# 1NC-round1-greenhill

## 1

#### Interpretation - the aff must defend the hypothetical implementation of a policy stating that the member nations of the WTO ought to reduce IP protections in Medicine.

#### “Resolved” means enactment of a law.

Words and Phrases 64 Words and Phrases Permanent Edition (Multi-volume set of judicial definitions). “Resolved”. 1964.

Definition of the word **“resolve,”** given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to the word “enact,”** which is defined by Bouvier as **meaning “to establish by law”.**

#### IP protections cover patents, industrial design, trademarks, geographical indications, and copyright/related rights.

WIPO 20 [World Intellectual Property Organization, an agency of the UN; “What is Intellectual Property?”] [DS]

1 IP covers a vast range of activities, and plays an important role in both cultural and economic life. This importance is recognized by various laws which protect intellectual property rights. IP law is complicated: there are different laws relating to different types of IP, and different national laws in different countries and regions of the world as well as international law. This booklet introduces the main types of IP and explains how the law protects them. It also introduces the work of the World Intellectual Property Organization (WIPO), the United Nations agency dedicated to making IP work for innovation and creativity. Intellectual property (IP) refers to creations of the mind – everything from works of art to inventions, computer programs to trademarks and other commercial signs. What is IP? What 2 is IP? Why does IP matter? The progress and well-being of humanity depend on our capacity to come up with new ideas and creations. Technological progress requires the development and application of new inventions, while a vibrant culture will constantly seek new ways to express itself. Intellectual property rights are also vital. Inventors, artists, scientists and businesses put a lot of time, money, energy and thought into developing their innovations and creations. To encourage them to do that, they need the chance to make a fair return on their investment. That means giving them rights to protect their intellectual property. IP rights Essentially, intellectual property rights such as copyright, patents and trademarks can be viewed like any other property right. They allow the creators or owners of IP to benefit from their work or from their investment in a creation by giving them control over how their property is used. IP rights have long been recognized within various legal systems. For example, patents to protect inventions were granted in Venice as far back as the fifteenth century. Modern initiatives to protect IP through international law started with the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). These days, there are more than 25 international treaties on IP administered by WIPO. IP rights are also safeguarded by Article 27 of the Universal Declaration of Human Rights. Creativity and inventiveness are vital. They spur economic growth, create new jobs and industries, and enhance the quality and enjoyment of life. What is IP?3 Striking a balance The intellectual property system needs to balance the rights and interests of different groups: of creators and consumers; of businesses and their competitors; of high- and low-income countries. An efficient and fair IP system benefits everyone – including ordinary users and consumers. Some examples: •The multibillion-dollar film, recording, publishing and software industries – which bring pleasure to millions of people worldwide – would not thrive without copyright protection. •The patent system rewards researchers and inventors while also ensuring that they share their knowledge by making patent applications publicly available, which helps stimulate more innovation. •Trademark protection discourages counterfeiting, so businesses can compete on a level playing field and users can be confident they are buying the genuine article. Different types and categories of IP IP is often divided into two main categories: Industrial property includes patents for inventions, industrial designs, trademarks and geographical indications. Copyright and related rights cover literary, artistic and scientific works, including performances and broadcasts. Different types and categories of IP IP is often divided into two main categories: Industrial property includes patents for inventions, industrial designs, trademarks and geographical indications. Copyright and related rights cover literary, artistic and scientific works, including performances and broadcasts. Patents 4 Patents were one of the first types of intellectual property to be recognized in modern legal systems. Today, patented inventions pervade every aspect of life, from electric lighting (patents held by Edison and Swan) to the iPhone (patents held by Apple). Patents By patenting an invention, the patent owner gets exclusive rights over it, meaning that he or she can stop anyone from using, making or selling the invention without permission. The patent lasts for a limited period of time, generally 20 years. In return, the patent owner has to disclose full details of the invention in the published patent documents. Once the period of protection has come to an end, the invention becomes off patent, meaning anyone is free to make, sell or use it. In this way, the patent system aims to benefit everyone: • Firms and inventors can maximize profits from their inventions during the patent protection period. •This rewards them for their effort and so encourages more innovation, which in turn benefits consumers and the general public. • Disclosure of the invention adds to the body of public knowledge, enabling and inspiring further research and invention. Patents What can be patented? An invention can be defined as a product or process that offers a new way of doing something, or a new technical solution to a problem. To qualify for patent protection, an invention must be of some practical use and must offer something new which is not part of the existing body of knowledge in the relevant technical field (what lawyers call the prior art). But these requirements of utility and novelty are not enough; the invention must also involve an inventive step – something non-obvious that could not just have been deduced by someone with average knowledge of the technical field. Furthermore, the invention must not fall under non-patentable subject matter. Patent laws in many countries, for example, exclude scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods and methods of medical treatment (as opposed to medical products) as not generally patentable. 5 Patents 6 Obtaining a patent Like most IP rights, patents are territorial: protection is granted within a country under its national law. Different countries have somewhat different laws, but generally in order to gain protection, an inventor or firm will need to file an application with a patent office describing the invention clearly and in sufficient detail to allow someone with an average knowledge of the technical field to use or reproduce it. Such descriptions usually include drawings, plans or diagrams. The application also contains various claims, that is, information to help determine the extent of protection to be granted by the patent. The application will then be examined by the patent office to determine if it qualifies for protection. Patent rights and enforcement Patent owners have the exclusive right to commercially make, sell, distribute, import and use their patented inventions within the territory covered by the patent during the period of protection. They may choose to make, sell or use the invention themselves, let someone else make or use it for a fee (known as licensing), or sell the patent outright to someone else who then becomes the patent owner. Or they may decide not to use the patented invention themselves, but to stop their competitors from using it during the patent period. If someone else uses a patented invention without the patent owner’s permission, the patent owner can seek to enforce the rights by suing for patent infringement in the relevant national court. Courts usually have the power to stop infringing behavior and may also award financial compensation to the patent owner for the unauthorized use of the invention. But a patent can also be challenged in court, and if it is judged to be invalid, for example because the court decides it is insufficiently novel, it will be struck down and the owner will lose protection in that territory. Patents 7 National, regional and international protection Inventors and firms must decide in which territories they want patent protection. Each patent office usually charges fees for filing and processing applications, plus periodic fees for maintaining a patent once it has been granted. The cost of dealing with different national legal systems can be high, as laws and practices can vary widely and applicants will usually need to pay for representation by an authorized patent agent in each country. Several groups of countries have developed regional patent systems that help reduce these costs, for example the African Regional Intellectual Property Organization (ARIPO). Under most of these systems, an applicant requests protection for an invention in one or more countries in the group, and each country then decides whether to offer patent protection within its borders. WIPO administers the PCT System, an international system that allows applicants to request protection under the Patent Cooperation Treaty in as many signatory states as they wish through a single application. Industrial designs 8 These aesthetic aspects can be hugely important in the modern economy. Nowadays consumers face an enormous choice of products, including many that offer the same basic functionality. So they will tend to choose the one with the design they find most attractive within their price range. Industrial designs are applied to a wide variety of industrial products and handmade goods: cars, telephones, computers, packaging and containers, technical and medical instruments, watches, jewelry, electrical appliances, textile designs, and many other types of goods. Industrial design rights cover those elements of a product that are aesthetic or ornamental – the way it looks and feels. Industrial design designs9 What designs can be protected? Industrial design law only protects those aspects of a product that are ornamental; its technical features may be protected by patent, if they meet the requirements for patent protection. A design may consist of three-dimensional features, such as the shape or surface of an article, or twodimensional features such as patterns, lines or color. To qualify for protection as an industrial design under most national laws, the design must be new and show a degree of originality or individuality, meaning that it is not identical or very similar to any previous design. Moreover, it must be capable of being produced industrially, so unique artworks are not covered. designs Industrial 10 Industrial design rights Industrial design rights entitle the right holder to control the commercial production, importation and sale of products with the protected design. As with most other forms of IP, owners can exploit design rights themselves, or license or sell them to others, and can sue in the relevant national court to prevent infringem™ent of their rights. This means that owners have a fair chance to recoup their investment in design, encouraging such investment. Industrial design rights last for a limited period. This varies among countries, but the maximum period of protection in a country will be at least ten years. In many countries, owners need to renew their registration every few years if they want to keep the design protected for the maximum possible period. Different national design laws Industrial designs are protected in different ways in different countries. In most cases, a firm or designer will need to register their design in order to protect it, but some countries also give limited protection to unregistered designs, and in some countries protection is by means of “design patents”. In certain countries, some industrial designs may be regarded as artistic works covered by copyright. This can be advantageous to the right holder because the term of protection for copyright is much longer than for a registered design. In some countries it may also be possible to protect designs using national laws against unfair competition. designs Industrial 11 Obtaining protection Industrial design rights are territorial, so designers or firms may need to deal with many different national systems if they want protection in many countries. However, regional systems exist for some groups of countries. WIPO administers the Hague System. Under the Hague Agreement Concerning the International Registration of Industrial Designs, applicants can file a single international application covering up to 100 designs in as many signatory states as they choose. Trademarks 12 Trademarks Trademarks have been around for many years. In ancient times, artisans would sign or mark their work to prove they had made it. Gradually, laws evolved to protect such marks. These days, trademarks are essential to business. They take many forms and identify a huge array of goods and services. Enterprises spend enormous amounts of time and money developing their brands and trademarks. Legal protection allows the owner of a mark to control who uses it. This means that enterprises can develop and promote their goods and services without having their reputation undermined by counterfeiters, and consumers can rely on trademarks being genuine. A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks 13 Different types of trademark All sorts of signs may be used as trademarks – words, letters, numbers, symbols, colors, pictures, three-dimensional signs such as shapes and packaging, holograms, sounds, even tastes and smells. To be eligible for registration, the basic principle is that a trademark must be distinctive, so it cannot just be a generic description of the product or service. Nor can it be identical (or very similar) to a trademark already registered or used for that type of product or service. Trademarks are not just used to identify the goods and services of a particular enterprise. There are also collective marks, each owned by an association and used by its members. For example, professional associations of accountants, engineers and architects often use this kind of mark. And there are certification marks which show that a product or service complies with certain standards, such as Ecolabels for products with reduced environmental impacts. Trademarks 14 Protecting trademarks The best way of protecting a trademark is to register it. Owners of a registered mark have the exclusive right to control who uses it: they can use it to identify their own goods or services, or license or sell it for someone else to use. To register a mark in a territory, the applicant needs to submit a reproduction of it to the trademark office plus a full list of the goods or services to which it would apply. As well as being sufficiently distinctive and not conflicting with any existing mark, the mark must not be misleading or deceptive or violate public order or morality. Once a trademark has been granted, the owner can sue in the relevant national court if it is infringed by