### 1 off

### 1NC – Fairness

#### Our interpretation is that the resolution should define the division of affirmative and negative ground and offense. It was *negotiated* and *announced in advance*, providing both sides with a reasonable opportunity to prepare to engage one another’s arguments.

#### ‘Resolved’ preceding a colon indicates a legislative forum.

Blanche Ellsworth 81, English professor at SFSU and M.A. in English from UC Berkeley, 1/1/1981, *English Simplified*, 4th Edition, cc

A colon is also used to separate 3. THE SALUTATION OF A BUSINESS LETTER FROM THE BODY, Dear Sir Dear Ms. Weiner NOTE: In an informal letter, a comma follows the salutation: Dear Mary, Dear Uncle Jack 4. PARTS OF TITLES, REFERENCES, AND NUMERALS. TITLE: Principles of Mathematics: An Introduction REFERENCE: Luke 3:4—13 NUMERALS: 8:15 PM 5. PLACE OF PUBLICATION FROM PUBLISHER Indianapolis: Bobbs-Merrill 6. THE WORD RESOLVED FROM THE STATEMENT OF THE RESOLUTION. Resolved: That this committee go on record as favoring new legislation.

#### Ought means should

Merriam Webster, No Date – Merriam Webster’s Learner’s Dictionary, “ought”, <http://www.learnersdictionary.com/definition/ought>  
ought /ˈɑːt/ verb  
Learner's definition of OUGHT [modal verb] 1 ◊ Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to. — used to indicate what is expected They ought to be here by now. You ought to be able to read this book. There ought to be a gas station on the way. 2 — used to say or suggest what should be done You ought to get some rest. That leak ought to be fixed. You ought to do your homework.

#### Should requires legal effect

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record. [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Outer Space is considered anything that sits above the Earth’s atmosphere

Betz 21 [(Eric Betz, Science & tech writer for @Discovermag, @Astronomymag and others), “The Kármán Line: Where does space begin?”, Astronomy, https://astronomy.com/news/2021/03/the-krmn-line-where-does-space-begin, March 5, 2021] SS

These days, spacecraft are venturing into the final frontier at a record pace. And a deluge of paying space tourists should soon follow. But to earn their astronaut wings, high-flying civilians will have to make it past the so-called Kármán line. This boundary sits some 62 miles (100 kilometers) above Earth's surface, and it's generally accepted as the place where Earth ends and outer space begins.

#### Private entities are non-governmental corporations

UpCounsel ND [(UpCounsel is an interactive online service that makes it faster and easier for businesses to find and hire legal help solely based on their preferences. “Private Entity: Everything You Need to Know”, UpCounsel, https://www.upcounsel.com/private-entity#importance-of-private-entities, No Date] SS

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

#### Unjust means unfair or characterized by injustice

Merriam Webster ND [(Merriam-Webster, Merriam-Webster, Inc. is an American company that publishes reference books and is especially known for its dictionaries.),“unjust”, https://www.merriam-webster.com/dictionary/unjust, No Date] SS

Definition of unjust

1: characterized by injustice : UNFAIR

#### Vote negative to preserve limits and equitable division of ground – the resolution is the most predictable stasis point for debates, anything outside of that ruins prep and clash by allowing the affirmative to pick any grounds for debate. That greenlights a race away from the core topic controversies that allow for robust contestation, which favors the aff by making neg ground inapplicable, susceptible to the perm, and concessionary. Two additional impacts:

#### Accessibility – Cutting negs to every possible aff wrecks small schools, which has a disparate impact on under-resourced and minority debaters. Counter-interpretations are arbitrary, unpredictable, and don’t solve the world of neg prep because there’s no grounding in the resolution

#### Link turns their education offense – getting to the third and fourth level of tactical engagement is only possible with refined and well-researched positions connected to the resolutional mechanism. Repeated debates over core issues incentivize innovative argument production and improved advocacy based on feedback and nuanced responses from opponents.

#### Prefer our impact: they’ve skewed the game which necessarily comes first because it makes evaluating the aff impossible. The role of individual debate rounds on broader subject formation is white noise – *can you remember what happened in doubles of the Loyola tournament your junior year?* – individual rounds don’t affect our subjectivity, so fairness is the only impact your ballot can resolve. You should presume all their truth claims false because they have not been properly tested

#### They can’t get offense: we don’t exclude them, only persuade you that our methodology is best. Every debate requires a winner and loser, so voting negative doesn’t reject them from debate, it just says they should make a better argument next time.

