# Greenhill R5 Neg vs Strake ZD

# 1NC

### 1

#### Interp and Violation: The affirmative must only defend that member nations of the WTO ought to reduce intellectual property protections for medicines and may only garner offense from the hypothetical implementation of the plan – they don’t.

#### "Resolved" requires a policy.

Merriam Webster '18 (Merriam Webster; 2018 Edition; Online dictionary and legal resource; Merriam Webster, "resolve," <https://www.merriam-webster.com/dictionary/resolve;> RP)  
: a legal or official determination especially: a legislative declaration

#### Member nations of the WTO are the 164 countries

https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

#### Medicines prevent, diagnose, or treat disease and injury

**MRS 20** [(MAINE REVENUE SERVICE SALES, FUEL & SPECIAL TAX DIVISION) “A REFERENCE GUIDE TO THE SALES AND USE TAX LAW” <https://www.maine.gov/revenue/sites/maine.gov.revenue/files/inline-files/Reference%20Guide%202020.pdf> December 2020] SS

[Medicines](https://www.lawinsider.com/dictionary/medicines) means antibiotics, analgesics, antipyretics, stimulants, sedatives, antitoxins, anesthetics, antipruritics, hormones, antihistamines, certain “dermal fillers” (such as BoTox®), injectable contrast agents, vitamins, oxygen, vaccines and other substances that are used in the prevention, diagnosis or treatment of disease or injury and that either (1) require a prescription in order to be purchased or administered to the retail consumer or patient; or (2) are sold in packaging.

#### Intellectual property includes four things

Brewer 19 [(Trevor, advises clients on business structuring and sale transactions, regulatory compliance, third-party contracts, liability protection and general matters facing small business owners. His focus extends beyond legal advice and includes business strategy and wealth preservation.) “WHAT ARE THE FOUR BASIC TYPES OF INTELLECTUAL PROPERTY RIGHTS?” Brewer Long, 5/16/19. <https://brewerlong.com/information/business-law/four-types-of-intellectual-property/>] RR

There are four types of intellectual property rights and protections (although multiple types of intellectual property itself). Securing the correct protection for your property is important, which is why consulting with a lawyer is a must. The four categories of intellectual property protections include:

TRADE SECRETS

Trade secrets refer to specific, private information that is important to a business because it gives the business a competitive advantage in its marketplace. If a trade secret is acquired by another company, it could harm the original holder.

Examples of trade secrets include recipes for certain foods and beverages (like Mrs. Fields’ cookies or Sprite), new inventions, software, processes, and even different marketing strategies.

When a person or business holds a trade secret protection, others cannot copy or steal the idea. In order to establish information as a “trade secret,” and to incur the legal protections associated with trade secrets, businesses must actively behave in a manner that demonstrates their desire to protect the information.

Trade secrets are protected without official registration; however, an owner of a trade secret whose rights are breached–i.e. someone steals their trade secret–may ask a court to ask against that individual and prevent them from using the trade secret.

PATENTS

As defined by the U.S. Patent and Trademark Office (USPTO), a patent is a type of limited-duration protection that can be used to protect inventions (or discoveries) that are new, non-obvious, and useful, such a new process, machine, article of manufacture, or composition of matter.

When a property owner holds a patent, others are prevented, under law, from offering for sale, making, or using the product.

COPYRIGHTS

Copyrights and patents are not the same things, although they are often confused. A copyright is a type of intellectual property protection that protects original works of authorship, which might include literary works, music, art, and more. Today, copyrights also protect computer software and architecture.

Copyright protections are automatic; once you create something, it is yours. However, if your rights under copyright protections are infringed and you wish to file a lawsuit, then registration of your copyright will be necessary.

TRADEMARKS

Finally, the fourth type of intellectual property protection is a trademark protection. Remember, patents are used to protect inventions and discoveries and copyrights are used to protect expressions of ideas and creations, like art and writing.

Trademarks, then, refer to phrases, words, or symbols that distinguish the source of a product or services of one party from another. For example, the Nike symbol–which nearly all could easily recognize and identify–is a type of trademark.

While patents and copyrights can expire, trademark rights come from the use of the trademark, and therefore can be held indefinitely. Like a copyright, registration of a trademark is not required, but registering can offer additional advantages.

#### Vote neg:

#### 1] Fairness – post facto topic adjustment structurally favors the aff by manipulating the balance of prep. They can specialize in 1 area of literature for 4 years which gives them a huge edge over people switching topics every 2 months and locks us into a predictable null set of monolithic criticisms that are susceptible to the perm. Fairness is an impact - a] it’s an intrinsic good – debate is fundamentally a game and some level of competitive equity is necessary to sustain the activity which they’ve ceded validity to by participating, b] probability – individual ballots can’t alter subjectivity even if long term clash over a season can, but they can rectify skews which means the only immediate impact to a ballot is fairness and deciding who wins, c] it internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education

#### 2] Clash – argumentative testing along a stable tether and SSD are good – they force debaters to consider a controversial issue from multiple perspectives through nuanced 3rd and 4th level testing that only occurs alongside a stasis point for preparation. Non-T affs allow individuals to establish their own metrics for what they want to debate leading to ideological dogmatism – our argument is that the process of defending and answering proposals against a well-researched opponent is a benefit of engaging the topic regardless of the truth value of those proposals.

#### Use competing interps – topicality is question of models of debate which they should have to proactively justify and we’ll win reasonability links to our offense.

#### They can’t weigh the case—lack of preround prep means their truth claims are untested which you should presume false—they’re also only winning case because we couldn’t engage with it

#### No impact turns—exclusions are inevitable because we only have 45 minutes so it’s best to draw those exclusions along reciprocal lines to ensure a role for the negative

### 2

#### The 1ac is a form of sentimental politics—wherein empathetic identification will reshape the world and actualize ethics of care—this only produces pain as a prophylactic from our violence towards otherness and is fundamentally reliant on an economy of victimization.

