers different formations and matterings, different and differing subjectivities, of material and symbolic life.8 Traniflesh is an otherwise way of being that exceeds the categorizing logics of race and gender, that exceeds “identities” and (dis)organizes around subversive world-building. It is fluid, excessive, a kind of primordial transitivity that indexes Blackness, Black feminism, and transness—citing Kimberly Benston’s “beginning-as-blackness,” “primordial blackness”; Claire Colebrook’s “transitivity”; Kai M. Green’s Blackness in excess of the category of Black; and Spillers’ femininity that evades definition because of its shadowy ubiquity. Traniflesh and its flitting, flickering inhabitation is a rigorous commitment to Green’s and Ellison’s “flexible new collectivities” that, on my reading, do not conform to the mechanistic templates we understand as legible identities: race, gender, sex, sexuality. It renames and reconfigures how we become, and continue becoming, subjects that breach hegemonic logics; traniflesh names that breach, names it as a place to dwell and, more importantly, fashions another way of living—indeed, a way that too many of us who are not permitted to live simply can.

#### 2 – Wake’s description of Tyra Trent is counter to the intent of 1AC Whitley. Wakew’s choice to cite the details of solely her death runs counter to our reading via Project 42’s celebration of Tyra Trent’s life.

**Whitley 20 (**Sa, Black queer scholar of urban housing and Economic Justice @ Dartmouth College, "The Collective Come-Up: Black Queer Placemaking in Subprime Baltimore", Ann Arbor, ProQuest, pages 27-30) arnav

**For Project 42, Vaughan describes the critical trans\* and deterritorializing process of making a fabulous dress for Tyra:**

**What you see on stage is the pattern that I created for Tyra. In addition to the hand printing and all of the work that we do** by hand we also incorporate technology. **The patterns begin with a google earth screen shot of the murder location.** On top of that screenshot, I then incorporate photographic documentation that I take from google street view of the location itself. Sometimes I will look at an individual’s photographs online and incorporate colors from clothing they are wearing. **I’ve even made patterns that incorporate people’s skin color and hair color on top of this imagery.**

**Through the remixing of place, blackness, body, and gender, the dress, as a garment of trans cultural production, is** also **what Marquis Bey calls “traniflesh” in his article, “Black Fugitivity Un/Gendered.” Bey linguistically adds a forward slash between “un” and “gendering” to reposition the term as one in which black folx purposefully and expressively flee from the white gender order instituted through US settler colonialism and Trans- Atlantic Slavery.** He writes,

**Moving with flesh is a generative abolition of normative regimes insofar as it**, and more specifically, what I call below **traniflesh, enacts a subjectivity that definitionally instantiates the impossibility of (gendered) normativity. And this, reader, might be a fugitive un/gendering.”**220

**Tyra’s memorial dress remixes images of the vacant lot, the cluster of bandos on the 3300 block of Virginia Ave, including 3307, aesthetic aspects of Tyra’s gender, and her skin color, the phenotypic aspect of her black embodiment. Project 42’s dress for Tyra melds blackness, fugitive gender expression, and the subprime architecture in the geography of foreclosure in Park Heights, thereby refusing the bando as a totalizing site of capture.**

Through a critical trans\* art praxis predicated on what Snorton calls the “transversal” and what jasbir k. puar calls “assemblage,”221 **Project 42 enables both a material and immaterial kinship between Tyra and ongoing trans liberation movements.** Consider this model of artistic assemblage relation to the land assemblage carried out for the Major Redevelopment Area, the Master Plan’s stitching together land plots into an enticing site of cohesive surplus land for private investors. **The dress that Project 42 built for Tyra also stands as a spectacular example of what Jack Halberstam’s concept of “trans anarchitecture**,”222 **which merges architecture and anarchy to think about the radical possibilities of transgender and the deterritorialization of space. Tyra’s posthumous dress is a rebuilding of a black trans architecture that is not tethered to occupation or settlement of land or black people capturing or being captured by property.**

**Randy Watson’s performance as a memorial event for Tyra Trent is incredibly stirring and aesthetically beautiful, while eliciting what Ruha Benjamin calls “an insurgent nostalgia”** by Project 42 collaborators and engaged members of the audience.223 Randy-as-**Tyra in the dress is a manifestation of radical black transitivity that is uncapturable by the hailing of white domesticated gender regimes, debt collectors, or Baltimore police in the age of finance. Through the performance, Tyra’s afterlife through Randy-as-Tyra persists. Randy-as-Tyra does not die. Her transitory performance continues across the stage, the toll of the bells, the forceful swish of her dress and the recitation of her name. Ruha Benjamin offers a powerful explanation of her assertion that “Black Afterlives Matter.”** She writes,

In the broadest sense, what is at stake in the idea that Black Afterlives Matter is the practice of making kin, not only beyond biological relatives, but also with the materially dead/spiritually alive ancestors in our midst. **Black afterlives are animated by a stubborn refusal to forget and to be forgotten. Hartmann explains that one of the main gatherings for which the enslaved would ‘steal away’ was the praise meeting where the evocation of the ancestors was central to imagining freedom.** Here they would enact ‘ancestral landscapes.’224

**Randy-as-Tyra wears and performs the realness of the disinvested landscape and the boarded-up economic geography of the bando but eludes their capture.**225 **The audience is reminded of processes of settler-colonial finance, foreclosure-cum-elimination, and the displacement of black and/or indigenous peoples from settler cities.**

### 1NC --- T-USFG

#### Topicality:

Our interpretation is that the AFF must be topical.

