## 1NC

### 1NC – Topicality

Our interpretation is that affirmative teams must defend the desirability of the United States federal government substantially increasing its prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws:

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

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

The colon introduces the following:

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

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

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

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

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

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

#### b---‘USfg’ is the 3 branches.

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

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

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

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

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

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

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

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

expand the scope

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

Times, Sunday Times

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

Times, Sunday Times

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

Times, Sunday Times

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

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

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Definition of 'expand'

expand

(ɪkspænd)

Explore 'expand' in the dictionary

VERB

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

See full entry

COBUILD Advanced English Dictionary. Copyright © HarperCollins Publishers

Definition of 'scope'

scope

(skoʊp)

Explore 'scope' in the dictionary

UNCOUNTABLE NOUN [NOUN to-infinitive]

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

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

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

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

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

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

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

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

#### Two impacts:

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

#### 2 – Clash---Switch-side debates over hypothetical political action is key to develop revolutionary intercommunalism. Prioritizing ideological consistency in debate encourages elitism and dogmatism over the cultivation of vanguard thought—that’s anti-Black.

Vernon, 21—Associate Professor, Department of Philosophy, York University (Jim, “Huey Newton’s Lessons for the Academic Left,” Theory, Culture & Society, Vol 38, Issue 7-8, 2021, dml) [brackets in original]

In short, Newton and Seale found that their ‘hook-up with white radicals did not give [them] access to the white community because they did not guide the white community’ outside the university (Newton and Morrison, 2009: 51), just as they had ‘problems with black students sometimes because they tend to have a detached understanding of the realities in the black community’ off campus (Seale, 1991: 211). Their continual and withering critique of ‘intellectual jivers … who sit in a fucking armchair and try to articulate the revolution while black people are dying in the streets’ at times appears as a standard call by grassroots activists to place the pressing needs of concrete praxis before the leisurely pursuit of abstract theory (Seale, 1991: 119, 33); and, indeed, Newton claims ‘when Bobby and I left Merritt College to organize brothers on the block we did so because the college students were too content to sit around and analyze without acting’ (Newton and Morrison, 2009: 99). However, Newton was far from opposed to even highly speculative theorizing; he would, after all, routinely open talks by asking his audience ‘to assume that an external world exists’ before they could procced (Hilliard and Weise, 2002: 162).4 His disillusionment with academic activists was not due to the complexity or abstraction necessary for theoretical debate; on the contrary, it was grounded in his experience that ‘when I speak on college campuses … I try to lead an audience into rational and logical discussions, but many students are looking for rhetoric and phrasemongering’ instead, which he felt indicated in his audiences not only an evasion of potentially valid, and thus needed, criticism of their own views, but an implicit elitism concerning off-campus participants in political discourse; as he put it, the students ‘either do not want to learn or they do not believe that I can think’ (Newton, 2009: 68).

Of course, Newton agreed with the white mother country radicals that the fight for black liberation was ‘in essence … not at all a race struggle [but a] struggle between the massive proletarian working class and the small, minority ruling class’ (Seale, 1991: 72); simultaneously, because that class remained internally divided by race and racism, he also held that ‘nationalism is recognized by many who think in a revolutionary manner as a distinct and natural stage through which one proceeds’, explaining, among other things, the Party’s anti-integrationist stance (Harrison, 1970: 151). He thus affirmed the necessity of developing a discourse that would ‘not only … make Blacks more proud but … make whites question and even reject concepts they had always unthinkingly accepted’ (Newton, 2009: 175), which required synthesizing race- and class-based theories of the numerous contradictions that structured social life. His experience with campus radicals, however, led him to believe that their goal, by contrast, was to find ‘a set of actions and a set of principles that are easy to identify and are absolute’ (Newton et al., 2004: 84), which not only deepened the distance between progressive theorists and those most in need of emancipatory thought, but encouraged those in elite positions to instruct, rather than to engage with and listen to, those in whose name they purportedly spoke. For Newton, to ‘attempt to explain phenomena … by taking [them] out of [their concrete] environment, [and] putting them into a category … without understanding everything else related to them’ was to ‘transform’ material, lived realities into reified abstractions that inevitably produced forms of praxis that imposed demands for an impossible ideological purity on a suffering populace living in a nest of economic, biological, psychological, and social contradictions (Hilliard and Weise, 2002: 163). This is why Newton ‘tried not to speak in such absolute … terms’ and emphasized the need for theorists to ‘analyse each instance’, rather than subsuming them under an abstract and rigid model treated as ‘an infallible guide in all cases’ (Newton et al., 2004: 26); as his thinking developed, he increasingly cautioned against theorizing that ‘does not apply to the present set of conditions [because it is] tied to a set of thoughts that approaches dogma – what we call flunkeyism’ (Hilliard and Weise, 2002: 165).

In fact, while it may seem counterintuitive given the militant positions the Panthers routinely struck in public, for Newton, the tendency among activists emerging from the academy to rigidly ‘draw … the line of demarcation, saying you are on this side and I am on the other … shows a lack of consciousness’ of the situation to be theorized (Newton, 2009: 62); not least because it is grounded in the same sort of absolute distinction between the ‘good’ human beings, cultures, and values and their ‘evil’ inversion or absence that defined the colonial mindset that black power and socialist internationalism were each formed to oppose. He reminds us that:

The African gods south of the Sahara always had at least two heads, one for good and one for evil. Now people make gods in their own image … So the African said, in effect, I am both good and evil; good and evil are the two parts of the thing that is me. This is an example of an internal contradiction.

Western societies split up good and evil, placing God up in heaven and the devil down below. Good and evil fight for control over people in Western religions, but they are two entirely different entities. (Newton et al., 2004: 24)

While the Manichean politics he encountered from both white and black campus-based activists resonates strongly with the struggle of the Good to control, instruct, or conquer the Evil, Newton’s own theorizing was based on the recognition ‘that all things are in a constant state of change, transformation, or flux’ (Hilliard and Weise, 2002: 163), because of ‘the internal contradictions in all things’, including the people themselves (Newton et al., 2004: 108). It is precisely for this reason that Newton, above all, endorses a dialectical5 understanding of social change:

This struggle of mutually exclusive opposing tendencies within everything that exists explains the observable fact that all things … are in a constant state of transformation. Things transform themselves because while one tendency or force is more dominating than another, change is nonetheless a constant, and at some point the balance will alter and there will be a new qualitative development … Now, because things do not stay the same we can be sure of one thing: the owner will not stay the owner, and the people who are dominated will not stay dominated. We don’t know exactly how this will happen, but … we can be sure that if we increase the intensity of the struggle (which is already underway), we will reach a point where the equilibrium of forces will change and there will be a qualitative leap into a new situation with a new social equilibrium. (pp. 25–26)

Thus, above all, what Newton wanted to teach the academic-led Left, is that a genuine vanguard does not reprovingly instruct the people as to what they should will, how they should struggle, or what their personal shortcomings are in the light of externally developed, inflexible, and absolute models or principles; it must proceed, rather, from a ‘great compassion for people’ (Newton et al., 2004: 54), or an understanding of, and empathy with, their inherently conflicted lives and communities. As he puts it, ‘the Black Panther Party is not based upon hate. We feel that [a] revolutionary program must be guided by a feeling of love – armed love we sometimes call it’, premised upon the ‘involvement and acceptance’ of the people not only at every stage, but more importantly ‘as they are’ in their flawed, internally contradictory state (Newton et al., 2004: 50). It is thus as much, and perhaps even more, the academic Left as the administrative Right that Newton has in mind when he laments that:

I don’t think students are taught dialectically, and one of the reasons they are not is that it would be detrimental to the bourgeois educational system to do so. I think that it is a fair statement to say that the schools are agencies of the status quo: … it would be detrimental to them to give students the tools to show [the people] that the status quo cannot stand and [thus] to analyze them out of existence. (Newton et al., 2004: 87)

Thus, while affirming the need for radical thought to emerge from spaces like the university, which can help clarify and guide the people in their ongoing efforts to resolve the contradictions of their lives, he simultaneously and strenuously warns that when radical theorists distance themselves from the community and begin to traffic in moral and political absolutes, they can easily slip into what he called ‘revolutionary cultism’; a temptation into which he admits he fell at various points in the Party’s development.

The revolutionary cultist uses the words of social change … but his actions are so far divorced from the process of revolution and organizing the community that he is living in a fantasy world. So we talk to each other on campuses … thinking these things will produce change without the people themselves. Of course people do courageous things and call themselves the vanguard, but … vanguard means spearhead, and the spearhead has to spearhead something. If nothing is behind it, then it is divorced from the masses and is not the vanguard. (Newton and Morrison, 2009: 70–71)6

What was required, then, was not so much an emphasis on praxis over theory, but a specifically dialectical mode of synthesizing theory and practice that ‘emphasizes a concrete analysis of conditions’ within actual communities and which might help lay the foundation for ‘an appropriate response to these conditions as a way of mobilizing the people and leading them to higher levels of consciousness’ (Newton and Morrison, 2009: 49). As he puts it toward the end of his statement expelling Eldridge Cleaver from the Party for

influencing us to isolate ourselves from the Black community so that it was war between the oppressor and the Black Panther Party, not war between the oppressor and the oppressed community … Our dialectical ideology and our analysis of concrete conditions indicate that declaring a spontaneous revolution is a fantasy. The people are not at that point now. This contradiction and conflict may seem unfortunate to some, but it is part of the dialectical process. (pp. 51, 53)

For Newton, the structural oppression that communities endure necessitates both that the people are driven to resist and transform their suppressed circumstances (which we can call their ‘good’) and that ‘the opinions of the people have … been molded and directed against their true interests by slick politicians and exploitative educators [whose] diversion tactics often lead the people down blind alleys or onto tangents that take them away from their true goals’ (which thus reflects their ‘evil’) (p. 57, emphasis added); and it is these internally contradictory people – not reified abstractions of them – whose situation requires concrete analysis and to whom this theorizing must ultimately be directed. This, of course, retains radical theory’s traditional goal of providing a compelling critique of the structures which have distorted the lives and opinions of the people; but such critiques can only be both accurate to the community at issue, and more importantly relevant to emancipatory praxis, if they simultaneously learn from the people so as not to impose upon them externally developed, inflexibly applied, and thus elite demands, leaving them prey to organizing by reactionary leaders who speak more directly to their flawed lives and immediate needs.

Newton’s Conception of a Theoretical Vanguard

Vanguard theory, Newton argues, must therefore proceed from the recognition that ‘revolution is a process’ (Newton and Morrison, 2009: 57, emphasis in original), one which unfolds progressively over an extended period of time as the people themselves come to increasingly identify and struggle for their true interests. Theorists, he therefore argued, can offer essential aid in guiding this process of collective self-determination, but in order to do so, they ‘cannot offer the people conclusions’ (Newton and Morrison, 2009: 57, emphasis added) regarding the utopian state to be achieved, the form of subjectivity, culture, or contribution required to pursue it, or the absolute principles upon which progressive change rests, for ‘when the revolutionary begins to indulge in … final conclusions, the people do not relate to him. Therefore he is no longer a revolutionary’ (p. 47); because the ‘only time an action is revolutionary is when the people relate to it in a revolutionary way’, theorists ‘must be ready to respond creatively to new conditions and new understandings’ that emerge from the people themselves as they progressively struggle to determine their own destiny (pp. 48, 57).

Theorizing thus remains necessary because revolutionary struggle requires the critical determination and articulation of the contradictions that dominate social relations, as well as the development of speculative forms of praxis directed at their resolution; but Newton reminds us that ‘these contradictions should be resolved in the community’, rather than by purported experts or representatives, for only this makes social change genuinely progressive by grounding it in the actualized will of the people (Newton et al., 2004: 47). Thus as it ‘tries to show the people the way to resolve these problems … the vanguard has to include all the people’, and the people as internally contradictory, in both their theoretical analysis and practical recommendations. Because, as he laments, ‘it will take time to resolve the contradictions of racism and all kinds of chauvinism’ (p. 33), and because only the people themselves can genuinely resolve them, Newton believed the vanguard’s essential task was to determine, articulate, and help build political programs that ‘increase the positive qualities [or ‘good’]’ in the people ‘until they dominate the negative [or ‘evil’] and therefore transform the situation’ (Newton and Morrison, 2009: 101).

Of course, because the people are not only externally manipulated, but internally enmeshed in varied contradictions, those working to determine these programs often benefit from a partial remove from the circumstances they seek to study. While the university is not the only institution that can fulfil the role, spaces like it, where speculative thought, grounded in even quite esoteric research, can be both developed and forwarded for vigorous and rigorous debate, are needed so that a vanguard thought – one ahead of the people in its vision and thus which may help intensify and further the people’s struggle for their own liberation – can be developed. Thus, what we typically (perhaps crudely) call ‘critical theory’ is perennially required because, as Newton puts it, if there is no-one to ‘make the people aware of the tools and methods of liberation, there will be no means by which the people can mobilize’ for their interests (Newton and Morrison, 2009: 15); however, such critical theorizing will only be ‘accepted as valid’ by its ultimate target if it not only ‘delivers a true understanding of the phenomena which affect the lives of the people’, but moreover reflects and nurtures what the people as they currently are, are currently willing to contribute to the practical resolution of social contradictions; only this marks a truly vanguard thinking, or what Newton calls a ‘philosophy which will help orient us toward goals which are in the true interests of the people’ (pp. 58–59).

