# 1

#### Interpretation - the aff may not claim offense from anything other than the instrumental implementation of a policy stating that member nations of the World Trade Organization should reduce intellectual property protections for medicines.

#### “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: They do not defend that resolution.

#### Topical version of the aff: They could get rid of IPP and talk about how medical corporations are bad. Disads to the TVA just prove there is neg ground and that it’s a contestable stasis. and that it’s a contestable stasis and means that switch side is better.

**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**

#### First, movements – successful movement organizing is analogous to mainstream politics – it requires skilled organization, strategic flexibility, effective management, and proto-institutionalism – sacrificing debate as training in favor of being a revolutionary for a weekend ensures failure

Heller 17 [Nathan Heller began contributing to The New Yorker in 2011, and joined the magazine as a staff writer in 2013. He has written on a range of subjects, including online education and the TED Conference. He is also a film and television critic, and a contributing editor, at Vogue. Previously, he was a columnist for Slate, where he was a finalist for a National Magazine Award for essays and criticism. Is There Any Point to Protesting? August 21, 2017. https://www.newyorker.com/magazine/2017/08/21/is-there-any-point-to-protesting]

Tufekci’s conclusions about the civil-rights movement are unsettling because of what they imply. People such as Kauffman portray direct democracy as a scrappy, passionate enterprise: the underrepresented, the oppressed, and the dissatisfied get together and, strengthened by numbers, force change. Tufekci suggests that the movements that succeed are actually proto-institutional: highly organized; strategically flexible, due to sinewy management structures; and chummy with the sorts of people we now call élites. The Montgomery N.A.A.C.P. worked with Clifford Durr, a patrician lawyer whom Franklin Roosevelt had appointed to the F.C.C., and whose brother-in-law Hugo Black was a Supreme Court Justice when Browder v. Gayle was heard. The organizers of the March on Washington turned to Bobby Kennedy—the U.S. Attorney General and the brother of the sitting President—when Rustin’s prized sound system was sabotaged the day before the protest. Kennedy enlisted the Army Signal Corps to fix it. You can’t get much cozier with the Man than that. Far from speaking truth to power, successful protests seem to speak truth through power. (The principle holds for such successful post-sixties movements as ACT UP, with its structure of caucuses and expert working groups. And it forces one to reassess the rise of well-funded “Astroturf” movements such as the Tea Party: successful grassroots lawns, it turns out, have a bit of plastic in them, too.) Democratizing technology may now give the voiceless a means to cry in the streets, but real results come to those with the same old privileges—time, money, infrastructure, an ability to call in favors—that shape mainline politics.

Unsurprisingly, this realization irks the Jacobins. Hardt and Negri, as well as Srnicek and Williams, rail at length against “neoliberalism”: a fashionable bugaboo on the left, and thus, unfortunately, a term more often flaunted than defined. (Neoliberalism can broadly refer to any program that involves market-liberal policies—privatization, deregulation, etc.—and so includes everything from Thatcher’s social-expenditure reductions to Obama’s global-trade policies. A moratorium on its use would help solidify a lot of gaseous debate.) According to them, neoliberalism lurks everywhere that power resides, beckoning friendly passersby into its drippy gingerbread house. Hardt and Negri dismiss “participating in government, respecting capitalist discipline, and creating structures for labor and business to collaborate,” because, they say, “reformism in this form has proven to be impossible and the social benefits it promises are an illusion.” They favor antagonistic pressure, leading to a revolution with no central authority (a plan perhaps more promising in theory than in practice). Srnicek and Williams don’t reject working with politicians, though they think that real transformation comes from shifts in social expectation, in school curricula, and in the sorts of things that reasonable people discuss on TV (the so-called Overton window). It’s an ambitious approach but not an outlandish one: Bernie Sanders ran a popular campaign, and suddenly socialist projects were on the prime-time docket. Change does arrive through mainstream power, but this just means that your movement should be threaded through the culture’s institutional eye.

The question, then, is what protest is for. Srnicek and Williams, even after all their criticism, aren’t ready to let it go—they describe it as “necessary but insufficient.” Yet they strain to say just how it fits with the idea of class struggle in a postindustrial, smartphone-linked world. “If there is no workplace to disrupt, what can be done?” they wonder. Possibly their telescope is pointing the wrong way round. Much of their book attempts to match the challenges of current life—a shrinking manufacturing sphere, a global labor surplus, a mire of race-inflected socioeconomic traps—with Marx’s quite specific precepts about the nineteenth-century European economy. They define the proletariat as “that group of people who must sell their labor powers to live.” It must be noted that this group—now comprising Olive Garden waiters, coders based in Bangalore, janitors, YouTube stars, twenty-two-year-olds at Goldman Sachs—is really very broad. A truly modern left, one cannot help but think, would be at liberty to shed a manufacturing-era, deterministic framework like Marxism, allegorized and hyperextended far beyond its time. Still, to date no better paradigm for labor economics and uprising has emerged.

What comes undone here is the dream of protest as an expression of personal politics. Those of us whose days are filled with chores and meetings may be deluding ourselves to think that we can rise as “revolutionaries-for-a-weekend”—Norman Mailer’s phrase for his own bizarre foray, in 1967, as described in “The Armies of the Night.” Yet that’s not to say the twenty-four-year-old who quits his job and sleeps in a tent to affirm his commitment does more. The recent studies make it clear that protest results don’t follow the laws of life: eighty per cent isn’t just showing up. Instead, logistics reign and then constrain. Outcomes rely on how you coördinate your efforts, and on the skill with which you use existing influence as help.

If that seems a deflating idea, it only goes to show how entrenched self-expressive protest has become in political identity. In one survey, half of Occupy Wall Street allies turned out to be fully employed: even that putatively radical economic movement was largely middle class. (Also, as many noted, it was largely white.) That may be because even the privileged echelons of working America are mad as hell and won’t take it anymore. But it may also be because the social threshold for protest-joining is low. A running joke in “The Armies of the Night” is that many of the people who went off to demonstrate were affluent egghead types—unsure, self-obsessed, squeamish, and, in many ways, pretty conservative. “There was an air of Ivy League intimacy to the quiet conversations on this walk—it could not really be called a March,” Mailer says. Writing of himself: “He found a friendly face. It was Gordon Rogoff, an old friend from Actors Studio, now teaching at the Yale Drama School; they talked idly about theatrical matters for a while.” This has been the cultural expectation since the late sixties, even as tactical protest has left mainstream power behind. As citizens, we get two chips—one for the ballot box, the other for the soapbox. Many of us feel compelled to make use of them both.

Would casual activists be better off deploying their best skills toward change (teachers teaching, coders coding, celebrities celebritizing) and leaving direct action in the hands of organizational pros? That seems sad, and a good recipe for lax, unchecked, uncoördinated effort. Should they work indirectly—writing letters, calling senators, and politely nagging congresspeople on Twitter? That involves no cool attire or clever signs, and no friends who’ll cheer at every turn. But there’s reason to believe that it works, because even bad legislators pander to their electorates. In a new book, “The Once and Future Liberal” (Harper), Mark Lilla urges a turn back toward governmental process. “The role of social movements in American history, while important, has been seriously inflated by left-leaning activists and historians,” he writes. “The age of movement politics is over, at least for now. We need no more marchers. We need more mayors.” Folk politics, tracing a fifty-year anti-establishmentarian trend, flatters a certain idea of heroism: the system, we think, must be fought by authentic people. Yet that outlook is so widely held now that it occupies the highest offices of government. Maybe, in the end, the system is the powerless person’s best bet.

Or maybe direct action is something to value independent of its results. No specific demands were made at the Women’s March, in January. The protest produced no concrete outcomes, and it held no legislators to account. And yet the march, which encompassed millions of people on every continent, including Antarctica, cannot be called a failure. At a time when identity is presumed to be clannish and insular, it offered solidarity on a vast scale.

What was the Women’s March about? Empowerment, human rights, discontent—you know. Why did it matter? Because we were there. Self-government remains a messy, fussy, slow, frustrating business. We do well to remind those working its gears and levers that the public—not just the appalled me but the conjoined us whom the elected serve—is watching and aware. More than two centuries after our country took its shaky first steps, the union is miles from perfection. But it is still on its feet, sometimes striding, frequently stumbling. The march goes on, and someday, not just in our dreams, we’ll make it home.

#### 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. They also create a moral hazard that leads to affs only about individual self-care so even if you think this aff is answerable, the ones they incentivize are not, so assume the worst possible affirmative when weighing our impacts.