#### ‘Resolved’ denotes a formal resolution.

**AWS ’13** [Army Writing Style; August 24th; Online resource dedicated to all major writing requirements in the Army; Army Writing Style, "Punctuation — The Colon and Semicolon," <https://armywritingstyle.com/punctuation-the-colon-and-semicolon/>]

The colon introduces the following:

a.  A list, but only after "as follows," "the following," or a noun for which the list is an appositive: Each scout will carry the following: (colon) meals for three days, a survival knife, and his sleeping bag. The company had four new officers: (colon) Bill Smith, Frank Tucker, Peter Fillmore, and Oliver Lewis.

b.  A long quotation (one or more paragraphs): In The Killer Angels Michael Shaara wrote: (colon) You may find it a different story from the one you learned in school. There have been many versions of that battle [Gettysburg] and that war [the Civil War]. (The quote continues for two more paragraphs.)

c.  A formal quotation or question: The President declared: (colon) "The only thing we have to fear is fear itself." The question is: (colon) what can we do about it?

d.  A second independent clause which explains the first: Potter's motive is clear: (colon) he wants the assignment.

e.  After the introduction of a business letter: Dear Sirs: (colon) Dear Madam: (colon) f.  The details following an announcement For sale: (colon) large lakeside cabin with dock

g.  A formal resolution, after the word "resolved:". Resolved: (colon) That this council petition the mayor.

#### ‘USfg’ is the 3 branches.

U.S. Legal ’16 [U.S. Legal; 2016; Organization offering legal assistance and attorney access; U.S. Legal, “United States Federal Government Law and Legal Definition,” <https://definitions.uslegal.com/u/united-states-federal-government/>]

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

#### ‘Increase’ means to make greater.

Kristl ’4 [Kenneth T, James R May, Keri N Powell, Howard I Fox, John D Walke, David G McIntosh, Ann B Weeks, Jonathan F Lewis; October 26; Partner at Winston & Strawn LLP, Former Law Clerk to District Court Judge William C. Lee, J.D. from Chicago-Kent College of Law; Westlaw, Appellate Brief in “the State of New York v. United States Environmental Protection Agency,” WL 5846438]

The sole textual basis EPA asserts for its extraordinary position is an argument based on the word “increases” in §111(a)(4). Specifically, EPA claims that, even when a change causes emissions to rise to the highest level reached in the past ten years, it does not “increase[]” them. EPA Br. 69-71, 86. According to EPA's untenable argument, Congress did not specify how an increase is to be measured, and thus left EPA free to interpret “increases” as it wishes. Id.

The term “increases” is not an empty vessel that EPA can fill as it chooses. Instead, absent further congressional guidance, the term must be given its ordinary meaning. Engine Mfrs. Assn. v. South Coast Air Quality Management District, 124 S. Ct. 1756, 1761 (2004); Bluewater Network v. EPA, 370 F.3d 1, 13 (D.C. Cir. 2004). The ordinary meaning of “increase” is “to make greater, as in number, size, strength, or quality.” Random House Webster's Unabridged Dictionary, 2d Ed. (1999), at 969. Thus, a change that makes emissions greater “increases” them. EPA's interpretation contravenes the Act's plain meaning under Chevron Step One, or in the alternative “diverges from any realistic meaning” under Chevron Step Two. See, e.g., NRDC v. Daley, 209 F.3d 747, 753 (D.C. Cir. 2000).2

#### ‘Expanding’ means to increase and ‘the scope’ defines permissible behavior.

Collins ’21 [Collins English Dictionary; copyright updated 2021; Collins Cobuild, “Expand the Scope,” https://www.collinsdictionary.com/us/dictionary/english/expand-the-scope]

expand the scope

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I wanted to work internationally and expand the scope of my possibilities.

Times, Sunday Times

Labour has called for the government to expand the scope of the test to include consideration of the impact of any merger on research and development and science.

Times, Sunday Times

Most opponents are small-government conservatives who are outraged at any attempt to expand the scope of government, particularly when it involves their personal healthcare decisions.

Times, Sunday Times

The move was cited by the developer to be to expand the scope of indie videogames, and not as a market strategy.

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Such results expand the scope of asymmetric hydroboration to more sterically demanding alkenes.

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Definition of 'expand'

expand

(ɪkspænd)

Explore 'expand' in the dictionary

VERB

If something expands or is expanded, it becomes larger. [...]

See full entry

COBUILD Advanced English Dictionary. Copyright © HarperCollins Publishers

Definition of 'scope'

scope

(skoʊp)

Explore 'scope' in the dictionary

UNCOUNTABLE NOUN [NOUN to-infinitive]

If there is scope for a particular kind of behaviour or activity, people have the opportunity to behave in this way or do that activity. [...]