someone else. Equally, a trademark owner could face a legal challenge from a third party arguing that it is too similar to their own mark. A trademark will only be granted for a limited period – in most countries, ten years – but the mark can be renewed as many times as the owner wishes on payment of additional fees, provided it is still being used, so in practice a trademark can be protected indefinitely. Trademarks15 National, regional and international protection Like most IP law, trademark protection is territorial. However, regional and international systems have developed to make it easier to obtain trademark protection in many countries. WIPO offers international registration under the Madrid System. By filing a single application, users can obtain trademark protection in as many of the countries that have joined the System as they wish. There are also online tools that allow users to search trademark registers and help them manage renewal of their marks in different territories. Geo graphical 16 Geographical indications A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. There are lots of examples of geographical indications – often food and drink, such as Roquefort cheese from France, Darjeeling tea from India and Tequila liquor from Mexico. Consumers buying products with geographical indications want to know that the goods do indeed come from the place in question and conform to relevant standards, so there need to be some controls on the use of geographical indications to protect their valuable reputation. There are different laws protecting geographical indications and different systems of recognition in different countries, so international law is developing ways to strengthen protection across national boundaries. Geo graphical indica tions 17 Different types of geographical indication In order to function as a geographical indication, a sign must identify a product as originating in a given place, and the qualities, characteristics or reputation of the product should be essentially due to that place of origin. This is often the case for agricultural products, because they are influenced by their local climate and environment, but geographical indications may also be used for industrial products where a region has a strong manufacturing tradition and reputation, for instance Swiss watches. Appellations of origin are a type of geographical indication. In some jurisdictions, appellations of origin are protected more strongly than other geographical indications. Geo graphical Protecting geographical indications There are three main ways to protect a geographical indication: • through special on geographical indications laws – so-called sui generis systems; • using collective or certification marks; and • methods focusing on business practices, including administrative product approval schemes. Countries often use more than one of these different approaches, and different approaches may involve differences with respect to important questions, such as the conditions for protection or the scope of protection. However, sui generis systems and collective or certification mark systems are similar in that both set up rights for collective use by those who comply with defined standards. Essentially, such rights allow legitimate producers – those whose products come from the area in question and meet all relevant standards – to use the law to stop a geographical indication being used on goods produced elsewhere, or to a different standard. 18 Geographical indications and trademarks In some respects, geographical indication rights are similar to trademarks. Right holders can prevent infringing use of the geographical indication, and potentially the right lasts forever – although periodic re-registration of collective or certification marks may be required. However, there are also important differences between these two types of sign. A trademark is used by a company to distinguish its goods and services from those produced by others, and the owner can prevent anyone else from using the mark. Furthermore, a trademark can be sold or licensed. Geo graphical indica tions 19 International protection As with other types of IP, international law has developed to complement and reinforce the protection offered in different national and regional jurisdictions. International recognition of appellations of origin and “indications of source” dates back to the Paris Convention of 1883. More recently, the agreement on Trade-Related Aspects of Intellectual Property (TRIPS) included some further provisions to prevent the misuse of GIs. In addition, WIPO administers the international Lisbon System. This used to apply only to appellations of origin, but the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, adopted in 2015, extended the System to make it possible to register other geographical indications internationally too. A geographical indication guarantees to consumers that a product was produced in a certain place and has certain characteristics that are due to that place of production. It may be used by all producers in the relevant place who make products that share certain qualities relating to that place, and it cannot change ownership. Copyright 20 Copyright covers an enormous range of works – not just books, music, paintings, sculpture and films, but also computer programs, databases, advertisements, maps and technical drawings, among other things. There are also rights related to the copyright of the creators that protect the interests of those closely associated with copyrighted works, including performers, broadcasters and producers of sound recordings. Copyright is protected by a mixture of national and international laws. These recognize the cultural and social importance of creative endeavor as well as its considerable economic value. The underlying aim of copyright law is to strike the right balance between the interests of content creators, developers and investors and the public interest in being able to access and use creative content. Copyright and related rights Copyright, or authors’ right, is a legal term used to describe the rights that creators have in their literary, artistic and scientific works. and related rights 21 What works does copyright cover? Copyright applies to the creative expression of ideas in many different forms – text, still or moving pictures, sound works, three-dimensional shapes such as sculptures and architecture, reference works and collections of data. National copyright laws rarely provide an exhaustive list of everything that is covered. However, copyright does not generally cover ideas themselves, procedures, methods of operation, or mathematical concepts. Copyright 22 What rights does copyright provide? Copyright includes both economic and moral rights. Essentially, economic rights involve the right to control the distribution of a work. In other words, a copyright owner can stop anyone from copying or using a work without permission – including, for example, by translating it, reproducing it, performing it or broadcasting it. Exactly how the owner enforces these rights will depend on the national laws of the country concerned, but countries often provide a mixture of civil and criminal penalties for copyright infringement. Copyright also includes certain moral rights of the creator – including, among others, the right to be acknowledged as the author of a work and to prevent it from being altered in a way that might damage the creator’s reputation. Transferring and trading copyright Generally, economic rights can be transferred and divided. A right owner may agree to let someone use a work under certain conditions (licensing), or they may give or sell the rights to someone who then becomes the new owner (assignment). And if a copyright owner dies, their heirs or successors will inherit their economic rights. It is very common for rights to be transferred. For example: • Book authors, music composers and recording artists often license or assign rights to publishers in exchange for payments known as royalties. • In many countries, creators can license or assign their rights to collective management organizations which will monitor how works are used and collect payments from users on the creator’s behalf. • Copyright owners may choose to give away their work for free, or to let other people use it freely based on certain conditions. For example, they may allow use based on standard Creative Commons licenses. and related rights 23 In many countries, moral rights cannot be traded or transferred, but a creator may sometimes agree to waive or refrain from exercising them. Copyright and the public interest Copyright serves the public interest by helping to ensure that creators can earn a fair reward for their work, thus encouraging further creative endeavor, and by making sure that works are properly acknowledged and respected. The law also recognizes that in certain circumstances, known as copyright limitations and exceptions, copyright restrictions should not apply. For example, many countries allow for copyrighted books to be adapted without the rights owner’s permission to create versions that are accessible to people with visual impairment or other physical disabilities that make it difficult for them to use ordinary printed copies. There is now support for this exception under international law through the Marrakesh Treaty of 2013, administered by WIPO, which also provides for the crossborder exchange of accessible books. Furthermore, the economic rights within copyright only last for a limited period, the so-called term of copyright. Once this term has expired, a work enters the public domain, meaning it is free for anyone to use. Moral rights are term-limited in some countries and perpetual in others. National and international copyright law There are different national laws on copyright in different territories, as with other forms of intellectual property. However, international law establishes certain minimum standards of protection: • Copyright arises as soon as a work is created. There is no need for a creator to register a work or complete any other formalities in order to gain protection (though some countries do operate voluntary copyright registration schemes). • Countries are required to protect most copyrighted works throughout the life of the creator and for at least 50 years after the creator’s death. Copyright and related rights 24 • International law means that copyrighted works are generally protected in most countries, not just the country in which they were created. These minimum standards are guaranteed by a series of international treaties administered by WIPO. States that have joined these treaties can provide more than the minimum protection – for example, a longer copyright term – but they cannot provide less. Related rights The law also protects the rights of certain people or groups who are involved in creative work but do not qualify for copyright protection in many jurisdictions, including performers such as singers and actors, broadcasting organizations, and organizations such as record companies that produce sound recordings. These are known as related rights or neighboring rights, because they are related to copyright. The protection offered is similar to copyright. Generally, right owners can stop people from recording, communicating or broadcasting their work without their permission. However, the term of protection is usually shorter than copyright; in most countries, it lasts for 50 years from the date of the performance, recording or broadcast. New challenges Copyright law has to evolve to deal with new technologies and cultural practices. For example, digital technologies make it possible to make and transmit near-perfect copies of works at little cost. In 1996, two new international agreements, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), were concluded in order to help protect copyright and related rights in the Internet age. And in 2012 the Beijing Treaty on Audiovisual Performances was adopted to protect the related rights of audiovisual performers. But other challenges remain. How can the traditional cultural expressions of people in developing countries best be protected in a globalizing economy? Is 3D printing adequately covered by copyright law? What is the best way of ensuring that musicians and artists receive proper payment when their works can be accessed online anywhere in the world? WIPO helps countries develop common responses to the evolving challenges. The World Intellectual Property Organization WIPO is the global forum for intellectual property services, policy, information and cooperation. It was founded in 1967 and became a specialized agency of the United Nations in 1974. There are four main elements of WIPO’s work. Shaping international rules WIPO helps to develop and implement international law on intellectual property. As we have seen, most IP law is limited to a particular national jurisdiction. International law is crucial to facilitate protection across national boundaries. There are now more than 25 international IP treaties administered by WIPO, and negotiations are ongoing to deal with new challenges. WIPO provides a neutral environment in which different countries can come together to negotiate new rules, striking a fair balance between different interests. Delivering global services WIPO delivers international filing and registration services. We have mentioned many examples in this booklet: international patent filing under the PCT System, international trademark registration under the Madrid System, industrial design registration under the Hague System and registration of geographical indications under the Lisbon System. WIPO also provides arbitration and mediation services to help resolve IP disputes. WIPO charges fees for these services. In fact, it earns more than 90% of its income through such fees. This is unusual for an international organization. Most international organizations are funded by their member states – in other words, by those countries’ taxpayers – whereas most of WIPO’s budget is paid for by the people and businesses who use its services. Cooperating with countries and partners to make IP work for development An important part of WIPO’s mission is to help all countries use and benefit from IP laws and protection systems. Many of WIPO’s member states already have very sophisticated and longstanding national IP systems, but some developing countries are working to build this capacity. Providing information and shared infrastructure WIPO aims to be a comprehensive and impartial source of information on global IP issues. This booklet is just one of many WIPO publications – there are also books, magazines, economic studies, statistics and many other reference works. WIPO has also developed infrastructure for accessing and sharing knowledge, including enormous databases of patents, brands, trademarks, appellations of origin and IP legislation. Visit the WIPO website to access a wealth of information: www.wipo.int. World Intellectual Property Organization 34, chemin des Colombettes P.O. Box 18 CH-1211 Geneva 20 Switzerland Tel: +41 22 338 91 11 Fax: +41 22 733 54 28 For contact details of WIPO’s External Offices visit: www.wipo.int/about-wipo/en/offices © WIPO, 2020 First published 2004 Attribution 3.0 IGO (CC BY 3.0 IGO) The CC license does not apply to non-WIPO content in this publication. Photos: Getty Images WIPO Publication No. 450E/20 ISBN 978-92-805-3176-3