One might say, then, that what Newton is suggesting is that ‘critical theory’ is in fact better understood as a collection of competing hypotheses concerning both the contradictions that determine social life and the modes of their redress. As in empirical science, such hypotheses are developed out of limited evidence, and thus are often highly speculative or diverge in sharply contrasting ways, and before confirmation have the tendency of forming into competing, sometimes quite rigid and dogmatic schools of thought; consequently, these hypotheses, much like scientific ones, can only really become theories by testing them against the relevant data set, which in the case of revolutionary or emancipatory thought can only be the people themselves, who will decide whether it reflects or guides their struggle to collectively determine their own interests by mobilizing themselves to transform their immediately lived situation. While he does not quite put things this bluntly, this is one way of grasping the following passage from his famous speech on BPP ideology delivered to students at Boston College:

I would like to give you a framework or a process of thinking that might help us solve the problems and the contradictions that exist today. Before we approach the problem we must get a clear picture of what is really going on; a clear image divorced from the attitudes and emotions that we usually project into a situation. We must be as objective as possible without accepting dogma, letting the facts speak for themselves. But we will not remain totally objective; we will become subjective in the application of the knowledge received from the external world. We will use the scientific method to acquire this knowledge, but we will openly acknowledge our ultimate subjectivity. Once we apply knowledge in order to will a certain outcome our objectivity ends and our subjectivity begins. We call this integrating theory and practice, and this is what the Black Panther Party is all about. (Newton and Morrison, 2009: 23)

This suggests that, if the goal of political theorizing is, as Newton suggests, ‘to increase our [collective] ability to deal with [the real] world and shape its development’ in a progressive manner (Newton et al., 2004: 26), then it must be as open to critique, challenge, and revision in the light of its social reception as work in the empirical sciences is in light of experimental evidence. This, at least, seems to be how Chicago chapter Chairman Fred Hampton understood the nature of the BPP’s legendary breakfast program:

Our Breakfast for Children program is feeding a lot of children and [so] the people understand our Breakfast for Children program. We sayin’ something like this – we sayin’ that theory’s cool, but theory with no practice ain’t shit. You’ve got to have both of them – the two go together. We have a theory about feeding kids free. What’d we do? We put it into practice. That’s how people learn. A lot of people don’t know how serious this thing is … What are we doing? … we are running it in a socialistic manner. People came and took our program, saw it in a socialistic fashion not even knowing it was socialism. People are gonna take our program and tell us to go on to a higher level. They gonna take the program and work it in a socialistic manner … We been educating [them], not by reading matter, but through observation and participation. By letting [them] come and work in our program. Not theory and theory alone, but theory and practice. The two go together … This is what the Black Panther Party is about. (Hampton, 1970: 139, emphases added)

Theorizing the emancipation of the people is thus incompatible with the cultist drive to compel them – say, through the pressures of social shame or physical threat – to accept independently developed conclusions, for this effectively amounts to replacing their current masters with self-proclaimed superior ones; as Newton continually reminds us, ‘this is something we have to make quite clear: eliminating the controller and assuming the place of the controller are two different things’ (Newton et al., 2004: 101). While theorists from the academy and elsewhere can and should play a vital role in both social critique and pragmatic organizing, they can do so only if they accept that ‘we can’t jump from A to Z, we have to go through all of the development [because] the people tend not to take [even] one step higher; they take half a step higher … this is how we move to higher levels’ (Newton and Morrison, 2009: 71). The job of vanguard theory, then, is essentially to ‘find out what the people will do and [determine ways to] get them to do that much’ (p. 141).

Newton’s own concept of ‘revolutionary intercommunalism’ arose from his conviction that sweeping technological change and global economic integration have ensured that ‘nations no longer exist. Nor … will they ever exist again’ (Newton et al., 2004: 31). This, he hypothesized, necessitated a break with the cultural revolution favoured by the nationalists, because it is no longer possible for Europe’s former ‘colonies [to] decolonize and return to their original existence as nations’; it also meant abandoning the revolutionary internationalism favoured by the socialists because, in his view, American empire had ‘transformed itself into a power controlling all the lands and people’ across the globe. Because nations had effectively been rendered obsolete, Newton argued that ‘the world today is [best understood as] a dispersed collection of communities’, which he defined as ‘a small unit with a comprehensive collection of institutions that exist to serve a small group of people’, although the enduring influence of varied forms of chauvinism ensured that such communities typically (although not exclusively or essentially) were often differentiated and/or interconnected by ethnic or racial identity. Newton’s hypothesis, then, implied an experimental practice of ‘organizing … Black and [other] oppressed communities’, both along and across communal lines, with an eye towards the progressive seizure of local political institutions, as well as the creation of independently organized and staffed ‘people’s institutions’ in order to ‘meet the needs of the community until we can all move to change the social conditions that make it impossible for the people to afford the things they need and desire’ (Hilliard, 2008: 3). The BPP’s famous ‘service to the people’ programs can thus be read as Newton’s own efforts to confirm his intercommunal hypothesis, with the most forceful evidence arising in the incredibly potent Rainbow Coalition formed by the Chicago chapter along with the Puerto Rican Young Lords, the white ‘hillbilly’ Young Patriots, and other community-specific vanguard parties.7

While Newton’s central theoretical concept has recently begun to attract the attention of sympathetic scholars (e.g. Narayan, 2019), a critical assessment of it obviously lies outside the purview of this article; as does a response to the numerous critiques of the BPP’s lapses in translating intercommunal theory into organizational practice made not only by scholars both hostile (Pearson, 1996) and sympathetic (Henderson, 1997), but by some rank and file Panthers, as well (Shakur, 1987). It is worth emphasizing, however, that, despite Newton’s own confidence in his hypothesis and bold predictions regarding the future its embrace might produce, he also intentionally and explicitly ‘left [his own political] program open-ended so that it could develop and people could identify with it’, as evinced by the fact that he began with very local, piecemeal, seemingly reformist actions that could only be sustained and directed through community involvement, thereby allowing the people in distinct communities to challenge, alter, or clarify his theses in an ongoing way (Newton and Morrison, 2009: 47). Intercommunalism was thus ‘not offered to them as a conclusion’ they must accept, but as a theoretical ‘vehicle to move them to a higher level’ of consciousness and action; one that was to be as informed by the theoretical vanguard as it was by their communal constituencies, as they mutually and continuously revised their shared theory and practice. Thus, while he frequently made clear that he did not like the internally contradictory reality of things, the slow development of progress, and the need for continual self-criticism of his ideas in light of their popular reception any better than his Leftist opponents, Newton argued that we ‘have to understand that most of the people are not ready for many of the things we talk about now’; consequently, even as they speculatively theorize in advance of the people, Newton – effectively summarizing his essential lesson for the academic Left – argues that the vanguard must strive to ensure that their work is never ‘too far ahead of the masses of people, too far ahead of their thinking’, so as not to alienate them from what is, of necessity, their own struggle (Newton et al., 2004: 46).

Conclusion: The Enduring Relevance of Newton’s Lessons for the Academic Left

My aim in this article has primarily been to highlight and justify the emphasis that Newton’s BPP placed on the need for would-be vanguard intellectuals to be continually and meaningfully responsible, precisely by being directly responsive, to a concrete and engaged constituency seeking its own emancipation: an emphasis, I would like to suggest briefly in closing, that actually aligns Newton with some recent critiques of the Panthers primarily grounded in the very different conception of the vanguard embraced by groups often understood to be furthering their legacy.

Adolph Reed has long argued that the

oppositional tendency in post-segregation black politics was hampered by its origin in black power ideology. Radicals – all along the spectrum, ranging from cultural nationalist to Stalinist Marxist – began from a stance that took the ‘black community’ as the central configuration of political interest and the source of critical agency … This formulation [presumes] the existence of a racial population that is organically integrated and that operates as a collective subject in pursuit of unitary interests [and thus treats] leaders or spokespersons … not so much representatives as pure embodiments of collective aspirations. (Reed, 1999: 134)

Effectively echoing Newton’s critiques of both black nationalists and white socialists for imposing their conceptions of authentic black interests onto an un-consulted populace – often grounded in a quite distinct and essentialist conception of ‘community’ – Reed claims that many contemporary radical thinkers and activists ‘simply do not see political differences among black people’ as being relevant to the analysis of, or struggle against, racial capitalism (Reed, 2000: 72). Guided more by the judgment of peers than by a confrontation with the conflicted, messier, and more pressing concerns and interests expressed by the actual consistencies under discussion, ‘the substance of [such] political theorizing [has become] a hermetic exercise in sketching a utopian alternative to current social relations’ reflective of the distance theorists enjoy from them; the result, Reed argues, has been an often hostile and demobilizing ‘debate within and between these tendencies’ that ‘centred more on … internal consistency than on apparent fit with the facts of an external, lived world or verifiably demonstrable capacities for intervening in it’ in ways that either further the interests or increase the political capacity of the actual and diverse communities meant to be liberated through them (Reed, 1999: 7).

Recent work by Cedric Johnson traces with exacting historical detail how ‘the ‘two line struggle’ between black nationalists and Marxists descended into parochialism’ (Johnson, 2007: 155) as the 1960s passed into the era of reaction, bolstering Reed’s (1999: 136) claim that for ‘both camps [it was] concern with the internal consistency of the global narrative [that] drove the elaboration of ideological positions’ regarding a presumed black community, ensuring that ‘neither Marxists nor nationalists offered programs with demonstrable payoffs comparable to those promised by mainstream politicians’ to the communities in whose name both camps claimed to speak. This tendency, Johnson (2007) claims, led theorists and many activists away from the kind of responsive social organizing which I have tried to show was key to the BPP’s theory and praxis, and into a ‘mid-seventies turn to ideological education’ based on the ‘detrimental assumption that ideological clarity must precede political work and that familiarity with the radical canon’ of texts and/or correct ideas ‘is a prerequisite to meaningful participation in social life’; and, as Johnson notes, ‘such education programs … tend … to privilege intellectuals in relation to nonelite participants’, replacing a vanguard answerable to a specific constituency with varied forms of brokerage politics where (largely self-proclaimed) elite representatives of subaltern groups speak in their name, rather than helping to facilitate the economic and political self-determination of marginalized communities (p. 163, emphases added).

As ‘radical theory’ has become increasingly ‘disconnected from positive social action’, both Johnson and Reed suggest that ‘radical imagery [has been] cut loose from standards of success or failure’ (Reed, 1999: 141) that tie it to the world of concrete organizing, leading to a kind of retreat into ‘slogans and anachronistic analogies’, or ‘potted rhetoric that asserts [the activists’] bona fides, without concern for communicating outside the ranks of believers’ (Reed, 2000: 194–195); that is, the post-1960s trends in theorizing about economically and socially marginalized constituencies have effectively removed any material

restraint on those radical tendencies’ flight into idealism because claiming [to know, speak for, or distantly support] such a base obviated two key practical tests of theories and strategies as explanations and mechanisms of mobilization: (1) whether they can persuade a significant number of actual members of specific populations targeted for mobilization, and (2) whether they can guide action efficaciously. (Reed, 1999: 17–18)

Conversely, because they have become disconnected from a genuine vanguard, long-suffering communities have become increasingly less engaged with progressive politics, strategic coalitions, and mass mobilization, and increasingly resign themselves to the limited options for advancement that remain within the current alignment, alternately embracing neoliberal or Right-populist solutions to the enduring problems of racial and economic inequality. Both Reed and Johnson have thus been sharply critical of modes of ‘contemporary organizing’ grounded in ‘the notion of black exceptionalism’, or the ‘insistence upon the uniqueness of the black predicament and on the need for race-specific remedies’ (Johnson, 2017), and have criticized, for example, the hegemonic role played by the Black Lives Matter organization on the contemporary Left, for ‘assuming a rather simplistic view of black people’s ambitions and interests and drawing a false dividing line between the interests of black and non-blacks’.

However, despite the obvious resonances between their shared critique of intellectual vanguards and the one explicated above, because both theorists hold that this view ‘descends from Black Power thinking [in that it] presumes a commonality of interest among blacks and claims [elite] authority to speak on behalf of those interests’, both credit Newton and the BPP with inspiring this transition, rather than – as we have seen above – presciently warning against its omnipresent danger and deleterious consequences. While Johnson acknowledges that the BPP ‘represented a more revolutionary alternative to the more conservative black ethnic politics’ of cultural nationalism, he nevertheless holds that their ‘embrace … of black exceptionalism abided by [many of] the same logics’ that dominate current theorizing and activism surrounding black liberation; thus, in challenging the hegemonic discourse of racial exceptionalism, he simultaneously calls for a turn away from the BPP model of organizing and from a ‘nostalgia’ for their era of influence, most vociferously in an article entitled ‘The Panthers Can’t Save Us Now’ (Johnson, 2017). Reed is even less sympathetic with Newton’s legacy, for he sees the (as we have seen above, quite fraught) example of ‘the Students for a Democratic Society’s 1969 proclamation of the Black Panther party as the “vanguard of the black revolution”’ as reflective of the ‘distortion of political judgment into a search for authenticity, hauntingly like white youth’s quest in the 1960s for the most “authentic” blues’; on the largely white, academic-led Left, he identifies a longstanding trend towards political ‘exoticism’ that eschews concrete political analysis and organizing in favor of ‘thin and simplistic definitions of good guys and bad, “true” leaders and false’ (Reed, 2000: 71–73), with ‘approved’ black spokespersons featuring prominently in the former role. It is thus in large measure the white Left’s ongoing embrace of ‘Pantherphile exoticism’ (p. 71) that grounds Reed’s dismissive view that the BPP ‘added [little more than] props and uniforms to make radical politics entirely a show business proposition’ (Reed, 1999: 72). Neither theorist, however, attends to the strong tensions between the BPP and the purported vanguards of black culturalist and white socialist resistance of their time; tensions that ultimately and tragically revealed the dangers inherent in their divergent, but similarly Manichean, worldviews.