Berlant 98 /Lauren, George M. Pullman Professor, Department of English, University of Chicago, “Poor Eliza,” *American Literature*, Vol. 70, No. 3, No More Separate Spheres! (Sep., 1998), Duke University Press, pg. 635-668/

What distinguishes these critical texts are the startling ways they struggle to encounter the Uncle Tom form without reproducing it, declining to pay the inheritance tax. The postsentimental does not involve an aesthetic disruption to the contract sentimentality makes between its texts and readers -that proper reading will lead to better feeling and therefore to a better self. What changes is the place of repetition in this contract, a crisis frequently thematized in formal aesthetic and generational terms. In its traditional and political modalities, the sentimental promises that in a just world a consensus will already exist about what constitutes uplift, amelioration, and emancipation, those horizons toward which empathy powerfully directs itself. Identification with suffering, the ethical response to the sentimental plot, leads to its repetition in the audience and thus to a generally held view about what transformations would bring the good life into being. This presumption, that the terms of consent are trans- historical once true feeling is shared, explains in part why emotions, especially painful ones, are so central to the world-building aspects of sentimental alliance. Postsentimental texts withdraw from the contract that presumes consent to the conventionally desired outcomes of identification and empathy. The desire for unconflictedness might very well motivate the sacrifice of surprising ideas to the norms of the world against which this rhetoric is being deployed. What, if anything, then, can be built from the very different knowledge/experience of subaltern pain? What can memory do to create conditions for freedom and justice without reconfirming the terms of ordinary subordination? More than a critique of feeling as such, the postsentimental modality also challenges what literature and storytelling have come to stand for in the creation of sentimental national subjects across an almost two-century span. Three moments in this genealogy, which differ as much from each other as from the credulous citation of Uncle Tom's Cabin we saw in The King and I and Dimples, will mark here some potential within the arsenal that counters the repetition compulsions of sentimentality. This essay began with a famous passage from James Baldwin's "Everybody's Protest Novel," a much-cited essay about Uncle Tom's Cabin that is rarely read in the strong sense because its powerful language of rageful truth-telling would shame in advance any desire to make claims for the tactical efficacy of suffering and mourning in the struggle to transform the United States into a postracist nation. I cited Baldwin's text to open this piece not to endorse its absolute truth but to figure its frustrated opposition to the sentimental optimism that equates the formal achievement of empathy on a mass scale with the general project of democracy. Baldwin's special contribution to what sentimentality can mean has been lost in the social-problem machinery of mass society, in which the production of tears where anger or nothing might have been became more urgent with the coming to cultural dominance of the Holocaust and trauma as models for having and remembering collective social experience.20 Currently, as in traditional sentimentality, the authenticity of overwhelming pain that can be textually performed and shared is disseminated as a prophylactic against the reproduction of a shocking and numbing mass violence. Baldwin asserts that the overvaluation of such redemptive feeling is precisely a condition of that violence**.** Baldwin's encounter with Stowe in this essay comes amidst a general wave of protest novels, social-problem films, and film noir in the U.S. after World War Two: Gentleman's Agreement, The Postman Always Rings Twice, The Best Years of Our Lives. Films like these, he says, "emerge for what they are: a mirror of our confusion, dishonesty, panic, trapped and immobilized in the sunlit prison of the American dream." They cut the complexity of human motives and self-understanding "down to size" by preferring "a lie more palatable than the truth" about the social and material effects the liberal pedagogy of optimism has, or doesn't have, on "man's" capacity to produce a world of authentic truth, justice, and freedom.21 Indeed, "truth" is the keyword for Baldwin. He defines it as "a devotion to the human being, his freedom and fulfillment: freedom which cannot be legislated, fulfillment which cannot be charted."22 In contrast, Stowe's totalitarian religiosity, her insistence that subjects "bargain" for heavenly redemption with their own physical and spiritual mortification, merely and violently confirms the fundamental abjection of all persons, especially the black ones who wear the dark night of the soul out where all can see it. Additionally, Baldwin argues that Uncle Tom's Cabin instantiates a tradition of locating the destiny of the nation in a false model of the individual soul, one imagined as free of ambivalence, aggression, or contradiction. By "human being" Baldwin means to repudiate stock identities as such, arguing that their stark simplicity confirms the very fantasies and institutions against which the sentimental is ostensibly being mobilized. This national-liberal refusal of complexity is what he elsewhere calls "the price of the ticket" for membership in the American dream.23 As the Uncle Tom films suggest, whites need blacks to "dance" for them so that they might continue disavowing the costs or ghosts of whiteness, which involve religious traditions of self-loathing and cultural traditions confusing happiness with analgesia. The conventional reading of "Everybody's Protest Novel" sees it as a violent rejection of the sentimental.24 It is associated with the feminine (Little Women), with hollow and dishonest capacities of feeling, with an aversion to the real pain that real experience brings. "Causes, as we know, are notoriously bloodthirsty," he writes.25 The politico-sentimental novel uses suffering vampirically to simplify the subject, thereby making the injunction to empathy safe for the subject. Of course there is more to the story. Baldwin bewails the senti- mentality of Richard Wright's Native Son because Bigger Thomas is not the homeopathic Other to Uncle Tom after all, but one of his "children," the heir to his negative legacy.26 Both Tom and Thomas live in a simple relation to violence and die knowing only slightly more than they did before they were sacrificed to a white ideal of the soul's simple purity, its emptiness. This addiction to the formula of redemption through violent simplification persists with a "terrible power": it confirms that U.S. minorities are constituted as Others even to themselves through attachment to the most hateful, objectified, cartoon-like versions of their identities, and that the shamed subcultures of America really are, in some way, fully expressed by the overpresence of the stereotypical image.