**Violation: The aff doesn’t defend any fiated policy action.**

**Topical versions of the aff:**

**1. TVA: Read the aff but implent it as a plan – makes the ground much more contestable and gives me core answers.**

**Even if the TVA can’t solve the entirety of the aff’s impacts on T, they solve a sufficient amount of the aff for our fairness and education impacts to outweigh.**

**Switch-side debate solves—the aff directly takes issue with the resolution. If so, the aff’s literature takes issue with policy affs and can be read on the neg, producing the same discussions about antiblackness and police violence. This doesn’t mean we can answer the aff just because we have 1AR blocks to their theory—those depend on leveraging a 1AC advocacy that we don’t have here.**

**Vote Neg – The resolution is the only common stasis point that anchors negative preparation. Allowing any aff deviation from the resolution is a moral hazard which justifies an infinite number of unpredictable arguments with thin ties to the resolution. Because debate is a competitive game, their interpretation incentivizes affirmatives to run further towards fringes and revert to truisms which are exceedingly difficult to negate—this asymmetry is compounded by their monopoly on preparation**

#### That outweighs – The competitive incentive from debate creates pressures for research and focused clash which generates important skills and makes debate a training ground for future work. The impact is movements -- activism is not automatic, but requires learning to defend a proposal against rigorous negation to develop skills for strategy, organizing, problem-solving, using resources, and creating coalitions---their impact turns aren’t unique because the government will inevitably try to capture public worry, the only question is creating alternative incentives for people to organize.