#### Skepticism – presume all their truth claims false because they have not been properly tested

### case

#### Capitalism is responsible for the birth of racism –

WASP 15 [(Workers and Socialist Party in South Africa affiliated to International Socialist Alternative. WASP fights to replace capitalism with a democratic socialist system that will use the wealth of society to meet the needs of its people instead of the needs of shareholders and big-business.) “Class and Race: Marxism, Racism & the Class Struggle” Workers and Socialist Party, 10/5/2015] BC

Racism is not the result of an “inevitable” racial friction between white and black. It is maintained by the class structure of capitalist society. Indeed, capitalism itself was responsible for the birth of racism. Before capitalism, discrimination against an entire people based on permanent prejudices of supposedly inferior ancestry, skin color or other physical and mental characteristics did not exist. Historically, racism emerged to justify the Atlantic slave trade, an enormous source of profits for the fledgling capitalist class. Once arisen, racism was molded and adapted to justify the shifting economic interests of the capitalist class in their colonial conquests and as part of capitalism’s ideological armory against the revolutionary working class. Charting the development of racism against the ebbs, flows, twists and turns of the class struggle is the only way to understand why racism exists. This requires a Marxist analysis.

The Marxist Approach

For Marxists, all ideas, including racism, are ultimately a reflection of social conditions. This materialist approach means ideas must be examined as products of historical development. Trying to understand any idea without a materialist approach is like examining the shadow independently of the object that casts it. To truly understand racism it is necessary to examine the specific historical circumstances that created it and which have maintained and modified it up to the present day.

The most fundamental social conditions that must be examined are the relationship between classes which themselves arise depending on how society organizes production. Different ways of organizing production give rise to different classes. History has known a number of different forms of class society. But the common feature is a minority ruling class who exploits the working majority by expropriating (i.e. stealing) the surplus wealth created by their labors. This is the fundamental division in society.

Different systems of belief (or ideologies) emerge to justify the position of the ruling class and to persuade the masses to accept their exploitation. Different forms of class society require different ideologies to justify them. However, the history of slave uprisings, peasant revolts, and the mass revolutionary struggles of the working class in our own time shows that the ruling class only ever partially succeeds in fooling the classes they exploit.

But it is not only the class struggle between the ruling class and the exploited majority that has significance. The struggles between competing factions of the same ruling class, or two different exploiting classes, also play an important role in determining the development of society and the ideologies that emerge. For example the competition between the different imperialist capitalist classes in the twentieth and twenty-first centuries, or the struggle between the rising capitalist class and the declining feudal ruling class in the seventeenth, eighteenth and nineteenth centuries.

It is the conflicting interests of different classes that are the real social basis upon which racial prejudices, discrimination and oppression form. In the struggles between classes, differences of race but also gender, age, sexuality and religion are frequently given an antagonistic form leading to corresponding ideologies of racism, sexism, ageism, homophobia and religious prejudice. The great Marxist Friedrich Engels dealt extensively with the roots in class society of oppression against women and the sexist prejudices this gives rise to; later writers have shown how homophobic prejudices emerged in the nineteenth century based on the form of the family in capitalist society.

However, Marxism’s power as a method of analysis does not lie in a simplistic materialism that says economic interests are always reflected as ideas and ideologies in a crude and obvious way. Rather it lies in Marxism’s dialectical materialism.

Dialectics means to examine the development of social conditions as processes and interactions. This means that Marxism recognizes that ideas and ideologies can themselves interact with the economic forces that originally created them adding layers of complexity to social conditions. Engels explained the nuances that dialectics brings to Marxism as a method of analysis when he wrote:

According to the materialist conception of history, the ultimately determining element in history is the production and reproduction of real life. Other than this neither Marx nor I have ever asserted. Hence if somebody twists this into saying that the economic element is the only determining one, he transforms that proposition into a meaningless, abstract, senseless phrase. The economic situation is the basis, but the various elements of the superstructure — political forms of the class struggle and its results … constitutions established by the victorious class after a successful battle, etc., juridical forms, and even the reflexes of all these actual struggles in the brains of the participants, political, juristic, philosophical theories, religious views and their further development into systems of dogmas — also exercise their influence upon the course of the historical struggles and in many cases preponderate in determining their form. There is an interaction of all these elements in which, amid all the endless host of accidents (that is, of things and events whose inner interconnection is so remote or so impossible of proof that we can regard it as non-existent, as negligible), the economic movement finally asserts itself as necessary. Otherwise the application of the theory to any period of history would be easier than the solution of a simple equation of the first degree.