#### ‘Its’ means belonging to the fed.

Updegrave ’91 [W.C.; August 19; Supreme Law.org, “Explanation of ZIP Code Address Purpose,” <http://www.supremelaw.org/ref/zipcode/updegrav.htm>]

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense). The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

#### ‘Core antitrust laws’ are legal statutes.

Pfaffenroth ’21 [Sonia K, Justin P Hedge, and Monique N Boyce; July 1; Partner at Arnold and Porter, Former Deputy Assistant Attorney General for Civil and Criminal Operations for the Antitrust Division of the US Department of Justice; Counsel at Arnold and Porter; Senior Associate at Arnold and Porter; Mondaq, “United States: A Comparison Of Proposed Antitrust Legislation In 2021: Federal And New York State,” https://www.mondaq.com/unitedstates/antitrust-eu-competition-/1086194/a-comparison-of-proposed-antitrust-legislation-in-2021-federal-and-new-york-state#:~:text=At%20the%20federal%20level,%20there,;1%20(2)%20the%20Federal]

At the federal level, there are three core antitrust laws: (1) the Sherman Act, in which Section 1 outlaws "every contract, combination, or conspiracy in [unreasonable] restraint of trade," and Section 2 outlaws any "monopolization, attempted monopolization, or conspiracy or combination to monopolize";1 (2) the Federal Trade Commission Act, which prohibits "unfair methods of competition" and "unfair or deceptive acts or practices";2 and (3) Section 7 of the Clayton Act, which prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly."3 Criminal violations of the Sherman Act carry a maximum penalty of a $100 million fine for corporations, and a maximum penalty of 10 years in prison and a $1 million fine for individuals. A prevailing plaintiff in a civil suit can recover treble damages and attorneys' fees. But federal law currently does not provide for civil penalties when the government brings an antitrust case, only injunctive relief.

Key to limits and ground – they justify a proliferation of small, uncontroversial AFF’s that avoid core generics and water down the quality of debating.

#### Two impacts:

#### 1 – Competitive Equity – an unlimited, unpredictable topic disparately raises the research burden for the negative – treat this as a sufficient win condition because fairness is the logical structure that undergirds all impacts AND controls any benefit to debate.

#### 2 – clash- research enables third and fourth-line testing necessary to motivate advocacy and argumentative reflection.

### 1NC --- Case

#### Vote neg on presumption – the ballot’s not key and doesn’t solve. They haven’t explained how you know when the monopoly of whiteness is broken up, what your role is in affirming inoperativity, or why voting neg can’t be inoperative either.

#### Radical struggles against debt are only effective when mobilized via collective, concrete utopian demands for change—even if refusal is necessary, it’s insufficient

Wozniak, 17—Ph.D. candidate, Graduate School of Arts and Sciences, Columbia University (Jason, “The Mis-Education of the Indebted Student,” dissertation downloaded automatically from google scholar, dml)

It should be clear that I cast no doubt on the claims that individual and collective defenses or inventions of scholé are necessary. Nor do I deny the need for refusal(s). But I want to ask if whether or not it is sufficient that these defenses or inventions of scholé are implied, rather than explicit, demands? Further, should defenses or inventions of scholé be explicitly articulated and practiced as demands if they are to wield the force that will inspire collective resistance against the force of debt in education? In a similar fashion, I want to ask whether or not a general call for refusal, (where debt’s temporality can/should be negated remains ambiguous, for instance, in Lazzarato’s work) need be situated in particular contexts? Borrowing from Weeks (2011), I want to suggest that appeals to education temporalities that disrupt debt dressage better facilitate contestation in and through education against the force(s) of debt if they are articulated as, and produced through, a demand. Demands (making demands) add important performative dimensions to the struggle for education debt autonomy in the debt economy.

On the Performative Force of Demands

Inspired by late 20th century calls by Marxists feminists like Mariarosa Dalla Costa, Selma James, and Silvia Federici for women to simultaneously refuse free domestic labor while demanding wages for housework, Weeks (2011) illustrates the epistemological and ontological stakes in making demands. She argues that, “The collective practice of demanding has its own epistemological and ontological productivity” (p. 131). On the one hand, demands conceived of as “perspectives,” make visible and encourage critical reflection on capitalist exploitation. They can function epistemologically, according to Weeks, “as a force of demystification, an instrument of denaturalization, and a tool of cognitive mapping” (p. 129). Demands emerge from, inform, and change perspectives (pp. 128, 130). They produce knowledge and consciousness (p. 131).

On the other hand, when conceived as “provocations,” the ontological status of demands becomes apparent. Demands, Weeks (2011) argues, serve to “elicit the subversive commitments, collective formations, and political hopes that they appear only to reflect” (p. 131). As provocations to collective action, demands are conceptualized by Weeks as means rather than ends (p. 133). They simultaneously constitute movements, put/keep people in movement, and encourage a consistent flux of individual and collective becoming. Demands give rhythm and form to movements, which give shape to horizons of collective and individual becoming.

Demands we might add here, and Weeks (2011) does indeed allude to this on occasion, can also be said to have performative dimensions that are educative. They are pedagogical in that they create moments for collective teaching and learning in which critical analysis of the present is heightened, and different imaginaries of the future are engendered (p. 147). They are educative in that they play a crucial role in influencing the shape(s) of individual and collective subjectivity.

The types of demands that Weeks describes in her work, those that she defends, and proposes that we make, are utopian demands. Rather than shy away from the audacity of utopianism, Weeks argues that we ought to recognize the central role that utopian thinking has in helping us cultivate new political-social imaginations, and the realities that such imagination might engender. Weeks’ call for utopian demands is an unabashedly unapologetic one.