Lakey 13. (George Lakey co-founded Earth Quaker Action Group which just won its five-year campaign to force a major U.S. bank to give up financing mountaintop removal coal mining. Along with college teaching he has led 1,500 workshops on five continents and led activist projects on local, national, and international levels. Among many other books and articles, he is author of “Strategizing for a Living Revolution” in David Solnit’s book Globalize Liberation. 8 skills of a well-trained activist. June 11, 2013. <https://wagingnonviolence.org/feature/8-skills-of-a-well-trained-activist/>)

Why more training now? The history of training is a history of playing catch-up. Very few movements seem to realize that the pace of change can accelerate so rapidly that it outstrips the movement’s ability to use its opportunities fully. In Istanbul a small group of environmentalists sit down to save a park, and suddenly there are protests in over 60 Turkish cities; the agenda expands, from green space to governance to capitalism; doors open everywhere. It would be a good moment to have tens of thousands of skilled organizers ready to seize the day, supporting smart direct action and building prefigurative institutions. But excitement alone may slacken; as with the Occupy movement, spontaneous creativity has its limits. With the right skills, movements can sustain themselves for years against punishing, murderous resistance. The mass direct action phase of the civil rights movement pushed on effectively for a decade after 1955. Mass excitement doesn’t need to fizzle in a year. A movement thrives by solving the problems it faces. Anti-authoritarians don’t want to count on a movement’s top leaders to be the problem-solvers, but instead to develop shared leadership by fostering problem-solving smarts at the grassroots. There’s nothing automatic about grassroots problem-solving. How well people strategize, organize, invent creative tactics, reach effectively to allies, use the full resources of the group and persevere at times of discouragement — all that can be enhanced by training. Nothing is more predictable than that there will be increased turbulence in the United States and many other societies. Activists cause some of the turbulence by rising up; other turbulence results from things like climate change, the 1 percent’s austerity programs and other forces outside activists’ immediate control. Increased turbulence scares a lot of people. It’s only natural that people will look around for reassurance. The ruling class will offer one kind of reassurance. The big question is: What reassurance will the movement offer? When students in Paris in May 1968 launched a campaign that quickly moved into nationwide turbulence, with 11 million workers striking and occupying, there was a momentary chance for the middle class to side with the students and workers instead of siding with the 1 percent. The movement, though, didn’t understand enough about the basic human need for security and failed to use its opportunity. That was a strategic error, but to choose a different path the movement would have required participants with more skills. Training would have been necessary. We can learn from this, inventory the skills needed and train ourselves accordingly. What is training ready to do for us? Here are a few of the key benefits that we should expect to gain from one another through training: 1. Increase the creativity of direct action strategy and tactics. The Yes Men and the Center for Story-Based Strategy lead workshops in which activist groups break out of the lockstep of “marches-and-rallies.” We need to have a broad array of tactics at our disposal, and we have to be ready to invent new ones when necessary. 2. Prepare participants psychologically for the struggle. The Pinochet regime in Chile depended, as dictatorships usually do, on fear to maintain its control. In the 1980s a group committed to nonviolent struggle encouraged people to face their fears directly in a three-step process: small group training sessions in living rooms, followed by “hit-and-run” nonviolent actions, followed by debriefing sessions. By teaching people to control their fear, trainers were building a movement to overthrow the dictator. 3. Develop group morale and solidarity for more effective action. In 1991 members of ACT UP — a militant group protesting U.S. AIDS policy — were beaten up by Philadelphia police during a demonstration. The police were found guilty of using unnecessary force and the city paid damages, but ACT UP members realized they could reduce the chance of future brutality by working in a more united and nonviolent way. Before their next major action they invited a trainer to conduct a workshop where they clarified the strategic question of nonviolence and then role-played possible scenarios. The result: a high-spirited, unified and effective action. 4. Deepen participants’ understanding of the issues. The War Resisters League’s Handbook for Nonviolent Action is an example of the approach that takes even a civil disobedience training as an opportunity to assist participants to take a next step regarding racism, sexism and the like. When we understand how seemingly separate struggles are connected, it helps us create a broader, stronger, more interconnected movement. 5. Build skills for applying nonviolent action in situations of threat and turbulence. In Haiti a hit squad abducted a young man just outside the house where a trained peace team was staying; the team immediately intervened and, although surrounded by twice their number of guards with weapons, succeeded in saving the man from being hung. Through training, we can learn how to react to emergencies like this in disciplined, effective ways. 6. Build alliances across movement lines. In Seattle in the 1980s, a workshop drew striking workers from the Greyhound bus company and members of ACT UP. The workshop reduced the prejudice each group had about the other, and it led some participants to support each other’s struggle. Trainings are a valuable opportunity to bring people from different walks of life together and help them work toward their common goals. 7. Create activist organizations that don’t burn people out. The Action Mill, Spirit in Action, and the Stone House all offer workshops to help activists to stay active in the long run. I’ve seen a lot of accumulated skill lost to movements over the years because people didn’t have the support or endurance to stay in the fight. 8. Increase democracy within the movement. In the 1970s the Movement for a New Society developed a pool of training tools and designs that it shared with the grassroots movement against nuclear power. The anti-nuclear movement went up against some of the largest corporations in America and won. The movement delayed construction, which raised costs, and planted so many seeds of doubt in the public mind about safety that the eventual meltdown of the Three Mile Island plant brought millions of people to the movement’s point of view. The industry’s goal of building 1,000 nuclear plants evaporated. Significantly, the campaign succeeded without needing to create a national structure around a charismatic leader. Activists learned the skills of shared leadership and democratic decision-making through workshops, practice and feedback. In my book Facilitating Group Learning, I share many lessons that have evolved from Freire’s day to ours. I hope that readers of this column will add to the list of training providers in the comments, since I’ve only named some. My intention is to remind us that this could be the right moment, before the next wave of turbulence has all of us in crisis-mode again, to increase training capacity for grassroots skill-building. We’ll be very glad we did.

#### Debate’s a competitive game – speech times, winner and loser, seeding, rules against clipping, etc prove – requires fair competition between both sides, that’s the biggest impact you can correct with the ballot – any impact turn is a double turn because they assume and follow all of these rules and fairness bad justifies voting neg even if you think the aff has won the debate.

#### Turns their offense:

#### 1 – Fairness is necessary for useful debates—it lets the aff train with the heavy bats of prepared negative strategies which internal link turns their ability to advocate change outside of debate. It enables both teams to more effectively challenge injustice and support movements for change. If debate is key to their movement, their aff has to be debateable. Only we have advanced criteria about how you can weigh between relative proposals and determine debatability in the first place.

#### 2 – Unpredictability causes debaters to latch onto un-vetted ideals as political end-points—there are an infinite number of unintended pitfalls to the aff. A well-prepared negative is better able to identify those and nudge the aff towards improvement—this turns solvency.

#### Debate doesn’t have any effect on the political and the individual arguments we read have no effect on our subjectivity, even if they spur immediate reflection, those insights aren’t integrated into deep-stored memory—this means you can vote negative on presumption. Encouraging focused, nuanced research and clash is the only chance to change attitudes long term—which means they can’t solve their impact turns but our model can.

#### filter their impacts through predictable testability ---debate inherently judges relative truth value by whether or not it gets answered---a combination of a less predictable case neg, the burden of rejoinder, and them starting a speech ahead will always inflate the value of their impacts, which makes non-arbitrarily weighing whether they should have read the 1ac in the first place impossible within the structure of a debate round so even if we lose framework, vote neg on presumption.

#### Topicality is a voting issue that should be evaluated through competing interpretations – it tells the negative what they do and do not have to prepare for—there’s no way for the negative to know what constitutes a “reasonable interpretation” when we do prep – reasonability is arbitrary and causes a race to the bottom, proliferating abuse

#### Drop the debater—Drop the arg means you vote neg anyways since they have no plaintext or basis for offense

#### No RVIs—it’s your burden to be topical. RVIs cause a chilling effect which prevents the neg from checking aff abuse and incentivize aff abuse in the interest of making the neg read T and then going for an RVI.

## Case

#### Blackness should be read as a contingent manifestation of human behavior---their conclusion about relationality is a paradox, but pure pessimism creates an emphasis on methodological purity that militates against difference and undermines resistance to whiteness

Gordon 18 (Lewis, a Philosophy Department, University of Connecticut, "Thoughts on two recent decades of studying race and racism," Social Identities Journal for the Study of Race, Nation and Culture, Volume 24, Issue 1, <https://www.tandfonline.com/doi/pdf/10.1080/13504630.2017.1314924?needAccess=true>, Page 30-35)

Mauvaise-foi emerged not only at the level of human phenomena in action but also at the ways in which they are studied. For instance, the compartmentalist approach of separating race away from other dimensions of human reality distorts the subject at hand. It could only be done, ultimately, in mauvaise-foi because of the imposition of non-relationality on a relational subject (Gordon, 2010, 2016). The old debate of race versus gender, or race versus class, or gender versus class, and any of these versus sexual orientation is a fine intellectual exercise under laboratory conditions in which the domain of inquiry is staked out and constrained. That, however, is not human reality. Typically, we (human beings) don’t ‘see’ race, gender, class, or sexual orientation walking around; we exemplify, coextensively, all of these, all the time, in different ways. Imagine the hyphenated version class-gender-race-sexuality (and more) with emphasis on different words at different times. Focus is not identical with elimination. Race for me, then, was and continues to be studied in relation to what made it, among other related phenomena, emerge as a reality of human life over the past several hundred years (Gordon, 1995/1999, 1995, 2006, 2010).

