## 1NC – Glenbrooks [Cut Down]

### 1 – T

#### Our Interpretation is the affirmative should instrumentally defend the resolution – hold the line, CX and the 1AC prove there’s no I-meet – anything new in the 1AR is either extra-T since it includes the non-topical parts of the Aff or effects-T since it’s a future result of the advocacy which both link to our offense.

#### “Resolved” means to enact by law.

Words & Phrases ’64

(Words and Phrases; 1964; Permanent Edition)

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

#### Resolved requires policy action

Louisiana State Legislature (<https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

**Resolution**

**A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. (Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### Three Standards to Prefer:

#### First - Fairness – radically re-contextualizing the resolution lets them defend any method tangentially related to the topic exploding Limits, which erases neg ground via perms and renders research burdens untenable by eviscerating predictable limits. Procedural questions come first – debate is a game and it makes no sense to skew a competitive activity as it requires effective negation which incentivizes argument refinement, but skewed burdens deck pedagogical engagement.

#### Second - Clash – picking any grounds for debate precludes the only common point of engagement, which obviates preround research and incentivizes retreat from controversy by eliminating any effective clash. Only the process of negation distinguishes debate and discussion by necessitating iterative testing and effective engagement, but an absence of constant refinement dooms revolutionary potential.

#### Third - Movement Lawyering Skills – contingent, focused debates around locus points of difference are key to develop activists skills for political justice.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem **into manageable components**. The **complexity** of social problems, can **cause law students, and even experienced political lawyers, to become overwhelmed**. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

#### TVA – 1] Affirm a Right to Strike to stop crackdowns on Black Labor Movements like Black Hammer and 2] Affirm a Right to Strike for Prison Laborers to push for an end to the Prison Industrial Complex.

#### The TVA is terminal defense – proves compatibility of our Models AND Solvency Deficits proves ground for engagement.

#### SSD solves – it preaches self-reflexive ideologies that are key to check back dogmatism – arbitrarily bracketing off topics of discussion creates a groupthink mentality that dooms Social Movements.

#### No impact turns to T, can’t weigh the case 1] just proposed a norm, 2] have to win your aff is good before you can use it so its illogical

### 2 – Race Burdens

#### Interpretation: Debaters cannot impose race specific burdens. To clarify, they can’t set certain conditions that are contingent based on the racial identity of the debater.

#### Violation – [the rotb, surrender to blackness, black fairness, etc. are violations]

#### Prefer

#### [1] Blood Quantum DA: Drawing racial lines for arguments sanctions the same genetic purity tests used during american indigenous genocides, jim crow laws, and nazi concentration camp policy – turns and ow case since it supercharges your ontology warrants by increasing skepticism of racial biases

#### [2] Dolezal DA: Race specific burdens incentivize racial role playing for ballots. We aren’t saying you are, but its about norm setting.

#### [3] Legitimacy DA: Racial differentiation delegitimizes the success of all black debaters. Outweighs skews in this one round on community wide impacts

#### [4] Racism DA - Normatively Justifies being racist against minorities because it prioritizes one group over another. They will say nonunique but that begs the question of how their arguments have an impact. Oppression Olympics turns and outweighs case since comparing suffering delegitimizes one.

#### Voters –

#### 1. Accessibility – judge has a prima facie obligation to ensure access to th debate space. All their arguments presuppose access and turns their method since otherwise they reinforce exclusion.

#### 2. Deterrence – Prevents reading the abusive practice in the future since it’s not worth risking which is k2 norm setting indefensible practices die out.

### 3 – Ballot PIK

#### We advocate the 1AC without their call for the ballot. To clarify, this is a PIC out of their demand to “take this round hostage” and “blacken the debate space”.

#### Calls to “blacken debate” creates a parasitic and de-radicalized relationship to white recognition that turns case.

Curry 13 Tommy Curry 2013, Professor of Philosophy at Texas A&M University, “Dr. Tommy Curry on the importance of debate for blacks,” <https://www.youtube.com/watch?v=ZMmkPhvDK2E#t=174> //Re-cut by Elmer

