## 1NC

### 1NC – Kritik

#### Blackness exists as a metaaporia that interrogates the cyclical ways violence onto blackness is morphed and ultimately appropriated. The 1AC relies on a redemptive narrative of humanity that is fundamentally inaccessible for blacks. Their project is ultimately meant to hide and recreate moments of black death for the sake of redeeming Human life.

Wilderson 20 [Frank B. Wilderson, professor of Drama and African American studies at the University of California, Irvine, “Afropessimism”, page 13-17, JMH]

For most critical theorists writing after 1968, the word aporia is used to designate a contradiction in a text or theoretical undertaking. For example, Jacques Derrida suggests an aporia indicates “a point of undecidability, which locates the site at which the text most obviously undermines its own rhetorical structure, dismantles, or deconstructs itself.” But when I say that Black people embody a meta-aporia for political thought and action, the addition of the prefix meta- goes beyond what Derrida and the poststructuralists meant—it raises the level of abstraction and, in so doing, raises the stakes. In epistemology, a branch of philosophy concerned with the theory of knowledge, the prefix meta- is used to mean about (its own category). Metadata, for example, are data about data (who has produced them, when, what format the data are in, and so on). In linguistics, a grammar is considered as being expressed in a metalanguage, language operating on a higher level of abstraction to describe properties of the plain language (and not itself). Metadiscussion is a discussion about discussion (not any one particular topic of discussion but discussion itself). In computer science, a theoretical software engineer might be engaged in the pursuit of metaprogramming (i.e., writing programs that manipulate programs). **Afropessimism**, then, **is** less of a theory and more of **a metatheory: a critical project that, by deploying Blackness as a lens of interpretation, interrogates the unspoken, assumptive logic of Marxism, postcolonialism, psychoanalysis, and feminism through rigorous theoretical consideration of their properties and assumptive logic, such as their foundations, methods, form, and utility; and it does so, again, on a higher level of abstraction than the discourse and methods of the theories it interrogates.** Again, Afropessimism is, in the main, more of a metatheory than a theory. **It is pessimistic about the claims theories of liberation make when these theories try to explain Black suffering or when they analogize Black suffering with the suffering of other oppressed beings. It does this by unearthing and exposing the meta-aporias, strewn like land mines in what these theories of so-called universal liberation hold to be true.** If, as Afropessimism argues, Blacks are not Human subjects, but are instead structurally inert props, implements for the execution of White and non-Black fantasies and sadomasochistic pleasures, then this also means that, at a higher level of abstraction, the claims of universal humanity that the above theories all subscribe to are ~~hobbled~~ [constricted] by a meta-aporia: a contradiction that manifests whenever one looks seriously at the structure of Black suffering in comparison to the presumed universal structure of all sentient beings. Again, Black people embody a meta-aporia for political thought and action— Black people are the wrench in the works. Blacks do not function as political subjects; instead, our flesh and energies are instrumentalized for postcolonial, immigrant, feminist, LGBTQ, transgender, and workers’ agendas. These so-called **allies are never authorized by Black agendas predicated on Black ethical dilemmas. A Black radical agenda is terrifying to most people on the Left**—think Bernie Sanders—**because it emanates from a condition of suffering for which there is no imaginable strategy for redress—no narrative of social, political, or national redemption**. This crisis, no, this catastrophe, this realization that I am a sentient being who can’t use words like “being” or “person” to describe myself without the scare quotes and the threat of raised eyebrows from anyone within earshot, was crippling. I was convinced that if a story of Palestinian redemption could be told . . . its denouement would culminate in the return of the land, a spatial, cartographic redemption; and if a story of class redemption could be told . . . its denouement would culminate in the restoration of the working day so that one stopped working when surplus values were relegated to the dustbin of history, a temporal redemption; in other words, since postcolonial and working-class redemption were possible, then there must be a story to be told through which one could redeem the time and place of Black subjugation. I was wrong. **I had not dug deep enough to see that though Blacks suffer the time and space subjugation of cartographic deracination and the hydraulics of the capitalist working day, we also suffer as the hosts of Human parasites, though they themselves might be the hosts of parasitic capital and colonialism**. I had looked to theory (first as a creative writer, and only much later as a critical theorist) to help me find/create the story of Black liberation—Black political redemption. What I found instead was that **redemption, as a narrative mode, was a parasite that fed upon me for its coherence. Everything meaningful in my life had been housed under the umbrellas called “critical theory” and “radical politics.”** The parasites had been capital, colonialism, patriarchy, homophobia. And now it was clear that I had missed the boat. My parasites were Humans, all Humans—the haves as well as the have-nots. If critical theory and radical politics are to rid themselves of the parasitism that they heretofore have had in common with radical and progressive movements on the Left, that is, if we are to engage, rather than disavow, **the difference between Humans who suffer through an “economy of disposability” and Blacks who suffer by way of “social death,” then we must come to grips with how the redemption of the subaltern** (a narrative, for example, of Palestinian plenitude, loss, and restoration) **is made possible by the (re)instantiation of a regime of violence that bars Black people from the narrative of redemption**. This requires (a) an understanding of the difference between loss and absence, and (b) an understanding of how the narrative of subaltern loss stands on the rubble of Black absence. Sameer and I didn’t share a universal, postcolonial grammar of suffering. Sameer’s loss is tangible, land. The paradigm of his dispossession elaborates capitalism and the colony. When it is not tangible it is at least coherent, as in the loss of labor power. But how does one describe the loss that makes the world if all that can be said of loss is locked within the world? **How does one narrate the loss of loss? What is the “difference between . . . something to save . . . [and nothing] to lose”?** Sameer forced me to face the depth of my isolation in ways I had wanted to avoid; a deep pit from which neither postcolonial theory, nor Marxism, nor a gender politics of unflinching feminism could rescue me. Why is anti-Black violence not a form of racist hatred but the genome of Human renewal; a therapeutic balm that the Human race needs to know and heal itself? Why must the world reproduce this violence, this social death, so that social life can regenerate Humans and prevent them from suffering the catastrophe of psychic incoherence— absence? Why must the world find its nourishment in Black flesh?

#### The 1AC’s invocation of athletes as a move towards black liberation participates in the practice of iconography whereby black people are turned into icons and superheroes. This not only deradicalizes any praxis the aff energizes but it also represents as an iconographic act of pornotroping black success stories to invoke a narrative of black progress.

Anthanasopolous-Sugino’19 (Second-year graduate student Charles Athanasopoulos-Sugino has recently been published in the Prose Studies: History, Theory, Criticism. Their article titled “Smashing the icon of Black Lives Matter: afropessimism & religious iconolatry” seeks to intervene in the critical conversations surrounding Black Lives Matter (BLM) to urge scholars to challenge the very political calculus from which we (dis)count lives and ascribe value or matter as a mechanism of anti-Black power. This essay argues that we must abandon the axiological framework of the Human, by situating the Human as the centerpiece of rituals of anti-Blackness that occur in the most basic of social interactions. In exploring ritual at the core of its operations Athanasopoulos-Sugino argues that anti-Blackness should be understood as a religious system. ““Smashing the icon of Black Lives Matter: afropessimism & religious iconolatry” 2019)NAE