# Case

## 1

#### Gillespie’s call for an undercommon communication is an intellectual mirage – it imagines that symbolic and representational disruptions in benign academic spaces implicate material violence and buys off material tactics for resistance

Webb, 18—Senior Lecturer in Education at the University of Sheffield (Darren, “Bolt-holes and breathing spaces in the system: On forms of academic resistance (or, can the university be a site of utopian possibility?),” Review of Education, Pedagogy, and Cultural Studies, 40:2, 96-118, dml)

It is easy to be seduced by the language of the undercommons. Embodying and enacting it, however, is difficult indeed. Being within and against the university, refusing the call to order through insolent obstructive unprofessionalism, is almost impossible to sustain. Halberstam (2009, 45) describes the undercommons as “a marooned community of outcast thinkers who refuse, resist, and renege on the demands of rigor, excellence, and productivity.” A romantic and appealing notion for sure but refusing and reneging on “the university of excellence” will cost you your job. When Moten describes subversion as a “series of immanent upheavals” expressed through “vast repertoires of high-frequency complaints, imperceptible frowns, withering turns, silent sidesteps, and ever-vigilant attempts not to see and hear” (2008, 1743), one is reminded instantly of Thomas Docherty, disciplined and suspended for his negative vibes.7

Being with and for the maroon community is difficult too. First of all, “Where and how can we find/see the Undercommons at work?” (Ĉiĉigoj, Apostolou-Hölscher, and Rusham 2015, 265). Where and how can one find those liminal spaces of sabotage and subversion, and how does one occupy them in a spirit of hapticality, study, and militant arrhythmia that brings the utopic underground to the surface of the fierce and urgent now? Beautiful language, but how does one live it? Networks do, of course, exist—the Undercommoning Collective, the Edu-Factory Collective, the International Network for Alternative Academia, to name but a few. These are promising spaces for bringing together and harboring the maroons and the fugitives. But networks are typically short-lived, and—as Harney and Moten warned—there is a danger of institutionalization, of taking institutional practices with you into alternative spaces “because we’ve been inside so much” (Harney and Moten 2013, 148). And so, predictably, meetings of the fugitives come with structure, order, an official agenda, and circulated minutes. The outcasts convene in conventional academic conferences, with parallel sessions, panels of papers, lunch breaks, wine and nibbles (e.g., Edu-Factory 2012). These spaces offer time out, welcome respite, a breathing space, a trip abroad, and then one returns to work.

If hapticality, the touch of the undercommons, is “a visceral register of experience … the feel that what is to come is here” (Bradley 2014, 129–130), then this seems elusive. It is hard to detect a sense of the utopic undercommons rising to the surface of the corporate-imperial university. Moten describes the call to disorder and to study as a way to “excavate new aesthetic, political, and economic dispositions” (Moten 2008, 1745). But this notion of excavating is highly problematic. It is common within the discourse of “everyday utopianism”—finding utopia in the everyday, recovering lost or repressed transcendence in “everydayness” (Gardiner 2006)—to describe the process of utopian recovery in terms of excavating: excavating repressed desires, submerged longings, suppressed histories, untapped possibilities. But the fundamental questions of where to dig and how to identify a utopian “find” are never adequately addressed (see Webb 2017). Gardiner defines utopia as “a series of forces, tendencies and possibilities that are immanent in the here and now, in the pragmatic activities of everyday life” (2006, 2). But how are these forces, tendencies and possibilities to be identified and recovered? For Harney and Moten, it is through study, hapticality and militant arrhythmia. These are slippy concepts, however, evading concrete material referents.

What is it to inhabit the undercommons? Those who have written of their experiences refer to “small acts of marronage” such as poaching resources and redeploying them in ways at odds with the university’s designs and demands (Reddy 2016, 7), or exploiting funding streams “to form cracks in the institution that enable the Others to invade the university” (Smith, Dyke, and Hermes 2013, 150). For Adusei-Poku (2015), the undercommons is a space of refuge which is all about survival (2015, 4–5). We who feel homeless in the university are forced into refuge. We gather together to survive. We may gain satisfaction from small acts of marronage, but this is less about bringing the utopic common underground to the surface as it is a form of “radical escapism” (Adusei-Poku 2015, 4). Benveniste (2015, v) tells us that: “The undercommons has no set location and no return address. There is no map for entering and no guide for staying. The only condition is a living appetite. Listen to its hunger for difference.” We need more than poetry, however. And we need more than a series of minor acts of resistance. As Srnicek and Williams rightly emphasize, resistance is a defensive, reactive gesture, resisting against. Resistance is not a utopian endeavour: “We do not resist a new world into being” (Srnicek and Williams 2016, 47). The undercommons, when one can find it, is a bolt hole, a place of refuge, a breathing space in the system. We need something more.

The occupation Can the occupied building operate as a site of utopian possibility within the corporate-imperial university? Reflections on, and theorizations of, two recent waves of occupation—“Occupied California” 2009–2010 and the UK Occupations 2010–2011—have answered this question affirmatively. The “occupation” should not be understood here as solely or necessarily “student occupation.” It goes without saying—though sadly so often does need saying —that “faculty also have a responsibility to fight with and for students” (Smeltzer and Hearn 2015, 356). Though led by a new historical subject, “the graduate without a future” (Schwarz-WeinStein 2015, 11), the importance of faculty support for the occupations was emphasized on both sides of the Atlantic (Research and Destroy 2010, 11; Dawson 2011, 112; Holmes and R&D and Dead Labour 2011, 14; Ismail 2011, 128; Newfield and EduFactory 2011, 26). Long before Occupy took shape in Zuccotti Park, “occupation” was being heralded as the harbinger of a new society and a new way of being. If we return to the notion of creating utopian spaces, the key aim for some of the occupiers was to create communes within the university walls—to communize space (Inoperative Committee 2011, 6).8 Communization here is understood as a form of insurrectionary anarchism that refuses to talk of a transition to communism, insisting instead upon the immediate formation of zones of activity removed from exchange, money, compulsory labor, and the impersonal domination of the commodity form (Anon 2010a, 5). As one pamphlet declared: We will take whatever measures are necessary both to destroy this world as quickly as possible and to create, here and now, the world we want: a world without wages, without bosses, without borders, without states. (Anon 2010d, 34) This is a revolutionary anarchism that takes the university campus as the site for a practice—communization—that not only prefigures but also realizes the vision of a free society. Heavily influenced by The Coming Insurrection (Invisible Committee 2009), but tapping into a long tradition of anarchist theory and practice from Hakim Bey’s Temporary Autonomous Zones (Bey 1985) to David Graeber’s Direct Action (Graeber 2009), occupation becomes “the creation of a momentary opening in capitalist time and space, a rearrangement that sketches the contours of a new society” (Research and Destroy 2010, 11). It is “an attempt to imagine a new kind of everyday life” (Hatherley 2011, 123). Firth (2012) refers to these momentary openings as critical, experimental utopias: Such utopias are … simultaneously immanent and prefigurative. They are immanent insofar as they allow space for the immediate expression of desires, satisfaction of needs and also the articulation of difference or dissent. They are prefigurative to the extent that they allow one to practice and exemplify what one would like to see at a more proliferative range in the future (26) The ultimate aim is for the practice to spread beyond the campus through a dual process of provocative rupture—the idea that insurrectionary moments can unleash the collective imagination and stimulate an outpouring of creativity that blows apart common sense and offers glimpses of a future world (Gibson-Graham 2006, 51; Shukaitis and Graeber 2007, 37)—and “contaminationism,” that is, spreading by means of example (Graeber 2009, 211). It may well have been the case that communism was realized on the campuses of Berkeley and UCL, that a momentary opening in capitalist space/time appeared through which another world could be glimpsed. The occupation, however—whether California, London, or anywhere else—is likely always to remain a localized temporary disruptive practice. A practice with utopian potency, for sure, in terms of suspending normalized forms of discipline and opening new egalitarian discursive spaces (Rheingans and Hollands 2013; Nişancioğlu and Pal 2016). In terms of wider systemic change, however, “small interventions consisting of relatively non-scalable actions are highly unlikely to ever be able to reorganise our socioeconomic system” (Srnicek and Williams 2016, 29). What “the occupation” demonstrates more than anything is the reality of the corporate-imperial university, as the institutional hierarchy, backed by the carceral power of the police and criminal justice system, inevitably disperses the occupiers—often using militarized force—and repossesses the occupied space in a strong assertion of its ownership rights not only to university buildings but also to what constitutes legitimate thought and behavior within them (on this see Docherty 2015, 90). The significance, and utopian potential, one attaches to campus occupations depends in part upon the significance one attaches to the university as a site of struggle. For the Edu-Factory Collective: As was the factory, so now is the university. Where once the factory was a paradigmatic site of struggle between workers and capitalists, so now the university is a key space of conflict, where the ownership of knowledge, the reproduction of the labour force, and the creation of social and cultural stratifications are all at stake. This is to say the university is not just another institution subject to sovereign and governmental controls, but a crucial site in which wider social struggles are won and lost. (Caffentzis and Federici 2011, 26) Clearly, if this is true, then the form the struggle takes, and the example it sets, is of immense significance. Srnicek and Williams describe as “wishful thinking” the idea that the occupation might spread beyond the campus by means of rupture or contamination (2016, 35). However, if the university really is a key site of class struggle (Seybold 2008, 120; Haiven and Khasnabish 2014, 38), a site through which wider struggles are refracted and won or lost, then the transformative potential of the occupation needs to be attended to seriously. The analysis of the university offered by the Edu-Factory Collective is, however, outdated. Sounding like Daniel Bell writing in 1973 about how universities had become the “axial structures” of post-industrial society (Bell 1973, 12), the analysis does not hold water today. Moten overdoes it when he tells us that “the university is a kind of corpse. It is dead. It’s a dead institutional body” (Moten 2015, 78). What is clear, however, is that “focusing on the university as a site of radical transformation is a mistake” (Holmes and R&D and Dead Labour 2011, 13). As has been widely noted, there is very little distinguishing universities from other for-profit corporations (Readings 1996; Lustig 2005; Washburn 2005; Shear 2008, Tuchman 2009). What does separate them is their inefficiency, due in large part to the fact that universities operate also as medieval guilds, with faculties “ruled by masters who lord over journeymen and apprentices in an artisanal system of production” (Jemielniak and Greenwood 2015, 77). If the university is a sinister hybrid monstrosity—part medieval guild, part criminal corporation—which has no role other than reproducing its own privilege, then no special status can be attributed to campus protests. In this case, “A free university in the midst of a capitalist society is like a reading room in a prison” (Research and Destroy 2010, 10). A reading room in a prison. Another apposite metaphor. The occupation is a safe space, offering temporary respite, a place to hide, a refuge, a bolt-hole, a breathing space. As with the utopian classroom and the undercommons, what the occupation suggests is that “defending small bunkers of autonomy against the onslaught of capitalism is the best that can be hoped for” (Srnicek and Williams 2016, 48). Conclusion Zaslove was right to characterize utopian pedagogy within the corporateimperial university as the search for bolt-holes and breathing spaces in the system. He himself suggests that, “All university classes should become dialogic-experiential models that educate by expanding the zones of contact with wider communities” (2007, 102). Like so many others, Zaslove sees dialogic-experiential models of education beginning in the classroom then expanding outward. The literature is full of references to “exceeding the limits of the university classroom” (Coté, Day, and de Peuter 2007a, 325), “extend [ing] beyond the boundaries of the campus” (Ruben 2000, 211), and “breeching the walls of the university compounds and spilling into the streets” (Research and Destroy 2010, 10). This all brings to mind Giroux’s notion of academics as border crossers (Giroux 1992), but it also paints a picture of academics taking as their starting point the university and from there crossing the border into the community and the street.