#### Their attachment to the past reinscribes the suffering they attempt to solve for because their movement necessitates that trauma to sustain their identity. This locks identity into a frame of impotence resulting in an endless cycle of revenge and ressentiment

Brown 93 (Wendy L. Brown is a professor of Political Science at the University of California, Berkeley. Wounded Attachments, Political Theory, Vol. 21, No. 3 (Aug., 1993), accessed via sage [pgs.402-405])

Enter politicized identity, now conceivable in part as both product of and "reaction" to this condition, where "reaction" acquires the meaning that Nietzsche ascribed to it, namely, as an effect of domination that reiterates impotence, a substitute for action, for power, for self-affirmation that reinscribes incapacity, powerlessness, and rejection. For Nietzsche, ressentiment itself is rooted in "reaction"-the substitution of reasons, norms, and ethics for deeds-and not only moral systems but identities themselves take their bearings in this reaction. As Tracy Strong reads this element of Nietzsche's thought, Identity . . . does not consist of an active component, but is a reaction to something outside; action in itself, with its inevitable self-assertive qualities, must then become something evil, since it is identified with that against which one is reacting. The will to power of slave morality must constantly reassert that which gives definition to the slave: the pain [they] suffers by being in the world. Hence any attempt to escape that pain will merely result in the reaffirmation of painful structures.21 If ressentiment's "cause" is suffering, its "creative deed" is the reworking of this pain into a negative form of action, the "imaginary revenge" of what Nietzsche terms "natures denied the true reaction, that of deeds."22 This revenge is achieved through the imposition of suffering "on whatever does not feel wrath and displeasure as [they] does"23 (accomplished especially through the production of guilt), through the establishment of suffering as the measure of social virtue, and through casting strength and good fortune ("privilege" as we say today) as self-recriminating, as its own indictment in a culture of suffering: "it is disgraceful to be fortunate, there is too much misery."24 But in its attempt to displace its suffering, identity structured by ressentiment at the same time becomes invested in its own subjection. This investment lies not only in its discovery of a site of blame for its hurt will , not only in its acquisition of recognition through its history of subjection (a recognition predicated on injury, now righteously revalued), but also in the satisfactions of revenge that ceaselessly reenact even as they redistribute the injuries of marginalization and subordination in a liberal discursive order that alternately denies the very possibility of these things or blames those who experience them for their own condition. Identity politics structured by ressentiment reverses without subverting this blaming structure: it does not subject to critique the sovereign subject of accountability that liberal individualism presupposes nor the economy of inclusion and exclusion that liberal universalism establishes. Thus politicized identity that presents itself as a self-affirmation now appears as the opposite, as predicated on and requiring its sustained rejection by a "hostile external world."25 Insofar as what Nietzsche calls slave morality produces identity in reaction to power, insofar as identity rooted in this reaction achieves its moral superiority by reproaching power and action themselves as evil, identity structured by this ethos becomes deeply invested in its own impotence, even while it seeks to assuage the pain of its powerlessness through its vengeful moralizing, through its wide distribution of suffering, through its reproach of power as such. Politicized identity, premised on exclusion and fueled by the humiliation and suffering imposed by its historically structured impotence in the context of a discourse of sovereign individuals, is as likely to seek generalized political paralysis, to feast on generalized political impotence, as it is to seek its own or collective liberation. Indeed it is more likely to punish and reproach-"punishment is what revenge calls itself; with a hypocritical lie it creates a good conscience for itself'-than to find venues of self-affirming action.26 But contemporary politicized identity's desire is not only shaped by the extent to which the sovereign will of the liberal subject, articulated ever more nakedly by disciplinary individuation and capitalist disinternments, is dominated by late twentieth-century configurations of political and economic powers. It is shaped as well by the contemporary problematic of history itself, by the late modern rupture of history as a narrative, history as ended because it has lost its end, a rupture that paradoxically produces an immeasurable heaviness to history. As the grim experience of reading Discipline and Punish makes clear, there is a sense in which the gravitational force of history is multiplied at precisely the moment that history's narrative coherence and objectivist foundation is refuted. As the problematic of power in history is resituated from subject positioning to subject formation, power is seen to operate spatially, infiltrationally, "microphysically" rather than only temporally; it is also seen to permeate and construct every heretofore designated "interior" space in social orders and in subjects. As the erosion of historical metanarratives takes with them both laws of history and the futurity such laws purported to assure, the presumed continuity of history is replaced with a sense of its violent, contingent, and ubiquitous force. History becomes that which has weight but no trajectory, mass but no coherence, force but no direction; it is war without ends or end. Thus the extent to which "dead generations weigh like a nightmare on the brains of the living" is today unparalleled even as history itself disintegrates as coherent category or practice. We know ourselves to be saturated by history, we feel the extraordinary force of its determinations; we are also steeped in a discourse of its insignificance, and above all, we know that history will no longer (always already did not) act as our redeemer. I raise the question of history because in thinking about late moder politicized identity's structuring by ressentiment, I have thus far focused on its foundation in the sufferings of a subordinated sovereign subject. But Nietzsche's account of the logic of ressentiment is also tethered to that feature of the will that is stricken by history, that rails against time itself, that cannot "will backwards," that cannot exert its power over the past-either as a specific set of events or as time itself: Willing liberates but what is it that puts even the liberator himself in fetters? 'It was'-that is the name of the will's gnashing of teeth and most secret melancholy. Powerless against what has been done, he is an angry spectator of all that is past.... He cannot break time and time's covetousness, that is the will's loneliest melancholy.27 Although Nietzsche appears here to be speaking of the will as such, Zarathustra's own relationship to the will as a "redeemer of history" makes clear that this "angry spectatorship" can with great difficulty be reworked as a perverse kind of mastery, a mastery that triumphs over the past by reducing its power, by remaking the present against the terms of the past-in short, by a project of self-transformation that arrays itself against its own genealogical consciousness. In contrast with the human ruin he sees everywhere around him-"fragments and limbs and dreadful accidents"-it is Zarathustra's own capacity to discern and to make a future that spares him from a rancorous sensibility, from crushing disappointment in the liberatory promise of his will: The now and the past on earth-alas, my friends, that is what I find most unendurable; and I should not know how to live if I were not also a seer of that which much come. A seer, a willer, a creator, a future himself and a bridge to the future-and alas, also as it were, a cripple at this bridge: all this is Zarathustra.28 Nietzsche here discerns both the necessity and the near impossibility-the extraordinary and fragile achievement-of formulating oneself as a creator of the future and a bridge to the future in order to appease the otherwise inevitable rancor of the will against time, in order to redeem the past by lifting the weight of it, by reducing the scope of its determinations. "And how could I bear to be a man if man were not also a creator and guesser of riddles and redeemer of accidents?"29 Of course, Zarathustra's exceptionality in what he is willing to confront and bear, in his capacities to overcome in order to create, is Nietzsche's device for revealing us to ourselves. The ordinary will, steeped in the economy of slave morality, devises means "to get rid of his melancholy and to mock his dungeon" that reiterate the cause of the melancholy, that continually reinfect the narcissistic wound to its capaciousness inflicted by the past. "Alas," says Nietzsche, "every prisoner becomes a fool; and the imprisoned will redeems himself foolishly."30 From this foolish redemption-foolish because it does not resolve the will's rancor but only makes a world in its image-is born the wrath of revenge:

#### Instead we must refuse the politics of liberalism and its accompanying economization of injury and suffering—our politics does not ignore the violence of the world, but rather refuses those particular representations and values which frame violence in favor of a politics of sensuous life

Abbas 10 /Asma, Professor and Division Head in Social Studies, Political Science, Philosophy at the Liebowitz Center for International Studies at Bard College at Simon’s Rock, Liberalism and Human Suffering: Materialist Reflections on Politics, Ethics, and Aesthetics, London: Palgrave Macmillan, pg. Pg. 183 - 187/

In Martha Nussbaum’s celebration of cosmopolitanism, the familiar move of the invocation of the worst sufferings of mankind is bound to shut up and line everyone else in submission, not to the pain of others (as it may appear), but more fundamentally to iterations of who I am as one who suffers, as one who responds to suffering, and as one troubled by each of those questions rather than having settled them.47 Nussbaum or Shklar, in their philosophical commitments to different metaphysics (even in explicit noncommitments to metaphysics), do not even consider that their invocation of events of unimaginable suffering as cautionary tales for all of humanity is beholden to the sublime in ways complicit with liberalism’s political economy of suffering. In being so, they inadvertently evacuate the political in favor of some formalistic ethical certitude that may carry its own violent obliterations, dysfunctionalizing political judgment in submission to ethical judgments already made for us. The ethicization of discourse on suffering, and the submission to the violence of violence, is a parallel to the death of the political. Similarly, as long as the aesthetic follows this logic—that representation is unethical and violent in nature and that we must somehow leave it behind—it will be limited in its vision, unable to see the deep and necessary ontological connection between suffering and representation. Beyond considering aesthetics at play in the artistry of rights and interests that privileges the Western scopic and rhetoricist regimes, the aesthetic must be seen as more closely derived from aisthesis (perception from the senses). The resulting essential, ontic, and experiential proximity to suffering may allow us to radically reimagine our subjection to injuries, interests, and rights. The elements of a historical materialism of suffering introduced over the course of this chapter—necessity, hope, and a materialist sensuous ethos—reconsider woundedness and victimhood in order to illuminate the multiplicity of relations that are, and can be, had to our own and others’ suffering. They expose the presumptions and certainties regarding the imperatives suffering poses for sufferers that codify a basic distance from suffering and an inability to insinuate the question of suffering in our comportments, orientations, and internal relations of simultaneity to the world. A righteous or tolerant pluralism of sufferings, enacted wounds, and relations to our own and others’ suffering is not my objective here. One only has to consider, to build to a different end, how the judgments, actions, and reactions of many among us cannot help but reject consolations that come from codified knowledges and certitudes, such as those pertaining to what suffering is, how we must despise it, and how we must fix it. Then, one only has to question the imperatives these knowledges and certitudes pose for all of us, and examine the utilitarian charm of the beguiling tragedy of “powerless” institutions and other conscriptions of sympathy, empathy, voice, and desire for a markedly different world. This may involve not giving liberal institutions or fervent recruiters of various marginalities the power to set the terms of honoring the suffering and hope of others, and not giving them the power to corner our pathos, in a moment of ethical noblesse, by emphasizing how another’s suffering is impenetrable and unknowable. As much as this ethical noblesse upholds the letting be of the other, it is a preservation, first and foremost, of oneself—perversely reminiscent of the confusing touch-me-not of the Christ back from the dead, a Christ whose triumph over death ironically inspires entire cultures built on surplus fear, suffering, and death as offerings for those with terminal senses but endless lives (often the courtesy of the same historical cryogenics). It is imperative to reject both the righteous or tolerant pluralism of sufferings and the touch-me-not version of seemingly other-centered politics in favor of seeing our sufferings and our labors as coconstitutive of the world we inhabit. What would it mean, as Louis puts it to the Rabbi, to “incorporate sickness into one’s sense of how things are supposed to go,” to convoke a politics that is “good with death” but asks for “more life”? Perhaps the sufferer not be incidental to the suffering when suffering is defined as a problem only in the terms we can pretend to solve, only to fail at that, too. Perhaps liberal politics should accept that statistics of diseases, mortalities, and morbidities, calculated in terms of the loss in human productivity, on the one hand, and those of prison populations and philanthropic gifts, on the other, are not graceful confessions of its mastery of suffering or death. It is not that there are no sufferings to be named, interpreted, and tended to. However, it is important to remember that this is not a random, altruistic, or unmediated process, and it benefits those with the agency and position to act on another’s suffering. Perhaps politics should be able to speak to, and for, the reserve army of those with abject, yet-to-be-interpreted-and-recompensed sufferings, and those who have no ability to be injured outside of the terms native to liberal capitalist discourse. Perhaps politics can diverge from its reliance on certain frames of suffering in order to address the ubiquity and ordinariness of human tragedy and suffering. Perhaps, still, if politics is concerned with the creation and maintenance of forms of life, then the activities of this making, when they negotiate with the past, present, and future, necessitate a look at the way old and new wounds are enacted in order to yield forms that are different. Ultimately, perhaps liberalism’s colonization of suffering, and its moral dominion over it, needs to be resisted and loosened. Questioning the forms in which we suffer and are told to do so is not the same as altogether questioning the reality or centrality of suffering and our responsibility to it. The ways in which we suffer tell us what we need and do not need, what our bodies can and cannot bear. Politics must be pushed to engineer the passing of certain forms of suffering, not the passing of suffering altogether. The claim to having nailed the problem of suffering becomes suspect when politics learns from suffering not via the question of justice but, more immediately, as it responds to the suffering that is life; when it is urgent to understand those ways of suffering that do not follow liberal logics; when attending to bodies who suffer, remember, and act out of their wounds differently is extremely necessary; when the question of the suffering of action is inseparable from the actions of the suffering; when our experience of the world and its ethical, political, and aesthetic moments is not prior to or outside of justice, but constitutive of it; and when the need to understand necessity, the lack of choice, and the ordinariness of tragedy is part of the same story as the clumsiness of our responses to grand disaster. This is an offering toward a politics that is not modeled on the liberal, capitalist, and colonizing ideals of healthy agents who are asked to live diametrically across from the pole of victimhood. Such an approach would factor in the material experiences of destruction, tragedy, violence, defeat, wounds, memory, hope, and survival that risk obliteration even by many well-meaning victim-centered politics. The imagining of such a politics is not merely premised on suffering as something to be undone. Rather, it holds on to the ability to suffer as something to be striven for, grasped anew, and salvaged from the arbitrary dissipations imposed on it by global powers who not only refuse to take responsibility for the plight that they have every role in creating and locating but also shamelessly arbitrate how the wounded can make their suffering matter. Modern schemes for solving the problem of human suffering succumb to their own hubris, even as they set the terms of joy and sorrow, love and death, life and hope, salvation and freedom, that those subject to these schemes ought to have a role in determining. Maybe these schemes have no relevance to those who suffer abjectly, or maybe the latter have lost their senses living among the dead who tyrannize us and the dead who beseech us. It is time that we confront the nauseating exploitations and self-affirming decrepitude of Western liberal capitalist arbitrations of where suffering must live and where it must die—these moralities keep themselves alive and ascendant by always invoking their choice exceptions, fixating on those marginal relations to suffering and life signified in the savage acts of, say blowing up one’s own and others’ bodies, often regarded as savage for no other reason than their violation of some silly rational choice maxim. There are many other exceptions that confront these dominations, not the least of which are the forms of acculturations, past and present, that see the realm of ethics as deeper and richer than the space of individual moralities acted out. Similarly, some of these exceptions to learn from hold and honor suffering as an inherently social act, as a welcome burden to carry with and for each other. If it is indeed the case that the world is so because the colonized have not stopped regurgitating, then the incipient fascisms in the metropoles today ought to make us wonder whether our problem as people of this world is not that there is not enough liberalism, but that, at best, liberalism is insufficient, and, at worst, it is complicit. Perhaps the majority of the world needs a politics that is material enough to speak to, and with, their silences, their pain, their losses, their defeats, their victories, their dispensabilities, their mutilations, their self-injuries, their fidelities, their betrayals, their memories, their justice, their humor, and their hope. At stake in such an imagining is nothing less than the possibility of newer forms of joy, desire, hope, and life itself.