My aim here is to describe how ritual functions to maintain religions absent the explicit proclamation of belief, and that ritual and religion are a lens from which we can interpret both the upholding of the anti-Black status quo and the acts of resistance that seek to challenge it. Icons are usually understood in their specific Christian context regarding the dispute between iconolatry, which argued Christians should intensely venerate religious paintings as material manifestations of God, and iconoclasm which argued that these images should be shattered because they cannot capture the transcendent nature of God (Shedlock; Ostrogorsky). Yet, I would like to part from this narrow definition of the debate and instead push us to think of icons beyond their literal meaning for the Church. Εικονολατρία (icono-latria) is the etymological fusion of two Greek words Εικόνα (icona) meaning icon and Λατρεία (latria) meaning love or worship. Iconolatry is thus the process of falling in love with an icon through ritual adoration. I am arguing that we should understand icons as being able to manifest as images, texts, speeches, movements, and statues insofar as they are symbols that inspire the ritualistic affirmation of Civil Society through a negation of Blackness. This broader definition would allow us to properly situate the Marine rifleman’s weapon as one icon of Judeo-Christianity and American freedom along with other icons such as the Statue of Liberty and the American flag, or the statue of Dr. Martin Luther King Jr. in Washington D.C. as an icon of racial progress in the United States. The importance of centering iconolatry is highlighting how these icons lull Blacks and non-Blacks alike into a pacified state of celebration and optimism through a narrative of gradual progress and feel-good politics so that we even want to become icons ourselves. In addition, I am attempting to push scholars of rhetoric and Blackness to conceptualize anti-Blackness as a religion and BLM as a form of liberation theology. In locating BLM as a liberation theology in the face of the religion of anti-Blackness, it is important to highlight how ritual and faith play a part in their organizing. Many BLM activists explain that faith and spirituality play a pivotal role insofar as Christian theology embeds a ritual practice of activism by “letting the Word [of God] push you” (Edgar and Johnson 47). One could argue that BLM as a liberation theology is attempting to shatter icons of white supremacy and establish its own icons that affirm the humanity of Black people. One example of this is how BLM has attempted to shatter the icon of the police officer by exposing the brutality inflicted on Black people at the hand of law enforcement or how Colin Kaepernick’s kneeling during the national anthem is an act of shattering the icon of the American flag. In both examples, there is a rupture that occurs in the fabric of Civil Society as a sacred icon (the police officer and the American flag) is desecrated in order to highlight the suffering of Black people. This rupture holds the potential to overturn the axiological framework established within this Human community, which is why there is such a fervent need to enact rituals to recover the value of these icons in the responses to BLM and Kaepernick. In what follows, I parse out how the lens of ritual can help us think through the nuances of BLM and how this reveals certain constraints and affordances given to us through the embracement of this banner of resistance which I filter through a discussion of the utility of Humanism. I argue that while post-racial logics are detrimental to liberation efforts, we must also be wary of how multiculturalism offers us the temporary reprieve of feel-good politics without truly confronting the ontological negation of Blackness. Moreover, I argue that BLM as an icon has been taken up in ways that fortify this multiculturalist obfuscation of anti-Blackness revealing how the icon has now transcended the original intentions of its founders/actors. Humanism, Black Lives Matter as Icon BLM has served as a liberation theology to those who feel the weight of the anti-Black world. BLM began as a hashtag created by three Black queer women in the wake of Trayvon Martin’s murder in 2013, even though it wasn’t until after Mike Brown was killed that it became widely circulated on social media and transformed into what it is today. Bailey and Leonard explore how the statement “Black Lives Matter” embodies a deep Black love that challenges white supremacy and offers Black people an opportunity to attain liberty and the capacity for the pursuit of happiness (69). Like any theological faction that emerges, we cannot totalize BLM as one singular movement due to its decentralized form. In fact, at the core its political theology, the movement has attempted to shatter the older model of civil rights and Black power activism. Garza’s herstory of BLM helps us to understand how the movement seeks to move away from singular charismatic male leadership models in favor of a Black feminist work that shares in collective leadership as well as challenges single-issue movements by arguing that we should think about racialized bodies as inherently queer, which would produce an alliance based in oppositional politics (Cohen and Jackson 777). In this way, BLM shatters the icons of resistance that existed before it and establishes its own model. This model has reinvigorated confrontation politics and new grassroots resistance and has the potential to reverse the counter-movements that undid progress after the 60s and 70s, and that BLM needs to draw on and modernize popular insurgency in order to move beyond failures of groups like Occupy. While the more democratic leadership established by BLM has its upsides, it also engenders more confusion over the direction of the cause which is centered over whether BLM should engage in mass action or political reform (Rickford 39). Some activists prefer to engage with politicians such as Hilary Clinton and see value in focusing on specific policy reforms (Greenblatt). On the other hand, there are BLM activists who prefer to completely disavow electoral politics and capitalism in favor of disruptive politics that break down the smooth functioning of Civil Society. The heterogeneity of BLM highlights the struggle between the more radical elements of the group as the process of converting BLM to a more mainstream icon of resistance increases in intensity and encourages the disavowal of those factions seen as being destructive to the movement. Amidst this internal struggle BLM has also encountered a good amount of pushback from more mainstream liberal and conservative theo-political factions. For example, a former member of SNCC Rev. Dr. Barbara Reynolds has openly denigrated BLM by arguing that she cannot tell the difference between the legitimate activists and mobs who’d prefer to burn and loot. At the same time, All Lives Matter supporters frame BLM as violent and guilty of victimizing other people because of the constant disruptions that allow ALM a moral high ground in popular culture as being the group that affirms life (Edgar and Johnson 31-32). In fact, many ALM supporters argue that BLM’s slogan is an act of self-segregation that stirs racial tensions (33-34). Thus, BLM activists are being pushed by some of the older civil rights activists and more mainstream groups to legitimize its movement by meeting their threshold of civil and respectable politics. This outside pressure fuels the disavowal of more radical elements of the movement buttressed by the argument that integration into the mainstream is the only way to effectively mobilize. Alongside this political debate there is a clear attempt to appease the base of BLM in order to pacify the masses who could otherwise potentially be persuaded to support the more radical factions of the movement. This has largely happened through the commercialization of BLM in order to convert the movement into a mainstream icon of resistance. One example of this is a Rolling Stone Magazine article released on July 13th, 2016 titled “Songs of Black Lives Matter: 22 New Protest Anthems” (Grant and Spanos). There’s also the infamous Pepsi commercial, the string of Nike campaigns featuring Black athletes, and a slew of mainstream politicians such as Hillary Clinton, Bernie Sanders, and Elizabeth Warren, who take up the BLM mantle in a variety of ways (Victor; Velshi; Nguyen; Barron-Lopez; Glanton). Indeed, BLM is a cultural icon whose proper interpretation is hotly contested in everyday personal, social media, political, and activist circles even as anti-Black institutions have attempted to assimilate BLM into their own grammar. I am arguing that this pressure to become more respected in mainstream politics along with this internal strife has contributed to the de-radicalization of Black Lives Matter and its consumption by more mainstream social justice organizing efforts that ritually invoke the icon of BLM such as the rally I attended. This situation demonstrates how icons take on lives of their own that transcend the original intentions of those who created them. Early Christians couldn’t have known that the cross would be taken up as a symbol of Constantine’s empire. Hindu practitioners couldn’t have known that the swastika would be taken up by one of the most vicious fascist regimes in history. Colin Kaepernick couldn’t have originally known that his protest by kneeling would become a centerpiece in a marketing campaign for Nike, and Black Lives Matter couldn’t have known it would become an icon deployed in tv commercials and as a talking point for presidential candidates. Whether the original creators of these icons play a part in this or not, it is undeniable that icons become distorted in this process whether it be from negative backlash or new supporters. The civil rights movement of the 1960s is the perfect example of this kind of distortion in how the movement is misremembered to bolster a particular perspective of social movements, making it hard to fully trace its historical legacy (Edgar and Johnson 3). These narratives erase the more radical factions of the movement by reducing everything to a prophetic individual tale of heroism (e.g. Dr. King, Malcolm X) and ultimately a narrative of American progress. While it is true that Dr. King’s politics of non-violence, love, and reconciliation made his legacy more susceptible the ritual conversion I am articulating, it is also true that these narratives erase his radical anti-war politics during the Vietnam war and his communist ideology. This is how conservatives are able to invoke Dr. King’s I Have a Dream speech in order to fortify claims of white victimization and meritocracy, or how older civil rights veterans are able to claim Dr. King wouldn’t support the undisciplined and raucous nature of BLM. In the case of Dr. King, his image is not converted into an icon until after his death. However, it is important that we pay attention to how this is happening to BLM right in front of us because “The dangers of this misappropriation of ‘King-as-icon’ and his legacy are illustrative of the ways in which facts and historical figures are distorted and in which iconolatry is substituted for reasoned argument” (Turner 108). Despite its efforts to shatter icons such as the police officer, the American flag, and the civil rights model of organizing, BLM-as-icon has also fallen victim to the iconolatry that the movement was originally attempting to escape. My argument is that BLM’s embracement of Humanism is the primary reason that it has been so easy to structurally adjust this liberation theology into an icon of anti-Blackness. Whereas BLM has opened ruptures in the fabric of Civil Society through its shattering of icons, it fails to use this rupture in order to energize a demand for the end of Civil Society as we know it. Instead, BLM makes the mistake of attempting to iconize Black activists as worthy of veneration instead of purely focusing on the smashing of all icons. Put another way, instead of arguing that we must reject the axiological framework of how life is valued as mattering, this movement merely seeks to include Black lives into this Humanist framework. In this way, BLM is much closer to the ideology of All Lives Matter than some would care to admit insofar as they both agree that all Human life should be valued despite the fact that BLM indicts ALM for its postracial fantasy that this goal has been achieved. BLM’s herstory makes explicit their belief in Humanism by making clear that Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ humanity, our contributions to this society, and our resilience in the face of deadly oppression (Garza). What strikes me most is the desire to have members of Civil Society recognize the contributions of Black people. This declaration invites the mainstream world to include Blackness in its celebrations and to recognize Black Humanity. It is a demand to not be seen as pathological. Yet, this demand for recognition of suffering and resilience is exactly what neoliberal anti-Blackness uses in order to churn out commercials, playlists, and political campaigns that profess solidarity in order to pacify more radical resistance. Many scholars would disagree with my characterization of Humanism as destructive, and instead argue that iconolatry could be good. For example, some have argued that producing icons that project power and agency for Black people is a challenge to the “controlling images” of Black people in favor of a “Black oppositional aesthetic” that ruptures our experience of the visual through the establishment of a photographic counter-archive of the BLM movement (Schneider 2-4). Yet, this projection of power and agency is easily integrated into neoliberal anti-Blackness insofar as it can be commercialized. BLM’s official website demonstrates this most clearly in the section it has dedicated to the sale of merchandise. In this section one has the option of purchasing apparel (various shirts and sweaters) or accessories (coffee mugs, bracelets, and laptop stickers), as well as reading more about the featured artists who BLM has partnered with to create its designs (Black Lives Matter, "Shop"). One such artist, Hebru Brantley, attempts to create “narrative driven work revolving around his conceptualized iconic characters. Brantley utilizes these iconic characters to address complex ideas around nostalgia, the mental psyche, power and hope”.[[1]](#footnote-1) Here we can see an explicit move to create new Black icons for veneration in BLM-affiliated artists and activists. This iconicity is part of the larger attempt to integrate into the mainstream which is highlighted by a public service announcement put out by BLM on its website featuring Hollywood actor Kendrick Sampson who proclaims that the Black future is restorative, inclusive, and progressive (Black Lives Matter, “#BlackFutureIs”). This discourse of inclusivity, progress, and restoration can easily be appropriate

#### Their aims to incorporate socially dead bodies within state-centric frameworks but ignores that the state is exactly why they are helpless. The 1AC performs an act of pornotroping from which they derive entertainment from saving those they are responsible for subjugating

Weheliye (Alexander G., professor of African American Studies at Northwestern University) 2014 (Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human, Duke University Press, pg. 90-91 C.A.)

Spillers has referred to the enactment of black suffering for a shocked and titillated audience as “pornotroping”: “This profound intimacy of in- terlocking detail is disrupted, however, by externally imposed meanings and uses: (1) the captive body as the source of an irresistible, destructive sensuality; (2) at the same time—in stunning contradiction—it is reduced to a thing, to being for the captor; (3) in this distance from a subject posi- tion, the captured sexualities provide a physical and biological expression of ‘otherness’; (4) as a category of ‘otherness,’ the captive body translates into a potential for pornotroping and embodies sheer physical powerless- ness that slides into a more general ‘powerlessness’” (“Mama’s Baby,” 206). Spillers directs our seeing to several facets of the body/flesh, human/not- quite-human, sovereign/bare life, and so on pas des deux in her insistence on the simultaneous thingness and sensuality of the slave, which lays bare the extralegal components of this volatile Ding. Pornotroping unconceals the literally bare, naked, and denuded dimensions of bare life, underscor- ing how political domination frequently produces a sexual dimension that cannot be controlled by the forces that (re)produce it. As Daphne Brooks remarks, “born out of diasporic plight and subject to pornotroping,” black flesh has “countenanced a ‘powerful stillness.’”5 The hieroglyphics of the flesh, embodied here by pornotroping, circumnavigate the connubial abyss of subjection and freedom, displaying at once the physical powerlessness of the dysselected slave subject and the untainted power of the selected mas- ter subject. In order to better follow Spillers’s brilliant coarticulation of porno and trope, a brief etymological detour is in order. Originally porno signified “pros- titute” and in the ancient Greek context whence it sprang, the term referred to female slaves that were sold expressly for prostitution. Also a derivation from Greek, trope, according to Hayden White, refers to “turn” and “way” or “manner”; later, by way of Latin, trope is aligned with “figure of speech.” White states the following of the palimpsestic structure of this word: “Tropes are deviations from literal, conventional, or ‘proper’ language use. . . . It is not only a deviation from one possible, proper, meaning, but also a de- viation towards another meaning.”6 In pornotroping, the double rotation White identifies at the heart of the trope figures the remainder of law and violence linguistically, staging the simultaneous sexualization and brutaliza- tion of the (female) slave, yet—and this marks its complexity—it remains unclear whether the turn or deviation is toward violence or sexuality.7 90 Chapter Six Pornotroping, then, names the becoming-flesh of the (black) body and forms a primary component in the processes by which human beings are converted into bare life. In the words of Saidiya Hartman, it marks “the means by which the wanton use of and the violence directed towards the black body come to be identified as its pleasure and dangers—that is, the expectations of slave property are ontologized as the innate capacities and inner feelings of the enslaved, and moreover, the ascription of excess and enjoyment to the African effaces the violence perpetrated against the enslaved.”8 The violence inflicted upon the enslaved body becomes syn- onymous with the projected surplus pleasure that always already moves in excess of the sovereign subject’s jouissance; pleasure (rapture) and vio- lence (bondage) deviate from and toward each other, setting in motion the historical happening of the slave thing: a potential for pornotroping.9 In Christina Sharpe’s words, the black body and flesh “become the bearers (through violence, regulation, transmission, etc.) of the knowledge of cer- tain subjection as well as the placeholders of freedom for those who would claim freedom as their rightful yield.”10 How does the historical question of violent political domination activate a surplus and excess of sexuality that simultaneously sustains and disfigures said brutality? Or what are the sexual dimensions of objectification in slavery and other forms of extreme political and social domination? My argument is not about erotics per se but dwells in the juxtaposition of violence as the antithesis of the human(e) (bondage) and “normal” sexuality (rapture) as the apposite property of this figure.11 Once again, I am bracketing questions of agency and resistance, since they obfuscate—and not in a productive way—the textures of enfleshment, that is, the modes of being which outlive the dusk of the law and the dawn of political violence

#### Slavery morphs and recodes itself in different ways- it relies on the sadism of liberal progress narratives to perfect itself and maintain “life”. Only the alternative can disrupt this project and render these promises incoherent.

Wilderson 20 [Frank B. Wilderson, professor of Drama and African American studies at the University of California, Irvine, “Afropessimism”, page 94-96, JMH]

Northup’s book implies, without stating directly, why this generalization of sadism—brutality as the constituent element of family bonding—cannot be understood as being triggered by transgressions. It is as ubiquitous as the air he breathes. “It was rarely a day passed without more whippings . . . It is the literal, unvarnished truth, that the crack of the lash and the shrieking of slaves, can be heard from dark till bedtime . . .” Patsey and Solomon, unlike Stella and me, were living in a place and time when civil society and the Human were neither ashamed nor embarrassed by this. A thousand miles upriver and one hundred twenty six years later, Josephine was shocked by this inheritance, but it didn’t take her long to recover, and to claim it. Though the structure of Stella’s “life” (or, better, **the paradigm of social death**, for the quotation marks are essential here) **cannot be reconciled with the** structure of Josephine’s life (or **the paradigm of social life**), there is a connection. But **this connection is parasitic and perverse—regardless of what the socially dead Black person (i.e., Stella and Patsey) or the socially alive Human (i.e., Josephine or Mary Epps) might say about their “relationship.”** It is parasitic because White and non-Black subjectivity cannot be imbued with the capacity for selfknowledge and intersubjective community without anti-Black violence; without, that is, the violence of social death. In other words, **White people and their junior partners need anti-Black violence to know they’re alive.\*** If Hattie McDaniel were to truly die, as Stella proclaimed, it would be tantamount to the death of a parasite’s host. This is what makes social death something more surreal than the end of breath. It is, in the words of David Marriott, a deathliness that saturates life, not an embalming; a resource for Human renewal. **It is perverse for many reasons: one of which is the fact that as civil society matures** (from 1853 to December 1979, when it all went south with Josephine)—and we move historically from the obvious technologies of chattel slavery to universal suffrage, the discourse of human rights, and the concept of universal access to civil society— the anti-Black violence necessary for the elaboration and maintenance of White (and non-Black) subjectivity gets repressed and becomes increasingly unavailable to conscious (as opposed to unconscious) speech. (“I judge people by the quality of their character,” as Dr. King said, “and not the color of their skin”; or the commonly spoken, “At the end of the day, we’re all Americans and we’re in this together”— and other such malarkey of the conscious mind.) But the pageantries of naked and submissive Black flesh, pageantries of bleeding backs and buttocks, whip marks, amputations, and faces closed by horse bits, provide evidence of the role sadism plays in the constitution of White subjectivity, and *12 Years a Slave* makes this visible on the screen, despite its repression in the narrative of both the film and civil society writ large. It is tempting and commonplace to reduce Mary and Edwin Epps’s sadism to individual psychopathology. Or one might think that Edwin Epps is one of a group of exceptionally sadistic people who lived in an exceptionally sadistic time and place. But the film, and to an even greater extent the autobiography, sees (rather than narrates) sadism—the sexual perversion in which gratification is obtained by inflicting physical or mental pain on a love object—not as the individual pathology of a handful of people, but as a generalized condition; generalized in that pleasure, as a constituent element of communal life, cannot be disentangled from anti-Black violence. Conventionally, **the object of sadism can**, tomorrow, **become the subject of sadism**. But the sadism that constitutes the spectacles of *12 Years a Slave*, and which constitutes early nineteenth century society, is not imbued with such reciprocity. The Slaves of social death cannot switch places and make Edwin Epps or his equally cruel wife the love objects of their collective sadism. If they did so in private (if Patsey beat Edwin or Mary in a private bedroom encounter, for example) **it is because such a reversal was occasioned and allowed—in other words, the master used his prerogative and power to play a different game, one in which he suffers because suffering fulfills his fantasy and because, unlike the Slave, his fantasies have “objective value.”** Such role reversals do not imbue the encounter with reciprocity. **The changes that begin to occur after the Civil War and up through the Civil Rights Movement, Black Power, and the American election of a Black president are merely changes in the weather. Despite the fact that the sadism is no longer played out in the open as it was in l840, nothing essential has changed.**

#### Only through embracement of disorder and incoherence via the alternative are we able create revolutionary politics that disrupt the generative mechanism of civil society.