The University can be the site for fleeting, transitory, small-scale experiences of utopian possibility—in the classroom, the undercommons, the occupation. It cannot be the site for transformative utopian politics. It cannot even be the starting point for this. Given the corporatization and militarization of the university, academics are increasingly becoming “functionaries of elite interests” inhabiting a culture which serves to reproduce these interests (Shear 2008, 56). Within the university, “radical” initiatives or movements will soon be co-opted, recuperated, commodified, and neutralized (Gibson-Graham 2006, xxvi; Seybold 2008, 123; Neary 2012b, 249; Rolfe 2013, 21). Institutional habitus weights so heavily that projects born in the university will be scarred from the outset by a certain colonizing “imaginary of education” (Burdick and Sandlin 2010, 117). And we have long known that the university is but one space of learning, and perhaps not a very important one at that. Identifying the academy as the starting point for a utopian pedagogy privileges this arcane space over sites of public pedagogy such as film, television, literature, sport, advertising, architecture, media in its various forms, political organizations, religious institutions, and the workplace (Todd 1997).

Perhaps the emphasis on creating radical experimental spaces within the academy needs to shift toward operating in existing spaces of resistance outside it. Haiven and Khasnabish argue that many social movements function already as “social laboratories for the generation of alternative relationships, subjectivities, institutions and practices” (2014, 62), providing “a space for experiments in knowledge production, radical imagination, subjectification, and concrete alternative-building” (Khasnabish 2012, 237). Why locate utopian pedagogy in the university when “critical utopian politics” can take place in “infrastructures of resistance” such as intentional communities, housing collectives, squats, art centers, community theatres, bars, book shops, health collectives, social centers, independent media and, increasingly of course, the digital sphere (Firth 2012; Shantz 2012; Amsler 2015; Dallyn, Marinetto, and Cederstrom 2015)? Moving beyond short-term, localized, temporary modes of resistance, utopian pedagogy would work across these sites to develop a long-term strategy and vision.

There is a role for the academic in utopian politics, but not in the university-as-such. The utopian pedagogue has a responsibility to exploit their own privilege and to work with students, communities and movements outside and divorced from the university. As Shear rightly notes, academics (and especially those working in the humanities and social sciences) “inhabit a privileged space in which critical inquiry concerning social hegemony and political-economic domination” is possible (Shear 2008, 56). Within the university, however, spaces for embodying and enacting this kind of inquiry have become constrained, compromised, monitored, surveilled, co-opted, and recuperated. As I have argued throughout this article, utopian pedagogy has become a search for bolt-holes and breathing spaces in the system. Beyond the academy, however, there is a role to play. As Chomsky (2010) tells us, with privilege comes responsibility. And as Giroux frames it, this is an ethical and political responsibility to provide “theoretical resources and modes of analysis” to help forge “a utopian imaginary” (Giroux 2014a; 153; 2014b, 200). This means putting one’s knowledge and resources to use in the service of a collaborative process of memory- and story-making, pulling together disparate inchoate dreams and yearnings in order to generate a utopian vision that can help inform, guide, and mobilize long-term collective action for systemic change.

## 2

The entire second page is a double turn with pessimism – they said appeals for recognition, humanity, and contingent academic progress were actively antiblack attempts to extend humanism. That’s a double turn with asking for liberal gestures of inclusion like reparations and inspiring students. They should lose, because their performance links harder to pessimism.

Case is a huge double turn – afropessimism is incompatible with weak gestures of academic inclusion like trying to assimilate students into debate and giving fake reparations like ballots – their bad-faith gestures of inclusion and liberal assimilation that Wilderson says actively tighten the regime of antiblackness.

Strategic flexibility and self-care aren’t answers – that’s the definition of a flinch, it proves their politics are just liberal inclusion in disguise, because the whole point of afropessimism’s political ontology is there is nothing outside of it

This is an independent reason to vote neg – they’ve impact turned their own framing page and they said performance matters, so you can vote neg on presumption, and it turns the case

#### Antiblack antagonism isn’t structural—the ability to communicate about Blackness proves the alterability of of Black positionalism—comparatively, fatalism is net more violent than productive engagement

King Watts 15

(Eric, Associate Prof of Media and Technology Studies @ UNC Chapel Hill, “Critical Cosmopolitanism, Antagonism, and Social Suffering,” *Quarterly Journal of Speech* Vol. 10.1)