While the BPP faced surveillance, harassment arrests, and other forms of police brutality from their inception, the first lethal violence they suffered came in early 1969, when cultural nationalists from the US organization8 (most likely at the instigation of the FBI, but in direct response to Newton’s harsh criticisms of their political program) murdered Panther representatives Bunchy Carter and John Huggins during a conflict over the newly created University of California Black Studies program, in which US sought to control the program’s hires and content, while the Panthers pushed for involving the local, off-campus community at all stages of decision-making.9 Shortly thereafter, an SDS splinter group that called itself the Weather Underground – once again, over the strenuous objections of local Panther leadership – staged the ‘Days of Rage’, which mainly consisted of vandalizing lower-middle-class areas of Chicago in an effort to ‘bring the war home’; an action that was exploited by local police to help secure the warrant that led to the state assassination of Rainbow Coalition founder Fred Hampton.10 There could hardly be starker demonstrations of the intrinsic dangers of the flunkeyism that always arises when one seeks to instruct, rather than serve the people, or confuses one’s own speculative theorizing for their authentic will.

An assessment of their critique of the contemporary Left obviously lies beyond the scope of this article; however, if Johnson is correct to claim not only that ‘black ethnic politics has reached its ends or limits as an effective set of political practices’, but, moreover, ‘that the ends or aims of contemporary African American politics must become radically democratic in form and aspirations’ (Johnson, 2007: 218), and if Reed (1999: 50–51) is correct in arguing that

encouraging popular participation is the only effective possibility for reinvigorating a progressive movement in black political life because people respond by organizing themselves when offered concrete visions that connect with their lives as they experience them, not to ideological abstractions or generic agendas that perfume narrow class programs,

then the problem is how we move from a political landscape fragmented by both the rhetoric and reality of racial division into a coalition of movements capable of effecting the transformations necessary to overcome such division, as well as the class repression that requires it; this is, of course, the very problem with which Newton struggled throughout his active career, and while his answers remain somewhat speculative, his practical efforts to confirm them through the BPP’s service programs and unique brand of coalition politics bore undeniable, considerable, and suggestive fruit. Revolutionary intercommunalism may thus be of great aid in theorizing and organizing our way through the current impasse, and remains, in my view, a hypothesis deserving of further testing; but, regardless, I hope to have shown that Newton and the BPP should be grasped as essential resources as we seek to close the seemingly widening gap between theory and practice, or more precisely, between theorists and the people. At the very least, their history and legacy serve as stark reminders of the need to continually work to ground our necessary – but necessarily speculative – theorizing in the understanding that ‘dropouts understand things students don’t’ (Newton et al., 2004: 85).

#### Don’t grant them arguments about T as propogating a “state of emergency”---none of the timeframe arguments in their evidence apply because it’s a question of whether the discussion around the aff should have happened, not why it happens---that makes T a prior question

### 1NC – Kritik

#### Their attempt to refuse ableism within the structures of civil society is only the upending of a conflict within civil society that mystifies the fundamental antagonism that structures civil society and the world writ large: The non-being of blackness – Anti-blackness provides coherence to the “human” subject.

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For instance, what at first glance seems merely naïve―that is the observation that in the U.S. “[b]eing disabled is just like being black”―actually does index how disability cannot be synonymous with Whiteness**.** For what is suggested through the forced parity between the construction of blackness and disability is that the disabled body or mind cannot properly embody Whiteness in toto. And that is what Anna Stubblefield demonstrates in “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability and Eugenic Sterilization,” which iterates how disabled white persons have historically been categorized as embodying a tainted form of whiteness. She convincingly argues that beginning from the 1800s in the U.S. those who were considered feebleminded, a form of cognitive disability, lost the full privileges attendant with white citizenship. As she writes, “… to grasp feeblemindedness fully as a signifier of tainted whiteness, it is important to understand that the state-sponsored, involuntary sterilization of tainted whites meant that they had, in effect, lost the full protection that whiteness conferred in a white supremacist society” (178; emphasis added). Not only did the so-called feebleminded whites come to embody a compromised form of whiteness but also the “ … white men [and women] labeled as criminal, sexually deviate, homosexual, … or insane … ” (Stubblefield 178). What Stubblefield emphasizes is that disability as a social construct cannot easily be detached from its imbricated positioning within a network of material forces that include not only race but sexuality, class, and gender**.** Her study foregrounds the need for Disability studies to attend to racialization as not a tangential focus but central to its overall theoretical and political project**.** Interestingly Stubblefield’s study of how disability can dispossess whites of their “full personhood” under U.S. law seemingly lends support to what “Dismodernism” authorizes, which is the idea that the suffering of blacks can be made equivalent to not only what disabled whites come to embody but also to all those other Others represented under the category of “people of color.” In short, disability has the potential to democratize civil society by recalling how all citizens are common in their humanity―that is, equally exposed to disability. Yet, if we read between the lines of Stubblefield’s summary of how “feebleminded whites” can become “tainted,” the singularity of “blackness’s grammar of suffering” emerges. For what distinguishes “blackness grammar of suffering” is how it does not operate according to the assumptive logic of capability. In other words, to approach “blackness’s grammar of suffering,” Wilderson insists that one must be able to imagine “an ethicality … so terrifying that, as a space to be inhabited and terror to be embraced” (41), it resists language. It is a “grammar of suffering” based not upon the logic of a “lost” capacity but that of a deontologized property, the Slave that is not “exploited and alienated” but rather “accumulated and fungible.” The effect of this singular grammar on Asian American and Disability studies is significant, but the impact of Wilderson’s critique on the “scholarly and aesthetic production” of the “Black theorist” is radical by comparison**.** As he writes: This [“blackness’s grammar suffering”] makes the labor of disavowal in Black scholarly and aesthetic production doubly burdensome, for it is triggered by a dread of both being ‘discovered,’ and of discovering oneself, as ontological incapacity. Thus, through borrowed institutionality―the feigned capacity to be essentially exploited and alienated (rather than accumulated and fungible) in the first ontological instance (in other words, a fantasy to be just like everyone else, which is a fantasy to be)―the work of Black film theory [and by extension Black studies] operates through a myriad of compensatory gestures in which the Black theorists assumes subjective capacity to be universal and thus ‘finds’ it everywhere. (42) Placed within the frame of “blackness’s grammar of suffering,” I want to examine the consequences of Davis’s attempt to render disability cosmopolitan. While the move has the virtual effect of equalizing all bodies around human capacity to suffer―such an ethical cum political strategy requires the disavowal of how concepts such as “human” and “civil society” in the U.S. have structurally depended on the production of social death, i.e. the Black (and the Red). As it should be obvious by now, what is therefore unthinkable in Davis’s attempt to make civil society cohere around the universality of human suffering is the contingent nature of the term human itself. This in fact is what Bells intuits but cannot name in his influential essay entitled “Introducing White Disability Studies: A Modest Proposal.” Bell’s hesitation is partly attributable to how pain or suffering is both social (that is communicable, sharable by all humans in equal measure) and incommunicable within Disability studies. That is, Disability studies’ uneven attention to the incommunicability of suffering is seemingly capable of accommodating the unrepresentability that is constituent of “blackness’s grammar of suffering.” As Siebers insists, “[i]ndividuality derived from the incommunicability of pain easily enforces a myth of hyperindividuality, a sense that each individual is locked in solitary confinement where suffering is the only object of contemplation. People with disabilities are already too politically isolated for this myth to be attractive” (176). Yet in an attempt to intervene in the poststructuralist tendency to idealize “physical pain” as site of either transcendent power or pleasure, Siebers also adds, “… [p]hysical pain is [at once] highly individualistic, unpredictable, and raw as reality. Pain is not a resource of political change. It is not a well of delight for the individual” (178). What is directly pertinent to the present essay is how the universal figure of the “individual”- human marks the critical horizon of Disability theory. Or, to put a finer point to it via Widerson’s reading of Frantz Fanon’s Black Skin, White Mask, “… the Negro … ‘is comparison,’ nothing more and certainly nothing less, for what is less than comparison? … [And as such] ‘No one knows yet who [the Negro] is, but he knows that fear will fill the world when the world finds out’” (42). We find in the most sophisticated Asian Americanist deployment of poststructuralist strategies of reading―such as the one advanced in the influential work by Kandice Chuh―a similar call to abandon politics based on social identity.6 While I am in agreement with both Davis’s and Chuh’s overarching critique of uniform identity, I find troubling their wholesale critique of all identity formation as a priori essentialist. For such framing of social identity as necessarily restrictive can only lead to the return of the repressed in our present era of colorblindness―the ideal of abstract citizenship. As she writes: “**‘Asian American’ … connotes the violence**, exclusion, dislocation, and disenfranchisement that has **attended the codification of certain bodies** as variously, Oriental, yellow, sometimes brown, inscrutable, devious, always alien. It speaks to the active denial of personhood to the individuals inhabiting those bodies” (Chuh 27). In this, **Chuh**―along with Davis and Siebers―unwittingly **announces the displacement and the erasure of “blackness’s grammar of suffering,”** as their strategies of reading the presence or absence of justice within U.S. civil society is predicated upon exploitation and alienation of the a priori human subject. Nevertheless, by embodying the self―Disability studies helps to shift (though only slightly) critical theory toward an alternative ethicality that does not programmatically endorse the idea and ideals of abstract citizenship. For contrary to the liberal model of the political subject that achieves “hyperindividuality” through social and material detachment, the alternative model of subjectivity that is afforded through the disabled body is a self that is always already in the process of negotiating complex relations to the materiality of the social. Thus, the embodied model of subjectivity helps to re-imagine “personhood” as relation itself, leading not to the reification or essentialization of self, this relational model of subjectivity demands that any identity whatsoever be thought not as autonomous substance but rather as a site, comprising of unfinished, mobile, heterogeneously constituted relations across an embodied hermeneutic horizon. It bears mentioning here that it is this interconnected and radically open vision of “personhood” as relation that is foreclosed in the liberal model of abstract citizenship. For in the liberal model of the self, the ideal is to attain singular indeterminacy through the negation of such social relations, without which no self can hope to attain intelligibility. As Alcoff’s important work suggests: Social identities … are more properly understood as sites from which we perceive, act, and engage with others. These sites are not simply locations or positions, but also hermeneutic horizons comprised of experiences, basic beliefs, and communal values […] . We are not boxed in by them, constrained, restricted, or held captive―unless … it makes sense to say that we are boxed in by the fact that we have bodies . … (287) Interestingly itis by attending to how the self is embodied and embedded in social reality that clarifies the radical singularity of the Black’s structural non-relationality, which in turn helps to bring into focus not only what Wilderson calls the “structural antagonisms” that contour U.S. civil society but also unexplored ethico-political limits and possibilities of sub-fields such as Disability and Asian American studies. For according to Wilderson’s Red, White & Black what gives internal coherence to such terms as “human” and “civil society” in the U.S. is the disavowal of the structural (historical) relation blacks have with what is essentially non-human, a form of social death known as slavery. As he summarizes: During the emergence of new ontological relations in the modern world, from the late Middle Ages through the 1500s, many different kinds of people experienced slavery. … But African, or more precisely Blackness, refers to an individual who is by definition always already void of relationality. Thus modernity marks the emergence of a new ontology because it is an era in which an entire race appears, people who, a priori, that is prior to the contingency of the ‘transgressive act’ (such as losing a war or being convicted of a crime), stand as socially dead in relation to the rest of the world. (17-8) Wilderson’s intervention therefore hinges on isolating and exposing this dual operation by which civil society makes sense of itself to itself―the simultaneous disavowal of and parasitic dependency on the Black. In other words, the desire to make blackness an analogue of disability amounts to denying the structural relevancy of slavery to the formation of U.S. civil society. Wilderson’s reading of Fanon helps to articulate the radical singularity of “blackness’s grammar of suffering,” as it emphasizes how “… the gratuitous violence of the Black’s first ontological instance, the Middle Passage, ‘wiped out [his or her] metaphysics … his [or her] customs and sources on which they are based.’ Jews went into Auschwitz and came out as Jews. Africans went into the ships and came out as Blacks” (38). What Wilderson calls the “blackness’s grammar of suffering,” consequently, has no analogue in either the assumptive figure of the “individual” that subtends Disability studies and those other Others within U.S. civil society that have become included within the frame known as “people of color.” In this, “blackness’s grammar of suffering” gestures toward what is unnamable, a form of suffering that is in excess of any ethical language which is based upon the universal figure of the human. This is how Wilderson radically undermines the desire to transpose “blackness’s grammar of suffering” into the ethico-political language upon which civil society’s depends to make suffering (physical, psychic or otherwise) intelligible**.** As he writes: The ruse of analogy erroneously locates Blacks in the world―a place where they have not been since the dawn of Blackness. This attempt to position the Black in the world by way of analogy is not only a mystification, and often erasure, of Blackness’s grammar of suffering (accumulation and fungibility or the status of being non-Human) but simultaneously also a provision for civil society, promising an enabling modality for Human ethical dilemmas. It is a mystification and an erasure because … their grammars of suffering are irreconcilable. (37) Such is the logic that animates Bell’s critique of Disability studies but it does not, cannot obtain the force of Wilderson’s intervention because Bell cannot or dare not disarticulate the Black from the world. Nevertheless both Wilderson and Bell help foreground the important fact that even suffering obtains a “grammar,” that is, has a way of indexing―whether positively in the form of identification or negatively through dis- or even through non-identification, the presence or absence of a world. What Bell’s and especially Wilderson’s critique bring into sharp relief is that anti-blackness is part and parcel of the episteme that gives internal coherence to U.S. civil society. To approach “blackness’s grammar suffering” is therefore to contemplate, albeit always indirectly, not the paradigm of disability which is always already predicated on agency but a radical non-capacity. Wilderson’s illumination of how the **“**antagonism” that obtains around blackness is structural to the formation of U.S. civil society has the effect of clarifying the positioning of sub-fields such as Disability and Asian American studies, especially when their protocols aim toward establishing some form of political justice based upon “exploitation and alienation,” which is at odds with “blackness’s grammar of suffering.” As previously mentioned, Wilderson draws a sharp distinction between “conflict” and “antagonism.” And this is key, as it is only when anti-blackness is positioned as an “antagonism” that the residual and structural effects of the Slave (the non-human) can be allowed to erupt into the living present of U.S. civil society. As such, though by comparison far more optimistic than Wilderson’s study, Alexander’s The New Jim Crow (2010) gives powerful evidence to Wilderson’s theory of the “structural antagonisms” that contour U.S. civil society. This is how a critical theory based upon advancing a colorblind world or an ethicality based upon the universal human effectively silences the suffering of the Black. As Alexander argues: Far from being a worthy goal … colorblindness has proved catastrophic for African Americans. It is not an overstatement to say that the systematic mass incarceration of people of color in the United States would not have been possible in the post-civil rights era if the nation had not fallen under the spell of a callous colorblindness. … Saying that one does not care about race is offered as an exculpatory virtue, when in fact it can be a form of cruelty. … Our blindness also prevents us from seeing the racial and structural divisions that persist in society: the segregated, unequal schools, the segregated, jobless ghettos, and the segregated public discourse―a public conversation that excludes the current pariah of caste [the incarcerated black males in U.S. civil society]. (228) In this, Wilderson’s Red, White, & Black and Alexander’s The New Jim Crow bring into sharp focus why the framing of blackness within U.S. civil society cannot do without the ruse of analogy which effectively puts under erasure a “… violence which turns a body into flesh, ripped apart literally and imaginatively, destroy[ing] the possibility of ontology because it positions the Black in an infinite and indeterminately horrifying and open vulnerability, an object made available (which is to say fungible) for any subject” (Wilderson, 38). Put otherwise, this “violence” which is in excess of that ideologically saturated term called Humanity demands the infinitely difficult yet necessary encountering with what gives U.S. civil society the simulacrum of ethical and political decency.