Inspired by Ernest Bloch’s (1970, 1995) philosophy of hope, which Weeks contends is a central element to utopianianism in that it highlights both a cognitive (by establishing a horizon that allows for analysis of the present and past) and affective (an emotional will to turn utopianism into a political force), and Nietzsche’s critiques of ressentiment (a debilatating attachment to the past), Weeks (2011) makes the case that utopianism is a distinct mode of thought and practice, one she claims is an asset rather than a liability (p. 176). For instance, borrowing from Bloch, Weeks astutely notes that “if reality encompasses not only what has come to be but also its potential to become other, then utopian thinking, a mode of thought in which reason is allied with the imagination, can count as a particular realism” (p. 187). Reality conceived of in utopian terms is a process “that not only extends backwards but also stretches forward” (p. 189). It is, in other words, always something yet to come, or in Bloch’s terms, the “not-yet” that is actively always being made and remade. As such, reality is a process in which we can intervene (p. 189). Utopianism, as a mode of thought that has effective force, inspires the interventions in reality that we make.

Ever cognizant of traditional liberal critiques of utopianism, Weeks is careful to point out that liberal thought has its own utopian origins, but has spurned these since attaining its dominant ideological status. It does this in Weeks’ (2011) view in part to conserve its hierarchical position within “leftist” thought (p. 177). Moreover, and this is a crucial point, “liberalism,” Weeks contends, “endorses piecemeal reformism as the only acceptable political course” (p. 177). She singles out Karl Popper’s (1947-48) efforts to critique utopianism as an irrational and dangerous form of thinking, and Francis Fukuyama’s (1989) attempts to declare the end of history, as representative of certain liberal strains of thought that declare liberalism as the winner of centuries old ideological battles. Typical of these liberal positions is a negation of the need for any type of thinking that might go beyond liberal reformism. In short, Weeks correctly points out that liberal critiques of utopianism have a tendency towards fatalism (pp. 178-180).

Or in other words, the critiques commonly try to negate the fact, and hope, that another reality is possible. Succinctly stated, Weeks (2011) claims that liberalism’s case against utopianism revolves around a fairly stable set of indictments, those that include well-known rationalist and realist rebukes, and those that claim “that there should be no alternative and the assurance that there is no alternative” (p. 181). In the end, anti-utopian liberalism “continues to consider small-scale reformism the only rational and realistic political action,” it considers speculation on alternative futures at best naïve, at worst dangerous (p. 181).

Rather than concede then to liberal conservatism, Weeks argues in favor of a politics of demanding that takes utopianism seriously. But just what are utopian demands, or, what makes a demand utopian? And what is it that utopian demands do that warrants labeling them as such?

Utopian demands have some specific characteristics. They alter individual, collective socio-political landscapes in some striking ways. It is important to note with Weeks the difference between “abstract” and “concrete” utopian demands. At first glance, one might assume that any thought properly labeled “utopian” is by necessity “abstract.” This isn’t necessarily a false conclusion to draw, but it assumes that utopian thought is not grounded, or does not arise out of, any concrete realities. Nothing could be further from the truth.

Drawing on Bloch’s (1995) distinction between abstract and concrete utopias, Weeks (2011) clarifies that, “Abstract utopias are conjured up without sufficient regard to present trends and conditions that could render them possible, as opposed to impossible, futures” (p. 195). By contrast, “concrete utopias” are “developed in relation to what Bloch calls the ‘Real-Possible’,” and according to Bloch, are “concerned to deliver the forms and contents which have already developed in the womb of present society” (Bloch, Vol.2, p. 623 in Weeks, 2011, p. 195). Significantly, “concrete utopianism does not ignore the present as it has come to be; it is not inattentive to history. On the contrary, it must be cognizant of the historical forces and present potentials that might or might not produce different futures; the present is a fulcrum of latencies and tendencies” (Weeks, 2011, p. 196). Weeks’ appeal for utopian demanding is thus an appeal for “concrete” rather than “abstract” utopian demands.

According to Weeks (2011), there exist two generally conceived functions of utopian demands. On the one hand they are a “force of negation,” in that they “promote critical perspectives on and disinvestment in the status quo” (p. 204). On the other hand, “they are a mode of affirmation” in that “they function as provocations towards alternatives” (p. 205). The former paradoxically connects us to the present by creating a critical distance from it. Or, the utopian demand produces an “estrangement” effect which renders the familiar unfamiliar, thus suspending habitual ways of perceiving and making sense of realities (p. 206). Of particular importance within the context of this dissertation, Weeks argues that in addition to creating a critical distance with current realities, utopian demands also create moments of desubjectification and dis-identification which allow us to make ourselves strange as well (p. 205).

The latter function of utopian demands by comparison, is to redirect attention and energies towards an open future (Weeks, 2011, p. 206). Buoyed by hope, the provocative function of utopian demands animates political desire, stirs political imagination, and in doing so, utopian demands “serve as inspirational models; they can help to activate political will, to mobilize and organize movements for social change” (p. 206). It should be noted that Weeks stresses that the two separate functions of utopian demands do not necessarily lead to either/or dualisms, nor do they maintain a clear cause and effect relationship where the estrangement function would proceed the provocative function, or vice-versa. Rather, the two functions exist simultaneously, and hence they transform one another (p. 207). For example, “The ‘no’ to the present not only opens up the possibility of a ‘yes’ to a different future, it is altered by its relationship to that ‘yes’” (p. 207). This is because, “the affective distancing from the status quo that might be enabled is different when it is paired with an affective attachment either to a potential alternative or to the potential of an alternative” (p. 207).