There is a simple version of my argument from those years: Racism requires denying the humanity of other groups of human beings through the organization of them, through regimes of power, under the category of a race and then denying the ascription of human being to them. The performative contradiction is that they would first have to be identified as human beings in order to deny their being such. It is thus a form of mauvaise-foi. Since racism is a form of mauvaise-foi, antiblack racism, as a species of racism, must also be a form of mauvaise-foi

My seemingly simple argument had complicated theoretical consequences. How did such performative contradictions historically emerge? People were not always categorized under races. Gender and linguistic membership predated many racial concepts (Gordon, 1997). Many other examples, such as religious membership, location in an economy, and even specialized skills could be added to the mix.

One approach is to look at the concepts informing dehumanization. They depend on a particular idea of human beings at work in racist practices. An obvious feature of racism is the rejection of having relationships with members of certain races. Non-relationality has many implications. For one, the notion that one could exist without relations with others (a slippery slope leading to being without relations) requires a model of the self as self-sustaining ‘substance’. That model has dominated much of market-oriented Euromodern thought, especially those in the Anglophone world. My writings could be read as a critique of this notion. Consider any act of studying a phenomenon. Such an effort cannot be done without establishing at least a relationship with something as a focus of study. This doesn’t involve eliminating one’s relationship to reality but instead reorienting oneself to relevant acts of knowing, learning, and understanding (Gordon, 1995, 2010, 2012, 2016). Commitment to the elimination of relations leads to contradictions. Try, for instance, eliminating relations to oneself. Mauvaise foi returns in many forms as each displeasing truth about relations is denied for the sake of pleasing falsehoods. In the chain of efforts, other important elements of study such as communicability, evidence, and sociality come to the fore, each of which raises concerns of the self as other.

As I focused primarily on antiblack racism, the question of whether all other forms of racism are the same emerged. Blackness functions, after all, in peculiar ways in societies that have produced antiblack racism. A response to the #BlackLivesMatter movement, for instance, is often that ‘all lives matter’. That is true the extent to which each group lives under conditions of equal respect for life. What advocates of #BlackLivesMatter are doing, however, is responding to a world in which some lives matter a lot more than others, whose lives evidentially matter a lot less. The history of antiblack racism amounts to the conviction that black people are only valuable the extent to which there is use for their labor or, worse, profiting from their misfortune as we see with the heavily racialized prison industrial complexes in the United States and similar countries (Alexander, 2010; Davis, 1983, 2005). It collapses into the expectation of justified existence in a context in which the justification for whoever stands as most valued is intrinsic. Members of the dominant group could thus seek their justification – if they wish – personally, through mechanisms of love, professional recognition, athletic achievement, etc. Moreover, that such society renders some groups as positive and others as negative leads to notions of legitimate presence (illegitimate absence) and absence (illegitimate presence). Should the analysis remain at white and black, the world would, however, appear more closed than it in fact is. For one, simply being born black would bar the possibility of any legitimate appearance. This is a position that has been taken by a growing group of theorists known as ‘Afropessimists’, for whom ‘black’ signifies absolute ‘social death’ (Sexton, 2010, 2011; Wilderson, 2007, 2008, 2009). It is, in other words, outside of relations. My objections to this view are many. For one, no human being is ‘really’ any of these things. Do blacks, for instance, suffer social death in relation to each other? The project of making people into such is one thing. The achievement of such is another. This is an observation Fanon also makes in his formulation of the zone of nonbeing and his critique of otherness in the study of race in Black Skin, White Masks, which I discuss at length my (Gordon, 2015) study, What Fanon Said: A Philosophical Introduction to His Life and Thought.

Fanon (1952) is critical of how otherness is interpreted in race theories and the study of race. The rejection of otherness ignores the fact that others are human beings. Racism emerges in attempts to deny that. Instead, it offers the zone of nonbeing, non-appearance as human beings. The racially dominant group presumes self-justified reality (license), which means it doesn’t call itself into question. And the designated racially inferior group? Lacking justification, their access to being is illegitimate. This means their absence is a mark of the system’s legitimacy. Such groups face the Catch 22 of illegitimate appearance: To appear is to violate appearance. Put differently, the violation is one of appearing without a license to do such. To all this, a consideration that should be added is this: The human being comes to the fore through emerging from being in the first place. Thus, the assertion of Being, as in the thought of Heidegger and his followers is also an effort to push the human being out of existence, so to speak. Heidegger, fair enough in his ‘Letter on Humanism’ (1947/1971), saw no problem in this. Fanon (1952), and many others in Africana philosophy, including the South African philosopher and psychologist Noël Chabani Manganyi (1973, 1977), disagreed through showing how racial conflict is also an existential one in which an existential ontology is posed against an ontology of being. The latter, we submit, is best suited for gods. When such becomes the model of being human, humanity dies. Blacks thus face the paradox of existing (standing out, living – as ex sistere means such) as non-existence (not standing out). Antiblack racism makes black appearance illicit.

Licit appearance would mean appearing as selves and others. It would mean the right to appear. Antiracist struggles will not work, then, as a struggle against otherness. It is, instead, against being non-selves and non-others.

Returning to the Afropessmistic notion of blackness as social death, I’m compelled to ask: Why must the social world be premised on the attitudes and perspectives of antiblack racists? Why don’t blacks among each other and other communities of color count as social perspectives? If the question of racism is a function of unequal power, which it clearly is, why not offer a study of power, how it is gained and lost, instead of an assertion of its manifestations as ontological?

I’m reminded here of Victor Anderson’s (1995) Beyond Ontological Blackness. Anderson would no doubt object that Afropessimism treats ‘blackness’ as an ontological, which makes it a self-sustaining (non-relational) concept. The historical emergence of blackness refutes that. But more, there is a logical paradox that emerges from ontological blackness. To identify blackness, one must be in a relation to it. This relational matter requires looking beyond blackness ironically in order to understand blackness. This means moving from the conception of meaning as singular, substance-based, and fixed into the grammar of how meaning is produced.

Consider the grammar of gender. Women historically occupy the role of absence (de Beauvoir, 1949; Butler, 2011; Gordon, 1995/1999, 1997). Blackness and womanness are thus intimate (Gordon, 1995/1999, 1997). The grammar of presence and absence is peculiarly theodicean (Gordon, 2010, 2013). This is the form of mauvaise-foi in which presence takes on the hubris of the desire to be a (often the) god. Theodicy defends the integrity of the god (systemic maintenance) through placing its contradictions (for example, evil) outside of it. The result is Being as a form of systemic purity (Monahan, 2011, 2017). This grammar is also psychoanalytical, in the sense of existential psychoanalysis. Manichean ‘qualities’ (such as ‘hard’ masculinity and ‘soft’ femininity) are evident in these modes of being. This pertains as well to sexual orientation: A white man’s relation to a black man is not only one of race-to-race but also of race-to-gender where the meaning of being black (as ‘feminine’ and ‘sexual’) could collapse into gendered absence. And extended to the sexualization of absence – think of the plethora of literature on the feminine as soft, cold, dark, and absence. The relation among males in which one group manifests such qualities immediately collapses into a homoerotic one (Fanon, 1952; Gordon, 1995/1999, 1997, 2000).