However, with the lure of progress, more black people are participating in debate, more black judges, more conceptual debates about blackness. There comes a deradicalization of what black theory and what black people are supposed to do and represent. Despite our pretense, debate is still a very privileged world. It’s a pretend world where black people can have their queerness, their feebleness, their faux radicality recognized. For actual oppressed people, people who can’t afford debate, who have no knowledge of debate, who fight against actual mechanisms of state, who are not recognized, these very same qualities mean death. So in debate rounds we get to act, we’re the conduits of this black suffering. The demographic increase in the black population in debate, however, it’s kind of brought about a new morality that’s committed to fighting for inclusion, intellectual space, our expanded ideas of home. But in this I think we miss the extent of our dependency on white recognition. That white judge in the back of the room that’s comprehending and assimilating our goals with their own liberal and progressive existence. In other words, it’s through our appeal to white men and women, our need for their recognition, for their ballot, that frames the ultimate message of our pessimism, our gender critiques, our colonial analysis. We’re fundamentally dependent on how the white mind situates itself conceptually to the project of diversification. We appeal to their sympathy, or worse yet, to the intersectional empathies of whites as the gauge of the transformative potentialities of black theory and historic black thought. So in these spaces real radicality does not come from an appeal to white recognition, but the rejection of it. In the declaration that black knowledge or black theory or black accounts of existence in all of the economic and sexual plurality of our thought is the radicality comes from the idea that we think that those questions can be answered in the annals of how black people have historically thought about themselves. It need not depend on our alliances or allegiances with white liberals rationalizing their own existence as justifiable through their endorsement or alliances with what we think about ourselves or black people’s situation in the world. Black debate should ultimately move to the rejection of white education – adjudication if black theory is about the liberation of black people and a move to definitions of knowledge or cells or concepts that don’t currently exist then how can we expect the dilapidated ideas of white sentimentality projected from an archaic and racialized whiteness to understand or even comprehend the interrelatedness of propositions that are beyond their present being. How they understand something that is beyond their very own existence the true radicality of black people debating points to the negation of white comprehension of black ideas of liberation not their assimilation or recognition of them. So these ideas of us saying we have progressed fundamentally rooted in how white people see us is a problem.

#### Outweighs under the Refusal RoTB – we’re a refusal of white recognition that separates resistance from liberal allyship.

#### This proves the Aff is a double-turn – their claims of “inclusion” are a double-turn w/ the totalizing refusal of problematic spaces such as Debate.

### 1NC – Case

### Underview

### Case

#### Four Top-Level Framing Issues:

#### 1] Theorizing isn’t Offense – you don’t win for saying Anti-Blackness exists as an FYI – only grant them Anti-Blackness offense from what their method solves for which means Presumption is a sequencing question for evaluating the case.

#### 2] Being wrong about a Theory is violent even without a clear counter-model since they’re a basis for material liberation strategies – if it’s net worse, you should reject it which means we can win Afro-Pessimism bad without going for another causal explanation.

#### 3] Material violence first – it’s the best basis for struggle for Black scholars fighting on the streets – abstracting violence to ontology is de-radicalizing since it incentivizes arm-chair philosophy.

#### 4] Extra-ordinary Claims requires Extra-ordinary Evidence – winning contingent examples does not justify universalization’s – they will say contingent examples don’t disprove the rule BUT every example the 1AR will give for why Debate is Bad or the world is irredeemably Anti-Black will use contingent examples.

#### Vote Negative on Presumption:

#### 1] D/B – either Hostage Taking has already collapsed debate making the Aff non-inherent OR it’s a form of cruel hope.

#### 2] No ability to solve Ontology – what does affirming in this round change to structural antagonisms – you can only change the mindset of you and us.

**Brady definitely agrees w/ us – he’s an executive member at LBS AND he likes policy action** Brady 12 2012. Nicholas. “Louder Than the Dark: Toward an Acoustics of Suffering”, http://www.thefeministwire.com/2012/10/louder-than-the-dark-towards-an-acoustics-of-suffering/. [Edited for Ableist Language].

Nicholas **Brady is an activist-scholar** from Baltimore, Maryland. He is an **executive board member of** **L**eaders of a **B**eautiful **S**truggle, a community-based think tank **focused** on empowering youth in the political process. Through the organization, he has helped to **produce policy** and critical intervention **papers**, **organize efforts in Baltimore** against the prison industrial complex, lead educational forums on a myriad of community-oriented projects, **and use debate as a critical pedagogical tool** to activate the voices of young people from ages 10 to 25. He is a recent graduate of Johns Hopkins University with a bachelor’s degree in Philosophy and is currently a doctoral student in the University of California-Irvine Culture and Theory program.

#### Ontology is Wrong – we’ll answer every warrant:

#### 1] Libidinal Economy is wrong.

Hook 21—Associate Professor of Psychology at Duquesne University (Derek, “Pilfered pleasure: on racism as “the theft of enjoyment”,” *Lacan and Race: Racism, Identity, and Psychoanalytic Theory*, Chapter 2, pg 36-39, dml)