#### The 1AC’s focus on language as liberation reproduces the same racial hierarchies that they seek to dismantle- not only are their politics not able to capture to true magnitude of antiblackness, but they always assume language as a life force rather than an impossibility.

Marriott 21 [David Marriott, Professor in the Histories of Consciousness at UC Santa Cruz, 2021, “Lacan Noir, Lacan and Afro-pessimism”, The Palgrave Lacan Series, <https://link.springer.com/book/10.1007/978-3-030-74978-1#authorsandaffiliationsbook>, Pages 6-10, JMH]

What does a “psychoanalysis of the signifier mean”? Not, primarily, a Saussurean theory of the sign, a grammatology, nor a rhetoric of tropes. Lacan, at the beginning of the Seminar, thus introduces the following algorithm (of the signifier (S)): not to think representation or writing; but to conceive of an entirely new topology; of the signifier as the crossing (of a bar) which also bars any access to its signified (s).7 But this also implies that the bar is the differential principle of resistance. Conversely, **only resistance can decline the signifier, and makes its difference an object of jouis-sens (‘enjoy-meant’) and misrecognition**. This is what the signifier is; the genetic element that reveals how difference is subjected to value. But the subject, even when it submits to the bar, limits active resistance, imposes limitations and partial restrictions on it and is already controlled by the x that (the signifier) represents. For the subject is merely represented in the set of signifiers. I say merely because the signifier is always a false witness to what the Other asks of me, for it is not really there. What the bar makes thinkable as resistant is nothing more than the restoration, without consolation, of a mirage (of a difference synonymous with the segregation of S1 from S2 ) to which the Other bears witness. With this in mind imagine the following illustration: This is not meant to be a parody of Lacan’s famous “image of two twin [toilet] doors”, but is a refection on what is at stake (E, 417). When discussing the image of the twin doors, and their identical appearance, Lacan is of the opinion that the segregation of the twin nouns (“man” and “woman”) is purely nominal, or arbitrary. To conceive of these signs as a naïve nominalism which confuses the signifier with the this, that, here, now of a recognition—like a Hegelian child pointing at the ruins of spirit—does not allow us to enter into gender, insofar it is permissible to write above either door with the appropriate modesty of symbolic law. As if gender had only one referential concept and one representation and all one had to do is choose the right door for its corresponding recognition to take place. But this is what the knowledge of difference is: an imaginary freedom to choose or reject what one believes to be different. **This is why Lacan refers to an imperative which is the signifier’s greatest achievement, but also its conquest as hoax, in its teleology and normative renunciation of failure and non-meaning. For the evaluation of this law, the delicate weighing of each signifier in its pure differentiation, Lacan says it depends on a subjugation and a segregation which the West shares with supposedly “primitive communities” (**E, 417). To interpret the algorithmic function of the signifier is always to weigh that which segregates. (But how are we meant to read the logic by which the primitive is used—that is, segregated—as an illustration of segregation? How are we to read the presumed equality of a universal equivalence? That we are all duped by the need for a fundamental difference whose sign gender is? But such a notion already presumes a universal desire for difference that the signifier represents as sex’s representative and the universal’s represented. But what would it mean to say that the signifier “goes” in the same way as that of gender? That it, too, is subject to the same arbitration, same atavism?) **The notion of (racial) hierarchy does not simply appear here but takes on a rhetorical significance, for not every subjugation has the same value of segregation or of referential difference.** What is the relation, then, between subjection and segregation? Are they synonymous? If segregation operates as a law, that is, as something forcibly enjoined on the speaking subject, are there differences in how different subjects take possession of it and are subjugated by it? There are seemingly forces which can only get a grip on something by giving it a segregated sense and a negative value. Consider the mania over choosing the right door or restroom. If it is a direct product of arbitrariness, why does choosing the wrong door signify the worst, recognized or not? But here again, who can conceive of the signifier as simply the acquisition of formally assignable values? Blackness, on the other hand, will be defined as that one, among all the senses of a right choice, which gives the being of what is said the form with which it has a segregating value. Of therefore being the wrong choice in general. Thus, segregare, meaning to set apart, isolate, divide; a word that shifts from a religious to a racist meaning in 1908 suggests an obvious difference in how modern subjects are subjected to the signifier; it also gives rise not only to the enigmatic question of arbitrary difference as such, but also of the racist historicity of such ordering. But which order has the maximum afinity with the symbolic? Which is the one where we can no longer know who subjugates, since it is subjugated by the force that segregates it? For all things this is a question of weighing, the delicate but rigorous art of knowing the imaginary object of blackness from the ab-sens by which it is necessarily taken away, cast down, served gall rather than the meat of a universal equivalent. Indeed, segregation shows how racial difference is inscribed (Lacan uses the word enters) across the two spaces, but also how the segregation of linguistic values that we find in the illustration is made to symbolize (Lacan uses the words complement, reinforce) racial difference in “the lived experience of truth” (E, 417). Does the image above allow a better understanding of what is being presupposed? **Everything about that illustration that, from the very beginning, was taken up with a linguistic explanation of the signifier, with Saussure, with signification, suggests that its importance resides solely in how difference is inscribed in language**. And yet. Even if we think that the placing of race here is a precarious pursuit, the sign of an inability to read properly, and one that risks being tripped up by the purely formal question of difference—nevertheless, the form in which signifiers are symbolically subjugated does suggest that there is something more going on here than how subjects are placed in language. Why? In the perspective of Lacan’s original reading, the signifier’s autonomy is equally caught between what it metaphorically affirms and at the same time metonymically denies, an ambiguous ambiguity in relation to which all linguistic values are deemed arbitrary. This is why Lacan is so fond of saying that the signifier reveals a hole in meaning. It is not that the signifier makes these holes appear, or that it reveals actual gaps: the signifier veils over a more primordial lack out of which meaning is woven and then draped over being like some discarded pelt. What people want from the signifier is thus what allows them to know without knowing, those pleasures and adventures that allow us to take our minds away from the fact that the signifier signifies nothing but what it lacks. Even if we remain enslaved or chained to the ways in which the signifier insists—and consists—in the signification of the lack of this lack, meaning offers us nothing else other than the lure of its capture. What language teaches us, then, is how our being is burdened by sense and by its expectation. **What meaning offers us, in short, is neither truth nor consolation, but a desire for a certain mastery in which blackness is once again figured as something enslaved, dominated by its appearance**. **That is why its symbol is that of the non-moi, for what it connotes is so fearful as to be inexpressible, like a Jabberwock, or the insatiable savage nature of some mythical beast.** This great fearful thought has often served to show certain truths and thus to prove the symbolic efficacity of blackness. But at the same time, it is impossible to gain access to it, to prove absolutely that it exists, since its sense always seems to be less than its differential value. For what is at stake is not knowledge, or seeing, but the thought that makes blackness itself into a state of terror or wretchedness. It is therefore not surprising to come across the following curious sentence in Lacan’s meditation on the signifier: “[T]he phenomenon is no different, which – making her appear, with the sole postponement of a “but,” as comely as the Shulammite, as honest as a virtuous maiden – adorns and readies the Negress for the wedding and the poor woman for the auction block” (E, 419).

#### Our analysis of their speech act is a best starting point to understand how blackness is constantly relegated to the slave signifier.

**Marriott 21** [David Marriott, Professor in the Histories of Consciousness at UC Santa Cruz, 2021, “Lacan Noir, Lacan and Afro-pessimism”, The Palgrave Lacan Series, <https://link.springer.com/book/10.1007/978-3-030-74978-1#authorsandaffiliationsbook>, Pages 4-6, JMH]