Wilderson 20 [Frank B. Wilderson, professor of Drama and African American studies at the University of California, Irvine, “Afropessimism”, page 249-252, JMH]

Again, though this is a bond between Blacks and Whites (or, more precisely, between Black and non-Blacks), it is produced by a violent intrusion that does not cut both ways. Whereas the phobic bond is an injunction against Black psychic integration and Black filial and affilial relations, it is the lifeblood of White psychic integration and filial (which is to say, domestic) and affilial (or institutional) relations. For whoever says “rape” says Black; whoever says “prison” says Black; and whoever says “AIDS” says Black—the Negro is a phobogenic object: a past without a heritage, the map of gratuitous violence, and a program of complete disorder. If a social movement is to be neither social democratic nor Marxist, in terms of its structure of political desire, then it should grasp the invitation of social death embodied in Black beings. **If we are to be honest with ourselves, we must admit that the “~~Negro~~” “Black” has been inviting Whites, as well as civil society’s junior partners** (for example, Palestinians, Native Americans, Latinx) **to the dance of social death for hundreds of years, but few have wanted to learn the steps.** They have been, and remain today (even in the most anti-racist movements, like anti-colonial insurgency) invested elsewhere. Black liberation, as a prospect, makes radicalism more dangerous to the U.S. and the world. **This is not because it raises the specter of an alternative polity (such as socialism, or community control of existing resources), but because its condition of possibility and gesture of resistance function as a politics of refusal and a refusal to affirm, a program of complete disorder. One must embrace its disorder, its incoherence, and allow oneself to be elaborated by it, if indeed one’s politics are to be underwritten by a revolutionary desire.** What other lines of accountability are there when slaves are in the room? There is nothing foreign, frightening, or even unpracticed about the embrace of disorder and incoherence. The desire to be embraced, and elaborated, by disorder and incoherence is not anathema in and of itself. No one, for example, has ever been known to say, Gee whiz, if only my orgasms would end a little sooner, or maybe not come at all. Few so-called radicals desire to be embraced, and elaborated, by the disorder and incoherence of Blackness—and the state of political movements in the U.S. today is marked by this very Negrophobogenisis: Gee-whiz, if only Black rage could be more coherent, or maybe not come at all. Perhaps there is something more terrifying about the joy of Black than there is in the joy of sex (unless one is talking sex with a Negro). Perhaps coalitions today prefer to remain inorgasmic in the face of civil society—with hegemony as a handy prophylactic, just in case. If, **through this stasis or paralysis, they try to do the work of prison abolition, that work will fail, for it is always work from a position of coherence (such as the worker) on behalf of a position of incoherence of the Black: radical politics morphed into extensions of the master’s prerogative.** In this way, **social formations on the Left remain blind to the contradictions of coalitions between Humans and Slaves. They remain coalitions operating within the logic of civil society and function less as revolutionary promises than as crowding-out scenarios of Black antagonisms, simply feeding Black people’s frustration.** Whereas the positionality of the worker (whether a factory worker demanding a monetary wage, an immigrant, or a white woman demanding a social wage) gestures toward the reconfiguration of civil society, the positionality of the Black subject (whether a prison-slave or a prison-slave-in-waiting) gestures toward the disconfiguration of civil society. From the coherence of civil society, the Black subject beckons with the incoherence of civil war, a war that reclaims Blackness not as a positive value, but as a politically enabling site, to quote Fanon, of “absolute dereliction.” It is a “scandal” that rends civil society asunder. Civil war, then, becomes the unthought, but never forgotten, understudy of hegemony. It is a Black specter waiting in the wings, an endless antagonism that cannot be satisfied (via reform or reparation), but must nonetheless be pursued to the death. But lest we forget, this is not a question of volition. It is not as simple as waking up in the morning and deciding, in one’s conscious mind, to “do the right thing.” **For when we scale up from the terrain of the psyche to the terrain of armed struggle, we may be faced with a situation in which the eradication of the generative mechanism of Black suffering is something that is not in anyone’s interest.** Eradication of the generative mechanisms of Black suffering is not in the interest of Palestinians and Israelis, as my shocking encounter with my friend Sameer, on a placid hillside, suggests; because his anti-Black phobia mobilizes the fantasy of belonging that the Israeli state might otherwise strip him of. For him to secure his status as a relational being (if only in his unconscious), his unconscious must labor to maintain the Black as a genealogical isolate. “The shame and humiliation runs even deeper if the Israeli soldier was an Ethiopian Jew.” The Israelis are killing the Palestinians, literally; but psychic life, Human capacity for relations, is vouchsafed by a libidinal relay between them and their common labor to avoid ~~“niggerization”~~ [~~negroization~~] [racialization] (Fanon). **This relay is the generative mechanism that makes life life. It is also the generative mechanism of Black suffering and isolation. The end of this generative mechanism would mean the end of the world. We would find ourselves peering into the abyss.** This trajectory is too iconoclastic for working-class, post-colonial, and/or radical feminist conceptual frameworks. The Human need to be liberated in the world is not the same as the Black need to be liberated from the world; which is why even their most radical cognitive maps draw borders between the living and the dead. Finally**, if we push this analysis to the wall, it becomes clear that eradication of the generative mechanisms of Black suffering is also not in the interests of Black revolutionaries. For how can we disimbricate Black juridical and political desire from the Black psyche’s desire to destroy the Black imago, a desire that constitutes the psyche?** In short, bonding with Whites and non-Blacks over phobic reactions to the Black imago provides the Black psyche with the only semblance of psychic integration it is likely to have: the need to destroy a Black imago and love a White ideal. “In these circumstances, having a ‘white’ unconscious may be the only way to connect with—or even contain—the overwhelming and irreparable sense of loss. The intruding fantasy offers the medium to connect with the lost internal object, the ego, but there is also no ‘outside’ to this ‘real fantasy’ and the effects of intrusion are irreparable.” This raises the question, who is the speaking subject of Black insurgent testimony; who bears witness when the Black insurgent takes the stand? Who is writing this book?

### 1NC – Topicality

#### Interpretation: The private sector is distinct from the non-profit sector

Investopedia '20 [Private Sector, https://www.investopedia.com/terms/p/private-sector.asp]

The private sector is the part of the economy that is run by individuals and companies for profit and is not state controlled. Therefore, it encompasses all for-profit businesses that are not owned or operated by the government. Companies and corporations that are government run are part of what is known as the public sector, while charities and other nonprofit organizations are part of the voluntary sector.

#### Violation: the NCAA is a non-profit

Syrios '14 - Ludwig von Mises Institute [Andrew, "The NCAA Racket," Sep 16, https://www.valuewalk.com/2014/09/ncaa-business/]

The NCAA is a tax-exempt, non-profit association that oversees the athletics of just under 1,300 universities. While the NCAA is not technically a government organization, it might as well be. It’s a burdensome bureaucracy that regulates the athletics of public universities, which are substantially funded and strictly regulated by the government. And like any government, the NCAA regulates in an attempt to restrict competition. As Lawrence Kahn noted, “Most economists who have studied the NCAA view it as a cartel that attempts to produce rents by restricting output and limiting payments for inputs such as player compensation.”[1]

#### They destroy limits – they allow antitrust to be applied to any quasi-public institution or non-profit, gutting ground as our arguments are premised on private action---that disproportionately expands neg research and destroys quality of debates

### 1NC – Case

#### The presumption that markets can be post-racial as a matter of inclusion is an attempt to efface history and rescue race from blackness, located as absent relationality or agency.

Dumas 13 (Michael J., Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the African American Studies Department, “’Waiting for Superman’ to save black people: racial representation and the official antiracism of neoliberal school reform,” Discourse: Studies in the Cultural Politics of Education, 34:4, 2013)