I have been asked by more than one graduate student at more than one university how I hope to reconcile the claims of Afro-Pessimism with my insistence that voice is a fundamental human capacity. I maintain, more or less consistently, that voice is a public occurrence animated by the acknowledgment of the ethical and affective dimensions of speech.16 The repetition of the inquiry is energized by the fact and mode of Afro-Pessimism being taken up in debate and argument organizations, programs, and competitions. I am not going to attempt to complete this reconciliation in this space, in part because I have not quite accomplished it. But I do have to briefly sketch out the terms of the challenge in order to try to evaluate the strengths and limits of critical cosmopolitanism as an academic practice that would ask “why and how” Communication Studies might interact with the Afro-Pessimistic enclave in Black Studies. While criticizing the work of Black film theory, Frank Wilderson embarks upon an ambitious and provocative campaign meant to foster an understanding of the conditions of impossibility for Black subjectivity within the contemporary ontological paradigm. The term “Afro-Pessimism” signals the work of scholars who are “theorists of structural positionality.”17 As such, Blackness and Whiteness18 are interrogated as emerging through a conjuncture with brutal modern technologies of organization and domination, and the birth of the very idea of race. Put simply, it took the modern invention of slavery and colonialism to bring about the racial ideologies that make Blackness and Whiteness intelligible. The Slave/Black, then, should not be considered exploited labor or simply oppressed. “Rather, 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.’”19 The Black occupies a coordinate that marks a fundamental structural antagonism with the West, with Whiteness and, indeed, with the Human. It is quite easy to see why the term “Pessimism” is apt. The Black names the condition of state violence, a flesh-object brought into the world for “accumulation and fungibility.”20 The Black is essential to the production of Western subjectivity and to notions of what it means to be human. “In short, White (Human) capacity, in advance of the event of discrimination or oppression, is parasitic on Black incapacity: Without the Negro, capacity itself is incoherent, uncertain at best.” Not only is the Black incapacitated as a structural determinate, the Black is “a structural position of noncommunicability.”21 But there is a form of communication here nevertheless because the Black paradoxically signifies the “outside” that **allows for the articulation of “anti-Black solidarity.”22** There is theoretical and historical support for such an analysis. For example, the early twentieth-century Americanization projects used Blackness as an exclusionary trope meant to help spur non-White immigrants from Europe and Asia toward Whiteness.23 And here is where the term “Pessimism” seems inadequate. As a structurally overdetermined body-image in the Western imaginary and symbolic field, Blackness registers near-nothingness: In perceiving Black folk as being alive, or at least having the potential to live in the world, the same potential that any subaltern might have, the politics of Black film theorists' aesthetic methodology and desire disavowed the fact that “[Black folk] are always already dead wherever you find them.”24 Given this dire diagnosis, why and how might we interact with Afro-Pessimism? Speaking from the point of view of a Black rhetorical scholar (and a scholar of Blackness), the answer to why is virtually self-evident: thinking through Blackness as a condition of possibility for rhetorical action and social justice is a life-long pursuit that, given the tragic killing of Michael Brown in Ferguson, Missouri in August 2014, feels especially burning**.25** Given the affective intensity of the charge of Black noncommunicability, a failure to meaningfully interact would engender a different kind of “violence”; in this case a structural injunction sponsored by a lingering and recurring anxiety regarding the authority of Communication Studies. And so how might we interact? If I take up the orientation of critical cosmopolitanism, I need to recognize immediately that my efforts can be dismissed by the Afro-Pessimist as colonial; that is, as a reiteration of the sort of practices that presume that one's epistemologies can translate other's bodies of knowledge into comprehensible and useful concepts and constructs. And yet, we must begin where we are, not where we hope to be**.** Hence, I want to make two modest and one not-so-modest suggestions for how Communication Studies in general and Rhetorical Studies in particular might interact: first, Wilderson calls for “a new language of abstraction” to elaborate “Blackness's grammar of suffering.”26 But in my reading, Afro-Pessimism is already too reliant on a language of abstraction**.** Lois McNay, in The Misguided Search for the Political, recently contends that theories of political power are overwrought owing to a social weightlessness brought about through high abstraction. She recommends the reinvigoration of the concept of “social suffering”—not as an entrenched category of victimage but, rather, as the habitus of lived experience that must be articulated to analyses of structural positionality.27 Second, I agree with McNay (who says nothing about Afro-Pessimism, by the way) that structural antagonisms are not static, but are movable and moving configurations. The Afro-Pessimist in Wilderson's account must agree that when a non-Black person is thrust toward the horrible condition approximating (but not identical to) the Black's structural position, that adjustment can rightfully be called a “Blackening.” As a happening—and not an event that has simply always already happened—this racialized procedure makes itself felt and knowable in the dense social fabric of the everyday. If the Black is in a structural position that delimits the impossibility of capacity, might we enjoin an analysis of the vocabulary of that impossibility itself? And since a “Blackening” receives intelligibility from the structural position of the Black, might we gain some productive understanding from a scrutiny of key discursive and material forms of “Blackening”? Was not Michael Brown “Blackened” in and through (and not only a priori to) his bodily encounter with state violence? Given my ongoing scholarly interest in the Zombie, I am willing to concede that an Afro-Pessimist might claim that Brown was, at the moment he was shot to death, “the dead but sentient thing, the Black” struggling “to articulate in a world of living subjects.”28 This concession functions as an assertion: the Zombie is not wholly outside Western intelligibility; it haunts the nether regions between Human and Black. Its undead existence is material and social, and supplies some vital resources for inventing a new language—a grammar of (Black) suffering. Perhaps “there is no way to Africa through the Black,”29 but maybe there is a route through the Zombie. I have argued for such a project using the terminology of reanimating Zombie voices.30 Lastly, we might think of this gloomy predicament as a tenuous point of contact with Afro-Pessimism. Wilson's intellectual history provides the basis for such a conception. Communication Studies has been (and continues to anguish over the extent that it still is) in the structural position of inferior and alienated. There should be no shame in admitting that the discipline, in relation to both the Social Sciences and the Humanities, has been and is subject to being “Blackened.” Indeed, its originary moment, as I alluded to above, meant the rejection of a set of nationalistic proprietary politics that treated Speech teachers like disposable labor. By any reasonable measure, that structural positioning—despite the fact that the people involved were White—was a racialization, a “Blackening.” Let's be perfectly clear: there is no identification being made here with the fundamental antagonism associated with the Black. However, this racialized politics (among other political registers) might provide a new critical vocabulary for Communication scholars if we do the painful work of coming to grips with the discursive and material practices of “Blackening.” There are structures of different scales. Academic structural dynamics are not dissociated from the identity ideologies implicated in nationalism and cosmopolitanism, citizenship and exile, privilege and destitution, Whiteness and Blackness. Indeed, Wilderson's critique is launched from and resides within those very same structural dynamics. It seems to me then that, at the very least, our shared social suffering with Afro-Pessimism—although of vastly different magnitudes and qualities—should be asserted as a mode of transnational fidelity.

## 3

if civil society is constitutively antiblack, the judge would not able be able understand and empathize with their suffering, cast a ballot for the aff – cx proves that people can understand antiblackness as bad which opens up the possibility for change./

#### Closed conceptions and pessimism fail and their rhetoric reifies social death – their aversion to resistance is political immaturity

Gordon 15 --- Lewis, Afro-Jewish philosopher, political thinker, educator, and musician, Professor at the University of Connecticut in Philosophy and Africana Studies, European Union Visiting Chair in Philosophy; Nelson Mandela Visiting Professor of Politics and International Studies at Rhodes University, South Africa; and Chairman of the Frantz Fanon awards committees of the Caribbean Philosophical Association, transcribed from <https://youtu.be/UABksVE5BTQ>, presenting and discussing his book “What Fanon Said”, rehighlighted HKR-AM

\*\*\*Theonaturalism – religion based difference

The first thing to bear in mind you may wonder why in the beginning of the talk I talked about philosophical anthropology. And many people when they are trying to talk about social change they never think about *what a human being is* and this is something Fanon pays attention to. **Many people want to have closed conceptions of human beings because then human beings can be predictable**. In fact, in fanons writing he gave an example. One of the problems is that when he would walk in reason seems to walk out. One problem we have to bear in mind when we try to look at the question of human beings **in terms of rigid closed systems** is that we often are trying to get as a model of how we work as theorists on issues of social change that are actually based on what we can call **law like generalizations**. Now what is a law like generalization? It is when you make sure that whatever you say has no contradiction down the line. So if you are to say this much [gestures with hand] the next stage must be consistent with that, and the next stage until you are maximally consistent. Do you get that? But here is the problem – and I can just put it in a nut shell- nobody, nobody in this room would like to date, be married to, or be a best friend with a maximally consistent person. You know what that is. Its hell. And this tells you something, because if somebody where maximally consistent, you know what you would say that person is not reasonable. And we have a person here who does work on Hegel that can point out this insight, that a human being has the ability to evaluate rationality. Now why is that important? Because you see the mistake many of us make is **many of us want to push the human being into that maximized law like generalization model**. So when we think about our philosophical anthropology, some people, our question about intersectionality for instance, what some people don’t understand is nowhere is there ever a human being who is one identity. People talk about race – do you ever really see a race walking? You see a racialized man or woman, or transman or transwoman. Do you ever see a class walking? Class is embodied in flesh and blood people. And we can go on and on. So if we enrich our philosophical anthropology we begin to notice certain other things. And one of the other things we begin to realize is that **we commit a serious problem when we do political work.** And the problem is this. The question about **Wilderson** for instance. There is this discussion going on (and allot of people build it out of my earlier books). I have a category I call, as a metaphor, an antiblack world. You notice **an indefinite article** – **an anti-black world**. The reason I say that is because **the world is different from an anti-black world**. The project of racism is to create a world that would be **completely anti-black or anti-woman.** **Although that is a project, it is not a fait accompli**. People don’t seem to understand how recent this phenomenon we are talking about is. A lot of people talk about race they don’t even know the history of how race is connected into theonaturalism. How, for instance, Andalucia and the pushing out of the Moors. The history of how race connected to Christianity was formed. A lot of people don’t understand – from the standpoint of a species whose history is 220,000 years old, what the hell is 500 years? **But the one thing that we don’t understand to is we create a false model for how we study those last 500 years**. We study the 500 years as if the people who have been dominated **have not been fighting and resisting.** Had they not been fighting and resisting we wouldn’t be here. And then we come into this next point because you see the problem in the formulation of **pessimism** and **optimism** is they are both based on forecasted knowledge, a prior knowledge. **But human beings don’t have prior knowledge.** And in fact – what in the world are we if we need to have guarantees for us to act. You know what you call such people? Cowards. The fact of the matter is our ancestors – let’s start with enslaved ancestors. The enslaved ancestors who were burning down those plantations, who were finding clever ways to poison their masters, who were organizing meetings for rebellions, none of them had any clue what the future would be 100 years later. Some had good reason to believe that it may take 1000 years. But you know why they fought? Because they knew it wasn’t for them. One of the problems we have in the way we think about political issues is we commit what Fanon and others in the existential tradition would call a form of political immaturity. Political immaturity is saying it is not worth it unless I, me, individually get the payoff. When you are thinking what it is to relate to other generations – remember Fanon said the problem with people in the transition, the pseudo postcolonial bourgeois – is that they miss the point, you fight for liberation for other generations. And that is why Fanon said other generations they must have their mission. But you see some people fought and said no I want my piece of the pie. And that means the biggest enemy becomes the other generations. And that is why the postcolonial pseudo-bourgeoisie they are not a bourgeoisie proper because they do not link to the infrastructural development of the future, it is about themselves. And that’s why, for instance, as they live higher up the hog, as they get their mediating, service oriented, racial mediated wealth, the rest of the populations are in misery. The very fact that in many African countries there are people whose futures have been mortgaged, the fact that in this country the very example of mortgaging the future of all of you is there. What happens to people when they have no future? It now collapses the concept of maturation and places people into perpetual childhood. So one of the political things – and this is where a psychiatrist philosopher is crucial – is to ask ourselves what does it mean to take on adult responsibility. And that means to understand that **in all political action it’s not about you**. **It is what you are doing for a world you may not even be able to understand**. Now that becomes tricky, because how do we know this? **People have done it before**. There were people, for instance, who fought anti-colonial struggles, there are people (and now I am not talking about like thirty or forty years ago, I am talking about the people from day one 17th 18th century all the way through) and we have no idea what we are doing for the 22nd century. And **this is where developing political insight comes in.** Because **we commit the error of forgetting the systems we are talking about are human systems**. They are not systems in the way we talk about the laws of physics. A human system can only exist by human actions maintaining them. **Which means every human system is incomplete.** **Every human being is by definition incomplete**. Which means you can go this way or you can go another way. The system isn’t actually closed.