Good or authentic psychoanalysis means both the subject as signifier and the signifier as subject. Good psychoanalysis is as opposed to a sociology of values as it is to pragmatist or utilitarian approaches**. Good psychoanalysis signifies the differential element of the unconscious from which the value of the good itself derives**. **Good psychoanalysis thus means structure or topology, but also jouissance or speech at the origin**. Good psychoanalysis also means knowing that we are all “slave[s] [serf] of language”, and that representation is the “illusion” which the signifier serves [répond à]—these are truly foundational and critical elements (E, 414). But, understood in this way, good or authentic psychoanalysis also means that we are all irredeemably enslaved as speaking subjects. But why assume that being human pertains to universal enslavement, and why presume that the signifier is joined to slavery? (E, 416) What knowledge or ignorance is encoded in such rhetorical figures? And what does this say of psychoanalysis as the institution that puts slavery to work, to borrow a metaphor from Freud’s The Interpretation of Dreams, as the form of testimony? And what possible remedy (aside from becoming an analyst) could there be to a slavery that begins from the moment it (ça) speaks? **Hence Lacan’s emphasis on the constant slippage of speech, its failure, as against its imaginary fullness**. And hence the theory of the analytic institution that subtends it: as neither a church nor faith, with a doctrine ruling over both of them, but an I that founds itself as an act of pure sacrifice, and one that thereby destroys all law and authority. However, an act that claims to see with the eyes of faith and to know—with absolute conviction or knowledge—belief from unbelief is all the more enslaved for doing so. **For the knowledge of illusion does not thereby free you from illusory knowledge. And doubting the existence of one’s chains does not automatically lead one to mastery or wisdom.** Hence the controversy over Lacan’s substitution of the authorization of the analyst for that of the institution. Tat Lacan’s dissolution of his own school in 1980 has been criticized as an attempt to kill all heirs, and in a purely authoritarian manner should perhaps not be surprising. A power that absolute, it has been said, could only see its fulfilment in absolute servitude.6 But what then does it mean to still bear witness to Lacanianism as a training in, and a theory of, authorization? And what did the dissolution accomplish if not further proof of the ante-legum power of the master-signifier? Lacan contrasts mastery with knowledge, slavery, or the signifier with the imaginary (in its illusory servitude). The tendency will be towards ever greater formalization, and the bias towards ignorance-as-testimony will see the beginning of “ab-sens”, that is the analysis of what cannot be spoken, though it can still be signified. The algorithm will therefore soon be followed by mathemes and by knots; but the slavery of which reason knows nothing will remain “ab-sens”, and our illusory commitment to knowledge, in whose allegiance we declare our freedom, will harden into a knot that binds us ever tighter to chains (of signifcation). The word chain takes us back to slavery, but a slavery without black people. The links of the chain are compared to necklaces, not to iron collars or bits; Borromean knots not to nooses. But **regardless of the rhetoric used, slavery is at the heart of what Lacan perceives to be our identifications. This is also what analysis is: the authorization through testimony of our slavery by the signifier. To confuse liberation with “ab-sens”; this is what Lacan feels as one of the continuous temptations held out to us by representation.** Psychoanalysis is not a re-presentation of what we do not yet know but the active expression of what is missing from symbolization; darstellung and not vorstellung, the presentation of an “ab-sens”, of a lack without which neither sense, nor object or subject could be imagined. Tis way of presenting is that of the Lacanian analyst precisely because he or she wields the signifier’s diferential element as critic and creator and therefore as a real encounter. But once again the experience of “ab-sens” is assumed to be universal, formal. And white. Lacan says that his adversaries confuse transference with the imaginary vicissitudes of the ego. **Lacan has high expectations of this conception of the signifier as subject: a new organization of the clinic, a new organization of technique, a new determination of psychoanalytic truth and knowledge. But what remains unsaid—unthought—is the very whiteness of this thought**. For why does the ça appear here as both a slavish fiction (of a reason forever deprived of its sovereignty) and a rhetorical apostrophe to slavery as the only knowledge of what it means to be human? **It is from this little dungeon that I would like to see blackness emerge**. That is to say: emerge insofar **as we are able to distinguish slavery from a certain conformity of thought by which psychoanalysis expresses difference, and to that end challenge the way it conceives of blackness and at the same time excludes it.** More, I believe that Lacan’s work allows us to investigate these exclusions and precisely because he does not look at them (do we see only what we know?) because they are devoid of meaning. Since we in our turn do not want to put blackness to work as a particular form of being or identity, we share this limitation although we would also like to know what is being concealed by it and what is being obscured by its failed psychoanalysis. Thus the ultimate question: why is blackness so much harder to see and can it be seen without being hidden? Indeed, that is how black studies is being conceived in this book, the better to understand why this indifference of psychoanalysis—in its absolute ignorance—is its most symptomatic expression. This book is written, then, out of a certain distrustful love of Lacan. It should therefore be read as a work that tries to grasp—without ever reaching—that which slips away, or that which does not seem to exist beyond its indifference. Limited in every respect but aware of its limitations: perhaps there is an origin and image here of a certain black reading?

### 1NC – Counterplan

#### Text: The United States federal government should facilitate and fully resource the establishment of national care infrastructures.

#### The counterplan transforms the liberal welfare state in ways that foster radical flourishing and interdependency.

Chatzidakis, et al, 20—Professor in the School of Business and Management, Royal Holloway (Andreas, with Jamie Hakim, Jo Littler, Catherine Rottenberg and Lynne Segal, writing collectively as The Care Collective, “Caring States,” *The Care Manifesto: The Politics of Interdependence*, Chapter 4, 677-805, Kindle, dml)

The state is a critical arena if we are to create any sort of universal care. States must cease to be places where the interests of corporate-driven patterns of economic growth predominate, as these routinely rest upon deepening inequality, including embedded ethno-nationalism. Instead, their first and ultimate responsibility should be to build and maintain their own sustainable infrastructures of care. This means turning the current priorities of most nation states on their head.

A caring state is one in which notions of belonging are based on a recognition of our mutual interdependencies, rather than on ethno-cultural identity and racialised borders defended in the name of national security. It is one in which the provision for all of our basic needs is assured while, at the same time, it caters to the health of the environment and deepens participatory democracy at every level. The caring state is only successful inasmuch as it nurtures every human being and other living creatures within its bounds. And while no state can ever completely eliminate human aggression, relations of domination, or natural and human-made disasters, a caring state provides the conditions in which the vast majority of people can, nevertheless, not only survive but thrive.

First and foremost, a caring state must resource all the structures that facilitate the well-being and foster the capabilities or sustainability of all human and non-human life within its domain. For this to happen, we must transform the way belonging and citizenship operate within current state borders. For many countries, such as the US, this will often mean taking the lead from the struggles of Indigenous and First Nations People. In line with Canada’s Leap Manifesto, we argue that there must not only be recognition of past atrocities but also a reckoning with and some form of reparation for them, whether genocide, slavery and/ or dispossession. This will, of necessity, entail a process of decolonisation and the reclamation of stolen lands as well as stolen lives. It will also include reassessing how histories of imperialism and inequality are narrated in public heritage spaces and educational institutions. Only by confronting the past and prioritising the needs of those who have been most marginalised, violated and negated by uncaring nation states will we be able to move forward into a juster future and cultivate a radically different way of relating to others and the world itself.

States, in short, need urgently to build a care infrastructure based upon a recognition of our profound interdependencies and vulnerabilities, while putting the necessary material, social, and cultural conditions in place for the mutual thriving of all. Can this be done? It can, but first we must rethink the earlier, Keynesian welfare model.

The Welfare State and Its Discontents

We often hear resentment expressed towards the older generation of so-called baby boomers, the ‘lucky generation’. It was this generation that largely benefited from the expanding post-war welfare state, following the New Deal in the US and William Beveridge’s promise, in his famous 1942 Report, to provide care and support for everybody ‘from cradle to grave’. Influenced by Keynesian economics, with its warning that markets could not be relied upon to regulate themselves, the new post-war consensus generated widespread support for far-reaching extension of social services and state resources. This happened despite the fact that many European governments were near bankrupt as a result of the war. During this period, in many countries in the Global North, the state was understood to be responsible for facilitating the well-being of its citizens and for improving social infrastructures, while helping to ensure decent lives for all – whatever the shortcomings in practice, particularly in relation to racialised subjects and the realities (and eventual legacies) of colonialism. By the 1950s, for instance, 20 per cent of the British economy was publicly owned, including most essential services such as transport, energy and other key industries, and by 1979 almost half the British population lived in council housing, with the gap between the richest and poorest lower than ever before.

Similar policies were pursued across much of the Western world, supported by higher levels of progressive taxation. In the UK, the pioneer of British social policy, Richard Titmuss, insisted on the importance of universal benefits, conceived as entitlements, to ensure all citizens had an equal interest in the state, while judging gross inequalities to be both ‘morally wrong and corrosive of a healthy society’. In popular radio broadcasts, the British psychoanalyst D. W. Winnicott highlighted the fact of human dependency, stressing the essential importance of ‘holding environments’ for the child, which fed into ideas about the significance of caring welfare states through support for mothers and the provision of decent homes and welfare services. 1

Rethinking the Keynesian Welfare State

A state organised around care would adopt many of the initial post-1945 welfare promises, while working to eliminate the inherently sexist, racist, hierarchical premises and manifestations of that time, and combating the anti-immigrant xenophobia still so evident today. A caring state will always begin by valuing caretaking over profit-making, and champion caretaking as a highly valued end in itself. Our vision of a caring state is one in which each life is understood to have intrinsic value and where belonging is not defined over and against a racialised or subordinated other. The caring state ensures high-quality and flexible care that is predominantly free at the point of use during all stages of life, from infancy to old age. It provides as well as ensures affordable housing and shared public and cultural spaces for all, along with high-quality public schooling, vocational training, university education and healthcare. A caring state recognises that its infrastructure as well as its day-to-day functioning depend on a myriad of skills and competencies.

All education and vocational training needs to emphasise care and caretaking practices, developing the capabilities of each person to hone their caring skills, while insisting that learning is about enhancing old as well as discovering new ways to nurture life and the world – whether in the sciences, humanities, carpentry or cooking. Indeed, from early on the caring state cultivates everyone’s capacity to care by providing relevant education and the necessary conditions for mutual thriving. Such attempts were not only pioneered in those community nurseries set up by feminists in the 1970s, but, as we’ve seen, over the years have been the focus of disability rights activists and mental health users. Furthermore, once caring and practices of caretaking become the organising principle of states, mental health issues will wane. Much of the misery of our times is inextricably linked to the entrenchment of neoliberalism, the gig economy and a growing sense of precarity among the 99 per cent. The caring state would produce substantive solutions to the growing mental health crisis, rather than inadequate sticking plasters. We need radical and systemic transformation.

Given our interdependencies, each and every citizen of the caring state must be recognised as having something of significance and value to contribute at every stage of life. Thus, a transformation of cultural norms goes hand in hand with the state’s avowal of everybody’s intrinsic dependency, with autonomy and dependency seen as two sides of the same coin.

Significantly rethinking the welfare state in this way also moves us well beyond the traditional domestic and gendered division of labour, since both the need to care and the need for care are understood to be shared by all. This is why rethinking the welfare state is also about rethinking how public provision is conceived and distributed. The caring state is precisely not a paternal, racist or settler-colonial state. Public provision in the caring state does not revolve around deepening dependencies but rather enables everyone to cultivate what disability studies have called ‘strategic autonomy and independence’, while creating the conditions that allow for new relationships within and among the state and its diverse communities – relationships predicated on everyone receiving what they need both to thrive and to participate in democratic practices.

In other words, the state, while necessary to manage the smooth provision of services and resources that enable communities and caring markets to thrive, must also be responsible for facilitating more, rather than less, democratic participation. A caring state is not a vertical, top-down, disciplinary or coercive one, but instead facilitates what Davina Cooper calls ‘the creative, horizontal and ecological tending of present and future’. 2 A caring state necessarily works in the vein of social justice rather than criminal justice, learning the lessons of abolitionist feminism to build supportive communities rather than privatised systems of incarceration. It also imaginatively encourages ‘common uses and spaces’ by providing open institutions and resources which can be overseen by citizens through participatory democratic processes, such as citizens’ assemblies. The caring state, in short, ensures the resourcing necessary for promiscuous care alongside caring communities to thrive.

There is copious evidence that democratically controlled, collectively resourced public services produce greater satisfaction than profit-seeking, commercialised services. 3 They significantly reduce inequality and secure broader solidarity and support, whatever the tensions they might also generate. A caring state is therefore one that provides the conditions allowing for such tensions, disagreements and ambivalences to emerge, since this encourages deliberation and concerted action. This means fostering institutions, norms, and communities that are well resourced and thus best positioned to enable us to work through at least some of the tensions of routine caring interactions. Consequently, state provision of care services is not enough without transforming its modes of delivery.

A caring infrastructure also entails shorter hours in paid work, to allow adequate time as well as resources for people to expand their capacity to care, whether in familial or any other caretaking settings. The best of hands-on care requires the time to slow down and maintain relational continuity while patiently taking stock of others in order to enable those being cared for to use or develop whatever scope they have for personal agency and well-being. This is why shorter working hours – as popularised by the campaign for the four-day week – is also key to facilitating the conditions that can educate and expand our capacities for caring, encouraging mutual participation in democratic deliberations as an integral part of the provision or need for care. 4 Once care is prioritised in this way, it becomes easier to find ways to recognise and try to meet our shifting dependencies, assisting those who need to develop or gain control over capabilities others can take for granted.

From Welfare State to Caring State

Facing collapsing infrastructures and calamities of care and livelihoods, there have already been moves to rethink policies and practices in certain cities and municipalities, although rarely on a national level. Some administrative regions have begun to offer more support for co-operative grassroots initiatives for jobs and services, both little and large, as we saw pioneered in Cleveland in the US and more recently in Preston in the UK. With homelessness a pressing problem of our time, assistance with community housing projects has also been growing, while the exemplary Social Services and Wellbeing Act passed in Wales in 2014 specifically requires local authorities to promote the development of community and user-owned services. Such modes of care can in principle not only encourage less bureaucratic and more flexible targeted services and support, but help build that vital sense of solidarity, agency, community and belonging necessary for sustaining resource building and caretaking. We can learn from and build on examples such as these. A caring state would facilitate and help resource precisely these kinds of horizontal and community-oriented projects, ensuring affordable and decent housing for all, while the relationships between the different levels and scales of governance would, of necessity, be ones of mutual responsibility but also – and crucially – subjected to continual debate and reflection.

The idea that we are all entitled to equal access to public resources when we need them will not banish all of our fears surrounding fragility and dependence. But it is the only way to lessen these fears and nurture belief in our shared humanity and interdependence, whatever our pluralities and shifting needs, especially those we have been encouraged to disavow and disparage. Insisting on such priorities would offer reassurance that those we care most about could always find forms of support, even if we cannot provide it ourselves. Above all, prioritising care would also offer the vast comfort of knowing we live in a world that is capable of valuing all living things within it and, just as importantly, that works to repair and replenish the resources we rely upon, whether ecological, manufactured orself-fashioned.

Such a world clearly rids us of old forms of state paternalism with its gendered, ethnic and racial exploitations, challenging ingrained and recently mounting ethno-nationalism by creating more porous borders for the movement of people, while deepening democratic practices on all levels of society. The caring state therefore not only builds and cultivates an infrastructure of care from cradle to grave, it also engenders new conceptions of belonging, citizenship, and rights through necessarily providing for the basic needs of all. A caring state is ultimately based on a sense of solidarity towards all its inhabitants, while also enabling what Joan Tronto calls ‘caring with’, the idea that citizens should care not only for other citizens but for democracy itself.