The rise of neoliberalism in the 1980s and 1990s shifted the relationship between governmentality and race; while in earlier periods, the state positioned itself as the leader in advancing antiracism, under neoliberal multiculturalism , it is neoliberal economic policies and ideological formations that are seen to resolve the problem of racism. The market, in this hegemonic frame, knows neither race nor racism, and is therefore regarded as best suited to facilitate racial equality. Neoliberal multiculturalism promises to usher in the post-racial period, by nurturing a new global citizenship centered around economic participation. ‘ In short ’ , Melamed contends, ‘neoliberal multiculturalism has portrayed an ethic of multiculturalism to be the spirit of neoliberalism ’ (p. 42). In doing so, neoliberal multiculturalism abandons any explicit mention of race. While liberal multiculturalism employed discourses of equity, diversity and freedom, ‘ now open societies and economic freedoms ... and consumerist diversity signify multicultural rights for individuals and for corporations ’ (p. 43; italics in original). Neoliberal multiculturalism is still attentive to racial difference and recognizes inequitable outcomes, but explains these differences as essentially not about race or (in) justice, but individual and group choices. As Melamed explains: Neoliberal-multicultural racialization has made this disparity appear fair by ascribing racialized privilege to neoliberalism ’ s beneficiaries and racialized stigma to its dispossessed. In particular, it has valued its beneficiaries as multicultural, reasonable, law-abiding, and good global citizens and devalued the dispossessed as monocultural, backward, weak, and irrational – unfit for global citizenship because they lack the proper neoliberal subjectivity. ( 2009 , p. 44) In contrast to black stigmatization under liberal multiculturalism, here the focus is on the distance between black subjects and the market. Through the neoliberal-multicultural lens, we can still feel sympathy to the extent that these subjects are perceived as being prevented from participating in the market. However, if they reject opportunities to participate in the market, no matter how rigged that system may be, then our sympathies can be justifiably withheld. Any argument that the economic sphere is already regulated by racial privilege will fall on deaf ears, as the market is already presumed to be multicultural and racially ethical (i.e. post -racial) on its face. I want to suggest that, even in a neoliberal-multicultural period, we can still identify elements of racial liberalism and liberal multiculturalism. History is never erased or transcended; dimensions of the previous periods are evident in our national-racial imagination and in the racial representations that inform and are informed by that imagination. Waiting for Superman as a cultural and political product Near the beginning of Waiting for Superman (Guggenheim, 2010 ), Harlem Children ’ s Zone founder and so-called education ‘ reformer ’ , Geoffrey Canada, recalls his childhood disappointment in learning that Superman is not real. ‘ Even in the depth of the ghetto ’ ,he explains to the off-camera interviewer, ‘ you thought, he ’ s coming. I just don ’ t know when, because he always shows up and he saves all the good people ’ . As he speaks, images of a young Canada fade to black, interspersed with images of George Reeves as the hero in tights in the 1950s TV series, Adventures of Superman : I asked my mom, do you think Superman is – she said, Superman is not real ... and I said, what do you mean, he ’ s not real? And she thought I was crying because it ’ s like, Santa Claus is not real, and I was crying because there was no one coming with enough power to save us. In inspiring the title of the controversial documentary, Canada presents an image of a poor urban black community without a sense of hope, innocent but helpless in the face of social, economic and spatial marginalization. A people in need of a savior, the young black boy reckons, would do well to appeal for help to the ultimate all-American (white) superhero. Here, his city neighborhood becomes constructed as an uninhabitable jungle (Leonardo & Hunter, 2007 ). Unlike in some rightist interpretations, the black residents of Canada ’ s ghetto are not to blame for their condition, but instead are victims of something unnamed, a tragic historical accident. Blameless, they earn our sympathies; however, they clearly do not have enough agencies to help themselves. Or as Canada suggests, poor African Americans are so far gone, their salvation may require someone with superhuman powers. The producers of Waiting for Superman use Canada ’ s childhood memory to frame the film ’ s heartbreaking, liberal racial narrative, in which racial inequities are bemoaned without any acknowledgment of racism, (good) people of color eschew collectivist racial politics, and black subjects in particular are quick to point out their own personal moral and emotional failures as the cause of their own low educational aspirations and attainment. Waiting for Superman is significant as a cultural and political product, because it has been largely embraced by corporate education reformers like wealthy philanthropists Bill Gates and Eli Broad, and because of its harsh critique of teacher unions and uncritical praise for private educational-entrepreneurial ventures like KIPP and Teach for America. Although the film generated a massive critical response from academics and progressive education advocates (see, for example, http://www.notwaitingforsuperman.org ), it enjoyed a generally sympathetic and often enthusiastic response everywhere else, from glowing newspaper and magazine stories, to favorable coverage by influential media personalities like Oprah Winfrey and Katie Couric. Waiting for Superman is also important, because it is perhaps the most influential popular-discursive effort to advance a new managerialism in education reform. Manage- rialism, as Michael Apple ( 2006 ) explains is led by an emerging group of middle-class professionals committed to using business models of profit, competition and efficiency to ‘ reform ’ education (and other public institutions and functions). This entails privatizing some schools, and financially and politically undermining remaining public institutions, which are then forced to compete with these marketized schools. Ultimately, then, the argument can be made that private entities can more effectively deliver services that have previously been understood as public, as part of our collective responsibility for the public good. Managerialism is ‘ an ideal project ’ , Apple contends, ‘ merging the language of empowerment, rational choice, efficient organization, and new roles for managers all at the same time ’ (p. 25). Waiting for Superman is, in effect, a managerialist manifesto for education in the United States. What we learn in examining racial representations in the film is exactly how mangerialism aims to win for the rightist project a certain innocence vis à vis racism, and more, a sense that racial progress depends on adopting conservative ideology and reform policies. The story arc of Waiting for Superman , its primary suspense, centers on a competitive public lottery system in which children and their families vie for a severely limited number of student spots in highly-regarded charter schools. It is The Hunger Games in reverse; here, those not selected are presumed to be the unfortunate ones, condemned to suffering and abuse, while the masses watch. And like that blockbuster motion picture, Waiting for Superman is a cultural product, not simply a documentation of truth, or policy, or everyday life. The filmmakers construct a dramatic plot, with messages embedded in the images and also made explicit in the text. We meet the families, hear them share their struggles and dreams, and explain what they believe accounts for their own educational and/or social marginality. The filmmakers intend to evoke enough sympathy that as the film comes to its dramatic final scenes, we are emotionally invested in the outcome, anxious to discover if the students will be offered admission, as the number of still available seats becomes smaller and smaller. In most cases, the families experience crushing disappointment, which allows opportunities for wrenching close-ups of terrified eyes, tear-stained cheeks, and hands still clenching strips of paper with losing numbers. To a great degree, the filmmakers need, perhaps the audience too needs, or at least desires, to see suffering. Not only does it help the filmmakers make their argument about the state of public education, but it is also better theater, more compelling entertainment. Ultimately, our own humanity is affirmed, because we care so much about these strangers on the screen. In one particularly moving scene, we see a Latina mother, Maria, touring a Harlem charter school where she hopes her first-grade son, Francisco, will win a spot, to escape his low-resourced school in the South Bronx. Maria is clearly impressed with the resources of the charter school, and looks longingly at the warm, inviting classrooms. ‘ I don ’ t care if we have to wake up at 5 o ’ clock in the morning in order to get there at 7:45 ’ , she says, almost plaintively. ‘ That ’ s what we will do ’ . But, as the New York Times later reported (Otterman, 2010 ), when this scene was filmed, Maria already knew that Francisco would not get to attend this school. The scene was staged after the lottery, in order to ‘ see her reaction to the school, and her genuine emotion ’ , according to director Davis Guggenheim. For him, the scene was ‘ real ’ because the pain and longing in her eyes revealed her excitement about the possibility of having her son attend the charter school, although it might also be argued that they exploited her pain for their own purposes. It is certainly not uncommon for documentary filmmakers to re-enact and re-order scenes; my point here is to underscore that Waiting for Superman is produced , and produced in ways which evoke not only specific emotions, but produce and reproduce certain cultural discourses and ideological formations. As a racial cultural product, the film provides images of racialized bodies and differences that seem natural largely because they draw upon the familiar or the popular, that which we already accept about race, and more specifically here, blackness. As Herman Gray ( 2005 ) explains, ‘ the movement of black images and representation is never free of cultural and social traces of the condition of their production, circulation, and use ’ (p. 21). Hence, what I want to highlight in my analysis of the film is the ways in which black social actors take their (expected) place within the broader ideological conditions of official antiracisms – speaking, gazing and even moving on screen in support of that grander narrative. As I have hinted, if not said explicitly thus far, neoliberal multiculturalism, in conjunction with managerialism, brings an inherent effort to move beyond the black- white racial paradigm. This is more than an acknowledgment of a fuller plane of racial diversity, but an ideological position in which ‘ black ’ is understood as anachronistic, passé and a threat to national progress. Jared Sexton ( 2008 ) is worth quoting at length: Modernizing the nation – at least the segment of the nation with the potential to be ‘ more than black ’ or simply to move ‘ beyond black ’– and liberating it from the deadening weight of the past requires that the signature of its persistence ... be effaced. In this light, multiracialism can be read ... as an element of the ascendant ideology of colorblindness, but it is not thereby identical to it. Its target is not race per se, since multiracialism is still very much a politics of racial identity ... but rather the categorical sprawl of blackness in particular and the insatiable political demand it presents to a nominally postemancipation society. ( 2008 ,p.6) Neoliberal multiculturalism, or what Sexton calls multiracialism, seeks to rescue racial identity from blackness, which is seen as largely responsible for giving race its offensive and oppositional signification. The neoliberal-multicultural cultural product, then, finds effective ways to situate blackness and black bodies as absent of rationality or agency, and black racial politics an ineffective explanation of, or solution to persistent racial inequity. I am not suggesting that there is a direct line between racial representation and racial intent. That is, my aim is not to provide evidence that the film is racist, or that the filmmakers were motivated by racism. Rather, my argument is that the film was produced, and enters a field of already existing cultural productions, in which race and blackness have already been and continue to be imagined discursively, and in which black bodies are situated materially, disproportionately among the poorest and least regarded. What becomes important and potentially destructive about Waiting for Superman is the extent to which its representations reproduce and reify antiblack imaginations, ideologies and sentiments, even as the filmmakers claim to have offered a cultural product – an officially antiracist cultural product – that advocates for poor black people and other marginalized racial groups.

#### Tatos evidence says that funding cuts are the key internal link to the “consumer” mindset of universities---means the risk of solvency is marginal

#### Also says that the only thing holding athletes back is not having time for internships, which assumes a confluence of socio-economic factors that make things like internships possible

#### No internal link between removing “sham classes” and humanities---literally every other academic discipline thumps and proves that even if humanities education increases, it isn’t significant

#### Promoting “civic engagement” exists as the building block of antiblack violence, furthering societal fascism and authoritarian control over black and indigenous bodies---

Samudzi and Anderson, 18—Black feminist writer and doctoral student in Medical Sociology at the University of California, San Francisco AND freelance writer published by the Guardian, Truthout, MTV and Pitchfork, among others (Zoé and William, “Black in Anarchy,” *As Black as Resistance: Finding the Conditions for Liberation*, Chapter 1, 104-251, kindle, dml)

The United States has experienced cycles of tyranny since its inception. For some, the United States represents only this experience. A disillusioned liberal establishment has begun to worry that this country might be losing its democracy. However, the democracy some fear to lose was never achieved for many of us in the first place. The ability to participate in U.S. society has been an ongoing struggle for the descendants of the colonized, enslaved, immigrants, and asylum seekers. The U.S. empire has caused trauma endlessly from the first moment it existed. Frederick Douglass asserted:

What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants brass fronted impudence; your shout of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are to him, mere bombast, fraud, deception, impiety, and hypocrisy—a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour.[1]

We must we expand the scope of Douglass’s question beyond celebrations of national independence. We who rightly take issue with the national project must also ask: Is the American Revolution the singular, purposefully romanticized tale of wealthy landowners refusing taxation and splitting from the British crown? Or is there another potential American revolution that has yet to occur?

It is deeply ironic that we are taught the glories of the U.S. birth through revolutionary resistance to the British empire but told today we must not resist, must not be revolutionary, and need to resolve differences through “reasoned dialogue” and civic engagement. Equating a revolt to escape unfair monarchical taxes to real revolution is a perversion of the concept of “revolution” itself. How revolutionary were men who saw no problems with enslavement and citizenship based on white manhood and land ownership? This “revolution” served white supremacist patriotism and the suppression of dissent. Revolt is at the foundation of the United States, yet now patience and cooperation are presented as the only acceptable ways to address inequity. The very ideals at the foundation of the state are denounced while the state itself monopolizes the right to “legitimate” revolutionary change (just as it monopolizes the right to “legitimate” uses of force and self-defense). After all, the second paragraph of the Declaration of Independence reads:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness” [our emphasis].

Black people entered this settler colony through transatlantic kidnapping, chattel trade (being bought and sold as property), and forced servitude. Indigenous genocide and land expropriation (and enclosure) are intrinsic to American settlement.[2] And the use of Black labor was responsible for settler agricultural expansion and the growth of the southern agrarian economy. Once successfully cleared and claimed by white settlers, “[Native] land would be mixed with Black labor to produce cotton, the white gold of the Deep South.”[3] It is through the institution of slavery that Black people entered the American social contract. Slavery—forced servitude—was imposed upon Black people throughout the United States, and blackness thus became a marker of that enslavement that would continue even after slavery’s demise. Race in the United States evolved not only as a social identity, but also as a property relation, which was codified in the American legal system and within the social contract itself.[4] Inherent to liberal social contract values is the simultaneous maintenance of white supremacy’s capital interests, signified by anti-Indigenous and anti-Black exclusions,[5] and the purported values of equality: liberalism pays lip service to egalitarianism while complementing and structurally lending itself to fascistic logics and political encroachments.[6] “Societal fascism” describes the process and political logics of state formation wherein entire populations are excluded or ejected from the social contract. They are pre-contractually excluded because they have never been a part of a given social contract and never will be, or they are ejected from a contract they were previously a part of and are only able to enjoy conditional inclusion at best. This differs from the political fascism represented, for example, by the regimes of Benito Mussolini, Francisco Franco, Adolf Hitler, and others. It nevertheless lends itself to the formation of a political system easily susceptible to authoritarianism because it is grounded in inequity and inequality, and marked by political mechanisms and a popular consensus that allow rights and liberties to legally be taken away in the event that individuals and communities are ejected from the social contract.[7]

Black Americans are residents of a settler colony, not truly citizens of the United States. Despite a constitution laden with European Enlightenment values and a document of independence declaring certain inalienable rights, Black existence was legally that of private property until postbellum emancipation. The Black American condition today is an evolved condition directly connected to this history of slavery,[8] and that will continue to be the case as long as the United States remains as an ongoing settler project. Nothing short of a complete dismantling of the American state as it presently exists can or will disrupt this.