### Case

#### The role of the ballot is to determine if the aff’s a good idea—anything else is self-serving, arbitrary and begs the question of the rest of the debate. Solves their offense since they can weigh the aff. Evaluate consequences

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

#### This aff is a double turn with itself and should lose to presumption:

#### A] No solvency and turn – debate as a communicative act may be violent, but they’re authors don’t differentiate it from the rest of the world it’s just an institution inside the anti-black world. They misread their authors the 1AC is a “band-aid” solution their authors don’t treat debate nihilistically in isolation BUT the world and eradicating debate doesn’t change the master-slave dialectic that recreates violence in different forms – proves it’s not endurance. ALL they actually do is generate cruel optimism that links to 1AC Wilderson since it creates a feel good solution that places blackness in a not yet but maybe to come social order where black infiltration of tournaments occurs. Even when Rutgers unites the crown, the NDT stream contains anti-black rhetoric. Even when North Broward wins the TOC people tell race teams to get out. Their attempt to reform the content of debate through examining the way war goes down in the community is complicit in an anti-black world that consumes their project as false energy as a tool to trick blacks – yes they are reforming its content – they’ll say they’re burning it down but 1. Gut check solvency for that and 2. Their brady evidences analogizes their project in debate to projects that attempt to blacken white liberal spaces – that’s reform with extra buzzwords

#### B] Allies da - using debate as a mode of advocacy ensures the failure of their radical project – competition means debaters ally themselves with individuals who vote for them and alienate those who are positioned with the burden of rejoinder and forced to negate – at worst you vote negative on presumption because they don’t use debate as a stepping stone for their advocacy outside the space and don’t have a net benefit to affirming the 1ac.

#### Communication isn’t constitutively antiblack – rather antiblackness from the world around it gets reflected onto white communication, but if that antiblackness is contingent then communication can be good

#### 2 Framing issues for the ontology debate

#### A: All of the theories they cite are substantially interconnected and rely on thesis level claims from each other, i.e. their \_\_\_\_ cards cite Wildersonian ontology several times to justify claims about \_\_\_\_\_ – the 1AR will stand up and say not our theory of power, so hold the line – if we win a fundamental thesis claim Wilderson relies on is wrong, then that massively calls into question every other claim in the aff

#### B] If we win ontology wrong vote aff – their theory arbitrary condemns black organizing around hope and futurism and precludes landmark policy reforms that have exponentially improved quality of life for black people around the globe – these acts are only cruel or ineffective if ontology is true, so if it’s not, their cruel nihilism dooms millions

#### 1] It’s ahistorical and misunderstands the middle passage

Asad **Haider 18** [new goat founding Editor of Viewpoint Magazine, an investigative journal of contemporary politics. He is a PhD candidate in the History of Consciousness at UC Santa Cruz and a member of UAW-2865, the Student-Workers Union at the University of California.] “Mistaken Identity: Race and Class in the Age of Trump” Verso, 2018 RE