We see here a conception of dealing with racial and gender qualities that are today called ‘intersectional’, though that metaphor doesn’t at first quite work for their existential phenomenological psychoanalytical manifestations in mauvaise-foi (because purity seeks singularity). The major proponent of intersectionality – Kimberlé Crenshaw – is pretty clear that she is referring to identity collisions as they appear in law (especially tort and discrimination law); in other words, she is referring to harms that, because of how they are interpreted, don’t appear (supposedly don’t exist) despite their lived-reality. She often illustrates her point through her famous example of a collision at a four-way intersection (Crenshaw, 1991, 2014). If the fundamental site of harm is property, the concern will be about the cars, and if their status of property depends on being owned by, say, white men, then harm would pertain to them. If the location of harm expands simply to ‘whites’, then a white woman or man in one of the cars would be sufficient for harm having occurred. If, however, there were no whites in the cars, then the conclusion would be that no one was harmed. If harm extends to blacks and other people of color, and even further, to non-human animals, then any of them being in the car or cars would initiate a cause for redress. Notice that Crenshaw’s argument doesn’t deny the possibility of white men being harmed. Her point is that people such as black women were not historically acknowledged in the legal frameworks of harmed subjects because of a failure to see that human beings do not manifest a single category of identity on which to build a legal response. Simply referring to ‘man’ as the exemplar of human being fails to acknowledge that human beings are not only men but also women, and simply as ‘women’ fails to address what kind of women such as those of color and different sexual orientations.

At an existential level, what is also missed is the lived-reality of the convergence of these and their social and legal implications. A black woman in an automobile collision is, for example, not just harmed but also harmed in ways linked to the wider legal framework of the society. The criminalization of black women and men, for instance, could mean that though harmed in the collision, such people may face the possibility of entanglement in a legal system that treats them as the cause of harm, which could lead to other dangers such as ensnarement in the criminal justice system. This is one of the reasons why, even when harmed, many people of color don’t seek the aid of law enforcement and other representatives of that system. Crenshaw’s theory therefore has an existential and phenomenological significance in that it is an argument for the appearance of what is otherwise treated as either non-existent or not worthy of appearing, of, that is, illicit appearance. Her theory is also about the radicalization of appearance in that the identified subjects emerge, so to speak, not only in terms of being seen but also through an effort to see what they see or experience – in short, to see or at least understand their point of view in terms of the conditions they face. It is thus not a subjective theory or a narrowly objective one but instead an intersubjective theory because it requires understanding how different human beings relate to and encounter legal structures – products of the human world – as simultaneously alienating and enabling.

Crenshaw’s concept of an intersection could, however, be interpreted in problematic ways. The first is the geometric model of an intersection. That version presupposes well-formed or complete lines converging. A response would be that there was never a complete ‘whole’ or, as the feminist phenomenological communicologist Sara Ahmed (2006) would put it, ‘straight line’ with regard to human subjects in the first place. The queer phenomenological theorist David Ross Fryer (2008), in stream with Ahmed, offers the logical conclusion of this critique – namely, a fundamental queerness at the heart of race theory and related areas of study such as gender studies and queer theory. My recent work in philosophy of culture extends such a concern to the human condition as well – that is, the upsurge from being makes human reality a queer one. This is pretty much the argument articulated earlier with regard to questions raised by Fanon’s analysis of ontology, existential ontology, and the dialectics of selves and others.

The second critical consideration is that as all human beings are manifestations of different dimensions of meaning, the question of identity requires more than an intersecting model, otherwise there will simply be one (a priori) normative outcome in every moment of inquiry: Whoever manifests the maximum manifestation of predetermined negative intersecting terms. That would in effect be an essence before an existence – indeed, before an actual event of harm. Some race theorists’ tendency to build their arguments on a particular group as ‘most oppressed’ without offering evidence for the continued truth of such a claim is an example of this fallacy. This observation emerges as well where pessimism is the guiding attitude. An existential critique would be that optimism and pessimism are symptomatic of the same attitude: a priori assertions on reality. Human existence is contingent but not accidental, which means that the social world at hand is a manifestation of choices and relationships – in other words, human actions. As human beings can only build the future instead of it determining us, the task at hand depends on commitment – what is to be done without guarantees of outcome. This concern also pertains to the initial concerns about authenticity. One could only be pessimistic about an outcome, an activity. It’s an act of forecasting what could only be meaningful once actually performed. Similarly, one could only be optimistic about the same. What, however, if there were no way to know either? Here we come to the foi element in mauvaise foi. Some actions are deontological, and if not that, they are at least reflections of our commitments, our projects. Thus, the point of some actions isn’t about their success or failure but whether we deem them worth doing (Fanon, 1961/ 1991; Gordon, 2015). Taking responsibility for such actions – bringing value to them – is opposed to another manifestation of mauvaise-foi: the spirit of seriousness.

The spirit of seriousness involves attributing a form of materiality to human values that elides the human role in the construction of those values (de Beauvoir, 1947; Gordon, 1995/1999; Sartre, 1943). The importance of this concept pertains to the understanding of racism not only as a social phenomenon but also a value. It addresses what Abdul JanMohamed (2005, 2011) calls our social investments. Racists are ‘serious’ people and racism is the system that supports such values as supposedly objective features of reality. In other words, the formers’ values are preserved in the latter as ontological.

All this leads to an often-overlooked consideration: Discussions of race and racism make no sense without a philosophical anthropology. Euro-modernity denied the humanity of whole groups of people, which means the question of what it is to be human was crucial. These considerations emerged not only in colonial and racist terms but also at reflective levels of method as hegemonic models of ‘science’ began to dominate concerns for legitimacy. Many such models were premised, however, on ideological frameworks in which greater value was placed on ‘purity’ in which mixture is supposedly ‘impure’. The result is a philosophical anthropology in search of so-called purity as a standard of not only human value but also identity. The above discussion of intersectionality already challenges this thesis. In addition to my work, theorists posing such challenges at methodological levels include Jane Anna Gordon (2014; J. A. Gordon & Roberts, 2015) and Michael Monahan (2011). The arguments they advance reject any philosophical anthropology of converging ‘purities’, where separate, pure ‘races’ meet. Instead, the notion of racial purity is rejected from the outset. Rejected also at methodological levels, purity, they argue, obscures lived realities of mixture. In other words, the actual human world is not one of purity (being-in-and-by-itself) but instead relations of living negations of purity (existence, being-and-negations-of-and-for-being, and more). J. Gordon and Monahan prefer the term creolizing for this reason, as it is, they contend, a radical kind of mixture – one that in effect manifests not only new forms of being but also challenges the stasis of being. Their use of the present participle is to illustrate that mixing – especially of the licit and the illicit – is not a closed achievement (an ‘event’) but instead an ongoing activity of reality. From their argument, purity, like normativity, is an effort of imposing closure on the openness or, pointing back to Fryer, queer dimensions of reality. Put differently, ascribing ontological status to purity and straightness doesn’t work. It requires, in effect, denying the elements of reality that don’t match up and involves attempting to force reality into a preferred or pleasing falsehood instead of a (for the purist) displeasing truth. In effect, creolizing militates against disciplinary decadence or, in other words, mauvaise foi. As the context is human reality, the conclusion of presenting an open anthropology comes to the fore. This openness raises the question of the relationship between humanity and freedom.

#### Antiblackness isn’t fatalistic or ontologically rigid---their heuristic cements nihilism and destroys the possibility for political participation---that process alone cements the worst excesses of racial violence

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Ironically, however twisted a standard of measure, we might gauge how far we’ve come by the degree of doubt expressible toward the efficacy of voter registration and electoral politics, as have a couple of my fellow writers in this issue. Even though I regard this argumentative posture as a strategic error of near-fatal proportions, I think I understand how we got here: basically, there are two related, but contrastive, founding propositions on black life and thought in modernity that critics have consistently elaborated since “time immemorial,” and by that, I mean the time that the student of history marks down as the beginning of her sense of crisis that initiates “blackness” in the Western context; as I understand it, Afrocentric views, for instance, elide “blackness” and Africanity which concept is driven back into the ancient world so that transatlantic slavery—relatively recent in light of an ancient human past—is not the origin—or more precisely, the prime time— of black personality’s historical identity, but, rather, an interruption of it. The diasporic, or (for lack of a better word) creolized reading of blackness lends weight to the term itself, insofar as blackness on this view defines a new historical apprenticeship, kin to Africanness, but distinct from it in its particular and stressful formation, instaurated by the trade. One “becomes” black –neither a phylogeny nor an ontogeny—by virtue of his/her interpellation in total Western Economy. These portions of discursive content imply discrete spatiotemporal registers, as the putative subjects of each overlap, but are not entirely conformable (even if they look exactly alike), and there’s the rub.