– Letter to J. Bloch, 1890

Engels’ comment is the key to understanding what can otherwise appear as contradictions in the historical development of racism. For once arisen an idea or ideology, even a prejudice, can take on a certain life of its own within limits. Under the weight of historical inertia ideas can persist long past their use-by date. So for example, whilst it is not possible to be born racist, it is possible to be born into a racist society and raised to accept prejudices that were created by the social conditions of a past period. Also, ideas and ideologies can be given a new content by changing social conditions even as the language they express themselves in remains unchanged. Ideas that were progressive in one period in history can become reactionary in another as they are adapted to serve different class interests. Different ideologies can intertwine. This has been the case with racism and nationalism, particularly in the social conditions of the nineteenth and twentieth centuries. It is only Marxism that can cope with such contradictions by basing itself on the real thread of continuity in changing social conditions and not the ideological shadows they cast.

Marxism can accommodate and explain why sections of classes, under certain conditions, can support ideologies that do not correspond with their fundamental interests. Marx observed that, “the ideas of the ruling class are in every epoch the ruling ideas.” This means that the ruling class’s control of society gives them the means to partially impose ideologies that reflect their interests on to society in general. Under the right historical conditions, ruling class ideologies of racism and nationalism can succeed in creating divisions amongst the working class and poor and prevent them from uniting against their common exploiter, the capitalist class.

Lenin described how the imperialist phase of capitalism and its colonial expansion created the social conditions for the European capitalist classes to “bribe” sections of the European working class by encouraging the formation of a privileged “labor aristocracy” that would opportunistically support racist colonial policies as the basis of its privilege. Today this idea is regularly distorted to write-off the entire working class of Europe. But even in the nineteenth century that Lenin was describing, at the height of colonial rule, he stressed that it was only ever a section of the working class that succumbed to this bribery. He further explained that the contradiction between supporting an ideology that did not in reality correspond to the working class’s fundamental interests was “bound to increase the irreconcilability between opportunism and the general and vital interests of the working class movement.”

**The system isn’t perfect, but history proves we can stop it from getting worse – Loving v Virginia, prohibitions on compulsory sterilizations, hate crime laws, mothers of the movement, Title IX, voting rights act, and Brown v Board prove societal progress is possible even if there’s still work to be done**

**Antiblackness is a product of automatic thought functions in the Amygdala, not a libidinal economy or meta-ontological structure for behavior.**

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

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

**The science is clear on one thing, though: individual bias and discrimination are changeable.** **Race-based prejudice and discrimination, in particular, are created and reinforced by many social factors, but they are not inevitable consequences of our biology.** Perhaps understanding how coalitional thinking impacts intergroup relations will make it easier for us to affect real social change going forward.

#### Humanity is never closed and a priori orientations towards pessimism ignore lived experience – all social structures are relational and even if the future looks bleak giving up is worse

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” \*\*\*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 predicable. 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.

#### The instantiation thesis is false – concepts can be understood absent negation which answers their argument for the black/human dichotomy

Bright 1/30 [(Liam Kofi, assistant professor at the London School of Economics and Political Science, specializes in the philosophy of science, social epistemology and Africana philosophy, PhD in Logic, Computation, and Methodology from Carnegie Mellon University, MSc in the Philosophy of Science at the London School of Economics in the Department of Philosophy, Logic, and Scientific Method) “Afro-Pessimism and the Instantiation Thesis,” The Sooty Empiric, 1/30/2021] JL

Afro-pessimists are, if I have understood the claim correctly, committed to rejecting the coherence of any reform or revolutionary effort which takes this form. The category of the human cannot be extended to encompass (all? maybe any of?) those we now call black. Why? Well, here's where The Instantiation Thesis comes in. On a number of occasions in the introductory text somebody asserts something like this:

*``*As a result, it is Blackness, and more specifically anti-Blackness, that gives coherence to categories of non-Black—white, worker, gay, i.e., “human*.” Categories of non-Black must establish their boundaries for inclusion in a group (humanity) by having a recognizable self within. There must also, consequently, be an outside to each group, and, as with the concept of humanity, it is Blackness that is without*; it is Blackness that is the dark matter surrounding and holding together the categories of non-Black*. ''*  
That's from the introductory essay. But in the linked text Wilderson makes a similar sort of remark on page 20, and Hartman (I think but am less sure) is committed to various versions of this claim throughout her first essay. The key idea here is a claim about conceptual necessity, that I think stated fully generally (and we shall come back to that) would be as follows: if X is a coherent belief/claim/concept/idea, then the antithesis of X must be instantiated. For X to make sense, there have to be some not-Xs. This, then, grounds the pessimism about the above reform, hinted at in the quoted passage, and which informal conversation suggests to me is one of the defining features of Afro-Pessimism -- you cannot make everyone human, that is simply impossible; if there were no non-humans there could be no humans, so you cannot extend the rights and normative status of the human to everyone.  
The Instantiation Thesis, I take it, blocks the reformists' move by showing it to be an incoherent suggestion. Concepts don't work like that; you can reform who counts as human, but if you want some people to enjoy the rights and privileges of status as full human persons you can't make it such that nobody isn't human. We define black people as analytically those who are without (we mumble a bit and miss some subtleties about modal quantification in assuming that this means that roughly all the people or kind of people who actually are black now must forever remain inhuman -- I can forgive this!) and we say that there must always, as a matter of conceptual necessity, be black people, and the benevolent reformist project can't work.

Here's the problem with the instantiation thesis. It's not true, and nothing like it is true. We have lots of concepts which we can make sense of even though their negations are not instantiated. I'm a non-unicorn and I am guessing so are you - this no wise proves there are unicorns. I'm a mortal Irishman, this does not mean that there is some immortal Irishman running around there. Even if I widened the catchment and said I am a mortal human, this would not in and of itself be proof of Christ's divinity. The table in front of me is (in the logician's sense) self-identical - this is not a proof that there are non-self-identical objects out there, nor does the fact that it is either red or not red prove that somethings are neither red nor not red... etc etc. This doesn't strike me as a problem with any particular way of spelling out the instantiation thesis, which perhaps some refinement could fix. It is just entirely false - we really don't need to instantiate the negation of a concept in order to make the concept itself intelligible.

#### The nature of the libidinal economy proves it’s contingent

Johnson 05 – (2005, Adrian, PhD from SUNY-Stony Brook, Professor in the Department of Philosophy at the University of New Mexico at Albuquerque and a faculty member at the Emory Psychoanalytic Institute in Atlanta, “Time Driven: Metapsychology and the Splitting of the Drive,” p. 340-1)

Despite the apparent bleakness and antiutopianism of an assessment of human nature as being perturbed by an irreducible inner antagonism, there is, surprisingly, what might be described as a liberating aspect to this splitting of the drives. Since drives are essentially dysfunctional, subjects are able to act otherwise than as would be dictated by instinctually compelled pursuits of gratification, satisfaction, and pleasure. In fact, subjects are forced to be free, since, for such beings, the mandate of nature is forever missing. Severed from a strictly biological master-program and saddled with a conflict-ridden, heterogeneous jumble of contradictory impulses—impulses mediated by an inconsistent, unstable web of multiple representations, indicated by Lacan's “barring” of the Symbolic Other—the parlêtre has no choice but to bump up against the unnatural void of its autonomy. The confrontation with this void is frequently avoided. The true extent of one's autonomy is, due to its sometimes-frightening implications, just as often relegated to the shadows of the unconscious as those heteronomous factors secretly shaping conscious thought and behavior. The contradictions arising from the conflicts internal to the libidinal economy mark the precise places where a freedom transcending mundane materiality has a chance briefly to flash into effective existence; such points of breakdown in the deterministic nexus of the drives clear the space for the sudden emergence of something other than the smooth continuation of the default physical and sociopsychical “run of things.” Moreover, if the drives were fully functional—and, hence, would not prompt a mobilization of a series of defensive distancing mechanisms struggling to transcend this threatening corpo-Real—humans would be animalistic automatons, namely, creatures of nature. The pain of a malfunctioning, internally conflicted libidinal economy is a discomfort signaling a capacity to be an autonomous subject. This is a pain even more essential to human autonomy than what Kant identifies as the guilt-inducing burden of duty and its corresponding pangs of anxious, awe-inspiring respect. Whereas Kant treats the discomfort associated with duty as a symptom-effect of a transcendental freedom inherent to rational beings, the reverse might (also) be the case: Such freedom is the symptom-effect of a discomfort inherent to libidinal beings. Completely “curing” individuals of this discomfort, even if it were possible, would be tantamount to divesting them, whether they realize it or not, of an essential feature of their dignity as subjects. As Lacan might phrase it, the split Trieb is the sinthome of subjectivity proper, the source of a suffering that, were it to be entirely eliminated, would entail the utter dissolution of subjectivity itself. Humanity is free precisely insofar as its pleasures are far from perfection, insofar as its enjoyment is never absolute.