Allen and Ignatiev turned to this question in their further research, inspired by the insights of Du Bois. In the process they presented an exemplary model of a materialist investigation into the ideology of race, one that went from the abstract to the concrete. This work emerged alongside that of Barbara Fields and Karen Fields, David Roediger, and many others as a body of thought devoted to exposing race as a social construct. All of this research, in varying ways, has examined the history of the “white race” in its specificity. The guiding insight that must be drawn from it is that this racial phenomenon is not simply a biological or even cultural attribute of certain “white people”: it was produced by white supremacy in a concrete and objective historical process. As Allen put it on the back cover of his extraordinary vernacular history The Invention of the White Race: “When the first Africans arrived in Virginia in 1619, there were no white people there.” At the most immediate level, Allen was pointing to the fact that the word white didn’t appear in Virginia colonial law until 1691. Of course, this doesn’t mean that there was no racism before 1691. Allen’s argument was to show that racism was not attached to a concept of the white race. There were ideas of the superiority of European civilization, but this did not correspond to differences in skin color. The clearest example is that of the Irish, whose racial oppression by the English precedes their racial oppression of Africans by several centuries. Today white nationalists distort this history, attempting to use the racial oppression of the Irish to try to dismiss the history of white supremacy. Yet this example actually demolishes their entire framework. What the example of the Irish illustrates is a form of racial oppression that is not based on skin color and that in fact precedes the very category of whiteness. Indeed, the early forms of English racial ideology represented the Irish as inferior and subhuman, and this ideology was later repeated word for word to justify both the genocide of Indigenous people in the Americas and the enslavement of Africans. Nor was it only a matter of words: the very practices of settler colonialism, land seizures, and plantation production were established in Ireland. Allen demonstrates this with reference to specific laws: If under Anglo-American slavery, “the rape of a female slave was not a crime, but a mere trespass on the master’s property,” so, in 1278, two Anglo-Normans, brought into court and charged with raping Margaret O’Rorke were found not guilty because “the said Margaret is an Irishwoman.” If a law enacted in Virginia in 1723, provided that, “manslaughter of a slave is not punishable,” so under Anglo-Norman law it sufficed for acquittal to show that the victim in a slaying was Irish. Anglo-Norman priests granted absolution on the grounds that it was “no more sin to kill an Irishman than a dog or any other brute.”9 So racial oppression arises in the Irish case without skin color as its basis. We are forced to ask how we end up with a racial ideology revolving around skin color that represents African people as subhuman and that considers both Irish and English to be part of a unitary “white race.” The historical record quite clearly demonstrates that white supremacy and thus the white race are formed within the American transition to capitalism, specifically because of the centrality of racial slavery. However, we have to resist the temptation, imposed on us by racial ideology, to explain slavery through race. Slavery is not always racial. It existed in ancient Greece and Rome and also in Africa, and was not attached specifically to a racial ideology. Slavery is a form of forced labor characterized by the market exchange of the laborer. But there are various forms of forced labor, and its first form in Virginia was indentured labor, in which a laborer is forced to work for a limited period of time to work off a debt, often with some incentive like land ownership after the end of the term. The first Africans to arrive in Virginia 1619 were put to work as indentured servants, within the same legal category as European indentured servants. In fact, until 1660 all African American laborers, like their European American counterparts, were indentured servants who had limited terms of servitude. There was no legal differentiation based on racial ideology: free African Americans owned property, land, and sometimes indentured servants of their own. There were examples of intermarriage between Europeans and Africans. It was only in the late seventeenth century that the labor force of the American colonies shifted decisively to African slaves who did not have limits on their terms of servitude. As Painter points out in The History of White People, these forms of labor and their transformations are fundamental in understanding how racial ideology comes about: Work plays a central part in race talk, because the people who do the work are likely to be figured as inherently deserving the toil and poverty of laboring status. It is still assumed, wrongly, that slavery anywhere in the world must rest on a foundation of racial difference. Time and again, the better classes have concluded that those people deserve their lot; it must be something within them that puts them at the bottom. In modern times, we recognize this kind of reasoning as it relates to black race, but in other times the same logic was applied to people who were white, especially when they were impoverished immigrants seeking work.10 “In sum,” Painter writes, “before an eighteenth-century boom in the African slave trade, between one-half and two-thirds of all early white immigrants to the British colonies in the Western Hemisphere came as unfree laborers, some 300,000 to 400,000 people.”11 The definitions of whiteness as freedom and blackness as slavery did not yet exist. It turns out that defining race involves answering some unexpected historical questions: How did some indentured servants come to be forced into bondage for their entire lives rather than a limited term? How did this category of forced labor come to be represented in terms of race? Why did the colonial ruling class come to rely on racial slavery when various other regimes of labor were available? The first economic boom of the American colonies was in Virginia tobacco production in the 1620s, and it was based on the labor of primarily European indentured servants. African Americans were only about a fifth of the labor force: most forced labor was initially European, and the colonial planter class relied on this forced labor for its economic growth. But they couldn’t just rely on European indentured labor because it was based on voluntary migration, and the incentive to participate in a life of brutal labor and die early was not sufficient