#### Racism is contingent, not fixed through antagonism. Progress is possible, fatalism denies agency

Michael OMI, Associate Professor of Ethnic Studies at UC Berkeley, AND Howard WINANT, Sociology at the University of California, Santa Barbara, and Director of the UC Center for New Racial Studies, 13 [“Resistance is futile?: a response to Feagin and Elias,” Ethnic and Racial Studies, Vol. 36, Issue 6, 2013]

-not an issue of white/black—race comes from: the drive to rule, and the imperative to resist. \*Proves even if all whiteness was destroyed, racism gets redployed in different way cuz racial groups still discriminate against each other- proven in India (Punjabis hate Tamil and racialize them even though the exact same genetically)

-who is considered white? Impossible to determine, but only looking at one’s political goals can solve, not simple white/black binary—i.e. is a rich black Donald Trump considered white? Debate turns into authenticity tests rather than productive movements

-Reform possible/good—Loving vs. Virginia, Civil Rights Act, Voting rights act. Obviously not perfect- nothing is flawless, but reveals that the politicization of the social is still possible

Their essay has an overly tendentious tone and sometimes misreads and misinterprets our book. Still there are many points of agreement between the racial formation and systemic racism theories. Where we disagree most strongly is over our respective understanding of racial politics. Feagin and Elias focus so intensely on racism that they lose sight of the complexities of race and the variations that exist among and within racially defined groups. In their ‘systemic racism’ account white racist rule is so comprehensive and absolute that the political power and agency of people of colour virtually disappear. Indeed, the ‘white racial frame’ (Feagin 2009) is so omnipotent that white racism seems to usurp and monopolize all political space in the USA. Yes, ‘counter framing’ is present, but it appears marginal at best, unable effectively to challenge the pervasiveness, persistence and power of white racism. Since Feagin and Elias dismiss ideas of ‘racial democracy’ tout court, their perspective makes it difficult to understand how anti-racist mobilization or political reform could ever have occurred in the past or could ever take place in the future. They see racism as so exclusively white that any notion of white anti-racism is virtually ignored and completely unexplained. Despite Feagin and Elias's good intentions of linking their analysis to anti-racist practice, we believe their views have quite the opposite effect: without intending to do so, they dismiss the political agency of people of colour and of anti-racist whites. In Feagin/Elias's view, ‘systemic racism’ is like the Borg in the Star Trek series: a hive-mind phenomenon that assimilates all it touches. As the Borg announce in their collective audio message to intended targets, ‘Resistance is futile’. We have a smaller space than the main essay, so we'll dispense with a point-by-point refutation of their understanding of racial formation theory. We assume readers of Racial Formation and of our other work know that we are not closet neocons, that we consider racism a foundational and continuous part of US history (and indeed modern world history), that we agree that whites have been the primary creators and beneficiaries of racist institutions and practices, and that we not only respect but also situate ourselves in the black radical tradition, especially the Duboisian tradition. We will focus on our fundamental point of disagreement with Feagin and Elias – how we respectively understand the very nature of racial politics in the USA. Here we will engage Feagin and Elias on a few important questions that will highlight both where we agree and where we disagree. Our topics are as follows: • What is the relationship between race and racism? • What is distinctive about our own historical epoch in the USA – from post-Second World War to the present – with respect to race and racism? • What are the political implications of contemporary racial trends? We discuss these questions with the intent of clarifying racial formation theory as well as sharpening the debate with the systemic racism perspective. We appreciate the opportunity to do so. What is the relationship between race and racism? In Racial Formation we suggest that the concepts of race and racism should be distinguished and not be used interchangeably (Omi and Winant 1994, p. 71). Some have argued that race is solely a product of racist domination; on that account race does not exist outside of racism. As readers of Ethnic and Racial Studies well know, many writers place quotation marks around race (‘race’) to distinguish their use of the concept from popular biological notions of human variation. This is meant to designate the wobbly social scientific status of the race concept. In contrast to this perspective, we consider race to be real because it is ‘real in its consequences.’1 Our ideas about how the meaning of race is produced are basically Duboisian and Jamesian: we all make our racial identities, though we do not make them under circumstances of our own choosing. Race and racism do not exist merely because of white domination, but also because of resistance and independent action: what C. L. R. James called ‘self-activity’ (James, Lee, and Castoriadis 2005 [1958], p. 99). The process of making and remaking race – racial formation – is fundamentally political. It is about the ‘freedom dreams’ (Kelley 2002) that shape racial conflict as much as the white racism emphasized by Feagin and Elias. As Feagin and Elias acknowledge, we have developed a fairly detailed approach to racial politics, centred on the constant and cumulative interaction of what we call ‘racial projects’. In our account, racial formation proceeds through such projects, which both signify upon race (representing it, interpreting it) and reciprocally structure social relationships (of power, inequality, solidarity, etc.) according to race. If there is a disagreement with Feagin and Elias here, it seems to be about how much power people of colour have in this process of race-making, this racial formation process. In their account, the very meaning of race is overwhelmingly, if not totally, shaped by a ‘white racial frame’. By contrast, we believe that people of colour have a lot of power in the production of racial meanings, much more than Feagin and Elias are willing to concede. OK, what about racism? There are points of agreement and difference between Feagin and Elias's perspective and ours. We provide a hard-core definition and extensive discussion (Omi and Winant 1994, pp. 69–76), defining racism as a racial project that combines essentialist representations of race (stereotyping, xenophobia, aversion, etc.) with patterns of domination (violence, hierarchy, super-exploitation, etc.). Racism ‘marks’ certain visible characteristics of the human body for purposes of domination. It naturalizes and reifies these instrumental distinctions. Racism is the product of modern history: empire and conquest, race-based slavery, and race-based genocide have shaped the modern world; they have been met with resistance and sometimes revolution, also race-based in crucial ways. This is where race comes from: the drive to rule, and the imperative to resist. Feagin and Elias think (white) racism shapes race. Although they read us quite selectively and negatively here, they recognize that we also identify whites as the most comprehensive practitioners and by far the greatest beneficiaries of racist practices. We agree that racism is a ferocious force, a deeply structured-in dimension of US (and world) society. But this is apparently not enough: Feagin and Elias also want to confine racist agency to whites and whites alone. We argue that not all racism is white, and that people of colour can practise racism as well. Let us look more deeply at this question. Who is white? Beyond the question of the contingent and highly porous boundaries of this group lies the question of whether there are any ‘positive’ dimensions of white identity or whether it is a purely ‘negative’ quality, signifying only the absence of ‘colour’.2 Then there is the ‘white privilege’ question, which builds on Du Bois's analysis (1999, p. 700) of the ‘psychological wage’ received by poor whites in virtue of their race. While we are in substantial agreement with the ‘privilege’ argument regarding whites’ ‘possessive investment’ in racism (Lipsitz 1998), there are problems there too. How do we account for white anti-racism if we understand privilege as the source of racism? Is white anti-racism even possible, if racism is envisioned as an economistic zero-sum game in which clear winners and losers are demarcated? We think that race is so profoundly a lived-in and lived-out part of both social structure and identity that it exceeds and transcends racism – thereby allowing for resistance to racism. Race, therefore, is more than ‘racism’; it is a fully fledged ‘social fact’ like sex/gender or class. From this perspective, race shapes racism as much as racism shapes race. Racial identities (individual and group), and other race-oriented concepts as well, are unstable. They are not uniforms; races are not teams; they are not defined solely by antagonism to one another. They vary internally and ideologically; they overlap and mix; their positions in the social structure shift; in other words they are shaped by political conflict. In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.