#### Psychoanalysis has no empirical basis.

Paris 17 [Dr Paris is Professor, Department of Psychiatry, McGill University, and Research Associate, Department of Psychiatry, Jewish General Hospital. "Is Psychoanalysis Still Relevant to Psychiatry?" https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5459228/]

The proposal to establish a discipline of neuropsychoanalysis also met with a mixed reception from traditional psychoanalysts, who did not want to dilute Freud’s wine with neuroscientific water.42 Neuroscientists, who are more likely to see links to psychology as lying in cognitive science,43 have ignored this idea. In summary, neuropsychoanalysis is being used a way to justify long-standing models, without attempting to find something new or to develop an integration of perspectives on psychology.

However, Eric Kandel,44 influential in the light of his Nobel Prize for the study of the neurochemistry of memory, has taken a sympathetic view of the use of biological methods to study psychoanalytic theory. Kandel had wanted to be an analyst before becoming a neuroscientist.45 But Kandel, who does not actively practice psychiatry, may be caught in a time warp, unaware that psychoanalysis has been overtaken by competitors in the field of psychotherapy.

Another attempt to reconcile psychoanalysis with science has come from the literature on neuroplasticity.46 It is now known that neurogenesis occurs in some brain regions (particularly the hippocampus) during adulthood and that neural connections undergo modification in all parts of the brain. There is also evidence that CBT can produce brain changes that are visible using imaging.47 These findings have not been confirmed in psychoanalytic therapies. However, Norman Doidge, a Canadian psychoanalyst, has argued that psychoanalysis can change the brain.48 This may be the case for all psychotherapies. However, more recently, Doidge49 has claimed that mental exercises can reverse the course of severe neurological and psychiatric problems, including chronic pain, stroke, multiple sclerosis, Parkinson’s disease, and autism. While these books have been best-sellers, most of their ideas in the second volume,49 based on anecdotes rather than on clinical trials, have had little impact in medicine. This story underscores the difficulty of reconciling the perspectives and methods of psychoanalysis with scientific methods based on empirical testing.

Psychoanalysis and the Humanities

Psychoanalysis claimed to be a science but did not function like one. It failed to operationalize its hypotheses, to test them with empirical methods, or to remove constructs that failed to gain scientific support.1 In this way, the intellectual world of psychoanalysis more closely resembles the humanities. Today, with few psychiatrists or clinical psychologists entering psychoanalytic training, the door has been opened to practitioners with backgrounds in other disciplines, including the humanities.

This trend is related to a hermeneutic mode of thought,50 which focuses on meaningful interpretations of phenomena, rather than on empirical testing of hypotheses and observations. Since the time of Freud, the typical psychoanalytic paper has consisted of speculations backed up with illustrations, similar to the methods of literary theory and criticism.

One model currently popular in the humanities is “critical theory.”51 This postmodernist approach uses Marxist concepts to explain phenomena ranging from literature to politics. It proposes that truth is entirely relative and often governed by hidden social forces. In its most radical form, in the work of Michel Foucault,52 critical theory and postmodernism take an antiscience position, denying the existence of objective truth and viewing scientific findings as ways of defending the “hegemony” of those in power.

Some humanist scholars have adopted the ideas of Jacques Lacan, a French psychoanalyst who created his own movement and whose eccentric clinical practice resembled that of a cult leader.53 Moreover, recruitment of professionals and academics with no training in science could lead to an increasing isolation of the discipline. While only a few contemporary psychoanalysts have embraced postmodernism, the humanities have made use of psychoanalytical concepts for their own purposes as a way of understanding literature and history.

#### It’s also incorrect and non-falsifiable - You can’t abstract from individual patients to the totality of social systems made up of conflicting possibilities and if they can’t meet empiricism and positivism you should reject it because determine if it’s true. You should prefer social science because it can explain causal events and be tested in the real world.