o generate a consistently growing workforce. As Barbara Fields puts it, “Neither white skin nor English nationality protected servants from the grossest forms of brutality and exploitation. The only degradation they were spared was perpetual enslavement along with their issue in perpetuity, the fate that eventually befell the descendants of Africans.”12 African Americans, on the other hand, had been forcibly removed from their homelands. So the ruling class began to alter its laws to be able to deny some laborers an end to their terms of servitude, which they were only able to accomplish in the case of African laborers. What really changed everything was Bacon’s Rebellion in 1676. This began as a conflict within the elite planter class, directed toward a brutal attack on the Indigenous population. But it also gave rise to a rebellious mob of European and African laborers, who burned down the capital city of Jamestown and forced the governor to flee. The insurrectionary alliance of European and African laborers was a fundamental existential threat to the colonial ruling class, and the possibility of such an alliance among exploited peoples had to be prevented forever. Here we see a watershed moment in the long and complex process of the invention of the white race as a form of social control. The ruling class shifted its labor force decisively toward African slaves, and thus avoided dealing with the demand of indentured servants for eventual freedom and landownership. It fortified whiteness as a legal category, the basis for denying an end to the term of servitude for African forced labor. By the eighteenth century the Euro-American planter class had entered into a bargain with the Euro-American laboring classes, who were mostly independent subsistence farmers: it exchanged certain social privileges for a cross-class alliance of Euro-Americans to preserve a superexploited African labor force. This Euro-American racial alliance was the best defense of the ruling class against the possibility of a Euro-American and African American working-class alliance. It is at this point, Nell Painter concludes, that we see the “now familiar equation that converts race to black and black to slave.”13 The invention of the white race further accelerated when the Euro-American ruling class encountered a new problem in the eighteenth century. As the colonial ruling class began to demand its independence from the divinely ordained executives and landed wealth of the English nobility, they made claims for the intrinsic equality of all people and the idea of natural rights. As Barbara Fields puts it: Racial ideology supplied the means of explaining slavery to people whose terrain was a republic founded on radical doctrines of liberty and natural rights, and, more important, a republic in which those doctrines seemed to represent accurately the world in which all but a minority lived. Only when the denial of liberty became an anomaly apparent even to the least observant and reflective members of Euro-American society did ideology systematically explain the anomaly.14 In other words, the Euro-American ruling class had to advance an ideology of the inferiority of Africans in order to rationalize forced labor, and they had to incorporate European populations into the category of the white race, despite the fact that many of these populations had previously been considered inferior. This racial ideology developed further as the new American nation encountered the phenomenon of the voluntary migration of free laborers from Europe, many of whom came from populations that were viewed as distinct European races: the Italians, Eastern Europeans, and Jews, but especially the exemplary case of the Irish, whose emigration to the US spiked with the famines of the mid-nineteenth century produced by English colonialism. The Irish, among the most oppressed and rebellious groups in Europe, were offered the bargain that had protected the American ruling class. Frederick Douglass pointed this out very clearly in 1853, at the anniversary meeting of the American and Foreign Anti-Slavery Society in New York: The Irish, who, at home, readily sympathize with the oppressed everywhere, are instantly taught when they step upon our soil to hate and despise the Negro. They are taught to believe that he eats the bread that belongs to them. The cruel lie is told them, that we deprive them of labor and receive the money which would otherwise make its way into their pockets. Sir, the Irish-American will find out his mistake one day.15 Douglass had gone to Ireland to avoid being returned to slavery and said he was for the first time in his life treated as an ordinary person, exclaiming in a letter to the abolitionist William Lloyd Garrison, “I breathe, and lo! the chattel becomes a man … I meet nothing to remind me of my complexion.”16 Of course, this was not because of some intrinsic kindness of the Irish. It was rather because, at this stage in history, there were no white people there. This was clear to Douglass because he arrived during the Great Famine. Writing in his memoirs of the songs sung by slaves on the American plantations, he added: “Nowhere outside of dear old Ireland, in the days of want and famine, have I heard sounds so mournful.”17 But what Irish immigrants realized after immigrating to the United States is that they could ameliorate their subjugation by joining the club of the white race, as Ignatiev has recounted.18 They could become members of a “white race” with higher status if they actively supported the continuing enslavement and oppression of African Americans. So the process of becoming white meant that these previous racial categories were abolished and racialized groups like the Irish were progressively incorporated into the white race as a means of fortifying and intensifying the exploitation of black laborers. It was the great insight of Frederick Douglass to describe this as the Irish-American’s mistake. Douglass clearly emphasized the novelty of the very description of people as white: “The word white is a modern term in the legislation of this country. It was never used in the better days of the Republic, but has sprung up within the period of our national degeneracy.”19 Let us be clear on what the invention of the white race meant. It meant that Euro-American laborers were prevented from joining with African American laborers in rebellion, through the form of social control imposed by the Euro-American ruling class. In exchange for white-skin privilege, the Euro-American workers accepted white identity and became active agents in the brutal oppression of African American laborers. But they also fundamentally degraded their own conditions of existence. As a consequence of this bargain with their exploiters, they allowed the conditions of the Southern white laborer to become the most impoverished in the nation, and they generated conditions that blocked the development of a viable mass workers’ movement. This is why the struggle against white supremacy has in fact been a struggle for universal emancipation—something that was apparent to African American insurgents. As Barbara Fields points out, these insurgents did not use a notion of race as an explanation for their oppression or their struggles for liberation: It was not Afro-Americans … who needed a racial explanation; it was not they who invented themselves as a race. Euro-Americans resolved the contradiction between slavery and liberty by defining Afro-Americans as a race; Afro-Americans resolved the contradiction more straightforwardly by calling for the abolition of slavery. From the era of the American, French and Haitian revolutions on, they claimed liberty as theirs by natural right.20 However, this was not always recognized by socialist movements. Early American socialists in the late nineteenth and early twentieth centuries sometimes failed to recognize that the division between white and black workers prevented all workers from successfully emancipating themselves. We should not oversimplify this point or use it to discredit the whole history of the labor movement. The early socialist parties were largely composed of immigrants who were often not yet fully incorporated into the white race, and there were very significant black socialists—including, for example, Hubert Harrison, who played an important role in connecting black nationalism to socialism at the beginning of the twentieth century. The majority of the early American socialists were not racists, and in fact openly and vigorously opposed racism. However, most of these early socialist organizations failed to recognize that there was anything unique about the demands of black workers. They were also willing to work with craft unions that discriminated against black workers, and they did not attempt to recruit black members. Without an analysis of white supremacy, these socialist organizations did not address the fact that black workers were often excluded from jobs available to whites, that they were subjected to racist violence beyond the workplace, and that they could not expect racist employers to extend increasing wages to them. The cost of this indifference to race was that socialism was always competing for recruitment with whiteness. New European immigrants were often very radical and prepared to join militant labor struggles. But they were also being invited to join the white race. Once again, in the case of the Irish, this meant finally leaving behind the racial oppression that had become familiar to them in Europe. This began to change with the reconfiguration of American socialists into the Communist Party in 1919. By the 1920s the CP had incorporated not only many immigrant socialists but also the clandestine organization called the African Blood Brotherhood, which included many important black Communists, such as Cyril Briggs, Claude McKay, and Harry Haywood. These black Communists were absolutely central to Communist organizing, because they argued that the party would have to directly attack whiteness if it wanted to build a labor movement. As a result of their work, the CP threw itself into antiracist organizing in the late 1920s and early 1930s. This meant, first of all, placing a heavy emphasis on educating white members to reject white chauvinism, and organizing some of the only interracial social events that were held in the segregated US. The party worked to eliminate the influence of whiteness from the ranks of the party itself. But it also sent its organizers down South and into the black neighborhoods of Northern cities to work on political projects. These included unions for sharecroppers, tenant farmers, miners, and steelworkers; armed defense against lynching; legal defense for black victims of the racist justice system; and movements against unemployment, evictions, and utility shut-offs. Robin D.G. Kelley describes some of these initiatives in Hammer and Hoe: Representatives of the unemployed councils often dissuaded landlords from evicting their tenants by describing the potential devastation that could occur once an abandoned house became a free-for-all for firewood. When a family’s electricity was shut off for nonpayment, activists from the unemployed council frequently used heavy-gauge copper wires as “jumpers” to appropriate electricity from public outlets or other homes. Council members also found ways to reactivate water mains after they had been turned off, though the process was more complicated than pilfering electricity. And in at least one instance, a group of black women used verbal threats to stop a city employee from turning off one family’s water supply.21 Unfortunately, the complicated history of political disputes within the CP, along with the state repression of the Communist movement, led to this work being cut short. As an increasingly conservative party leadership distanced itself from the project of black liberation, white chauvinism was on the rise in the CP. It had previously been most effectively combated through mass antiracist organizing: by joining different people and disparate demands in a common struggle. But now that this practice had been abandoned, the party launched what Harry Haywood called a “phony war against white chauvinism.” In Haywood’s analysis, this phony war only ended up strengthening the material foundations of white chauvinism, now uprooted from its structural foundations and seen as a free-floating set of ideas. Instead of mass organizing, opposing white chauvinism was now seen as a matter of policing the language of those who were ostensibly comrades, thus strengthening the party bureaucracy and introducing a climate of paranoia and distrust among members. As Haywood wrote: It was an atmosphere which was conducive to the development of a particularly paternalistic and patronizing form of white chauvinism, as well as to a rise in petty-bourgeois narrow nationalism among blacks. The growth of the nationalist side of this distortion was directly linked to the breakdown of the basic division of labor among communists in relation to the national question. This division of labor, long ago established in our party and the international communist movement, places main responsibility for combating white chauvinism on the white comrades, with Blacks having main responsibility for combating narrow nationalist deviations.22 In other words, in the absence of mass organizing, racial ideology rushes to the fill the vacuum. And without the political division of labor that Haywood describes, the struggle against racism is reduced to the redress of individual injuries.