#### Humans are not ontological complete and the libidinal economy is false – proven by the fact that a gradient of antiblackness exists through time and history

Gordon, 18 – (Lewis, Professor @ UConn, and Scott Phillips, runs the HSImpact Podcast, “HSI Podcast 81 – Dr. Lewis Gordon” HSImpact, 4-24-18, transcribed 1:35-62:28, https://hsimpact.wordpress.com/2018/04/24/hsi-podcast-81-dr-lewis-gordon/)//usc-br/

SP: So, you kind of started talking about bad faith and then moved into the idea of a license. What do you think about to use a lose term the structural critiques that within, let’s say liberalism, there has to be a group that is not human? If they are afropessimists or settler colonialism theorists, that it’s not possible to expand the notion of white freedom and privilege to these other groups of people – that they are just fundamentally not recognized as a human being. Coming from an existentialist tradition, how would you respond to that argument? LG: Those are bad and circular arguments. The first thing to bear in mind is they throw in a sneaky premise. Once you put forward the question of “white freedom,” of course, but if you deal the question of freedom, the question of freedom doesn’t have to be white. The other part that’s strange about their arguments is that they’re dealing with concepts that are what we call “bad structuralism.” Let me explain what that is. Bad structuralism is when you treat the social world as ontologically complete. Its as if the social world is all there is and there’s nothing outside of it. The problem with that sort of argument is it fails to take into account that its humans who built a social world, and so if you’re the person who builds social worlds, you can by definition tear it down, with a toenail outside of it. The other part of it is they don’t understand what liberalism is. Liberalism is a particular form of conception of the human being that emerged, though a particular kind of political philosophy that questions the ability to have objectivity outside of the self. In other words, it collapses into form of subjectivity that prioritizes the category for opinion. That’s why in liberalism there is this obsession with individuals. If you look at the political philosophy of Thomas Hobbes for example, he started from the premise of one atomistic individual in motion colliding with other atomistic individuals in motion which is why he made an argument for there to be a supervening stronger force to keep them form collisions, or what he called war. Most forms of liberalism have some form of appeal like that. The problem with that is that most theories of liberalism doesn’t have a conception of freedom, and that is because most liberalisms confuse freedom with liberty and the crucial distinction between liberty an freedom is liberty is about the absence of a constraint. Freedom, however, requires something more. Freedom is about the responsibility one can take for one’s liberties, and so within the framework of freedom, freedom tends to have ethical implications, it tends to have questions of accountability, and meaning – all sorts of categories that need not be encapsulated by liberty. So, the problem with those accounts is they are based on profound misunderstandings, in some cases even at the level of incompetence of the concepts being articulated. If we think to the question of what a structure is, all structures are systems that are governed by rules that are produced by human beings, and once we understand that we begin to understand the paradox of structures because it’s not only that they are created by human beings, but also that in creating them the human being is also being created, in other words the human being is not a thing like a bowling ball or a glass of water that has a causal effect on other things, it’s in the very process of producing meaning that conceptions of the human being are born. This means that human beings are an always opening and evolving understanding of relationships, and that is also why when we talk about many of these issues we may notice that different kinds of human beings may emerge as things change. A great example relating to the racial category black or afro is that the meaning of what it is to be African has shifted to the rules and relationships we have about not only the continent of Africa and the peoples there but the very idea because in the ancient African formulations of what Africa was particularly in the eastern and north eastern parts of the continent from roughly Ethiopia up to modern day Egypt, the word Africa emerges from a very specific language Metu neter, which simply means originating from the womb, because in that world the origins of all life was from the south, in other words, the southern African area which interestingly enough matches onto a lot of continental anthropology. But if one transforms Africa into something derogatory, then its meaning is going to shift as well. Sorry for the buzz my neighbors are mowing their lawn. And so even if we get to the question of black, there is no reason for black to be intrinsically negative. Its just something I don’t understand. There’s many parts of the world where black is something very positive. It’s not ugly, it’s not wrong. There are many expressions of the word black that are good from financial expressions of “being in the black” we could talk about black beauty, the beauty of the night, whatever. But if you have a society that’s invested in negating blackness they impose upon blackness a negative meaning. And so, if we come back to this idea of systems what we begin to understand is that there’s no such thing as being able to affect the world without in that effect, that act of affecting it, the effect is being affected – in short everything human beings do that has an impact on the world is having an effect on human beings and transforming us. SP: So does this idea seem to imply that antiblack racism is only a conscious choice. I guess I’m thinking more about theories of implicit bias, or in the context of afropessimist they might raise an argument about a libidinal investment. So, does this existentialist frame emphasize that there is an individual responsibility and choice element Well this is where we get to false dilemmas. The simple answer is that some people choose deliberately to be racist while others don’t. One thing to bear in mind about bad faith is that bad faith is not necessarily about a moral prescription. Like there are instances where it can be good to be in bad faith such as if one is afraid, to convince yourself you have superpowers or in situations where one is being tortured, one may want to convince themselves that what’s being done to their body isn’t being done to their personhood – but in other words we create this false dichotomy of a separated self from the body. Now with the libidinal stuff that’s in psychoanalysis – now the thing to bear in mind is there are varieties of ways in which we live in a society and have impositions placed upon us and many of us respond to impositions in different ways – some of us resist them, some of us are afraid of resisting them and rationalize our incapacity to resist them. Those aren’t necessarily libidinal forces, they are just different ways people come with reality. Now the question about choices you see some groups do willfully lie. For example, if you look at a history of something like the national review, the right wing magazine, they were really lying – these were individuals who were committed to the idea that they will use any argument to defend the white race, and for that reason a fundamental deterrent to it was blacks. Now under that framework, they would espouse certain things as if they were rational or reasonable arguments, but the truth is if you look at the history of that magazine, and there’s a fellow named Steve Dertzel who did a wonderful dissertation on this, they would argue completely opposite things. And with these people who argue opposite things, that shows it’s not really about the evidence of the arguments it’s about the position they want to hold. And that’s the crucial part. A lot of people confuse argumentation with positions. Positions is where people decide they are going to stay in a particular place no matter of the evidence that’s brought forth. And dispositions and positions, those are connected to a variety of other things they could be anything from clear. They could be based in ignorance, or they can just be based in a willful desire to manipulate. In other words, the problem with some of these accounts is they are reductionist, they don’t really look at the particular cases in full, and they want to have a one-size-fits-all model when it comes to discussing human phenomena and what every human being learns from childhood onward is that one of the fundamental things about the human world is that the world is saturated with contingency. SP: In that context then, about talking about contingency. A lot of the arguments that students have a hard time dealing with is what you mentioned before as the move to ontologize or talk about political ontology… LG: I really hate that notion of political ontology – it’s a contradiction of terms – it’s one of the stupidest notions that’s being pushed out there. It’s part of the commodification of theory and intelligence. People could always cobble together things that don’t work but they put them together because they sound intelligent and sexy but in truth they’re nonsense. There is no political ontology. And let me explain why. For something to be ontological it has to be absolutely complete. The problem with political is that political by definition is that which comes out of human action. Human action is fundamentally incomplete. So, the notion that there could be a political ontology is a contradiction of terms. What one can have in a human action is a project – the aim – of trying to create an ontology. All an ontology means is being, so in other words here’s an ontological statement: “there is no more nor less reality than there is at any given moment of time.” That’s an ontological statement and its tautologically true, but the question if a pig drops in a river and there’s some starving human around. To make the claim that the humans will eat the pig and it’s just based on human nature and ontology just won’t work. Some might, but some wont – and some wont for the most bizarre reasons – some may not because they are kosher; some may not because they are vegans; some might not because they’d rather die than kill a living thing; and then some might because they just don’t care. And this is where existentialism comes in in a very important way. Existentialism rejects the notion of human nature because nature, human nature, is an ontological imposition on the human being. Political ontology is just nonsense. What the political is about is also the human negotiation of power, and human negotiation of power is fluid. But it sounds like something theoretically sound because it has the word ontology in it. But there’s a lot of nonsense people do in theory that I could list off. For instance, people think they’re doing political analysis if they put the phrase “politics of” before any noun. But the truth of the matter is that some things aren’t political. You could have the politics of clams, the politics of earwax, the politics of dirt. Now if you’re taking about the political negotiation in a social system of how you manage dirt or organizations of how people relate to it though rituals or as resources, that is political, but a lot of these expressions are used when they are ultimately meaningless or ambiguous or unclear.

#### Transformative black literature proves some level of black agency, but the aff’s sweeping pessimistic claims eliminate the radical black tradition and runs contrary to historical progress – our argument is not that the world is perfect or will be, but only the attempt to establish better worlds can produce positive impacts

Gordon 17, (Lewis R. Professor of Philosophy and Africana Studies at the University of Connecticut, “Thoughts on Afropessimism”, December 2017, Contemporary Political Theory, pg: 1-9)