Thus, belonging, citizenship, and rights must all be organised around the principle of care rather than by birthplace, identity or national territorial claims, so that a commitment to care will be the only pledge of allegiance necessary to live in the caring state’s domain. Too many of those who have provided and continue to provide the bulk of caring work in wealthier countries have been denied citizenship, even though they sometimes arrived as children. This was the case in the recent Windrush scandal in Britain, where West Indian migrants who had lived in the UK since childhood were unlawfully detained, denied legal rights and in some cases deported in the ‘hostile environment’ imposed by the Home Office. In contrast, new notions of caring citizens and citizenship would not only help atone for these and other past violations but completely alter our present and future notions of belonging.

This is not an impossible dream. Here, as with notions of belonging, we have much to learn from the history of Indigenous struggle against settler colonialism and extractive capitalism. In the fight against the Dakota Access Pipeline, for instance, Indigenous nations from across North America and beyond established the treaty camps at Standing Rock. Despite a devastating history of genocide and serial betrayals by the US government, the camp was not exclusive to Native Americans. Anyone was welcome so long as they adhered to the values of the camp, which included a commitment to protect the water and Mother Earth. As the historian Nick Estes states, whatever their shortcomings, the treaty camps offered a vision for an alternative future. There, ‘free food, free education, free health care, free legal aid, a strong sense of community, safety, and security were guaranteed to all.’ 5 In other words, they were designed according to need, not profit. The camps were built on caretaking and enshrined a radically different vision of belonging, as well as of relating to other people and the world.

Through the creation and resourcing of a caring infrastructure, rejecting all past and current state violence, states can and must be transformed. This will involve giving priority to those who have historically been most marginalised, and recognising the right of every inhabitant of the state to care and be cared for in all care’s various meanings and manifestations. Adopting some of the premises of post-war welfare states, but refusing their traditional racialised policies, rigid hierarchies and sexual and racial divisions of labour, our progressive vision of states would undermine the conditions that produce economic and environmental refugees and migrants. Indeed, if care were to become the organising principle of all states across the globe, economic inequality and mass migration would decrease and environmental injustice would be rectified through our mutual commitment to caring for the world. Ultimately, then, our caring imaginaries must move away from only caring for one’s own, towards the community-building of radical municipalism and nation states, ending with caring for the furthest reaches of our interconnected planet. Making this a reality necessarily involves rethinking and tackling our uncaring economies.

### 1NC – Care Work

#### 1---Vote neg on presumption---

#### a---Pornotroping---the 1AC speaks on instances of violence against dis/abled people without any material way to solve it---that makes the violence fungible, which turns case

#### b---This is offense. Symbolically affirming their method without ties to material resistance strengthens power.

Rigakos and Law, 9—Assistant Professor of Law at Carleton University AND PhD, Legal Studies, Carleton University (George and Alexandra “Risk, Realism and the Politics of Resistance,” Critical Sociology 35(1) 79-103, dml)

McCann and March (1996: 244) next set out the ‘justification for treating everyday practices as significant’ suggested by the above literature. First, the works studied are concerned with proving people are not ‘duped’ by their surroundings. At the level of consciousness, subjects ‘are ironic, critical, realistic, even sophisticated’ (1996: 225). But McCann and March remind us that earlier radical or Left theorists have made similar arguments without resorting to stories of everyday resistance in order to do so. Second, everyday resistance on a discursive level is said to reaffirm the subject’s dignity. But this too causes a problem for the authors because they:

query why subversive ‘assertions of self’ should bring dignity and psychological empowerment when they produce no greater material benefits or changes in relational power … By standards of ‘realism’, … subjects given to avoidance and ‘lumping it’ may be the most sophisticated of all. (1996: 227)

Thus, their criticism boils down to two main points. First, everyday resistance fails to tell us any more about so-called false consciousness than was already known among earlier Left theorists; and second, that a focus on discursive resistance ignores the role of material conditions in helping to shape identity.

Indeed, absent a broader political struggle or chance at effective resistance it would seem to the authors that ‘powerlessness is learned out of the accumulated experiences of futility and entrapment’ (1996: 228). A lamentable prospect, but nonetheless a source of closure for the governmentality theorist. In his own meta-analysis of studies on resistance, Rubin (1996: 242) finds that ‘discursive practices that neither alter material conditions nor directly challenge broad structures are nevertheless’ considered by the authors he examined ‘the stuff out of which power is made and remade’. If this sounds familiar, it is because the authors studied by McCann, March and Rubin found their claims about everyday resistance on the same understanding of power and government employed by postmodern theorists of risk. Arguing against celebrating forms of resistance that fail to alter broader power relations or material conditions is, in part, recognizing the continued ‘real’ existence of identifiable, powerful groups (classes). In downplaying the worth of everyday forms of resistance (arguing that these acts are not as worthy of the label as those acts which bring about lasting social change), Rubin appears to be taking issue with a locally focused vision of power and identity that denies the possibility of opposing domination at the level of ‘constructs’ such as class.

Rubin (1996: 242) makes another argument about celebratory accounts of everyday resistance that bears consideration:

[T]hese authors generally do not differentiate between practices that reproduce power and those that alter power. [The former] might involve pressing that power to become more adept at domination or to dominate differently, or it might mean precluding alternative acts that would more successfully challenge power. … [I]t is necessary to do more than show that such discursive acts speak to, or engage with, power. It must also be demonstrated that such acts add up to or engender broader changes. In other words, some of the acts of everyday resistance may in the real world, through their absorption into mechanisms of power, reinforce the localized domination that they supposedly oppose. The implications of this argument can be further clarified when we study the way ‘resistance’ is dealt with in a risk society.

Risk theorists already understand that every administrative system has holes which can be exploited by those who learn about them. That is what makes governmentality work: the supposed governor is in turn governed – in part through the noncompliance of subjects (Foucault, 1991a; Rose and Miller, 1992). For example, where employees demonstrate unwillingness to embrace technological changes in the workplace, management consultants can create:

a point of entry, but also a ‘problem’ that their ‘packages’ are designed to resolve. … In short, consultants readily constitute certain forms of conduct as ‘resistance to technology’ as this gives them some purchase on its reform by identifying a space in which expertise can be brought to bear in the exercise of power. Resistance consequently plays the role of continuously provoking extensions, revisions and refinements of those same practices which it confronts. (Knights and Vurdubakis, 1994: 80)

This appears to be a very different kind of resistance from that contemplated by Rubin, but perhaps not so different from that of the authors whom he and McCann and March critique: those whose analysis ends at the discursive production of noncompliance. Instead, the above account is of a resistance that almost invariably helps power to work better. A conclusion in the present day that ominously foreshadows the futuristic, dystopic risk assemblage described by Bogard (1996).

Another example of the ‘resolution’ of resistance proposed above is the institution of a tool library described by Shearing (2001: 204–5). In this parable, a business deals with the issue of tool theft on the part of workers by installing a ‘lending library’ of tools instead of engaging in vigorous prosecution and jeopardizing worker morale. While the parable is meant to indicate a difference between actuarial and more traditional (moral) forms of justice, it also demonstrates how an act that may be considered ‘resistant’ is incorporated without conflict into the workplace loss-prevention scheme – an eminently preferable, ‘forward-looking’ solution within the logic of risk management. The same is possible in the case of more discursive forms of resistance. If I do not see myself as a Guinness man, for example, market researchers will do their best to adapt Guinness to the way I do see myself (Miller and Rose, 1997). The end result, of course, is that I purchase the beer. As manifested in a form of justice (Shearing and Johnston, 2005), it always consolidates, tempers emotions, cools the analysis, reconciles factions, and always relentlessly moves forward, assimilating as it grows. In this sense, therefore, Bogard’s ‘social science fiction’ actually pre-supposes and logically extends Shearing’s (2001) rather cheery and benevolent rendering of risk thinking. In this context of governmentality theory – as self-described and lauded for its political non-prescription by its own pundits – the acts or attitudes described as resistant are, in the end, absorbed by those who govern. Resistance as an oppositional force – that pushes against or has the potential to take power – is theoretically and politically neutralized. In the neutralization process, power is reproduced.

So, along with McCann and March’s observations that everyday resistance adds little to our understanding of false consciousness and that it denies the role of material factors in shaping identity, we can add Rubin’s two main criticisms of everyday resistance: it relies on an inaccurate understanding of power, and acts of resistance which supposedly emancipate actually may reinforce domination. All four of these criticisms demand the same thing: to know what is really going on, to get an adequate grasp of the social.

#### c---Debatability---they provide no concrete or new strategy that hasn’t already been done---that makes them undebatable because we can never predict what the 2AC spin will be---proves all our t arguments because even if its possible to debate them, it is not plausible which also means that simply thinking the aff is a good idea is not enough

#### 2---Neoliberal individualism can be reclaimed through a critical use of the law

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

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

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

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

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

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

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

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

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

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

#### 3---Their reading of disability within capitalism is ahistorical—they feed value back into the system.

Bingham, 20—doctoral researcher in English Literature at the University of Birmingham (Richard, “The Disabled Body Under Surveillance Capitalism: Tony Tulathimutte’s Private Citizens,” C21 Literature: Journal of 21st-century Writings, 8(1): 4, pp. 1–28, dml)

Industrial capitalism has historically categorised the disabled body as unproductive, its difference to the interchangeable ‘universal worker’ introducing disruptive contingencies to standardised models of labour and mass production (Davis 1995: 36). However, under the surveillant gaze of today’s internet platforms, such as Google and Facebook, the categorisation of bodily difference has itself become a source of value. Any and all recorded data about users provides material to further augment complex models of targeted advertising. Far from threatening production, encountering difference between bodies indicates untapped areas to measure and translate into significant ‘user profile information’. While disability as a historically situated system of differentiating ‘normal’ and ‘abnormal’ bodies continues to exclude many from labouring in the post-industrial economy, this differentiation process generates valuable new avenues to internet platforms and extends their commodification of social life.1

#### 4---Care work and social relation cannot solve their harms – state’s key

Harcourt 20 (Bernard E. Harcourt, Professor of Law and Political Science, Columbia University, “For Coöperation and the Abolition of Capital, Or, How to Get Beyond Our Extractive Punitive Society and Achieve a Just Society,” Columbia Public Law Research Paper No. 14-672, 9-1-2020, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3702010)

The theory of mutual aid can sometimes elide the structural failures that are the root cause of the problems that give rise to the very need for mutual aid. At other times, the concept of mutual aid comes too close to charitable work. It is problematic, for instance, that some proponents glorify mutual aid, arguing that it works better than state or top-down measures, and as a result (1) ignore the fact that the problems are the product of indifference and structural racism, poverty, classism, and gender discrimination, and (2) suggest that we would all be better off with no state interventions. Dean Spade gets to this in his essay, “Solidarity, Not Charity,” when he argues that most of the media stories about recent mutual aid efforts elide the structural causes of the problems; and when he argues that they feed into the rhetoric of small government.312

Another concern with mutual aid is that it only really addresses one small or tiny segment of coöperation, the sector that relates to charitable works, non-profit service, or what might be called public service—altruistic projects aimed at relieving the immediate effects of poverty and hunger and sickness. This raises several problems.

First, it has an anarchist bent that may be detrimental to coöperation: the impetus and force of coöperatives and mutuals may well be that the individual workers and members drive the enterprise, and in this sense, many of these initiatives are bottom-up or grass-roots; but that does not signify in any way that there is no need for an organizational mechanism or regulatory framework to administer and ensure the smooth functioning of these initiatives. Coöperationism is not anarchism. It may devalue the dirigiste elements of the state (by, among other things, placing ultimate decision-making in the hands of elected members of coöperatives), but it does not do away with the state necessarily.

Second, it takes a part for the whole: mutual aid is just one type of coöperationist enterprise, and it fits alongside housing and worker coöperatives, credit unions, mutuals, etc. Each one of these types of enterprise will have their own unique features. Mutual aid may appear to require less state intervention than worker coöperatives, but that is only because state regulation is often so hidden. It is pervasive in the mutual aid context: the state licenses food services and has OSHA regulations for the groceries where Invisible Hands’ Elkind shopped (Fairway Markets), as well as all kinds of worker and other regulations, FDA etc. And these differ from the kinds of regulations that would be necessary for banking through credit unions. Each one of these will need their own conceptualization, and we could never say that “mutual aid” governs those other areas—that makes far too many assumptions and simplifications about coöperationism.

Third, mutual aid does not really address root causes, despite its oft-repeated claims: these mutual aid projects are more temporary remedies, than solutions to the problems. They are valiant forms of self-help, but they depend on some of us having enough money to volunteer and shop for others, for instance in the Invisible Hands initiative. They build solidarity and reorient our moral compass—all good—but do not resolve the structural problems that give rise to capitalist exploitation. When Tolentino writes in the New Yorker that “Both mutual aid and charity address the effects of inequality, but mutual aid is aimed at root causes—at the structures that created inequality in the first place,”313 I have to disagree. Other forms of coöperation will get at the root causes, but not the mutual aid projects. Tolentino links in the article to the Big Door Brigade.314 The Big Door Brigade is a project that Dean Spade has been involved with. 315 On its website, built by and maintained by him, Dean Spade explains:

Mutual aid is when people get together to meet each other’s basic survival needs with a shared understanding that the systems we live under are not going to meet our needs and we can do it together RIGHT NOW! Mutual aid projects are a form of political participation in which people take responsibility for caring for one another and changing political conditions, not just through symbolic acts or putting pressure on their representatives in government, but by actually building new social relations that are more survivable. Most mutual aid projects are volunteer-based, with people jumping in to participate because they want to change what is going on right now, not wait to convince corporations or politicians to do the right thing.316

To be sure, mutual aid embraces a notion of people building new social relations and taking matters in their own hands and taking responsibility; but that is not the equivalent, I would argue, to addressing the structural problems of capitalist exploitation (unless, backing up to the first point, you are an anarchist). So again, more needs to be added to really address the root problems.