As Hortense Spillers makes explicit in her influential work, “Mama’s Baby, Papa’s Maybe: An American Grammar Story,” blackness was indelibly marked and transformed through the transatlantic slave trade. European colonialism and the process of African enslavement—both as a profit-maximizing economic institution and a dehumanizing institution—can be regarded as “high crimes against the flesh, as the person of African females and males registered the wounding.”[9] Crimes against the flesh are not simply crimes against the corporeal self: the wounded flesh, rather, was the personhood and social position of the African. The wounding is the process of blackening through subjugation, a wound from which Black people and blackness writ large have yet to recover. Recovery, a positive reassertion of identity, is impossible. We are Black because we are oppressed by the state; we are oppressed by the state because we are Black.[10] Black existence within the social contract is existence within a heavily regulated state, a state in which our emancipation from enslavement was not a singular event or a moment of true actualization of freedom but rather a state-sanctioned transition from forced servitude to anti-Black subjection and exclusion.[11] We are carriers of the coveted blue passport still trapped in a zone of [citizen] nonbeing, a zone where we are not fully disappeared and eliminated but where we are still denied the opportunity and ability to self-determine: a state of precarity that only allows for the conditional survival of particular bodies in particular ways.[12] Frantz Fanon writes:

The zone where the natives live is not complementary to the zone inhabited by the settlers. The two zones are opposed, but not in the service of a higher unity. Obedient to the rules of pure Aristotelian logic, they both follow the principle of reciprocal exclusivity. No conciliation is possible, for of the two terms, one is superfluous. The settlers’ town is a strongly built town, all made of stone and steel. It is a brightly lit town; the streets are covered with asphalt, and the garbage cans swallow all the leavings, unseen, unknown and hardly thought about. The settler’s feet are never visible, except perhaps in the sea; but there you’re never close enough to see them. His feet are protected by strong shoes although the streets of his town are clean and even, with no holes or stones. The settler’s town is a well-fed town, an easygoing town; its belly is always full of good things. The settler’s town is a town of white people, of foreigners. The town belonging to the colonized people, or at least the native town, the Negro village, the medina, the reservation, is a place of ill fame, peopled by men of evil repute. They are born there, it matters little where or how; they die there, it matters not where, nor how. It is a world without spaciousness; men live there on top of each other, and their huts are built one on top of the other. The native town is a hungry town, starved of bread, of meat, of shoes, of coal, of light. The native town is a crouching village, a town on its knees, a town wallowing in the mire. It is a town of niggers and dirty Arabs.... This world divided into compartments, this world cut in two is inhabited by two different species. [our emphases][13]

Within this zone, blackness is constantly under surveillance. This is not simply an allusion to the state’s literal surveillance projects (like COINTELPRO, the covert FBI program that destroyed so many mid-twentieth-century Black radical efforts).[14] We refer rather to settler colonial arrangements in anti-blackness and anti-indigeneity that co-create the framework for state racial formations.[15] The mechanisms comprising anti-Black surveillance were foundational to post-9/11 “War on Terror” securitization of Muslim, immigrant, and refugee communities across the United States. These suspensions of rights and civil liberties in favor of order are not new. They are rather being explicitly applied to another racialized group both domestically and in U.S. foreign policy. Where Islamism constitutes the enemy abroad, blackness is the perpetual enemy at home. Islamophobic and anti-Black logics become complementary (and also inextricably linked where the first Muslims in the United States were enslaved West Africans). What is citizenship within a social contract where our Sixth Amendment right to a fair trial can be suspended in the event of our completely legal (but extrajudicial) murder by police? Black liberation poses an existential threat to white supremacy because the existence of free Black people necessitates a complete transformation and destruction of this settler state. The United States cannot exist without Black subjection, and, in this way, articulated racial formations revolve in large part around anti-Black regulations. It is impossible to reform the system of racial capitalism. Those who believe in and operate according to the laws of white supremacy are not solely white people, though beneficiaries are largely and most visibly white. The supporters of this system include an internally oppressed multiracial coalition.

There are many politicians and state operatives of color, Black and otherwise, working for white supremacy. Diversity in the seats of power will not solve our problems. Simply because someone shares race, gender, or another aspect of identity does not guarantee loyalty or that they will act in the best interests of Black communities. We adopt a self-sacrificial politic in expressing openness or friendliness to the state because some of its functionaries look like us. U.S. political systems were not designed to meet our needs, and sweetening our concerns with rhetorics of “diversity” and “inclusion” will merely enable nominal representation (or a mitigation of material harms in some cases) as opposed to liberation in any real sense.

#### Bhat evidence says education is ALSO a force of preserving the sq and furthering conservative forces---every argument on the k proves that a lack of mandated “social change” recreates the same forms of racial conservativism that they seek to solve

#### Hovenkamp evidence proves this---says “most of the concerns about the level of amateur athlete compensation lie outside the competence of an antitrust tribunal”---means that even if they solve 100% of the plan, it doesn’t spillover

## Block

### Kritik

#### This is particularly true in the context of the NCAA. Their Huma card speaks to larger issues within college sports that are not resolved simply by paying college athletes but would require a larger intervention into the libidinal economy.

**Huma, Staurowsky, & Montgomery 2020 (**Ramogi Huma, Executive Director, National College Players Association Ellen J. Staurowsky, Ed.D., Professor, LeBow College of Business, Drexel University & Professor, Sports Media, Roy H. Park School of Communications, Ithaca College, Lucy Montgomery, MBA Candidate, Stanford Graduate School of Business & MPA Candidate, Harvard Kennedy School. “How the NCAA’s empire robs predominantly Black athletes of billions in generational wealth” Riverside, CA: National College Players Association)//RJG

**If there is any tool of oppression that has no place in a society committed to achieving racial justice in the 21st century it is the principle of amateurism. Born out of the British upper classes with the intention of preserving sport for a White aristocracy that had access to money and power, and designed as a means of excluding members of racial and ethnic minorities,** it defies logic as to how college and university presidents and administrators justify using amateurism as a pillar upon which decision making in college sport is based6.

Allusions to ancient Greek ideals that have become entwined with quaint narratives of college athletes pursuing sports for love and not money fall away in the light of historical scrutiny (Sack & Staurowsky, 1998). In his book entitled A Visitor’s Guide to the Ancient Olympics, Faulkner (2012) wrote that “There is not – and never has been – anything ‘amateur’ about Greek sport. The Greeks do not even have a word for this. The closest they get is idiotes, a word used to describe a private person who lacks professional expertise; by extension, it then comes to mean someone who is unskilled, ignorant and commonplace. A close cousin of this word is banausia, which means the life and labour of those who work with their hands, and – by a similar process of extension as in the case of idiotes – boorishness, vulgarity and lack of culture. The authors of these neat linguistic conceits are, of course, the Greek upper-classes, whose contempt for anyone who has to work for a living is the stuff of a thousand drunken symposia. **The prejudice against using public money to support athletic careers has nothing to do with a (non-existent) amateur tradition; it is about keeping the plebs out** (p. 164).

The stuff of which college sport amateurism is made **emerged in Victorian England when those from the monied class took exception to being beaten in rowing by professional watermen.** As explained by Olympic historian Bill Mallon, “Amateurism really started when the people who were rowing boats on the Thames for a living started to beat all the rich British aristocrats. That wasn’t right. So they started a concept of amateurism that didn’t exist in ancient Greece, extending it more and more to the notion of being a gentleman, someone who didn’t work for a living and only did sport as a hobby” (Hruby, 2012, para. 6). Contrary to the characterization of amateurism as a “revered tradition” that appeared in dicta in the U.S. Supreme Court ruling in the NCAA v. The Board of Regents of the University of Oklahoma et al. (1984), which found the NCAA guilty of violating the Sherman Antitrust Act, this is not a tradition that should be revered or defended.

**Imported to Ivy League institutions in the 1800s by leaders such as Harvard’s president Charles Eliot, who sought to model U.S. higher education in the likeness of British universities that served elites of the upper class, the gentlemanly version of amateurism found at Oxford became the standard in the U.S.** Along with its adoption would come the problems of meeting the exclusionary ideals it supported. Soon after the term amateurism began to surface in arguments for college sport reform in the late 1800s and early 1900s, the disconnection between what the amateur ideal espoused and how it played out in practice set the script for more than a century of an underground economy that seeks to compensate athletes fairly as a result of the suppression of their value by the NCAA and major conference leadership. **A saleable product, the “purity” of amateurism quickly became the excuse to officially suppress compensation for the athletes while directing financial gains to coaches, administrators, and institutions**. Nowhere is this duplicity seen more clearly than in the career of Walter Camp, the father of American football, who made his money from several ventures, including the publication of dime store novels about the virtues of noble male college athletes who played for glory and beloved alma mater while refusing payment because of its supposed corrupting influence. He got his story lines by writing about his own players. This was the same man, as the long-time head coach of the Yale football team, who was pragmatic enough to understand the difference between a fictional concept and the realities of the market. He built a slush fund of more than $100,000 to pay his best players under the table and ensured that those players had the opportunity to earn a living from the use of their names, images, and likenesses through the promotion of tobacco products on campus and in New Haven (Goldstein, 2018).

Some of the most restrictive rules the NCAA has passed that dramatically affect college athletes were passed at the height of desegregation in the late 1960s and early 1970s, when schools by federal mandate were beginning to integrate previously all-White colleges and universities. For Black male football and men’s basketball players arriving on those campuses, they faced overt and covert forms of racism in myriad forms. Some had to survive coaching staffs who had openly racist attitudes. Others were subjected to racist fans both on their own campuses as well as from opposing schools. Codes of conduct were framed from White perspectives, dictating hair styles, types of attire, and demeanor. In the sport of football, Black players, through positional stacking, were tracked into positions such as running back and away from quarterback where they were more prone to injury, shorter careers, and subjected to greater physical harm. In response to college athlete protests, 37 of which were organized by Black college athletes, rules were passed to make it easier for coaches to remove athletes considered to be malcontents or troublemakers. In other words, they made rules to control athletes who had something to say and who felt compelled to organize (Edwards, 1970; Staurowsky, 2014a, 2014b; Wiggins, 2012). Those rules remain on the books today (see Bylaw 15.3.4 in the 2019-2020 NCAA Manual) (Staurowsky, 2015). **Coaches successfully pushed to replace 4-year scholarships that fostered degree completion into 1-year employment-style scholarships that can be non-renewed for any reason** (Sack & Staurowsky, 1998). All of these things were done under the guise of amateurism.

No one understood better what amateurism meant to the business of college sport than the architect of the NCAA and modern collegiate sport landscape, Walter Byers. **The first full-time executive director of the NCAA,** Byers **wrote** in his memoir that **amateurism was a “…modern-day misnomer for economic tyranny**” (p. 347). Arguing for the NCAA to no longer serve as the arbiter for the terms, conditions, and value of compensation packages for college athletes, Byers wrote that amateurism was a device **to divert money away from the players**. He described “Collegiate amateurism not as a moral issue; it is **economic camouflage for monopoly practice**” (Byers, p. 376).

At a time when the NCAA has sought help from the U.S. Congress seeking relief from state laws that restore the rights that have been stripped away by the NCAA regulatory system from college athletes to the use of their names, images, and likenesses (Dellenger, 2020), it is important to understand that Byers urged the Association more than 35 years ago through an unpublicized written memo to the then NCAA management group to relax its rules denying college athletes the right to endorse products. Describing the resistance he received from college sport leaders at the time, he wrote “All I accomplished with those efforts was a hardening of the NCAA position on ‘amateurism’… that further denied players access to the commercial marketplace but ensured that profits from the college sport enterprise went to the coaches and colleges” (Byers, p. 13). He went on to assert that college presidents were not interested in making substantive changes to the enterprise but were more intent on “…tightening a few loose bolts in a worn machine, firmly committed to the neo-plantation belief that the enormous proceeds from college games belong to the overseers (the administrators) and supervisors (the coaches). The plantation workers performing in the arena may receive only those benefits authorized by the overseers” (Byers, p. 3). The systemic racism that exists in the college sport industry has been recognized for decades by the players themselves, coaches, journalists, and scholars. In 1993, the Black Coaches Association, led by then University of California head men’s basketball coach, George Raveling, called for a stipend of $1,500 to be awarded to players. Opposed by athletic directors, presidents, and other coaches, Raveling spoke about the lack of consideration for how NCAA decision making affected the lives of racial minorities. Tulane law professor Tim Davis (1992; 1994) wrote about the racism embedded in NCAA rules and the disparate impact they had on racial minorities. In 2010, Michigan State law professors Robert and Amy McCormick likened the college sport industry to a modern apartheid. That same year, sport sociologist Billy Hawkins published his work characterizing the college sport system as “the new plantation”. In his 2011 book about the NCAA and the college sport system, Pulitzer Prize-winning journalist Taylor Branch wrote, “College athletes are not slaves. Yet to survey the scene…is to catch the unmistakable whiff of the plantation”. Parallels between the terms that define a condition of indentured servitude and the contracts signed by college football and basketball players (the National Letter of Intent, athletic scholarship agreements) have been written about by journalists Joe Nocera and Ben Strauss in their 2016 book entitled Indentured: The Inside Story About the Rebellion Against the NCAA as well as sport management professor, Jason Belzer and economist, Andy Schwarz (2012).

In June of 2020, Florida State football players led by Marvin Wilson threatened to boycott practices because head coach Mike Norvell allegedly lied about having personal conversations with team members following the death of George Floyd (Goodbread, 2020). Oklahoma State head coach, Mike Gundy, was called out by players for wearing a t-shirt from One America News Network (OANN), a far-right political news outlet, a t-shirt Gundy asked for from OANN (Pickman, 2020). And, current and former University of Iowa players reported being subjected to racist comments from the coaching staff that has since led to an investigation (Doxsie, 2020). In each of these instances, the players’ voices created change in some way – apologies, a commitment to change, and the departure of a coach whose actions were alleged to have been racially discriminatory. It also sheds additional light as to why NCAA amateurism rules pave the way to suppress these very voices.