“Afropessimism” came out of “Afro-pessimism.” The elimination of the hyphen is an important development, since it dispels ambiguity and in effect announces a specific mode of thought. Should the hyphen remain, the ambiguity would be between pessimistic people of African descent and theoretical pessimism. The conjoined, theoretical term is what proponents often have in mind in their diagnosis of what I shall call ‘‘the black condition.’’ The appeal to a black condition is peculiarly existential. Existentialists reject notions of human ‘‘nature’’ on the grounds that human beings live in worlds they also construct; they produce their socalled essence. That does not mean, however, human beings lack anchorage. Everyone has to start from somewhere. Existentialists call that somewhere a condition or conditions for these reasons, and the world human beings produce or through which we live is sometimes called ‘‘human reality.’’ Critics of existentialism often reject its human formulation. Heidegger, for instance, in his ‘‘Letter on Humanism,’’ lambasted Sartre for supposedly in effect subordinating Being to a philosophical anthropology with dangers of anthropocentrism (Heidegger, 1971). Yet a philosophical understanding of culture raises the problem of the conditions through which philosophical reflections could emerge as meaningful. Although a human activity, a more radical understanding of culture raises the question of the human being as the producer of an open reality. If the human being is in the making, then ‘‘human reality’’ is never complete and is more the relations in which such thought takes place than a claim about the thought. The etymology of existence already points to these elements. From the Latin ex sistere, ‘‘to stand out,’’ it also means to appear; against invisibility in the stream of effects through which the human world appears, much appears through the creative and at times alchemic force of human thought and deed. Quarrels with and against existential thought are many. In more recent times, they’ve emerged primarily from Marxists, structuralists, and poststructuralists, even though there were, and continue to be, many existential Marxists and even existentialists with structuralist and poststructuralist leanings. I begin with this tale of philosophical abstraction to contextualize Afropessimism. Its main exemplars, such as Jared Sexton and Frank Wilderson III, emerged from academic literary theory, an area dominated by poststructuralism even in many cases that avow ‘‘Marxism.’’ Sexton (2010) and Wilderson (2007) divert from a reductive poststructuralism, however, through examining important existential moves inaugurated, as Daniel McNeil (2011, 2012) observed, by Fanon and his intellectual heirs. The critical question that Afropessimism addresses in this fusion is the viability of posed strategies of Black liberation. (I’m using the capital ‘‘B’’ here to point not only to the racial designation ‘‘black’’ but also to the nationalist one ‘‘Black.’’ Afropessimists often mean both, since blacks and Blacks have a central and centered role in their thought.) The world that produced blacks and in consequence Blacks is, for Afropessimists, a crushing, historical one whose Manichaean divide is sustained contraries best kept segregated. Worse, any effort of mediation leads to confirmed black subordination. Overcoming this requires purging the world of antiblackness. Where cleansing the world is unachievable, an alternative is to disarm the force of antiblack racism. Where whites lack power over blacks, they lose relevance – at least politically and at levels of cultural and racial capital or hegemony. Wilderson (2008), for instance, explores my concept of ‘‘an antiblack world’’ to build similar arguments. Sexton (2011) makes similar moves in his discussions of ‘‘social death.’’ As this forum doesn’t afford space for a long critique, I’ll offer several, non-exhaustive criticisms. The first is that ‘‘an antiblack world’’ is not identical with ‘‘the world is antiblack.’’ My argument is that such a world is an antiblack racist project. It is not the historical achievement. Its limitations emerge from a basic fact: Black people and other opponents of such a project fought, and continue to fight, as we see today in the #BlackLivesMatter movement and many others, against it. The same argument applies to the argument about social death. Such an achievement would have rendered even these reflections stillborn. The basic premises of the Afropessimistic argument are, then, locked in performative contradictions. Yet, they have rhetorical force. This is evident through the continued growth of its proponents and forums (such as this one) devoted to it. In Bad Faith and Antiblack Racism, I argued that there are forms of antiblack racism offered under the guise of love, though I was writing about whites who exoticize blacks while offering themselves as white sources of black value. Analyzed in terms of bad faith, where one lies to oneself in an attempt to flee displeasing truths for pleasing falsehoods, exoticists romanticize blacks while affirming white normativity, and thus themselves, as principals of reality. These ironic, performative contradictions are features of all forms of racism, where one group is elevated to godlike status and another is pushed below that of human despite both claiming to be human. Antiblack racism offers whites self-other relations (necessary for ethics) with each other but not so for groups forced in a ‘‘zone of nonbeing’’ below them. There is asymmetry where whites stand as others who look downward to those who are not their others or their analogues. Antiblack racism is thus not a problem of blacks being ‘‘others.’’ It’s a problem of their not-being-analogical-selves-and-not-evenbeing-others. Fanon, in Black Skin, White Masks (1952), reminds us that Blacks among each other live in a world of selves and others. It is in attempted relations with whites that these problems occur. Reason in such contexts has a bad habit of walking out when Blacks enter. What are Blacks to do? As reason cannot be forced, because that would be ‘‘violence,’’ they must ironically reason reasonably with forms of unreasonable reason. Contradictions loom. Racism is, given these arguments, a project of imposing non-relations as the model of dealing with people designated ‘‘black.’’ In Les Damne´ de la terre (‘‘Damned of the Earth’’), Fanon goes further and argues that colonialism is an attempt to impose a Manichean structure of contraries instead of a dialectical one of ongoing, human negotiation of contradictions. The former segregates the groups; the latter emerges from interaction. The police, he observes, are the mediator in such a situation, as their role is force/violence instead of the human, discursive one of politics and civility (Fanon, 1991). Such societies draw legitimacy from Black non-existence or invisibility. Black appearance, in other words, would be a violation of those systems. Think of the continued blight of police, extra-judicial killings of Blacks in those countries. An immediate observation of many postcolonies is that antiblack attitudes, practices, and institutions aren’t exclusively white. Black antiblack dispositions make this clear. Black antiblackness entails Black exoticism. Where this exists, Blacks simultaneously receive Black love alongside Black rejection of agency. Many problems follow. The absence of agency bars maturation, which would reinforce the racial logic of Blacks as in effect wards of whites. Without agency, ethics, liberation, maturation, politics, and responsibility could not be possible. Afropessimism faces the problem of a hidden premise of white agency versus Black incapacity. Proponents of Afropessimism would no doubt respond that the theory itself is a form of agency reminiscent of Fanon’s famous remark that though whites created le Ne`gre it was les Ne`gres who created Ne´gritude. Whites clearly did not create Afropessimism, which Black liberationists should celebrate. We should avoid the fallacy, however, of confusing source with outcome. History is not short of bad ideas from good people. If intrinsically good, however, each person of African descent would become ethically and epistemologically a switching of the Manichean contraries, which means only changing players instead of the game. We come, then, to the crux of the matter. If the goal of Afropessimism is Afropessimism, its achievement would be attitudinal and, in the language of old, stoic – in short, a symptom of antiblack society. At this point, there are several observations that follow. The first is a diagnosis of the implications of Afropessimism as symptom. The second examines the epistemological implications of Afropessimism. The third is whether a disposition counts as a political act and, if so, is it sufficient for its avowed aims. There are more, but for the sake of brevity, I’ll simply focus on these. An ironic dimension of pessimism is that it is the other side of optimism. Oddly enough, both are connected to nihilism, which is, as Nietzsche (1968) showed, a decline of values during periods of social decay. It emerges when people no longer want to be responsible for their actions. Optimists expect intervention from beyond. Pessimists declare relief is not forthcoming. Neither takes responsibility for what is valued. The valuing, however, is what leads to the second, epistemic point. The presumption that what is at stake is what can be known to determine what can be done is the problem. If such knowledge were possible, the debate would be about who is reading the evidence correctly. Such judgment would be a priori – that is, prior to events actually unfolding. The future, unlike transcendental conditions such as language, signs, and reality, is, however, ex post facto: It is yet to come. Facing the future, the question isn’t what will be or how do we know what will be but instead the realization that whatever is done will be that on which the future will depend. Rejecting optimism and pessimism, there is a supervening alternative: political commitment. The appeal to political commitment is not only in stream with what French existentialists call l’intellectuel engage´ (committed intellectual) but also reaches back through the history and existential situation of enslaved, racialized ancestors. Many were, in truth, an existential paradox: commitment to action without guarantees. The slave revolts, micro and macro acts of resistance, escapes, and returns help others do the same; the cultivated instability of plantations and other forms of enslavement, and countless other actions, were waged against a gauntlet of forces designed to eliminate any hope of success. The claim of colonialists and enslavers was that the future belonged to them, not to the enslaved and the indigenous. A result of more than 500 years of conquest and 300 years of enslavement was also a (white) rewriting of history in which African and First Nations’ agency was, at least at the level of scholarship, nearly erased. Yet there was resistance even in that realm, as Africana and First Nation intellectual history and scholarship attest. Such actions set the course for different kinds of struggle today. Such reflections occasion meditations on the concept of failure. Afropessimism, the existential critique suggests, suffers from a failure to understand failure. Consider Fanon’s notion of constructive failure, where what doesn’t initially work transforms conditions for something new to emerge. To understand this argument, one must rethink the philosophical anthropology at the heart of a specific line of Euromodern thought on what it means to be human. Atomistic and individual substance-based, this model, articulated by Hobbes, Locke, and many others, is of a non-relational being that thinks, acts, and moves along a course in which continued movement depends on not colliding with others. Under that model, the human being is a thing that enters a system that facilitates or obstructs its movement. An alternative model, shared by many groups across southern Africa, is a relational version of the human being as part of a larger system of meaning. Actions, from that perspective, are not about whether ‘‘I’’ succeed but instead about ‘‘our’’ story across time. As relational, it means that each human being is a constant negotiation of ongoing efforts to build relationships with others, which means no one actually enters a situation without establishing new situations of action and meaning. Instead of entering a game, their participation requires a different kind of project – especially where the ‘‘game’’ was premised on their exclusion. Thus, where the system or game repels initial participation, such repulsion is a shift in the grammar of how the system functions, especially its dependence on obsequious subjects. Shifted energy affords emergence of alternatives. Kinds cannot be known before the actions that birthed them. Abstract as this sounds, it has much historical support. Evelyn Simien (2016), in her insightful political study Historic Firsts, examines the new set of relations established by Shirley Chisholm’s and Jesse Jackson’s presidential campaigns. There could be no Barack Obama without such important predecessors affecting the demographics of voter participation. Simien intentionally focused on the most mainstream example of political life to illustrate this point. Although no exemplar of radicalism, Obama’s ‘‘success’’ emerged from Chisholm and Jackson’s (and many others’) so-called ‘‘failure.’’ Beyond presidential electoral politics, there are numerous examples of how prior, radical so-called ‘‘failures’’ transformed relationships that facilitated other kinds of outcome. The trail goes back to the Haitian Revolution and back to every act of resistance from Nat Turner’s Rebellion in the USA, Sharpe’s in Jamaica, or Tula’s in Curacao and so many other efforts for social transformation to come. In existential terms, then, many ancestors of the African diaspora embodied what Søren Kierkegaard (1983) calls an existential paradox. All the evidence around them suggested failure and the futility of hope. They first had to make a movement of infinite resignation – that is, resigning themselves to their situation. Yet they must simultaneously act against that situation. Kierkegaard called this seemingly contradictory phenomenon ‘‘faith,’’ but that concept relates more to a relationship with a transcendent, absolute being, which could only be established by a ‘‘leap,’’ as there are no mediations or bridge. Ironically, if Afropessimism appeals to transcendent intervention, it would collapse into faith. If, however, the argument rejects transcendent intervention and focuses on committed political action, of taking responsibility for a future that offers no guarantees, then the movement from infinite resignation becomes existential political action. At this point, the crucial meditation would be on politics and political action. An attitude of infinite resignation to the world without the leap of committed action would simply be pessimistic or nihilistic. Similarly, an attitude of hope or optimism about the future would lack infinite resignation. We see here the underlying failure of the two approaches. Yet ironically, there is a form of failure at failing in the pessimistic turn versus the optimistic one, since if focused exclusively on resignation as the goal, then the ‘‘act’’ of resignation would have been achieved, which, paradoxically, would be a success; it would be a successful failing of failure. For politics to emerge, however, there are two missing elements in inward pessimistic resignation. The first is that politics is a social phenomenon, which means it requires the expanding options of a social world. Turning away from the social world, though a statement about politics, is not, however, in and of itself political. The ancients from whom much western political theory or philosophy claimed affinity had a disparaging term for individuals who resigned themselves from political life: idio¯te¯s, a private person, one not concerned with public affairs, in a word – an idiot. I mention western political theory because that is the hegemonic intellectual context of Afropessimism. We don’t, however, have to end our etymological journey in ancient Greek. Extending our linguistic archaeology back a few thousand years, we could examine the Middle Kingdom Egyptian word idi (deaf). The presumption, later taken on by the ancient Athenians and Macedonians, was that a lack of hearing entailed isolation, at least in terms of audio speech. The contemporary inward resignation of seeking a form of purity from the loathsome historical reality of racial oppression, in this reading, collapses ultimately into a form of moralism (private, normative satisfaction) instead of public responsibility born of and borne by action. The second is the importance of power. Politics makes no sense without it. But what is power? Eurocentric etymology points to the Latin word potis as its source, from which came the word ‘‘potent’’ as in an omnipotent god. If we again look back further, we will notice the Middle Kingdom (2000 BCE–1700 BCE) KMT/ Egyptian word pHty, which refers to godlike strength. Yet for those ancient Northeast Africans, even the gods’ abilities came from a source: In the Coffin Texts, HqAw or heka activates the ka (sometimes translated as soul, spirit, or, in a word, ‘‘magic’’), which makes reality. All this amounts to a straightforward thesis on power as the ability with the means to make things happen. There is an alchemical quality to power. The human world, premised on symbolic communication, brings many forms of meaning into being, and those new meanings afford relationships that build institutions through a world of culture, a phenomenon that Freud (1989) rightly described as ‘‘a prosthetic god.’’ It is godlike because it addresses what humanity historically sought from the gods: protection from the elements, physical maledictions, and social forms of misery. Such power clearly can be abused. It is where those enabling capacities (empowerment) are pushed to the wayside in the hording of social resources into propping up some people as gods that the legitimating practices of cultural cum political institutions decline and stimulate pessimism and nihilism. That institutions in the Americas very rarely attempt establishing positive relations to Blacks is the subtext of Afropessimism and this entire meditation. The discussion points, however, to a demand for political commitment. Politics itself emerges under different names throughout the history of our species, but the one occasioning the word ‘‘politics’’ is from the Greek po´lis, which refers to ancient Hellenic city-states. It identifies specific kinds of activities conducted inside the city-state, where order necessitated the resolution of conflicts through rules of discourse the violation of which could lead to (civil) war, a breaking down of relations appropriate for ‘‘outsiders.’’ Returning to the Fanonian observation of selves and others, it is clear that imposed limitations on certain groups amounts to impeding or blocking the option of politics. Yet, as a problem occurring within the polity, the problem short of war becomes a political one. Returning to Afropessimistic challenges, the question becomes this: If the problem of antiblack racism is conceded as political, where antiblack institutions of power have, as their project, the impeding of Black power, which in effect requires barring Black access to political institutions, then antiblack societies are ultimately threats also to politics defined as the human negotiation of the expansion of human capabilities or more to the point: freedom. Anti-politics is one of the reasons why societies in which antiblack racism is hegemonic are also those in which racial moralizing dominates: moralizing stops at individuals at the expense of addressing institutions the transformation of which would make immoral individuals irrelevant. As a political problem, it demands a political solution. It is not accidental that Blacks continue to be the continued exemplars of unrealized freedom. As so many from Ida B. Wells-Barnett to Angela Davis (2003) and Michelle Alexander (2010) have shown, the expansion of privatization and incarceration is squarely placed in a structure of states and civil societies premised on the limitations of freedom (Blacks) – ironically, as seen in countries such as South Africa and the United States, in the name of freedom. That power is a facilitating or enabling phenomenon, a functional element of the human world, a viable response must be the establishing of relations that reach beyond the singularity of the body. I bring this up because proponents of Afropessimism might object to this analysis because of its appeal to a human world. If that world is abrogated, the site of struggle becomes that which is patently not human. It is not accidental that popular race discourse refers today to ‘‘black bodies,’’ for instance, instead of ‘‘black people.’’ As the human world is discursive, social, and relational, this abandonment amounts to an appeal to the non-relational, the incommunicability of singularity, and appeals to the body and its reach. At that point, it’s perhaps the psychologist, psychiatrist, or psychoanalyst who would be helpful, as turning radically inward offers the promise of despair, narcissistic delusions of godliness, and, as Fanon also observed, madness. Even if that slippery slope were rejected, the performative contradiction of attempting to communicate such singularity or absence thereof requires, at least for consistency, the appropriate course of action: silence. The remaining question for Afropessimism, especially those who are primarily academics, becomes this: Why write? It’s a question for which, in both existential and political terms, I don’t see how an answer could be given from an Afropessimistic perspective without the unfortunate revelation of cynicism. The marketability of Afropessimism is no doubt in the immediate and paradoxical satisfaction in dissatisfaction it offers. We are at this point on familiar terrain. As with ancient logical paradoxes denying the viability of time and motion, the best option, after a moment of immobilized reflection, is, eventually, to move on, even where the pause is itself significant as an encomium of thought.