This is not to impugn mutual aid in any way. There is a long and admirable history to mutual aid that goes back to the Black Panther Party’s free-breakfast program in the United States in the 1960s and well before; and that extends to ongoing initiatives like the groups that leave water in the desert for immigrants crossing the border (the No More Deaths collective).317 There is a strong parallel between mutual aid and Occupy Wall Street: the idea of prefiguring another form of democracy. Kaba talks about the practice of mutual aid as “prefiguring the world in which we want to live.”318 That was, as you will recall, a constant refrain of Occupy and of Judith Butler’s work on assembly.319

But mutual aid is only one small dimension of a society built on coöperation, one dimension which has its own peculiarities. It should not be built up to represent the whole. For one thing, it simply does not constitute a viable economic system for production and growth. Contemporary coöperationist enterprises do.

#### 5---Their ethic collapses on itself and reinforces Eurocentric paternalism. Individuation isn’t inherently violent.

Ruti, 17—Distinguished Professor of critical theory and of gender and sexuality studies at the University of Toronto (Mari, “The Ethics of Precarity: Judith Butler’s Reluctant Universalism,” *Remains of the Social: Desiring the Postapartheid*, Chapter 4, pg 98-108, dml)

Basing an ethics on our capacity to identify with the suffering of others rather than, say, on a priori principles of human rights, carries some risks, the first of which is that the failings of identification are so endemic that such an ethics might end up being unacceptably erratic. Though I wholeheartedly agree with Butler’s contention that global power imbalances make it hard for Westerners to acknowledge the equal humanity of non-Westerners, I do not think that the matter is quite this simple, for if Americans have a hard time mourning the Iraqis and Afghans killed by the United States military, Iraqis and Afghans might also have a hard time mourning those who are far away from them, including each other. Butler suggests that we identify with the suffering of some people more than others because their names and faces are familiar to us in the sense of being culturally and ethnically similar to us, and undoubtedly this is true. But there are other ways that alliances based on familiarity are forged, ways that cut across cultural and ethnic differences. For instance, that my friend is black, my colleague is Chinese and my downstairs neighbour is Muslim does not change the fact that if this friend, colleague or neighbour is harmed or killed, I – a white atheist woman – will mourn more intensely than I would mourn another white atheist woman harmed or killed somewhere in Sweden. In other words, there seems to be an important link between familiarity (and thus our ability to mourn), on the one hand, and intimacy, proximity and shared history, on the other, that is not necessarily in any way based on similarity of culture or ethnicity. From this perspective, the ability to mourn the other may be too haphazard, too random a basis for ethics.

The second risk that accompanies an ethics based on our ability to identify with the suffering of others is that it can replace political action with paralysing grief. Grief can be privatising, and thus potentially depoliticising, because it tends to result in a retreat from the social world. This retreat may, in part at least, be a defence against our own vulnerability, for grief reminds us of the immensity of our dependence on others: the fact that we can be undone by the loss of others highlights the flimsiness of our fantasies of sovereignty. Indeed, besides acute bodily suffering, there are few things in life that ‘interrupt’ the coherence of our being more than the anguish we feel when we have lost someone who feels irreplaceable to us. If desire, intimacy and sexuality already challenge our aspirations of autonomy, grief often results – at least momentarily – in the utter dissolution of the self. As Butler correctly remarks, we ‘cannot invoke the Protestant ethic when it comes to loss’ (Precarious Life 21); we cannot decide how the task of grieving is to be performed or when it is going to come to an end. Rather, we are forced to ride waves of sadness that mock our attempts at self-mastery, that call us back to prior experiences of dispossession. Some of these experiences relate to losses we can name, but, ultimately, what grief touches is the unnameable core of melancholia that connects us to our constitutive inability to attain closure (to disavow our dependence on others). Butler describes such melancholia as a kind of timeless enigma that ‘hides’ in each loss we mourn, as an indelible trace of a primary vulnerability that we can no longer access directly but that our losses touch indirectly. In a more Lacanian vein, one could say that every loss reanimates the primary loss – the loss of das Ding (the primordial non-object of desire) – that constitutes the melancholy core of our being. That is, when we lose another person, we not only mourn that loss but we also mourn, with renewed energy, our own incompleteness, our own helplessness, even if we are not aware that this is what we are doing.

Butler asserts: ‘On one level, I think I have lost “you” only to discover that “I” have gone missing as well’ (22). This can be understood to mean that when I lose you, I no longer know who I am because who I am is so intimately tied to you that losing you makes me unintelligible to myself. But it can also be understood to mean that in losing you I have come up against melancholy realms of my being that I usually keep at bay through my efforts to lead a self-sufficient and reasonably organised existence. Butler implies that there are ethical lessons to be learned from such an encounter with the melancholy foundations of my being in the sense that my heightened sensitivity to my own precariousness leads (or should lead) to my heightened sensitivity to the precariousness of others. As she posits: ‘Despite our differences in location and history, my guess is that it is possible to appeal to a “we,” for all of us have some notion of what it is to have lost somebody. Loss has made a tenuous “we” of us all’ (20).

Unquestionably, this is a poignant way to characterise the solidarity of suffering. But would it not be equally possible to argue that melancholia might lead to the kind of preoccupation with the self – the kind of solipsistic turning inwards that excludes all others from the self ’s sacred crypt of sadness – that represents the very antithesis of ethical accountability? Melancholia, even more than mourning, fends off others; it sacrifices present and future objects for the sake of the one that has been lost. As Sigmund Freud already argued, the melancholic copes with his or her loss by incorporating the lost object into his or her psyche, thereby translating a loss in the external world into an internal possession, with the result that this psyche, for the time being, becomes closed to other objects. The memory of the lost object, as it were, crowds out the possibility of new affective ties, which is why, for instance, we find it hard to cathect to a new love object when we are still mourning a lost one. In this sense, while grief may well function as an ethical resource in the way that Butler suggests, the melancholia that grief awakens may pull us in the opposite direction, away from others, from alterity, from the stimulation of new bonds. In addition, melancholia is difficult to translate into the vocabulary of ethical intervention because it arrests action; it is hard to get a depressed person out of bed, let alone into a political rally.

IV Though grief may be a potent source of indignation, as an ethical resource it may also be somewhat unreliable precisely in so far as it conjures up the melancholy ghosts of our constitutive despair. Moreover, it would be relatively easy to stage a critique of Butler’s ethics of mourning akin to the one that Wendy Brown stages in relation to Western notions of tolerance, namely that mourning – like tolerance – can function as a distraction from political and economic solutions to global problems. In the same way that discourses of tolerance make us feel that we are accomplishing something when in fact nothing has changed in concrete terms, the ethics of mourning can obscure the fact that mourning by itself does not transform things. If anything, as long as we get to focus on our grief, we do not actually need to do anything; we can feel good about ourselves because we experience ourselves as benevolent Western subjects who feel the appropriate remorse about the suffering and death of those far away from us. One could even propose that Brown’s argument about tolerance being what the powerful extend to the disempowered – about how tolerance merely debases the tolerated even further – applies to grief as well in the sense that the objects of our grief may become all the more disempowered (pitiable, pathetic) by that grief.

Along similar lines, there might be an argument to be made about the potentially patronising implications of Butler’s insistence that Western subjects are somehow uniquely responsible for grieving those who are less fortunate. Though she does not state the matter in these terms exactly, the implication of much of her discussion of shared precarity is that it is the Western subject in particular who must develop the capacity to mourn the violated other. The non-Western subject is, in this model, invariably the one who is the more violated, the more victimised and therefore in need of ‘our’ grief, while we, the Westerners, do not deserve the grief of non-Westerners but should, first and foremost, feel our guilt. There are of course excellent historical reasons for this line of reasoning. Obviously, the West should feel guilty about the colonial past and about the ways in which its ongoing aspirations of empire-building contribute directly to the suffering of non-Westerners. Yet there is also something questionable about the branding of the Western subject as one who is supposed to be racked by grief while it is the lot of the non-Westerner to be the suffering object of this grief. One could even say that, within this model, grief becomes the way in which Western subjects suffer. Does that mean that other forms of suffering have, once again, been relegated to the rest of the world (so that, say, they have their poverty while we have our grief)?

Yet Butler is also right in insisting that, under certain circumstances, grief can furnish a sense of political community, and that it can furthermore do so on a basis that is both more fundamental and more complex than mere identitarian identifications. If our goal is to transcend identity politics without thereby discarding our understanding of the reasons why various individuals and populations have sought shelter under identitarian labels (black, Muslim, queer and so on), then shared grief is a potentially powerful place to start. If I can get to the point where the other’s grief becomes my grief, then the other’s outrage about her oppression also becomes my outrage, with the consequence that I may be willing to overlook the differences between self and other to act on behalf of this other. There are alternative ways to arrive at the same place, and these include my rational assessment that the other has been unjustly treated, but Butler is correct in suggesting that there is something viscerally powerful about the grief we feel when the other’s vulnerability, particularly the other’s bodily vulnerability, has been exploited. Accounts of genocide, torture and rape, for instance, tend to move us even when we have no personal connection to the victims, which is precisely why Butler’s call for a rethinking of grievability as a foundation for alleviating the power imbalances of the global order strikes a chord, why her ethics of precarity makes such intuitive sense, why it is hard to deny her basic insight that ‘there can be no equal treatment without a prior understanding that all lives have an equal right to be protected from violence and destruction’ (Parting Ways 21).

This is precisely why public acts of grieving are so important, why it is essential to see the pictures, to apprehend the names and faces of those who have been wounded even when these names and faces are not immediately familiar to us. Butler is right that the prohibition against mourning is the flipside of the derealisation of loss, of the indifference we are asked to display with respect to the other’s suffering or even death. Furthermore, even when it comes to losses that are avowed, that ‘count’, we are encouraged to mourn as expediently as we can, so as to leave no debilitating residue of sadness that might impede the nation’s general robustness, let alone interfere with capitalism’s demand for efficiency; we are urged to grieve quickly, to get back on our feet, to brush ourselves off, to get back on track, to get ‘back to business’. After a catastrophe, such as 9/11, there is a haste to return the world to its previous order, whether by sending people back to work, by resorting to nationalist slogans of renewed prowess, or by staging flamboyant architectural competitions to prove technological (and, by implication, military) invincibility. In the Western world, money, the Protestant work ethic and extravagant displays of power are used to bandage the wounds of violence, to reestablish the fantasy of being inviolable, beyond the reach of dangerous, ‘irrational’ others. This is one reason Butler maintains that there might be ‘something to be gained from grieving, from tarrying with grief, from remaining exposed to its unbearability and not endeavoring to seek a resolution for grief through violence’ (Precarious Life 30).

V I appreciate Butler’s claim that overcoming grief too quickly might eradicate one of our most important ethical resources. But I also want to note the masochistic tendencies of her ethics of precarity because these, in my view, complicate the task of theorising (not to mention attaining) social justice. Butler has always been quick to equate subjectivity with subjection (disempowerment), but the masochistic strain of her outlook has become acutely pronounced with her turn to Levinas, who famously quotes Fyodor Dostoyevsky: ‘We are all guilty for everything and everyone, and I more than all the others’ (105). The obvious problem with this formulation is that it implies that I am responsible for the other regardless of what the other has done – that is, regardless of any normative considerations. This, indeed, is the crux of the Levinasian ethical attitude. However, Levinas does not stop here. He draws a clear distinction between ethics (where normative considerations have no place) and justice (which arbitrates between different ‘faces’ on the basis of a priori norms of right and wrong). Levinas, in short, recognises that justice places limits on our ethical accountability. Butler, in contrast, ignores for the most part the distinction between ethics and justice, attempting, as it were, to apply Levinasian ethics to questions of global justice. Moreover, undoubtedly in part because of her anti-Enlightenment poststructuralist predilections, she resists the ideal of a priori principles of justice, with the result that she sometimes speaks as if normative judgements had no place in her theory.

Levinas argues that our ethical responsibility for the other is unconditional and inescapable, that the other is inviolable and that, unfortunately for us, even the executioner, even the Nazi guard, has a face. We may feel tempted to attack such a face, but ethics demands that we resist this temptation. This seems reasonable: I do not take issue with the idea that I should not counter murder with murder, particularly given that, as I just stressed, Levinas maintains that it is the task of justice – as opposed to ethics – to mediate between different faces. The trouble begins when Butler translates this Levinasian (ethical) injunction into a general theoretical stance, which means that assigning responsibility – in the sense that normative justice strives to do – becomes virtually impossible. In this manner, Butler arguably – though no doubt unintentionally – shifts the burden of responsibility from the victimiser to the victim; after all, in the absence of normative judgements regarding the behaviour of the victimiser, what matters is not the content of this behaviour but rather the response (and responsibility) of the victim. As Butler, chillingly enough, writes in Precarious Life, ‘our responsibility is heightened once we have been subjected to the violence of others’ (16).