#### We straight turn Kelly.

Kelley, 15—Gary B. Nash Professor of American History at UCLA (Robin D.G., “Beyond Black Lives Matter,” Kalfou, Vol. 2, Iss. 2, (Fall 2015): 330-337, dml)

This implicit appeal to acknowledge us-to recognize our humanity, our dignity, and our right to live-is understandable in a world where the statesanctioned killing and caging of Black bodies is routine. But as George Lipsitz observed, such appeals are embedded in a humanist logic that emphasizes "interiority" and feeling, thereby elevating "the cultivation of sympathy over the creation of social justice."7 That is to say, our feelings of empathy in any representation of suffering are designed to be understood and individually felt rather than transformed into collective praxis. This is partly why concepts like reparations are so antithetical to modern liberalism. Given the trauma produced by an endless video loop of Black people dying at the hands of police officers who are almost never indicted, let alone prosecuted and convicted, collective healing and the cultivation of sympathy are to be expected. On one hand, this makes the movement's counterslogan, "All Lives Matter," all the more offensive and painful. "All Lives Matter" is heard and felt as a belittling or decentering of anti-Black racism. It trades on postracial myths of equivalency in suffering. On the other hand, sometimes we react to "All Lives Matter" with such hostility that it stands in as an unambiguous expression of anti-Black racism. Can we salvage these words? Don't we want to build a world in which every life is valuable, cherished, and sustained? Are we not seeking a world that recognizes multiple sites of dispossession and recognizes that state violence inside US borders is inseparable from US militarism around the world? The fact that we are compelled to a defensive position is a consequence of focusing on proving our value rather than critiquing the system that devalues all of us and destroys the world in the process.

The veracity of our humanity was never the issue-then or now. The problem lies with Western civilization's very construction of the human. As Sylvia Wynter, Cedric Robinson, Aimé Césaire and others have been saying for decades, the "Negro" was an invention, a fiction-like that of the Indian, the Oriental, the "Mexican," etc. Or in Frantz Fanon's oft-quoted line from The Wretched of the Earth: "It is the colonist who fabricated and continues to fabricate the colonized subject."8 Indeed, the entire structure of global white supremacy depends on such inventions, like the fictions of the Arab as non- or anti-Western and the "Immigrant" as essentially Latino/a, or the notion that indigenous people (in North America at least) are all dead. This is why we have such a hard time acknowledging that most so-called immigrants from Mexico and Central America are, in fact, indigenous.

The very foundations of Western civilization were built on such fabrications and enacted through violence. Once they crumble, so goes Western civilization's conceit as well as the massive philosophical smokescreen that enables (racial) capitalism-the greatest, most destructive, most violent crime wave in history-to masquerade as the engine of progress, a pure expression of freedom and liberty, the only path to human emancipation. The modern world that invented the Negro, the Oriental, the Indian, and the Savage as a means of inventing European Man was built on the theft of humans, theft of land and water, indiscriminate murder, violation of customary rights, moral economy, enclosure of the commons, destruction of the planet-outright lawlessness, justified by supposed rationality or what Weber might call instrumental rationality. To leave it at Black Lives Matter unintentionally conceals the crime. After all, these were the very processes that birthed the liberal humanism to which BLM activists seem to appeal.

In his book Forgeries of Memory and Meaning, Cedric Robinson further elaborates on the systems of racial maintenance and myth making, the "racial regimes" responsible for the inventions of the Negro (the Indian, the Oriental) and their relation to capital. What exactly are racial regimes? In Robinson's words, they "are constructed social systems in which race is proposed as a justification for the relations of power." The power is real and formidable but surprisingly unstable. For Robinson, "the covering conceit of a racial regime is a makeshift patchwork masquerading as memory and the immutable. Nevertheless, racial regimes do possess history, that is, discernible origins and mechanisms of assembly. But racial regimes are unrelentingly hostile to their exhibition."9 In other words, to say that anti-Blackness is foundational to Western civilization is not to say that it is fixed or permanent. On the contrary, it is incredibly fragile and must be constantly remade; it is epiphenomenal to the production of Blackness-which is an essential component of modern racial regimes, but not its totality. In the last century alone, racial regimes have been remade, reconfigured, destabilized, and consolidated many times, employing new technologies to circulate old racial fabulations and new fictions in the process of capitalist expansion.

Proving one's humanity will not uproot racial regimes, for the very evidence of our humanity is their raison d'etre. Our exploitation is evidence of our value, but it requires enormous intellectual, juridical, and psychic resources to conceal our humanity. Slavery was not just social death, but was based on a cost-benefit analysis that assumed the disposability of Black lives. The system of extracting surplus emerged within a logic of racial hierarchy and racial subjugation that dragged Africans, Asians, and Europeans proletarianized by enclosure to the lands of the Americas, Oceania, parts of South Asia and Africa, and the Eastern Mediterranean-where indigenous people were dispossessed, enslaved, or exploited by other means. Enclosure is yet another example of theft and violence masking as "law, order, security": backed by the rule of law, the state employs violence to discipline, to reclassify, to criminalize, and to destroy sovereignty and create disorder. Enclosure is part of this process of war-a war on the commons, which ultimately turns some of the expropriated people into a proletariat (including European industrial, maritime, and landless rural labor, as well as prostitutes and beggars), turns a portion into settlers, and sends a portion to the workhouse. Some are merely casualties whose flesh mingles with the earth and whose bodies-sometimes hanging from a tree or broken on the wheel-serve to terrorize those who resist the new discipline.10

While the value of Black labor may have ebbed and flowed with the changing character of the global economy, there has never been a moment in US history when our humanity mattered, when Black people could enjoy full privileges and protections of citizenship. But the same can be said of most of the planet-at least until the mid-twentieth century, although I would venture to say this is still the case. What Black resistance calls into question is the inhumanity of the system, the inhumanity of those who subjugate in the name of civilization; it insists that the survival of humanity (and this is not the humanity defined by the Enlightenment) depends on the complete destruction of racial capitalism, patriarchy, and regimes of normativity.

As I wrote in the aftermath of the George Zimmerman verdict, unless we come to terms with this history, we will continue to believe that the system just needs to be tweaked, or the right-wing fringe defeated, or our humanity acknowledged.11 We will miss the routine character of state violence; its origins in the very formation of colonialism, slavery, and capitalism; and the ways in which routine violence has become a central component of US policies, including drone warfare and targeted killing. We cannot change the situation simply by finding the right legal strategy, the best policies, or recognition.

#### Lesion, pharmacological, and deep brain stimulation studies provide empirical neurological support for psychoanalysis

Dall’Aglio 19 [John Dall’Aglio, Department of Cognitive, Linguistic, and Psychological Sciences, Brown University. Developmental Psychosomatics Laboratory, New York State Psychiatric Institute/Columbia University Medical Center.] “Of brains and Borromean knots: A Lacanian meta-neuropsychology” Neuropsychoanalysis, Vol. 21, 2019 (<https://doi.org/10.1080/15294145.2019.1619091>) – MZhu

Affective consciousness and the real

Recall the concept of the real as a negativity (non-representational insistence) which is present from the beginning. Das Ding emerges simultaneously with understanding yet is outside of it (Freud, 1895). Reason (or cognition, understood as a symbolic-imaginary function) cannot represent, and thereby cannot comprehend, the real. In this way, the limit of reason is within reason (Copjec, 2012; Laplanche, 2011).

Therefore, neural areas corresponding to the real should be constitutive of, but not identical with, cognitive functions. As non-representational, they should insist their presence through affect and the compulsive repetition of the drive. At the core of the subject, the real is also at the core of cognition, while simultaneously the limit of that cognition.

The drive (iteration, source/pressure) refers to the real (Johnston, 2013). Freud (1915a) defined drive as:

a concept on the frontier between the mental and the somatic, as the psychical representative of stimuli originating from within the organism and reaching the mind, as a measure of the demand made upon the mind for work in consequence of its connection with the body. (Freud, 1915a, pp. 121–122)

Drive, thereby, refers to the demand upon the mind concerning bodily needs. In the brain, the brainstem and diencephalon contain “need-detectors.” Each has a homeostatic set-point – for example, the ideal amount of salt to have in the blood. The hypothalamus and related systems closely monitor and modulate the internal body (see, for example, Waterson & Horvath, 2015; Williams, Harrold & Cutler, 2000; Woods, Seely, Prote, & Schwartz, 1993). These areas can be dynamically localized as important points of proximity between the body and the mind, and the locus of the pressure of the drive (Solms, 2013).

These diencephalic and upper brainstem systems are fundamentally affective (Panksepp, 1998; Solms, 2013). Deviations from set-points produce unpleasure, whereas moving towards the set-point generates pleasure. One major structure is the periaqueductal gray (PAG), which receives projections from these brainstem areas. Stimulation of the ventral columns of the PAG induces feelings of extreme pleasure, whereas stimulation of the dorsal columns corresponds to feelings of excruciating pain. Here, one finds the pleasure principle as a key dynamic in the process of maintaining homeostasis (Solms & Turnbull, 2002).

Importantly, this affective system is fundamental to consciousness, the feeling state of being. Disturbances to upper areas of the brain disrupt cognitive and emotional functions, but the subject retains affective being (Penfield & Jasper, 1954). For example, hydranencephalic patients are born with little-to-no cortex but intact subcortical affective circuits (Merker, 2007; Shewmon, Holmes, & Byrne, 1999). These patients are still conscious in the affective sense and respond to the environment through these circuits. Summarizing these various lines of evidence, Solms (2013) argues that consciousness can exist without cortex.

However, damage to these affective circuits significantly impairs consciousness (along with cognition). In fact, a lesion to the PAG completely wipes out consciousness, extinguishing affective being. This supports the critical role of the upper brainstem in the generation of consciousness (Moruzzi & Magoun, 1949), which leads Solms (2013) to conclude that affective consciousness is the bedrock of consciousness. Later cognitive functions of the cortex depend upon and are shaped by the affective circuits which function prior to them (Panksepp, 1998; Solms & Turnbull, 2002).

With its (extimate) relationship with the internal body via homeostasis and drives, the upper brainstem and associated structures correspond functionally to Freud’s id. In contrast, the cortical focus on exteroception corresponds to Freud’s ego. Since the upper brainstem is intrinsically conscious (i.e. its activity generates the affective bedrock of consciousness) and the cortex is dependent on the brainstem for consciousness, Solms (2013) argues that the id is fundamentally conscious. Rather than the nucleus of the unconscious, the id is the font of consciousness.

More specifically, the id (upper brainstem and associated structures) is affectively conscious. It generates being as a feeling state without representation. Through a Lacanian lens, this affective consciousness corresponds to the insistence of the real. It is non-representational, a primary affect (Lacan, 1997). It is beyond (indeed, prior to) cognition – constituting a limit, an impasse. Furthermore, as the bedrock of consciousness, it is constitutive of cognition. This fits well within Lacan’s conception of the real and the drive (Johnston, 2013a).

Affective instincts

Additionally, affective consciousness extends into the limbic system. Panksepp (1998) identifies seven affective systems: SEEKING, RAGE, PANIC, PLAY, CARE, LUST, and FEAR.7 Across mammals, they exhibit the same circuitry, neurotransmitters, and stereotyped motor functions (see Panksepp, 1998 for neuroanatomical details). A combination of lesion, pharmacological, and deep brain stimulation studies supports the dynamic localization of their functions.

SEEKING closely resembles the Freudian libidinal drive (Solms, 2012a). It is an objectless, volitional system that carries its own subjective quality of excitatory pleasure (as opposed to a reduction of tension). The rest of the circuits are more specialized. For example, RAGE characterizes the aggressive impulse to destroy that which frustrates the subject’s goals. PANIC activates in response to separation from a loved object, connoting separation-anxiety. Generally speaking, all seven systems generate a distinct response to an experience of the external world.

Furthermore, these experiences also concern socio-emotional needs, such as attachment needs in the PANIC system (Solms, 2012b). These limbic circuits qualitatively elaborate upper brainstem affective consciousness through distinct socio-emotional needs. These affective instincts prepare the organism to interact with the world and meet its needs, albeit in a rough-and-ready way (Solms & Turnbull, 2002).

Insofar as these affective instincts are prepared for certain types of experiences, I would suggest that they are not the real proper and are better localized at the intersection of the real and the imaginary. Nevertheless, they also have built in “holes” – the potential to acquire new objects. For example, the FEAR system has certain built-in objects (such as a fear of falling). However, it also has the potential to learn new objects, such as electrical outlets. This potential is never exhausted, for these areas are subject to neuroplasticity (Ansermet & Magistretti, 2007; Solms & Turnbull, 2002). I suggest that these seven affective instincts might be considered “highways” from the real to the symbolic-imaginary. Similarly, Verhaeghe (2004) highlights Panksepp’s (1998) instincts as potential neurobiological underpinnings in the child’s turn to the Other (symbolic-imaginary registers) to answer the pressure of the drive (the real).

These instincts contrast with the upper brainstem homeostatic drives. Each instinct represents a socio-emotional need. In the perspective of drive as representative of bodily need (i.e. located in brainstem and diencephalon “need-detectors”), there is not much flexibility in terms of what objects might satisfy the drive. Only water can satisfy the demand made upon the mind when dehydrated, for example. However, affective instincts are more flexible – emotional needs may find any number of objects.