Stressing the relationality between the two general utopian functions, Weeks (2011) states that “it is the combination of estrangement and provocation, critique and vision, negation and affirmation that packs the punch” (p. 208). The movement that occurs between the two functions of utopian demands can be described rhythmically. During the lifetime of the utopian demand, that is the period of time in which the demand still circulates with performative force, repetitive movement between estrangement and provocation, critique of the present and hopeful vision of the future, negation and affirmation, gives form to the demand and provides it with energy that keeps it in flux. This rhythmic sway takes on different forms as new voices attracted to the demand(s) alter original demands. It speeds up or slows down depending on historical contexts, the contributions, or lack thereof, of historical actors.

Summing what utopian demands should do, Weeks (2011) writes that “to function effectively as a utopia, the demand must constitute a radical and potentially far-reaching change, generate critical distance, and stimulate the political imagination” (p. 221). Moreover, “to function optimally as a demand, a utopian demand should be recognizable as a possibility grounded in actually existing tendencies” (p. 221). The latter disqualifies political rants, escapism, or mere wishful thinking (p. 221). It should be stressed here that to be effective the utopian demand must also be formative of individual and collective political-historical actors, or as Weeks writes, “what is crucial here is the degree to which the subjects (those making demands) are transformed,” and that said transformation should constitute a new subject who “has the desire for and power to make further demands” (p. 223).

Educative Utopian Demanding for Debt Autonomy

With Weeks’ exegesis of utopian demands, and the above remarks on the rhythmic relationality between utopian estrangement and provocation in mind, I want to discuss how utopian demands/demanding for education debt autonomy are educative. Perhaps first and foremost we should stress along with Weeks (2011), that hope is teachable (p. 194). Or as Weeks makes the point quoting E.P. Thompson (1976), utopianism educates the desire to desire, to “desire better, to desire more, and above all to desire in a different way” (Thompson, p.97 in Weeks, p. 207). Utopian demands both incite and educate political will.

The utopian demands for education debt autonomy made above are educative in some unmistakable ways. First, they create critical estrangement from indebted life. As such, a distance from normalized education debt realities allows us to see said realities in a new light. Second, they serve as a provocation and affirm the possibility that the future of education, of educative experience, is open rather than a priori delimited. It need be stressed, however, that the education demands for debt autonomy, and this could be said of any utopian demand, only exerts its performative force with efficacy if it is a collective demand. By bringing together different interested agents, the utopian demands for education debt autonomy lead to the formation of alliances that facilitate collective learning opportunities.

#### Their args about whiteness as property are wrong:

#### Flattening. There are multiple properties that are not irredeemably entangled with white liberalism.

Shoemaker, 19—Associate Professor of Law, University of Nebraska College of Law (Jessica, “Transforming Property: Reclaiming Indigenous Land Tenures,” California Law Review 107, no. 5 (October 2019): 1531-1608, dml)

Because of these twin influences of standardization and stability, property as a system can seem uniquely immune to reform. But when we scratch at these initial instincts, we see that the actual experience of property systems over time, and around the world, reflects a high degree of pluralism and dynamism. This Section explores this reality as a window to the broader range of available options for the future of American Indian land tenure.

1. Pluralism

Despite our deep ideas about the need for standardizing property institutions, property institutions are highly pluralistic in practice. Even with theoretically standardizing mechanisms like numerus clausus, the units of property that do exist are highly malleable. This is already evident in the initial creation of the special Indian trust status and historic Indian title. But more so, even in the presumptively standardized fee simple state system, property owners can use a range of flexible legal tools--including real covenants, equitable servitudes, contracts, business forms, and private trusts--to produce nearly any combination of bespoke terms and conditions on property ownership. 239 Thus, the information-cost-reducing justification for property's most standardizing attributes may never be fully achieved, and therefore need not limit reform strategies so much.240

Structurally, multiple property systems, each derived from distinct sources of authority, already coexist and overlap in the United States. 24' Even core aspects of non-Indian property law vary by state, and local governments impose a variety of location-specific land use regulations.2 42 In addition, a significant literature has explored the overlap of formal and informal legal and social orders for specific resource control rights.243 Families in the United States have multiple informal arrangements for property within their own households.24 4 Ranchers and other resource users routinely develop their own norms for trespass enforcement and control within specific geographic areas. 245 And other complex de facto property arrangements emerge everywhere from standing in line for general admission concert entry to traditions surrounding how one acquires and protects a roller derby name. 246

Moreover, rather than producing economic travesties, this kind of institutional flexibility and system-wide variation can be highly desirable. It makes property more robust, innovative, and responsive to a wide range of social needs.247 Standardization narratives assume material wealth maximization is the purpose of property, but this is neither the primary purpose of reservation land tenure nor the only function of property itself. I have already discussed how property law can fundamentally shape the way individuals relate to one another, engage with the physical world, and, by communicating important social hierarchies and relationships, translate social values to the real world.24 8 Designing these systems entails both material and nonmaterial values choices. 24 9 Beyond just economic objectives, property designs also reflect essential choices about environmental stewardship, historic preservation, individual liberties, shared community relationships, and distributional equity (or lack of equity) among all citizens, whether they are property owners or not. Discussions about this kind of values pluralism in property are robust, particularly in the progressive property literature. 25 0 This work reveals that property is highly pluralistic, and there is no single correct metric for assessing the best design of property relationships. 25 1

Buried in colonialism was a pervasive idea that Indigenous and European property systems could not coexist because Indigenous property rights were incompatible with English privatized interests, and "as a matter of the relationship between the two regimes: simply by existing, the one excludes the other."25 2 It may be true that some conflicts are inevitable to the extent the two regimes create literally contested claimants to the same physical space or object. For example, Canadian scholar John Borrows has emphasized the importance of physical mobility to Indigenous freedom. Borrows argues that Indigenous Peoples must be permitted "to freely move throughout our countries, and across the broad world of ideas," with flexibility to "relate to land and ideas [not] as others expect." 25 3 Although such freedom is essential, direct conflicts to a single resource may sometimes be best resolved through a unified property order or negotiations between legal orders.25 4 Apart from these direct conflicts, however, divergent property regimes and values can and do exist in multiple contexts.2 ss

There is no insurmountable reason tribal governments should be denied the freedom to explore different property law ideas and design their own property regimes to reflect a unique balance of values and concerns. In fact, given pressing environmental and equitable issues across the United States today, this landscape of exploratory innovation in property law may be essential to building greater resilience for all of us.