In the former instance, one discovers as many occasions as possible to establish and sustain symbolic contact with an imagined past, long receded, so that emphasis comes to rest on the power and porosity of myth and its ceremonial/ritualistic determinations wherever possible. Whether the Afrocentric sense eventuates in a vision of strategic movement toward a putative origin (as in “return” narratives/actualities of black politics of the Nineteenth and Twentieth Centuries), or of ideological movement toward it (“ancestral” ceremonies, ritual celebrations), this reading seems to engender a politics that is cultural, that looks “otherworldly”—the place of the ego-ideal—in its valorized reference to an imagined ancestral field. We would anticipate that electoral politics in its uninspirational mundaneness might actually be beneath it. In the latter instance, focus comes to rest on the conditions that make blackness possible in the first place and what several diasporic thinkers, Frantz Fanon, prominent among them, describe as “disalienation,” or the process of undoing the deleterious effects of slavery and colonization; because the diasporic view installs the latter as efficient cause of historic black movement, its political projects are charged with a sense of urgency as they resonate the era of their appearance with unmistakable identitarian markings. David Walker’s, Anna Julia Cooper’s, and W.E.B.Du Bois’s respective discourse, for example, could never be mistaken for a different time/cultural period, which means that such discourses are organically linked to their own “now.” Consequently, the political protocols of a diasporic commitment tend to reflect the sense of crisis that characterizes blackness as an emergent category of human possibility. Because blackness in the diasporic reading runs parallel to modernity, blackness is cut away from the idea of Africa—perhaps we could say more precisely that the idea of Africa is bracketed in this ideological outline, rather than jettisoned as it might have been a century ago—as the idea of blackness itself assumes the name of a virtually absolute origin. If we think of these concurrent strands of ideas as postures, then we realize the extent to which they determine not only how one stands, but where, as well as why.

This enormous conceptual legacy, one way or another, accounts, I believe, for the lion’s share of African-American theoretical production and might be said to proffer a rich example of the problem of being/becoming and time. In its impressive variations and combinations, recombinations and iterations, black theory-making has engendered its fullest efflorescence in my view in the post-sixties period with regard to both thematic variedness and complexity and the democratic and demographic distribution of its practitioners; it is also true that any one of these postures and/or variations on it might evince at any given moment a kind of intellectual sclerosis which would induce in turn a conservative politics. If, for example, a theory governed by a diasporic view of black history from which to commence its narrative reifies slavery and colonization as inherent properties in a subject, then the theoretical posture no longer serves as an intellectual technology, or a heuristic device, but, rather, comes to advance an ontological valence. In my own work, for instance, I attempt to advance a theory of flesh/body as a strategy to differentiate historical positionalities in confrontation with the modern world. But if this idea has any usefulness, it proposes the theory as an opening into a closure; a torque that kicks off movement or rotation in static properties. But I should hope not to lose sight of the human potential that the subject of the flesh embodies; perhaps another way to say this is that the enfleshed subject inscribes an opening in a chain of necessity rather than a last word. The theory does not exhaust the subject that it would address, but attempts to highlight it. To hold to the view that the enfleshed subject is actually chattel or property—which we cannot say, insofar as we have merely established a subject possibility in this case—defeats the purpose of discriminating in the first place between a conceptual device on the one hand and a speaking (even if barred) subject on the other.

I have taken, then, the long way around in order to say that the ballot does not lose efficacy when it is wielded by black personality because the latter was once defined as anomie, as chattel. In other words, to premise the future of blackness on its past is to be mired in timelessness, which is precisely to be bereft of historicity, of differentiation, of progression. But moreover, it confuses a conceptual narrative, or a position in discourse, with an actual narrative that will always exceed it. To disparage the black vote is not a sophisticated, or radical, response to anything, but reverberates instead, without meaning to, we might suppose, a long-standing hatred of black people and their aspirations. To express doubt about the vote, especially this election season, in light of what we face now is beyond criticism: it is quite simply to embrace the inevitability of violence, and one should avoid flirtation with violence unless she is willing to put herself in its path. Anything less is an act of bad faith; I would go so far as to say that the failure to cast a vote at the coming midterms is an immoral act for at least two reasons that might go without saying, but bear repeating nonetheless: the meaning of suffrage for generations of African-Americans and the suffering that it has exacted over the decades and the certain danger that the current presidency and a treasonous, complicit Republican congressional majority pose to the United States and the world. Do we need to count the ways that we are doubtless threatened?

When I was a child, I not only spoke as one, but imagined like a child, too—a sauce pan, for instance, turned upside down made a really great hat—shining and irrepressible, cocked upside the head to the left, or the right; fabulous for a stately procession; the family’s beautiful mahogany console housed a radio with a green light in it, and if you squeezed yourself behind the device and examined the exposed radio tubes in it, you watched as they were suddenly dissolved in your mind’s eye into the skyline of a good-size city that you were taking in from a bird’s eye-view; if you stood a mop head up and drew a face on its handle, you had a pretty good doll for a day, especially if your father, or a sibling, whittled down the handle. In this world of discovery and surprise and everyday objects charged with magic, a word like “treason” signaled a remoteness light years away; in fact, it was a “school” word about as close to a little four- to seven -year old black girl’s reality as eighteenth-century images of white guys in tri-cornered hats, crossing the Delaware (wherever that was!), except that one of them was oddly named “Benedict Arnold,” who was not a very nice guy, we were told, and nowhere near “George Washington,” “who never told a lie.” Somebody cut down a cherry tree and, asked about it, ‘fessed up. (Or was that Abe Lincoln?) But this “treason” business started growing up, too, not unlike its young host body, as its next iteration was closer in both time and space to that of the school children—it was the Civil War and “seceding” states from the “Union.” Why would “they,” including the state where our young lady lived then and now, do that? Ah! And she learns that “history hurts.” And at that precise moment, one put away childish things, even though Emmett Till, my contemporary, was child enough. One day, long after, the end of a line in the presidential oath of office caught my attention, in fact, it quite astonished me—to defend the United States against “all enemies, foreign and domestic.” But is it possible for the “enemy” to be domestic? And what if it is? I thought I’d never live to see the day when I would have to ask myself that question and to wonder what the citizen’s duty might be in the realization that it is not only possible, but under certain circumstances, as appears to be the case at present, quite likely. And here we are, faced with the actual possibility now that the long-deferred democracy we have labored toward is poised to take a blow that could permanently end it. If voting could stave it off, who would refuse? Hold that thought.

#### Neurological, racial bias is flexible and determined by coalitional habit forming in the brain---orienting groups around institutional change best breaks down bias. This is offense because their theory rejects these solutions.