Therefore, the flexibility attributed to the psychoanalytic drive (i.e. alteration, the aim and object) corresponds with the plasticity and potentiality of these affective instincts. In contrast, the brainstem, corresponds to the real of the drive (i.e. iteration, the source and pressure). Indeed, drive itself is split – here, neuro-structurally and evolutionarily, for the affective instincts are more evolutionarily recent than the upper brainstem (Solms & Turnbull, 2002). For Lacan, the tension of the drive is never eliminated. SEEKING corresponds best to this notion of excitatory pleasure in the drive, for it is innately objectless (Solms, 2012a). However, this inexhaustibility may be attributed to all seven affective instincts.

#### Libidinal economy is true

Chico et al 11 (A Primer on "Libidinal Economy" in Relation to Black Folks. Cosmic Hoboes: An Afropessimist Meditation (No)Space. <https://cosmichoboes.blogspot.com/2011/08/primer-on-libidinal-economy-in-relation.html>)

People who are interested in struggle need to understand the "libidinal economy." Coalition politicos like Al Sharpton like to tell us to put the unique experiences of black folks in the backseat to the interests of poor folks more generally. Such politicians expect us to submerge our interests as black people on the assumption that if poor people in general benefit from a political concession, poor black people will share equally in such benefits. Such politicos will continue to ignore the repeated evidence that a lot of nonblack people hate black people, even if doing so costs them money. If someone tells you that the problems black folks face are really just the problems that poor people face, they are telling you to ignore the libidinal economy. They are telling you that the political economy of capitalism is more important than the libidinal economy of antiblack racism. What is "libidinal economy"? In Red, White, and Black: Cinema and the Structure of U.S. Antagonisms (2010, Duke University Press), black political theorist Frank Wilderson highlights the distinction between political economy and libidinal economy (p. 9): Jared Sexton describes libidinal economy as “the economy, or distribution and arrangement, of desire and identification (their condensation and displacement), and the complex relationship between sexuality and the unconscious.” Needless to say, libidinal economy functions variously across scales and is as “objective” as political economy. Importantly, it is linked not only to forms of attraction, affection and alliance, but also to aggression, destruction, and the violence of lethal consumption. He emphasizes that it is “the whole structure of psychic and emotional life,” something more than, but inclusive of or traversed by, what Gramsci and other marxists call a “structure of feeling”; it is “a dispensation of energies, concerns, points of attention, anxieties, pleasures, appetites, revulsions, and phobias capable of both great mobility and tenacious fixation.” What does all this mean? Let's interpret this elaborate definition and get to how it thinks of "economy." When we think of economy, we usually think of something having to do with money. Wilderson uses the term political economy to refer to economy in the ways that we usually think of it: the ways people exchange materials and decide on how things are valued. Economy doesn't just mean the economy in the sense of the stock market or banks, but also any means of determining whether something is worth doing or possessing based on how much capital and labor power it yields. In struggle, we see over and over that money talks and bullshit walks. Economy has to do with what they value moves people to act. Economies are therefore very important to political action. But can there be an economy that exchanges something other than money or capital? Yes. To understand "economy" as Wilderson and Sexton use it, we have to think of economy in a more general way as things of all kinds that we can trade or save. You can accumulate not only cash or material items, but also fears and desires. Certain people accumulate more fear (the black athlete) and desire (the blonde cheerleader) than others. The term libidinal economy refers to the systems of exchange and valuation for fantasies, desires, fears, aversions, and enjoyment. Economy is about exchange and accumulation. Everyone feels fear and aggression, but where is it directed? The libidinal is about both people's desires, fantasies, and pleasures AND their phobias, fears, and violent consumptions. A libidinal economy has to do with which groups a subject is attracted to, which groups it is willing to form alliances with, and which people it is willing to provide affection to. Where can we see this libidinal economy? How can we illustrate this distinction? The libido is the collection of things like phobias and desires that are unconscious and invisible but that have a visible effect on the world, including the money economy. Some examples: We see libidinal economies at work any time there is a response by state that is out of all proportion to the material effects of any practice they are regulating. The USA incarcerates three million people, despite the fact that doing so has an adverse impact on US financial security. Hence the libidinal economy of the fear of black and brown people (who together comprise the overwhelming majority of inmates) trumps the political economy of the cost-benefit analysis of maintaining prisons. Let's take another example of the powder - versus crack-cocaine distinction, in which the same drug is punished differently at the federal level. Because the two drugs are chemically identical, there shouldn't be any distinction between how their use and sale is punished. In 2010, the law made it so that these two drugs were punished the same, although the Obama administration isn't in any hurry to make the abolition of this distinction retroactive so that the mostly black and brown people who are locked up because of it will get released. But the legal abolition of this distinction is not essential for us to look at. What is essential is why that distinction was made in the first place. Wilderson's work suggests that, for civil society, black people pose a threat that has nothing to do with the chemical content or the social and cultural effects of crack. Simply by being associated with black people, crack is seen as 100 times more threatening than is powder cocaine. The financial and social costs of locking all those black and brown people up and the financial and social costs of allowing all those white people to go free and continue to sell does not really matter to civil society. What the powder- versus crack-cocaine distinction shows is the desire to contain the threat that blackness symbolizes. This is the mark of libidinal economy. Cops, soldiers, firemen are considered sexually desirable because they become the heroes of civil society. The Oscar Grant shooting. Amadou Diallo was a victim of a extreme kind of violence because of the phobias that converged on his body. What is the exchange? Civil society has an anxiety about crime, and crime is always attached to black in urban areas. Police don't have to get a monetary award, but they get the gratitude of civil society. How does this play out in ways that don't have to do strictly with money? The desire for them may not show up in the amount of money they make. Cops get rewarded for their aggression. When the cop slammed dude into the glass at BART. Prison guards, thought of as having the toughest beat on the planet. They get rewarded for being the last line of defense against George Jackson. Oscar Grant was an accumulation of aggression and phobias. Why are the black people in Prince George's County, Maryland, segregated from white people in their same socioeconomic bracket with the same kinds of high-value real estate, and the same kinds of political-economic values? Living around white people has a value that cannot be explained in strictly monetary terms. AFDC benefited mostly white single mothers, and enjoyed a long history of support from 1936-the 1960s. It initially excluded black people. By the 1960s, when black people started getting it, attitudes changed toward it, making it seem like it was undeserved and a drain on national prosperity, and by 1984, when Ronald Reagan referred to "welfare queens in Cadillacs," it was clear that AFDC was "a black thing." In actual statistical terms, it was still used mostly by white women. But once it became associated with poor black women, it was seen as in need of drastic, radical reforms. But is this "libidinal economy" really that important? Frank Wilderson is using the distinction between a money economy and an economy of desire over and over again throughout this book. Wilderson talks about this by talking about the difference between word and deed. This is not the hypocrisy of the system. It IS the logic of the system. So Europeans tried to resolve the lack of labor power by passing laws that reduced homeless white people to the status of slaves. In the end, however, they never really enforced these laws. Wilderson quotes David Eltis, an economic historian, who says that the costs of settling the "new world" would have been significantly reduced if Europeans has simply enslaved other Europeans. But, Wilderson points out, "what Whites would have gained in economic value, they would have lost in symbolic value; and it is the [symbolic value] which structures the libidinal economy of civil society." In other words, the symbolic costs of Europeans enslaving other Europeans would have been too great. Instead, they went to Africa for their slaves, even though the financial cost of doing so was much, much greater. The radical left doesn't make this distinction. Cornel West and Tavis Smiley say they want to organize a new Poor People's Campaign, but they won't be able to explain why this is a failed project from the start. This is because they won't think about the aspects of coalition building that have nothing to do with money or the lack of money. In the late 1970s and early 1980s, the so-called "Reagan Democrats" were poor and working-class white people, many of them in unions, who voted overwhelmingly for Reagan against their own economic interest. The white left mistakenly thinks about the Reagan Democrats as people who were duped. They view them as an example of what Marx called "false consciousness" and they see it as their duty to inform the white poor and working class of why they should vote left. But there were all kinds of signs that white poor and working-class folks simply hated black people and didn't want to live anywhere that there was a large community of black people, even if those black people are of the same or higher socioeconomic status. The Reagan Democrats were excited by Reagan's antiblack rhetoric of law and order, a rhetoric that was in response against the activities of the Black Liberation Army, Weather Underground, Black Panthers, and Black Guerilla Family. Marxists think a person is in a state of false consciousness if her political or social interests go another way than her material or financial interests. If you adopt this view, then you probably think that the Reagan Democrats just need to be educated correctly about what they have in common with the black poor and working class. You have to think that their hatred of black people is somehow "false" simply because it runs counter to their financial interests. But this would be to ignore their interest in maintaining white supremacy and antiblack racism. One of the things white men would lose would be access to black bodies for sexual pleasure and amusement. These examples are not just isolated cases of false consciousness, ignorance, media manipulation, or some mystical thing called "prejudice." They are all of those things, but they are also something much, much greater that any student of struggle needs to be aware of. These examples reveal the contours of an economy of desires that is not primarily concerned with money. It's not that the political economy isn't also antiblack. In fact, both economies are antiblack.

### Topicality

#### That’s adds at least 1.54 million affs.

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

Highlights

* Approximately 1.54 million nonprofits were registered with the Internal Revenue Service (IRS) in 2016, an increase of 4.5 percent from 2006.
* The nonprofit sector contributed an estimated $1.047.2 trillion to the US economy in 2016, composing 5.6 percent of the country's gross domestic product (GDP).1
* Of the nonprofit organizations registered with the IRS, 501(c)(3) public charities accounted for just over three-quarters of revenue and expenses for the nonprofit sector as a whole ($2.04 trillion and $1.94 trillion, respectively) and just under two-thirds of the nonprofit sector's total assets ($3.79 trillion).
* In 2018, total private giving from individuals, foundations, and businesses totaled $427.71 billion (Giving USA Foundation 2019), a decrease of -1.7 percent from 2017 (after adjusting for inflation). According to Giving USA (2018) total charitable giving rose for consecutive years from 2014 to 2017, making 2017 the largest single year for private charitable giving, even after adjusting for inflation.
* An estimated 25.1 percent of US adults volunteered in 2017, contributing an estimated 8.8 billion hours. This is a 1.6 percent increase from 2016. The value of these hours is approximately $195.0 billion.

#### 2. Shatters negative ground. All of the functional limits on this topic like the Innovation and Biz Con DA are void. They’re diverse AND larger.

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

All Nonprofit Organizations

Number

From 2006 to 2016, the number of nonprofit organizations registered with the IRS rose from 1.48 million to 1.54 million, an increase of 4.5 percent. These 1.54 million organizations comprise a diverse range of nonprofits, including art, health, education, and advocacy nonprofits; labor unions; and business and professional associations. This broad spectrum, however, only includes registered nonprofit organizations; the total number of nonprofit organizations operating in the United States is unknown. Religious congregations and organizations with less than $5,000 in gross receipts are not required to register with the IRS, although many do.2 These unregistered organizations expand the scope of the nonprofit sector beyond the 1.54 million organizations this brief focuses on.

#### Many distinct types

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

Table 2 below displays the 2016 distribution of public charities by type of organization. Human services groups—such as food banks, homeless shelters, youth services, sports organizations, and family or legal services—composed over one-third of all public charities (35.2 percent). They were more than twice as numerous as education organizations, the next-most prolific type of organization, which accounted for 17.2 percent of all public charities. Education organizations include booster clubs, parent-teacher associations, and financial aid groups, as well as academic institutions, schools, and universities. Health care organizations, though accounting for only 12.2 percent of reporting public charities, accounted for nearly three-fifths of public charity revenues and expenses in 2016. Education organizations accounted for 17.3 percent of revenues and 16.9 percent of expenses; human services, despite being more numerous, accounted for comparatively less revenue (11.9 percent of the total) and expenses (12.1 percent of the total). Hospitals, despite representing only 2.2 percent of total public charities (7,054 organizations), accounted for about half of all public charity revenues and expenses (49.8 and 50.6 percent, respectively).

#### b---The NCAA is non-profit

NCAA Company Description [https://techpoint.org/tech-directory/ncaa/]

The National Collegiate Athletic Association (NCAA) is a nonprofit association committed to providing opportunity for more than 480,000 student-athletes who compete annually in college sports. Their success on the field, in the classroom and in life is at the heart of our mission at the NCAA. Nearly 1,100 NCAA colleges and universities in Division I, Division II and Division III collectively invest in improving the experiences of college athletes. Colleges, universities, athletics conferences and other affiliated organizations are NCAA members, and the NCAA national office staff in Indianapolis supports the members.

#### c---This is legally distinct from the private sector.

ie '18 [11/10/18, "What are the private, public and nonprofit sectors—and which one is right for you?," https://www.ie.edu/school-global-public-affairs/about/news/private-public-nonprofit-sectors/#:~:text=The%20nonprofit%20sector%20is%20separate,is%20not%20a%20governing%20factor.]