#### You should refuse a priori orientations towards pessimism or optimism which place essence before lived existence—judge actions based on their contingent ethical benefits, not their ultimate ethical efficacy. Antiblackness is not a closed system; reading it as such ignores the inherent relationality of the world and is the same bad faith that antiblack racism requires to establish itself as legitimate and organize populations in the first place—shifting the orientation of critique to final ethical judgments on the system uniquely elides analysis of this.

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The problem with addressing a problem in terms of bad faith is that its exemplars would immediately seek to defend themselves. Bad faith, as many who have studied the phenomenon know, is ashamed of itself and thus attempts to hide from itself often through shifting the orientation of critique (Gordon, 1995/1999; Sartre, 1943). Thus, the defense is on the alert for analyses of bad faith to be in bad faith. Much of this has to do with the negative associations of the word ‘bad’ and the legalistic meaning of ‘bad faith’ in the English language. Thus, I prefer simply to use the French term mauvaise-foi. Mauvaise-foi has its negative connotations in French, but its range is broader in usage than in English, just as Geist in German doesn’t exactly mean ‘spirit’ or ‘mind’ as it is often translated into English.

The aforementioned list of hegemonic theorists of the study of race and gender in the mid-1990s reflects the domination of three approaches: (1) poststructuralism, (2) Marxism, and (3) liberal political theory primarily in the form of analytical political philosophy. Existentialism and phenomenology were not only being treated as passé but also as incompatible with each other. There was also the problem of ‘compartmentalism’ and ‘disciplinary decadence’, two tendencies that continue to be features of not only much race theory but also most disciplinary practices in the academy. The former offered disciplines under a separate but equal rule, which, if history has taught us anything about such formulations, is never actually so. The latter sought methodological conquest. These constrained what one could talk about when it came to human matters and how one is supposed to do it. I eventually developed a formulation of the second: ‘methodological fetishism’ (Gordon, 2016). Poststructuralism, Marxism, and analytical philosophy in the form of liberal political philosophy exemplified this tendency. One could add continental philosophy to this, which was in fact another way of saying ‘Euro-continental philosophy’. It, however, became, and for the most part continues to be, dominated by poststructualism and, relatedly, hermeneutics or theories of interpretation. A form of cart before the horse was the result, where fetishized methods were being imposed on reality instead of constructing relationships with it. As should be apparent at this point, disciplinary decadence is a form of mauvaise-foi (Gordon, 2006, 2012, 2016). The similarity to Sartre’s famous formulation of the fallacy of placing essence before existence in the study of human reality also comes to the fore (Sartre, 1943, 1946). This is particularly ironic with regard to poststructuralism since its approach is patently anti-essentialist (Caws, 1992; Gordon, 2012).

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.