Cikara and Van Bavel 15. (Mina Cikara is an Assistant Professor of Psychology and Director of the Intergroup Neuroscience Lab at Harvard University. Her research examines the conditions under which groups and individuals are denied social value, agency, and empathy. Jay Van Bavel is an Assistant Professor of Psychology and Director of the Social Perception and Evaluation Laboratory at New York University. The Flexibility of Racial Bias: Research suggests that racism is not hard wired, offering hope on one of America’s enduring problems. June 2, 2015. <https://www.scientificamerican.com/article/the-flexibility-of-racial-bias/>)

The city of Baltimore was rocked by protests and riots over the death of Freddie Gray, a 25-year-old African American man who died in police custody. Tragically, Gray’s death was only one of a recent in a series of racially-charged, often violent, incidents. On April 4th, Walter Scott was fatally shot by a police officer after fleeing from a routine traffic stop. On March 8th, Sigma Alpha Epsilon fraternity members were caught on camera gleefully chanting, “There Will Never Be A N\*\*\*\*\* In SAE.” On March 1st, a homeless Black man was shot in broad daylight by a Los Angeles police officer. And these are not isolated incidents, of course. Institutional and systemic racism reinforce discrimination in countless situations, including hiring, sentencing, housing, and even mortgage lending. It would be easy to see in all this powerful evidence that racism is a permanent fixture in America’s social fabric and even, perhaps, an inevitable aspect of human nature. Indeed, the mere act of labeling others according to their age, gender, or race is a reflexive habit of the human mind. Social categories, like race, impact our thinking quickly, often outside of our awareness. Extensive research has found that these implicit racial biases—negative thoughts and feelings about people from other races—are automatic, pervasive, and difficult to suppress. Neuroscientists have also explored racial prejudice by exposing people to images of faces while scanning their brains in fMRI machines. Early studies found that when people viewed faces of another race, the amount of activity in the amygdala—a small brain structure associated with experiencing emotions, including fear—was associated with individual differences on implicit measures of racial bias. This work has led many to conclude that racial biases might be part of a primitive—and possibly hard-wired—neural fear response to racial out-groups. There is little question that categories such as race, gender, and age play a major role in shaping the biases and stereotypes that people bring to bear in their judgments of others. However, research has shown that how people categorize themselves may be just as fundamental to understanding prejudice as how they categorize others. When people categorize themselves as part of a group, their self-concept shifts from the individual (“I”) to the collective level (“us”). People form groups rapidly and favor members of their own group even when groups are formed on arbitrary grounds, such as the simple flip of a coin. These findings highlight the remarkable ease with which humans form coalitions. Recent research confirms that coalition-based preferences trump race-based preferences. For example, both Democrats and Republicans favor the resumes of those affiliated with their political party much more than they favor those who share their race. These coalition-based preferences remain powerful even in the absence of the animosity present in electoral politics. Our research has shown that the simple act of placing people on a mixed-race team can diminish their automatic racial bias. In a series of experiments, White participants who were randomly placed on a mixed-race team—the Tigers or Lions—showed little evidence of implicit racial bias. Merely belonging to a mixed-race team trigged positive automatic associations with all of the members of their own group, irrespective of race. Being a part of one of these seemingly trivial mixed-race groups produced similar effects on brain activity—the amygdala responded to team membership rather than race. Taken together, these studies indicate that momentary changes in group membership can override the influence of race on the way we see, think about, and feel toward people who are different from ourselves. Although these coalition-based distinctions might be the most basic building block of bias, they say little about the other factors that cause group conflict. Why do some groups get ignored while others get attacked? Whenever we encounter a new person or group we are motivated to answer two questions as quickly as possible: “is this person a friend or foe?” and “are they capable of enacting their intentions toward me?” In other words, once we have determined that someone is a member of an out-group, we need to determine what kind? The nature of the relations between groups—are we cooperative, competitive, or neither?—and their relative status—do you have access to resources?—largely determine the course of intergroup interactions. Groups that are seen as competitive with one’s interests, and capable of enacting their nasty intentions, are much more likely to be targets of hostility than more benevolent (e.g., elderly) or powerless (e.g., homeless) groups. This is one reason why sports rivalries have such psychological potency. For instance, fans of the Boston Red Sox are more likely to feel pleasure, and exhibit reward-related neural responses, at the misfortunes of the archrival New York Yankees than other baseball teams (and vice versa)—especially in the midst of a tight playoff race. (How much fans take pleasure in the misfortunes of their rivals is also linked to how likely they would be to harm fans from the other team.) Just as a particular person’s group membership can be flexible, so too are the relations between groups. Groups that have previously had cordial relations may become rivals (and vice versa). Indeed, psychological and biological responses to out-group members can change, depending on whether or not that out-group is perceived as threatening. For example, people exhibit greater pleasure—they smile—in response to the misfortunes of stereotypically competitive groups (e.g., investment bankers); however, this malicious pleasure is reduced when you provide participants with counter-stereotypic information (e.g., “investment bankers are working with small companies to help them weather the economic downturn). Competition between “us” and “them” can even distort our judgments of distance, making threatening out-groups seem much closer than they really are. These distorted perceptions can serve to amplify intergroup discrimination: the more different and distant “they” are, the easier it is to disrespect and harm them. Thus, not all out-groups are treated the same: some elicit indifference whereas others become targets of antipathy. Stereotypically threatening groups are especially likely to be targeted with violence, but those stereotypes can be tempered with other information. If perceptions of intergroup relations can be changed, individuals may overcome hostility toward perceived foes and become more responsive to one another’s grievances. The flexible nature of both group membership and intergroup relations offers reason to be cautiously optimistic about the potential for greater cooperation among groups in conflict (be they black versus white or citizens versus police). One strategy is to bring multiple groups together around a common goal. For example, during the fiercely contested 2008 Democratic presidential primary process, Hillary Clinton and Barack Obama supporters gave more money to strangers who supported the same primary candidate (compared to the rival candidate). Two months later, after the Democratic National Convention, the supporters of both candidates coalesced around the party nominee—Barack Obama—and this bias disappeared. In fact, merely creating a sense of cohesion between two competitive groups can increase empathy for the suffering of our rivals. These sorts of strategies can help reduce aggression toward hostile out-groups, which is critical for creating more opportunities for constructive dialogue addressing greater social injustices. Of course, instilling a sense of common identity and cooperation is extremely difficult in entrenched intergroup conflicts, but when it happens, the benefits are obvious. Consider how the community leaders in New York City and Ferguson responded differently to protests against police brutality—in NYC political leaders expressed grief and concern over police brutality and moved quickly to make policy changes in policing, whereas the leaders and police in Ferguson responded with high-tech military vehicles and riot gear. In the first case, multiple groups came together with a common goal—to increase the safety of everyone in the community; in the latter case, the actions of the police likely reinforced the “us” and “them” distinctions. Tragically, these types of conflicts continue to roil the country. Understanding the psychology and neuroscience of social identity and intergroup relations cannot undo the effects of systemic racism and discriminatory practices; however, it can offer insights into the psychological processes responsible for escalating the tension between, for example, civilians and police officers. Even in cases where it isn’t possible to create a common identity among groups in conflict, it may be possible to blur the boundaries between groups. In one recent experiment, we sorted participants into groups—red versus blue team—competing for a cash prize. Half of the participants were randomly assigned to see a picture of a segregated social network of all the players, in which red dots clustered together, blue dots clustered together, and the two clusters were separated by white space. The other half of the participants saw an integrated social network in which the red and blue dots were mixed together in one large cluster. Participants who thought the two teams were interconnected with one another reported greater empathy for the out-group players compared to those who had seen the segregated network. Thus, reminding people that individuals could be connected to one another despite being from different groups may be another way to build trust and understanding among them. A mere month before Freddie Gray died in police custody, President Obama addressed the nation on the 50th anniversary of Bloody Sunday in Selma: “We do a disservice to the cause of justice by intimating that bias and discrimination are immutable, or that racial division is inherent to America. To deny…progress – our progress – would be to rob us of our own agency; our responsibility to do what we can to make America better." The president was saying that we, as a society, have a responsibility to reduce prejudice and discrimination. These recent findings from psychology and neuroscience indicate that we, as individuals, possess this capacity. Of course this capacity is not sufficient to usher in racial equality or peace. Even when the level of prejudice against particular out-groups decreases, it does not imply that the level of institutional discrimination against these or other groups will necessarily improve. Ultimately, only collective action and institutional evolution can address systemic racism. The science is clear on one thing, though: individual bias and discrimination are changeable. Race-based prejudice and discrimination, in particular, are created and reinforced by many social factors, but they are not inevitable consequences of our biology**.** Perhaps understanding how coalitional thinking impacts intergroup relations will make it easier for us to affect real social change going forward.