Nonprofit

The nonprofit sector is separate from both the public and private sectors, but it may collaborate with either of them at any given time. The main purpose of an NGO (non-governmental organization) is to help the public in some way, so profit is not a governing factor. The organization must seek a balance between expenditures, time and expertise in its charitable initiatives, while making sure there are enough funds to keep working. This means that organizations aim to be lean, flexible and creative. Although compensation may be lower than that of other sectors, there is great opportunity for employees to develop their skills and take on more responsibility.

#### d---Vagueness causes strike-down

Gillian Hadfield 94, Acting Professor of Law, Boalt Hall School of Law, University of California, Berkeley, J.D., Ph.D., Stanford University, B.A.H. Queen's University, “Weighing the Value of Vagueness: An Economic Perspective on Precision in the Law,” California Law Review, 82(3), May 1994, p.542-543, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1720&context=californialawreview

The type of uncertainty raised by the doctrine of vagueness, however, is not about the application of law in practice but about the applicability of law in theory. If we assume away the practical obstacles to certainty of application in law, then probabilities of liability will differ from one or zero only because the law itself is not clear about whether a particular action by a particular individual is prohibited. Alternatively, the resolution of actual liability when a law is uncertain or vague is determined not solely by the law but also by the discretion of actors in the legal system, such as police officers, prosecutors, regulators, and courts. This dependence of actual liability on official discretion is what links the two most commonly articulated normative principles behind the vagueness doctrine: fair notice and control of arbitrary enforcement.3 Because the very content of law depends not only on its text but also on the discretion of officials in the legal system, even an individual who knows the text of the law, as all are held to do, must in the end assign probabilities other than zero or one to her actions. When the exercise of such discretion cannot be predicted with any degree of certainty, lack of notice and arbitrary enforcement concerns coincide. We can imagine a case in which these two concerns diverge in theory; such a case sheds light on the role that vagueness doctrine plays in constitutional law in practice. Suppose the exercise of discretion can be predicted perfectly-blacks know with certainty, for example, that if they stand on the comer in a group for more than ten minutes they will be arrested for loitering, while whites know with certainty that if they do the same they will not be arrested. Such a law poses no problem of fair notice. The problem of arbitrary enforcement is so severe, though, that the law violates the constitutional mandate of equal protection. Thus, in theory, fair notice and arbitrary enforcement concerns diverge. In practice, however, plaintiffs will have a hard time proving that the exercise of official discretion is perfectly predictable and thus a hard time proving the law unconstitutional on equal protection grounds.4 Plaintiffs who wish to challenge the law will instead be well-advised to contend that the law is unconstitutional on vagueness grounds-that it is impermissibly vague because the exercise of discretion makes the law both unpredictable and open to abuse. Thus, for practical purposes, the case raising vagueness rather than other substantive constitutional claims can be understood to exhibit a convergence of fair notice and arbitrary enforcement concerns created by the dependence of the content of the challenged law on the uncertain (and hence potentially discriminatory) exercise of discretion.

#### e---Means the plan can’t solve.

Peter Margulies 3, Professor of Law – Roger Williams University, “The Virtues And Vices Of Solidarity: Regulating The Roles Of Lawyers For Clients Accused Of Terrorist Activity”, Maryland Law Review, 62 Md. L. Rev. 173, Lexis

n162. Courts may strike down an entire statute as void-for-vagueness, or hold that one or more of its terms are vague as applied. Courts have been unwilling to invalidate the material support provision as a whole on vagueness grounds, reasoning that its core prohibition on financial support provides sufficient clarity. See [Humanitarian Law Project v. Reno, 9 F. Supp. 2d 1176, 1201 (C.D. Cal. 1998)](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=337&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b9%20F.%20Supp.%202d%201176%2cat%201201%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=defd4c8b797baeaf939a41942df2adb1) (holding in relevant part that only the AEDPA terms "training" and "personnel" were impermissibly vague), aff'd, [205 F.3d 1130 (9th Cir. 2000),](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=338&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b205%20F.3d%201130%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=5409122078e8b7e1186e3bda8e7ba691) cert. denied, [532 U.S. 904 (2001).](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=339&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b532%20U.S.%20904%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=fbd7137c6ff02afff69dd54552d9ddb6) Presumably for the same reasons, the terms dealing with specific, tangible commodities, such as "explosives," have not been the subject of vagueness challenges.

#### b---Private sector is for profit---the plan is the voluntary sector

Privacy Sense.Net 15. "What is the Voluntary Sector? Definition & Examples". PrivacySense.net. BY PRIVACYSENSE.NET ON DECEMBER 23, 2015; Last updated on December 2, 2021 https://www.privacysense.net/terms/voluntary-sector/

The Voluntary Sector (also known as the third sector, nonprofit sector, and community sector) is usually comprised of organizations whose purpose is to benefit and enrich society, often without profit as a motive and with little or no government intervention.

Unlike the private sector where the generation and return of profit to its owners is emphasized, money raised or earned by an organization in the voluntary sector is usually invested back into the community or the organization itself.

One way to think of the voluntary sector is that its purpose is to create social wealth rather than material wealth.

Although the voluntary sector is separate from the public sector, many organizations are often tightly integrated with governments on all levels to support it in the delivery of programs and services.

Examples of the Voluntary Sector

There are many different types of organizations in the voluntary sector.

Some of these organizations have a mix of paid and volunteer staff, like most charities. Other organizations are much more loosely defined, like community groups, and can be composed entirely of volunteers.

Examples of organizations in the voluntary sector include:

* Charities: World Vision, American Red Cross, YWCA
* Foundations: David Suzuki Foundation, Bill and Melinda Gates Foundation
* Social Welfare Organizations: Human Rights Watch, Environmental Protection Agency (EPA)
* Advocacy Groups: Privacy International, World Wildlife Fund
* Faith-Based Organizations: Churches, Mosques, Temples
* Community Groups: Neighbourhood Watch, Knitting
* Recreational Sports: Ultimate Frisbee, Running Clubs

The National Center of Charitable Statistics (used by the IRS to classify nonprofits) divides nonprofits into 26 major groups under 10 broad categories.

#### c---doesn’t meet Business Practices---Business practices are money making.

Farlex Financial Dictionary 12. © 2012 Farlex, Inc. All Rights Reserved. https://financial-dictionary.thefreedictionary.com/Business+Practice

Business Practice

Any tactic or activity a business conducts to reach its objectives. Ultimately, a business's objective is to make money. Business practices are the ways it attempts to do so in the most cost effective way. A company may have rules for business practices to ensure that its employees are efficient in their work and abide by applicable laws. See also: Business ethics.

#### 2. Data base of anti-trust literature from 2000 to the present shows it’s aff leaning.

Fiona M. Scott Morton 19. Theodore Nierenberg Professor of Economics at the Yale University School of Management. Previous deputy assistant attorney general for economics at the Antitrust Division of the U.S. Department of Justice. B.A. in economics from Yale University and Ph.D. in economics from the Massachusetts Institute of Technology. "Modern U.S. antitrust theory and evidence amid rising concerns of market power and its effects," Equitable Growth, https://equitablegrowth.org/research-paper/modern-u-s-antitrust-theory-and-evidence-amid-rising-concerns-of-market-power-and-its-effects/?longform=true

The experiment of enforcing the antitrust laws a little bit less each year has run for 40 years, and scholars are now in a position to assess the evidence. The accompanying interactive database of research papers for the first time assembles in one place the most recent economic literature bearing on antitrust enforcement in the United States. The review is restricted to work published since the year 2000 in order to limit its size and emphasize work using the most recent data-driven empirical techniques. The papers in the interactive database are organized by enforcement topic, with each of these topics addressed in a short overview of what the literature demonstrates over the past 19 years. These topics are: Horizontal mergers—mergers and acquisitions involving direct competitors Coordinated effects—the study of conditions under which competitors in an industry tacitly collude Vertical mergers—mergers and acquisitions where a company acquires another company to which it sells goods or services or from which it buys goods or services Exclusionary conduct—actions in the marketplace that deny a competitor access to either suppliers or customers Loyalty rebates—a type of conduct that occurs when a company gives a discount to a buyer for limiting its purchases from the company’s competitors Most Favored Nation clause—this clause requires a seller to give a specific buyer the best terms offered to other (often competing) buyers Predation—the strategy of taking losses in the short run in order to drive out a competitor and retain or gain a monopoly position, permitting prices the later exercise of market power Common ownership—the impact on competition when mutual funds and other types of institutional investors are the largest owners of product market competitors Monopsony power—the anticompetitive exercise of market power by employers (firms) in the labor market for workers Macroeconomics and market power—the impact of competition issues on the larger economy

**---DATA BASE OMITTED---**

The bulk of the research featured in our interactive database on these key topics in competition enforcement in the United States finds evidence of significant problems of underenforcement of antitrust law. The research that addresses economic theory qualifies or rejects assumptions long made by U.S. courts that have limited the scope of antitrust law. And the empirical work finds evidence of the exercise of undue market power in many dimensions, among them price, quality, innovation, and marketplace exclusion. Overall, the picture is one of a divergence between judicial opinions on the one hand, and the rigorous use of modern economics to advance consumer welfare on the other.

### Case

#### connecting “civic engagement” and “service learning” to policy debate as a way of forwarding “democratic engagement” and American “citizenship” recreates the link to civility bad---here’s the introduction of their evidence

Leek 16. [Danielle R. Leek, Johns Hopkins University Advanced Academic Programs instructor, Director of Academic Innovation and Distance Education at Bunker Hill Community College, former executive director of the communications center and professor of communications at Grand Valley State University, “Policy debate pedagogy: a complementary strategy for civic and political engagement through service-learning,” Communication Education, 65:4, 401-405] (recut by bam)

Recent scholarship has emphasized the need to reconsider the relationship between formal education and citizenship. From ancient Greece through the rise of our modern universities, education for citizenship has been a part of the curriculum in democratic societies. In recent years, however, concerns about growing social isolation and apathy, and fears about the impact of new media technologies, have created new concerns over declining political and civic involvement, especially among younger generations (e.g., Delli Carpini, 2000; Keeter, 2006; Mindich, 2005; Putnam, 2000). Fewer young citizens today are contacting their public officials about civic issues (Twenge, 2014), and few have the skills and information they need to engage in effective political activity (Galston, 2004; Quigley, 2011). The number of young Americans who vote continues to lag behind other age groups (Center for Information & Research on Civic Learning & Engagement, 2013), and increasingly less attention is being giving to civic learning in American classrooms (U.S. Department of Education, 2012). President Barack Obama tapped into these concerns during his 2008 presidential campaign, and he made them a central focus of his first inaugural address. In that address, the president called for “a new era of responsibility—a recognition, on the part of every American, that we have duties to ourselves, our nation and the world.” “This,” he said, “is the price and promise of citizenship” (Obama, 2009).

Obama followed up on these issues during his first term in office by partnering with prominent national organizations concerned with civic education, such as the Association of American Colleges and Universities (AACU). The AACU’s 2012 publication, A Crucible Moment: College Learning and Democracy’s Future, issued a “national call to action” urging educators “to embrace civic learning and democratic engagement as an undisputed educational priority” (National Task Force on Civic Learning and Democratic Engagement [NTFCLDE], 2012, p. 2). Calling this a “crucible moment” fraught with “transformative possibilities” for revitalizing civic education, the AACU proposed a framework for civic learning and democratic engagement in higher education revolving around four dimensions of democratic praxis: knowledge, skills, values, and engagement (Appendix A). First students need knowledge of democratic systems of government and the plurality of religious, cultural, and social forces that shape our world; second, they need the information literacy and communication skills to practice political action; third, they need to value democratic ideals such as tolerance and equality; and finally, they need to actually engage in collective action to deal with social and political issues.

A Crucible Moment (2012) argues that more learning opportunities within the framework can succeed in promoting civic education because today’s college students are deeply committed to community service and “care deeply about public issues” (p. 4). For example, the report notes the popularity of service-learning programs and urges expansion of those program in order to capitalize on students’ desire for more “meaningful opportunities to discuss and address social issues” (p. 4). At no point in the 136-page document, however, do the authors of A Crucible Moment refer to classroom or extracurricular speech and debate activities as a possible avenue for civic learning. Nor is their evidence that speech or debate practice was considered at any of the subsequent events or publications inspired by the original report.1 Instead, it seems that “debates,” in the rhetoric of civic engagement training, are what happen when politicians clash during election time or when stakeholders disagree about public issues. Both the AACU and the Department of Education say that students should be familiar with these political debates. Yet there is no discussion of how students might be trained to participate in public debates or deliberations.

1. This can be found on Hebru Brantley’s website, under the section ‘About’. Web. May 21st, 2019. <https://www.hebrubrantley.com/about>. [↑](#footnote-ref-1)