2. Dynamism

Outside of reservation territories, this kind of values pluralism is constantly negotiated and renegotiated in property and land use regulation, in both large and small ways. Despite narratives of stability, property law is actually highly dynamic. The key is to consider how property dynamism operates at different scales and across different institutional dimensions.

Much of the literature on property system change focuses on rare, cataclysmic transitions from commons or other forms of collective ownership to privatized property, or vice versa. 25 6 Even then, there is much we do not understand.257 This work focuses on very dramatic restructuring events and emphasizes changes that occur only along the "right to exclude" axis, moving for example from open access to an individual's right to keep out nonowners. Examples include the shift from common fields and feudalism to enclosure and then westernized private property in England,258 the transitions in and out of farm collectivization in the Soviet Union and the People's Communes in Mao's China,25 9 and Harold Demsetz's famous (and highly contested) narrative of the emergence of private rights to fur trading territories among the Indigenous populations of the Labrador Peninsula. 2 60

Other property reforms, however, have occurred in different ways but are no less important. Examples include the desegregation of white-only lunch counters in the South; the advent of new tenure structures including modern condominiums, cooperatives, and planned developments; and the introduction of important creditor protections for the family home. 261

In practice, property has adapted over time and continues to do so. 262 In fact, property must incorporate the capacity for reform, change, and exchange. 263 The consequence of perpetual stability is ossification, and this risk has to be balanced with responsiveness to changing conditions and demands. 2 6 Legitimate property systems must continue to evolve to respond to changing citizen needs and on-the-ground circumstances over time. 265 In fact, mainstream property scholarship has even debated recently whether the fee simple absolute itself is ready for a newer, changed incarnation-or should be abandoned altogether.266

Property change actually occurs across different variables and at different scales, reflecting more nuanced gradations in how property is defined and regulated. For example, instead of thinking of property as only changing in a binary way from open access to private, Shitong Qiao and Frank Upham have argued that exclusion exists along a spectrum that may change in myriad ways over time based on context.267 There is a whole range of hybrid institutional choices. For example, Scotland underwent a major land reform process in 2003.268 It now recognizes a public right to access private and public lands for certain beneficial uses, which limits a landowner's right to exclude sometimes, but not always, in nuanced ways.

In addition, property reforms occur not only along the exclusion axis but across a range of other property functions and rights. Abraham Bell, Gideon Parchomovsky, and others have argued that focusing only on the axis of exclusion (or on who owns the asset) misses many other evolutionary trajectories in property law. 27 0 These include changes in the boundaries of the owner's other rights of dominion (including the terms of an owner's rights to possession and use) and the asset configuration itself.271 For example, other notable historic land reforms have included changes in whether women can even own property,272 what inventions and ideas are available for intellectual property protection,273 and the invention of zoning law itself.274

Finally, property change can and does occur in different-sized events. Carol Rose has classified three levels of property system changes. The most radical shifts--like the abolition of slavery--require some kind of major revolution or political upheaval. 275 In the middle, various regulatory adjustments respond to smaller social changes, like modifications of environmental laws based on developing science or ecological concerns. 276 And finally, functioning property systems also require a host of little adjustments made on an ongoing, housekeeping basis as citizens, and sometimes courts, resolve everyday uncertainties and concrete disputes between stakeholders. 277

In all cases, property is constantly changing, experimenting, and evolving. The final challenge in thinking about the future of American Indian land tenure, then, is not whether a range of more creative reforms are possible (they are) but how best to get there. This is the subject of the penultimate Section.

## Block

### 2NC --- Racial Cap K

#### 1AC moten evidence says…

In the United States, whoever says “subprime debtor” says black as well, a fact that leads, without much turning, to the question of what a program of complete disorder would be. In any case it is difficult to see how, in the impossibility that marks its “positionality,” the negation that is always already negated would carry out such a program. In conversation with Saidiya Hartman, Wilderson takes care to point out that “obviously I’m not saying that in this space of negation, which is blackness, there is no life. We have tremendous life. But this life is not analogous to those touchstones of cohesion that hold civil society together.”139 What remains is some exploration of the nature of this anti-analog, which is more accurately characterized as an ante-analog, an anticipatory project pessimism is always about to disavow as celebration. Of course, the celebration of what exceeds any analogy with the antisocial hostilities that constitute civil society is, by definition, antithetical to any agenda seeking integration in a civil society that, in any case, will have never survived such integration. On the other hand, precisely in the ongoing, undercommon instantiation of an already given, already integrated totality, celebration is an ontological claim, an ontological affiliation, a so- cial and historical paraontology theorized in performance; it gives criticism breath while also being that to which criticism aspires. If “the tremendous life” we have is nothing other than intermittent respite in what Hartman ac- curately calls the ravages and brutality of the last centuries, then feeling good about ourselves might very well be obscene. But what if there is something other than the phantasmatic object-home of assimilationist desire—which is rightly seen by Hartman simply to be the extension of those ravages and that brutality—to which we can appeal, to which we have always been appealing, in flight or, deeper still, in movement? Again, the question concerns the open secret, the kinetic refuge, of the ones who consent not to be a single being. The corollary question is how to see it and how to enjoy it. This is a question concerning resistance, which is not only prior to power but, like power, is everywhere—as the mutual constitution of a double ubiquity that places the question of hegemony somewhere beside the point. The dark, mobile materiality of this ruptural, execonomic generality is a violence in the archive that only shows up by way of violence to the archive. Because I don’t want to kill anybody, because I want us to enjoy ourselves past the point of excess, I am violent in the archive. Because I am a thing seeing things I am violence in the archive.