Consider also the following statement from Parting Ways: ‘The responsibility that I must take for the Other proceeds directly from being persecuted and outraged by that Other. Thus there is violence in the relation from the start: I am claimed by the other against my will, and my responsibility for the Other emerges from this subjection’ (59, emphasis added). The basic idea here is that because the other ‘interrupts’ the coherence of my being, impeding my self-closure, I am, in a sense, always ‘persecuted’ and ‘outraged’ by the other; yet because the other is always already an ingredient of my self, I cannot denounce my responsibility for this other. In this model, responsibility is the flipside of being impinged upon by the other in ways that sometimes feel persecuting and outrageous. As Butler reminds us, according to Levinas ‘precisely the Other who persecutes me has a face’ (Giving an Account 90). Consequently, ‘I cannot disavow my relation to the Other, regardless of what the Other does, regardless of what I might will’. Responsibility, in this sense, is ‘not a matter of cultivating a will, but of making use of an unwilled susceptibility as a resource for becoming responsive to the Other’: ‘Whatever the Other has done, the Other still makes an ethical demand upon me, has a “face” to which I am obliged to respond’ (91).

I understand why Butler’s appropriation of Levinasian ethics represents an effective critique of Enlightenment rationality, particularly of the individualistic pretensions of the autonomous subject, who – to borrow from Adriana Cavarero – is ‘too preoccupied with praising the rights of the I ’ (in Giving an Account 32). This critique, for good reasons, is longstanding in posthumanist theory. But does Butler’s version of it not swing too far to the other extreme, making a virtue out of masochism? Is there not, say, from a feminist perspective, something quite uncomfortable about the idea that I am responsible for others who violate me ‘against my will’? Along related lines, Butler’s critique of ‘the rights of the I’ tends to backfire whenever it comes up against accounts of extreme oppression, such as Frantz Fanon’s The Wretched of the Earth, which voice the need of a traumatised collectivity to re-establish its autonomy and self-determination in the face of subordination. Likewise, individual trauma narratives – such as Holocaust memoirs or chronicles of rape – often emphasise that being able to recover a degree of agency is an essential part of surviving trauma. In other words, they reveal that the quest for sovereignty is not invariably a synonym for arrogant individualism. And they also illustrate the problematic nature of an ethics that operates wholly without norms, that asks us to sustain others indiscriminately, irrespective of how appallingly they might behave.

VI More generally speaking, the problem with Butlerian theory is that it consistently sets up a rigid dichotomy between bad autonomy and good relationality. Indeed, one could say that this is an instance where a vehemently anti-essentialist thinker falls into the kind of poststructuralist essentialism where some possibilities – such as the idea that autonomy might sometimes be an important component of human life – become unthinkable. Butler often talks as if the fact that we are not fully autonomous creatures means that we have no capacity for autonomy whatsoever. Yet in the same way that having an unconscious does not erase the conscious mind but merely complicates its functioning, our lack of seamless autonomy does not render us completely devoid of it. Moreover, as Jessica Benjamin, among others, has illustrated, autonomy is not necessarily always the repugnant antithesis of relationality, so that Butler’s depiction of autonomy as intrinsically violent comes off as overly simplistic. Butler asserts that there is ‘no recentering of the subject without unleashing unacceptable sadism and cruelty’: ‘To remain decentered, interestingly, means to remain implicated in the death of the other and so at a distance from the unbridled cruelty … in which the self seeks to separate from its constitutive sociality and annihilate the other’ (Giving an Account 77).

## Block

### Case

#### Forwarding a material strategy is key

Newton, 71 (Huey P. Newton, “Black Capitalism Reanalysed,” Huey P. Newton Reader 227- 228) \*gendered language modified\*

We see then that power has a dual character and that we cannot simply identify and define phenomena without acting, for to do so is to become an armchair philosopher. And when Bobby and I left Merritt College to organize brothers on the block we did so because the college students were too content to sit around and analyze without acting. On the other hand, power includes action, for it is making phenomena perform in the desired manner. But action without thinking and theory is also incorrect. If the social forces at work in the community have not been correctly analyzed and defined, how can you control them in such a way that they act in a desired manner? So the Black Panther Party has always merged theory and practice in such a way as to serve the true interests of the community. In merging theory with practice we recognized that it was necessary to develop a theory which was valid for more than one time and place. We wanted to develop a system of which was good anywhere, thus it had to be rather abstract. Yet our theory would relate to a concrete analysis of concrete conditions so that our actions would always be relevant and profitable to the people. Yet, at the same time, it had to advance their thinking so that they would move toward a transformation of their situation of exploitation and oppression. We have always insisted on good theory and good practice, but we have not always been successful in carrying this through. When the Black Panther Party defected from the Black community; we became, for a while, revolutionary cultists. One of the primary characteristics of a revolutionary cultist is that he despises everyone who has not reached his level of consciousness, or the level of consciousness that he thinks he has reached, instead of acting to bring the people to that level. In that way the revolutionary cultist becomes divided from the people, ~~he~~ [they] defects from the community. Instead of serving the people as a vanguard, ~~he~~[they] becomes a hero. Heroes engage in very courageous actions sometimes, and they often make great sacrifices, including the supreme sacrifice, but they are still isolated from the people. Their courageous actions and sacrifices do not lead the people to a higher level of consciousness, nor do they produce fundamental changes in the exploitation and oppression of the people. A vanguard, however, will guide the people onto higher levels of consciousness and in that way bring them to the point where they will take stemer actions in their own interests and against those who continue to oppress them. As I've said previously; revolution is a process, not a conclusion. A true revolutionist will not only take courageous actions, he will also try to advance the people in such a manner that they will transform their situation. That is, by delivering power to the people the true revolutionist will help them define the social phenomena in their community and lead them to the point where they will seize the time and make these phenomena act in a desired manner.

#### Debates about antitrust advocacy strengthens every angle of resistance---cross apply to AT bad on FW

Greer and Rice, 21—co-founders and co-executive directors of Liberation in a Generation (Jeremie and Solana, “Anti-Monopoly Activism: Reclaiming Power through Racial Justice,” <https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism_032021.pdf>, dml) [language modifications denoted by brackets]

Since the founding of the nation, people of color have been living an economic nightmare. People of color have persistently lagged behind white people in nearly every economic category, including employment, income, education, small-business ownership, home ownership, and asset-ownership. This is the result of the rise and reach of concentrated wealth and power, including monopoly power.

The Racial Wealth Gap

Economic racial disparities do not happen by accident. Rather, they are the product of centuries of systemic racism and have been built into the design of our economic system, which has created what we at Liberation in a Generation call the Oppression Economy. The Oppression Economy uses the racist tools of theft, exclusion, and 31 exploitation to strip wealth from people of color, so that the elite can build their wealth. In this Oppression Economy, racism is profitable, and it fuels a cycle of oppression 32 that depresses the economic vitality of people of color, suppresses our political power, and obstructs our ability to utilize democracy to change economic rules that make racism profitable in the first place.

Racial wealth inequality is the consequential disease caused by the Oppression Economy. Today, racial wealth inequality has reached astronomical levels and will continue to rise if nothing is done. Without drastic policy action it will take 228 years for average Black wealth and 84 years for average Latinx wealth to match the wealth that white households hold today. Further, if nothing is done—or we attempt to return 33 to “normal” and fail to distance racism34 after COVID-19—Black and Latinx wealth will reach zero sometime in the middle of this century. These disparities are driven by 35 36 two reinforcing phenomena connected to the issue of corporate concentration: 1) the systematic withholding of wealth from people of color and 2) the gross concentration of wealth held by the corporate elite.

Between 1983 and 2016, which coincides with the rise of corporate and monopoly power, average Black and Latinx wealth was dwarfed [outpaced] by the wealth accumulated by white households. In fact, average Black wealth decreased by more than 50 percent over this period. This is the result of a long history of economic oppression that has 37 actively blocked people of color from building wealth or has stripped their wealth through theft and predation. The beneficiaries and perpetrators of this ever-growing gap are the corporate elite who set the rules of the economy. The corporate elite’s actions have led to people of color being paid less for their labor and having to pay more for the basic necessities of life. Here are a few metrics that speak to this reality.

• Black, Indigenous, and Latinx women earn between 55 cents and 63 cents for every dollar earned by white men.38

• Low income people of color often pay a 10 percent poverty premium for essential goods and services.39

• Black and Latinx households are far more likely than white households to be unable to pay their monthly bills or cover unexpected expenses.40

• Black households are more likely to be denied mortgage credit and end up paying more when they are able to access credit.41

• Black households, in particular, suffer from a crippling debt burden composed of an array of predatory credit products (e.g., student, small-dollar, auto, and home loans).

The phenomenon fueling racial wealth inequality is the concentration of wealth in the hands of a small number of individuals. Today, the wealthiest 400 people in the US hold more wealth ($3.2 trillion) than the entire Latinx population ($2.4 trillion)and 43 more than 70 percent of the Black population combined ($4.41 trillion). While the 44 average wealth of Black people has decreased since the 1980s (as cited earlier), the average wealth of those on Forbes’s list of the 400 wealthiest people increased from $600 million in 1982 (adjusted for inflation) to $8.0billion in 2020.. You might be 45 asking, what does the Forbes 400have to do with monopoly? Well, it is a who’s who of corporate monopolists.

The people on this list are some of the most egregious perpetrators of driving down wages, expanding income inequality, degrading the health of workers, desecrating the environment, fleecing consumers, perpetuating racial residential segregation, driving community disinvestment, avoiding taxes, and corrupting our democracy. These monopolists utilize ruthless business practices to perpetuate their unquenchable thirst for maximized profits and for control of major segments of the US economy—and people of color bear the brunt.

America’s Legacy of Racism Drives and Sustains Corporate Concentration

The confluence of monopoly power and racial inequality is not new. The construction of an economy that relies on unchecked capitalism to create the modern-day monopolist relies on the construction and maintenance of America’s racial caste system. The legacy of theft, exclusion, and exploitation of people of color by corporate monopolists has been with us since the founding of the nation. In fact, prior to the Civil War, southern plantation owners were the equivalent of the modern-day Fortune 500 monopolists. The Mississippi Valley had more millionaires per capita than anywhere in the country, making it the Silicon Valley of that period. Prior to the Civil War, the combined value of America’s approximately 4 million slaves was $3.5 billion, making it the largest single financial asset in the entire economy, bigger than all manufacturing and railroads combined.46

As the roots of this problem run deep and disproportionately impact people of color, so too must the solutions. Today’s corporate monopolies are built on the foundation of an economy that also stole land from Indigenous people through genocide and forced removal, and built a labor market on the bodies of enslaved Black people. Nothing in our economy is race-neutral, including our work to dismantle monopoly power and the racial wealth inequality it causes, so we must seek race-conscious solutions.

Scholars have developed a catalogue of research confirming what many people of color experience on a daily basis: Corporations have seized control of many aspects of our lives that were once intended to serve the public good over private sector interests. Examples include the growth of charter schools and for-profit colleges as an alternative to public schools; the growth of private health insurance and private hospitals; the growth of private prisons and paid services in prison, such as phone calls and health care. However, more research is needed that connects the economic conditions of people of color to the growth of monopoly power, a call to action we further explore in Section 6.

Connecting Monopoly Power to Other Movements

There is no silver bullet to slaying the monster that is systemic racism. Leaders of color across the country are actively organizing people of color to advance bold and transformational economic and racial justice policies. These leaders are doing the hard work of transforming our economic systems by advancing liberatory policies such as a Homes Guarantee and a federal jobs guarantee; and by dismantling systems of oppression, including police and prison abolition, ending voter suppression, and curbing corporate power. To this end, anti-monopoly policy and advocacy work can be a powerful tool to advance these transformative, activist-led movement priorities.

To win the battle to advance movement priorities, we must seek to pull every lever of power at our disposal and to directly confront one of their most ardent political opponents: corporate monopolies. The Action Center on Race and the Economy (ACRE) is deftly integrating anti-monopoly tactics to advance their racial and economic justice mission. In advancing police abolition, for example, they highlight the fact that big banks (as discussed in Section 1) finance “police brutality bonds” that fund the payment of police department settlements for acts of police brutality.47 Additionally, they have highlighted for grassroots leaders of color the connections that corporate monopolies have to anti-Muslim bigotry, the Puerto Rican debt crisis, and pharmaceutical prices.48

Corporate monopolists, including big banks, big tech, and big pharma, are often primary opponents in the battles for bold, transformational movement priorities. For example, activists for bold environmental justice policies, such as the Green New Deal, have encountered strong opposition from fossil fuel monopolies, such as Exxon, Shell and BP; but also, Wall Street bank monopolies financing fossil fuel monopolies, in addition to other monopolies in the airline industry. In another example, Wall Street 49 monopolies have aggressively clashed with affordable housing advocates as their investments have displaced residents of color from their homes and businesses and have also gentrified communities of color from Harlem to Oakland and Detroit to New Orleans. Directly challenging the monopoly power of these corporations could prove to be a useful tactic for activists of color to further movement priorities.