#### 2] There’s nothing about the psyche that hardwires antiblackness which disproves libidinal economy– prefer neuroscience to misreading of history

Sapolsky 19

Robert Sapolsky, American neuroendocrinologist and author, currently a professor of biology, and professor of neurology and neurological sciences and, by courtesy, neurosurgery, at Stanford University, “This Is Your Brain on Nationalism,” Foreign Affairs. March/April 2019.

--Tendency towards in group bias exists but is value neutral – outsider status is not fixed

--Researchers used fMRIs to analyze brains – found people put in teams based on uniform were sorted more saliently than based on race or that people felt more kinship towards those on arbitrary teams

--Arbitrary markers are more salient than phenotypical onnes

--Proves that drives are malleable and were constructed, and can also be deconstructed

TURBANS TO HIPSTER BEARDS

For all this pessimism, there is a crucial difference between humans and those warring chimps. The human tendency toward in-group bias runs deep, but it is relatively value-neutral. Although human biology makes the rapid, implicit formation of us-them dichotomies virtually inevitable, who counts as an outsider is not fixed. In fact, it can change in an instant.

For one, humans belong to multiple, overlapping in-groups at once, each with its own catalog of outsiders—those of a different religion, ethnicity, or race; those who root for a different sports team; those who work for a rival company; or simply those have a different preference for, say, Coke or Pepsi. Crucially, the salience of these various group identities changes all the time. Walk down a dark street at night, see one of “them” approaching, and your amygdala screams its head off. But sit next to that person in a sports stadium, chanting in unison in support of the same team, and your amygdala stays asleep. Similarly, researchers at the University of California, Santa Barbara, have shown that subjects tend to quickly and automatically categorize pictures of people by race. Yet if the researchers showed their subjects photos of both black and white people wearing two different colored uniforms, the subjects automatically began to categorize the people by their uniforms instead, paying far less attention to race. Much of humans’ tendency toward in-group out-group thinking, in other words, is not permanently tied to specific human attributes, such as race. Instead, this cognitive architecture evolved to detect any potential cues about social coalitions and alliances—to increase one’s chance of survival by telling friend from foe. The specific features that humans focus on to make this determination vary depending on the social context and can be easily manipulated.

Even when group boundaries remain fixed, the traits people implicitly associate with “them” can change—think, for instance, about how U.S. perceptions of different immigrant groups have shifted over time. Whether a dividing line is even drawn at all varies from place to place. I grew up in a neighborhood in New York with deep ethnic tensions, only to discover later that Middle America barely distinguishes between my old neighborhood’s “us” and “them.” In fact, some actors spend their entire careers alternating between portraying characters of one group and then the other.

This fluidity and situational dependence is uniquely human

. In other species, in-group/out-group distinctions reflect degrees of biological relatedness, or what evolutionary biologists call “kin selection.” Rodents distinguish between a sibling, a cousin, and a stranger by smell—fixed, genetically determined pheromonal signatures—and adapt their cooperation accordingly. Those murderous groups of chimps are largely made up of brothers or cousins who grew up together and predominantly harm outsiders.

Humans are plenty capable of kinselective violence themselves, yet human group mentality is often utterly independent of such instinctual familial bonds. Most modern human societies rely instead on cultural kin selection, a process allowing people to feel closely related to what are, in a biological sense, total strangers. Often, this requires a highly active process of inculcation, with its attendant rituals and vocabularies. Consider military drills producing “bands of brothers,” unrelated college freshmen becoming sorority “sisters,” or the bygone value of welcoming immigrants into “the American family.” This malleable, rather than genetically fixed, path of identity formation also drives people to adopt arbitrary markers that enable them to spot their cultural kin in an ocean of strangers—hence the importance various communities attach to flags, dress, or facial hair. The hipster beard, the turban, and the “Make America Great Again” hat all fulfill this role by sending strong signals of tribal belonging.

Moreover, these cultural communities are arbitrary when compared to the relatively fixed logic of biological kin selection. Few things show this arbitrariness better than the experience of immigrant families, where the randomness of a visa lottery can radically reshuffle a child’s education, career opportunities, and cultural predilections. Had my grandparents and father missed the train out of Moscow that they instead barely made, maybe I’d be a chain-smoking Russian academic rather than a Birkenstockwearing American one, moved to tears by the heroism during the Battle of Stalingrad rather than that at Pearl Harbor. Scaled up from the level of individual family histories, our bigpicture group identities—the national identities and cultural principles that structure our lives—are just as arbitrary and subject to the vagaries of history.

#### 3] It’s a misapplication of semiotics – 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]

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.