### 1NR --- Case

#### 2 – Legalism good. The law can challenge western individualization; the flaws of bounded property logic are reasons to expand it, not reject it.

Nash, 19—Professor of Gender, Sexuality, and Feminist Studies at Duke University (Jennifer, “love in the time of death,” *Black Feminism Reimagined: After Intersectionality*, Chapter 4, 121-126, dml)

This book began with substantial engagement with intersectionality’s origin stories, examining how the question of where the analytic came from, who coined it, and who deserves “credit” for its rise and circulation have come to predominate in black feminist scholarship. Curiously, though, none of these widely circulating origin stories contend with intersectionality’s connections to the juridical, or think deeply about intersectionality as a legal project. Though this book eschews simple origin stories that presume that intersectionality has a singular history, in this section, I advocate for remembering intersectionality’s connections to critical race theory, and thus its intimate relationship with remaking law. I invest in this project because intersectionality has been swept into a larger black feminist conversation that presumes the violence of the juridical, ignoring both intersectionality’s loving investment in the juridical and the juridical as a potential site of loving practice. Put differently, in this section, I emphasize intersectionality’s location in critical race theory, in Left legal projects, to move beyond the now knee-jerk Left (and black feminist) sense that radical and transgressive projects are necessarily antistate. In place of this now familiar political terrain, I seek to ask different questions: Is it simply collusion or “cruel optimism” for black feminists to seek engagement with the state?31 Can we imagine black feminist engagements with the state as taking forms other than seeking redress and demanding visibility? Are there ways to imagine black feminist legal engagement that circumvent the uncomfortable and problematic position of being “at home with the law”? How can black feminists reimagine law as a site for staging productive intimacies and enacting radical vulnerabilities?

In its juridical iteration, intersectionality emerged in a moment where critical race theorists offered analytical tools to upend prevailing fictions of law’s objectivity, to reveal the quotidian nature of racism and sexism, and to argue for fundamental transformations in legal pedagogy. Critical race theory, then, was born of a sustained attention to law’s failures, even as it contained—at times—certain kinds of faith in law’s potentiality and promise. Critical race scholars were a post–Brown v. Board of Education generation who witnessed the end of the Warren court’s promises of integration and inclusion. They saw affirmative action rolled back, transformed from a substantive remedy for past and ongoing discrimination to a promise of “diversity” to benefit white students who would be changed into global citizens ready for corporate employment thanks to their “exposure” to socalled racial difference.32 They witnessed the ratcheting up of standards for proving employment discrimination from racially disparate effects to discriminatory intent, effectively making it harder for minoritarian plaintiffs to prevail in discrimination suits. They emphatically asked, then, whether the goal of antiracist legal scholars should be inclusion in white institutions or whether it should be, for example, the creation of robustly funded and supported black institutions. They interrogated whether the Warren court’s landmark decision in Brown would have better served its black plaintiffs if it equally funded black schools, rather than championing desegregation and then mandating integration at “all deliberate speed.” They debated whether affirmative action should be supported if the only logic to support it is “diversity,” where students of color provide a pedagogical value for white students. Critical race theory, then, was never an embrace of an ethic of inclusion, or even a form of advocacy for new forms of redress. Instead, it was undergirded by an investment in revealing that racial progress was the result of “interest convergence” rather than a genuine investment in antisubordination, and by a fundamental belief that law would look and feel different if it “looked to the bottom.”33

While critical race theorists offered critical interrogations of law’s imagined progress, treating it as evidence of US self-interest rather than a genuine investment in racial redress, they also routinely offered ways of imagining law otherwise, refashioning antidiscrimination law, conceptions of evidence, property, and contract. They imagined a form of law that eschewed color blindness and argued that any legal regime that sought to contend with American racial violence had to be deeply color-conscious to exact meaningful remedies. They advanced new methods—narrative, parable, allegory, speculative fiction, storytelling—in an effort to jam the fictions of objectivity and neutrality and to expose that law is itself a racial project, never removed from the racial regimes it purports to disrupt. In other words, they sought to use their locations in the legal academy and in the legal profession to radically remake law, to push the boundaries of how legal doctrine could be written, imagined, and enacted. They aspired to make law into something unrecognizable and unimaginable, to push at its very parameters in the pursuit of a “jurisprudence of generosity.”34

My entry point for thinking through law as a site of black feminist love-politics is through the work of Patricia J. Williams. Her book The Alchemy of Race and Rights is complex in its form and its argument—it is memoir, “diary,” legal treatise, and critical theory at once. Williams presents herself as professor, consumer, daughter, granddaughter, train rider, and “crazy” black woman exhausted from the ordinary and spectacular raced and gendered brutalities of American life and the project of teaching law at a historically white law school. The project, then, is a rumination on the felt life of racial and gendered violence, and a critical analysis of the myriad spaces where this violence unfolds, from the media onslaught against Tawana Brawley to the experiences of being a black female faculty member at a law school.

Williams’s inquiry, though, is not simply about documenting the ubiquity of racial and gendered violence but also about engaging and describing the lived experience of racialized and gendered vulnerability, what she terms “spirit murder.” For Williams, “spirit murder” is the psychic and spiritual wounding that unfolds as a result of racial violence. “Spirit murder” describes the wounds left on the flesh, psyche, and even soul of those who experience violence and the wounds, often invisible, that haunt perpetrators of violence, including a willingness to accept, and to render unseen, those who are dispossessed. Williams’s task, then, is to imagine what law could look and feel like if it accounted for “spirit murder,” a form of violence that she argues includes “cultural obliteration, prostitution, abandonment of the elderly and the homeless, and genocide. . . . What I call spirit murder—disregard for others whose lives qualitatively depend on our regard—is that it produces a system of formalized distortions of thought.”35 Williams argues that “we need to elevate spirit murder to the conceptual—if not punitive— level of a capital moral offense. . . . We need to eradicate its numbing pathology before it wipes out what precious little humanity we have left.”36 Williams’s conception of “spirit murder” imagines law’s capacity to remedy forms of violence against the psyche and soul, a terrain that has been unimaginable to law precisely because of its commitment to remedying only visible and legible harms, and law’s ability to be mobilized “conceptually”— but not punitively—to respond to violence. In other words, the endeavor of the text is to imagine a legal project capacious and creative enough to attend to what it has always ignored: the violence inflicted on the psyche. Williams effectively invites us to imagine how we might feel differently toward each other, and toward law itself, if we had legal obligations toward mutual regard, if we knew that law took seriously spirit murder.

If Williams seeks to use law to exceed what it aspires to do, to respond to the “cultural cancer” of spirit murder, her book also contains a resounding, and even surprising, redemption of rights as a key strategy for reforming law. An embrace of rights might sound like a deeply conventional strategy, mobilizing law to do what it has long claimed to do on behalf of racialized and gendered minorities: confer rights. Despite her lengthy engagement with state violence, her exacting critique of how law permits rather than redresses spirit murder, Williams ends not with an abandonment of the state but with a deep affection for what rights could accomplish. She writes:

The task is to expand private property rights into a conception of civil rights, into the right to expect civility from others. . . . Instead, society must give them [rights] away. Unlock them from reification by giving them to slaves. Give them to trees. Give them to cows. Give them to history. Give them to rivers and rocks. Give to all of society’s objects and untouchables the rights of privacy, integrity and self-assertion; give them distance and respect. Flood them with the animating spirit that rights mythology fires in this country’s most oppressed psyches, and wash away the shroud of inanimate-object-status, so that we may say not that we own gold but that a luminous golden spirit owns us.37

If critical legal studies called for the abandonment of investment in rights, treating rights as relatively unsuccessful in securing social change and as promoting problematic conceptions of individualism, Williams makes a plea for a dramatic expansion of rights and a surprising reconceptualization of the labor of rights. Rights, she argues, should not be the purview of those who can explicitly and legibly name harm. Cows, history, and rocks should have rights, including rights to “privacy, integrity and self-assertion.” Rights should not be “reified” but generously bestowed upon everyone and everything; rights should not be used to shore up ideas of property and ownership, to allow us to claim that “we own gold,” but instead to ensure a deep spiritual connection between us. In so doing, law could remake “society,” transforming its investments in rights as something that protects property holders into rights as something that can ensure our mutual accountability, and reminds us of the “luminous golden spirit [that] owns us” all.

It is easy to read Williams as optimistically rehabilitating rights from the critical legal studies’ critique of rights, and problematically investing in precisely the doctrinal formulation that has consistently failed minoritarian subjects. In this reading, Williams is imagined as paradoxically investing in precisely the site of violence she carefully documents with far too little explanation for how rights can circumvent the problems of racism and sexism she delineates. Yet I read Williams’s visionary account of rights differently. For her, law can be mobilized not to produce new causes of action, to simply make visible new wounded subjects who can make appeals to redress, but to imagine new and radical vulnerabilities. As it is currently structured, property deeply organizes sociality, and law operates to protect property from trespass and theft. Thus, law operates to create categories like property holder (owner) and trespasser (thief), and to organize the social world around proximities to ownership. Williams uses her capacious conception of rights to imagine another way of organizing sociality: around vulnerability. Indeed, Williams asks: How are we bound up with others? What is our responsibility to ensuring the vital “spirit” of others, and to demanding the protection of our own “spirits”? What happens when we harm things that can’t articulate injuries (trees, rocks, rivers) but can only make that injury visible and oftentimes in ways that we refuse to recognize, or that might even make that injury visible in another time, in decades or centuries when we are not even here to be accountable? What happens when we take responsibility for our capacity to wound and for the histories of wounding and violence that have unfolded, often in our names? And what happens when law becomes a critical tool in making visible mutual vulnerability, in insisting that we recognize that we can “undo each other,” and in demanding that we take seriously our indebtedness to each other? For Williams, then, expanding rights becomes a strategy for transforming law to be a space that enshrines a vision of interdependence and shared vulnerability.