What is immediately striking in these extracts is the role played by affect, or more accurately yet, by the “pained stimulation” of the aroused passions of enjoyment. What both authors highlight—and this speaks to the analytical value of the concept—is that forms of excess stimulation (the “negative pleasure” of jouissance) underlie and propel Symbolic and political constructions of otherness. Different cultural modes of enjoyment are, furthermore, fundamentally discordant. We have then not so much a “Clash of Civilizations”—to reference the Samuel Huntington’s (1997) much cited thesis—as a clash of enjoyments. Moreover, the difficulty that we have in realizing “full” enjoyment—something that is impossible in Lacanian theory for “castrated” speaking beings—is dealt with by imagining the supposedly unimpaired and inevitably disturbing enjoyment possessed by cultural/racial/sexual others. In short, the fact that we cannot attain the jouissance we feel we deserve results in perceptions of an unhindered, illegitimate, and undeserved enjoyment on the part of others. As Sheldon George notes: “the other’s jouissance, or enjoyment, [is] … the very core around which … otherness articulates itself” (2016: 3). Political jealousy, as Žižek calls it, is thus (at least in part) the result of incompatibilities and more importantly yet, perceived sacrifices of jouissance. Jouissance: unserviceable tool of political analysis? Despite having offered only a brief introduction to the above Lacanian ideas, we should pause here for a moment to voice a number of prospective methodological and conceptual problems implied by the racism as (theft of) enjoyment thesis. Doing so will help us focus the expository comments to follow, and indeed, to highlight the potential analytical advantages the thesis may have to offer. The first critique, which applies to a wide historical range of psychoanalytic theories of racism (see Cohen, 2002; Frosh 1989; Stavrakis 1999), is that of psychological reductionism. Simply put: the complexity of the various historical, discursive, and socioeconomic causes of racism are invariably deprioritized and accorded a peripheral explanatory role once the domain of the psychological is privileged. Accounts of the psychological factors underlying various instances of racism are thus not only de-historicizing and hopelessly generalizing; they are also invariably depoliticizing. A second critique: is jouissance not a hopelessly open-ended concept? Virtually any cultural behaviour, bodily intensity or libidinal activity can, it seems, be considered to be an instance of jouissance. In view of racism, for example, the other’s enjoyment can refer to everything from their incomprehensible cultural customs and/or religious beliefs (epitomized, for example, in odd food and dress restrictions), to perceived aspects of their distinctive physicality/sensuality (their food, the way they dance, the sound of their music), to attributions of superabundant vitality (they are excessively promiscuous, religious, lazy, etc.)? The concept of jouissance seems thus to be both underdifferentiated and overly inclusive, applying to a potentially endless array of behaviors and experiences. Without a clearer sense of how to differentiate what qualifies as enjoyment and what does not, the concept loses analytical value. A third line of critique: different modes of enjoyment are implied within the literature, without being properly distinguished. In Žižek’s descriptions of racism and jouissance, for example, jouissance is used broadly to refer to: visceral or passionate modes of experience (the “thrill of hate”); an array of enviable possessions (our “libidinal treasures”) perceived as under threat by cultural others; and a type of noxious “surplus vitality” possessed by such others. So, whose enjoyment are we most fundamentally concerned with in these notions of racism as jouissance, the other’s, or our own? What is the relationship between these two types of jouissance? And how are they related to a third mode, namely the “negative pleasure” of making—experiencing—such troubling attributions in the first place? Fourth, there is ever-present problem of de-contextualization in “shorthand” applications of the term. This leads to a situation in which enjoyment itself is treated as a causative force beyond adequate consideration of a series of accompanying concepts (the frame of fantasy, the operation of the signifier, the role of the law, the “object a” as cause of desire) that necessarily accompany its proper psychoanalytic application. What auxiliary terms must thus be utilized alongside the concept if it is to serve us as a viable analytical tool? Critique 1: the notion of enjoyment as psychologically reductionist There is a crucial passage that is repeated in a number of Žižek’s earlier books (1992, 1993, 2005) and that serves as perhaps his most direct exposition of racism as the theft of enjoyment: What is at stake in ethnic tensions is always [a kind of ] possession: the “other” wants to steal our enjoyment (by ruining our “way of life”) and/ or he has access to some secret, perverse enjoyment. In short, what gets on our nerves, what really bothers us about the “other” is the peculiar way he organizes his enjoyment (the smell of his food, his “noisy” songs and dances, his strange manners, his attitudes to work—in the racist perspective, the “other” is either a workaholic stealing our jobs or an idler living on our labour)” (1992: 165). While this seems, in many ways, a gripping account, from a sociologist or historian’s perspective, the degree of reductionism is staggering. The multiple complex sociological, economic, and socio-historical variables underlying distinctive historical forms of racism are brushed aside in favor of a generalizing psychoanalytic formula. Racism = reaction to perception that the (perversely enjoying) other has stolen our enjoyment. This reduction of racism to an affective equation is evident also in Žižek’s precursor in this conceptual domain, Jacques-Alain Miller: Why does the Other remain Other? What is the cause for our hatred of him, for our hatred of him in his very being? It is hatred of the enjoyment in the Other. This would be the most general formula for the modern racism we are witnessing today: a hatred of a particular way the Other enjoys … The question of tolerance or intolerance is … located on the level of tolerance or intolerance toward the enjoyment of the Other, the Other who essentially steals my own enjoyment (Miller, cited in Žižek 1993: 203). The depoliticization (indeed, the implicit psychologization) inherent in such a conceptual move is surprising inasmuch it is something that Žižek has proved critical of elsewhere. In a 1998 text, for example, Žižek outlines the charge of psychological reductionism against standard psychoanalytic explanations of racism, which offer a way of explaining racism that ignore … not only racism’s socioeconomic conditions but the sociosymbolic context of cultural values and identifications that generate reactions to the experience of ethnic otherness (1988: 154). Surely this also applies to the racism as theft of enjoyment formula outlined above? Explanations of racism as jouissance are surely prone to psychological reductionism inasmuch as they often appear to privilege a series of psychoanalytic assumptions (drive, fantasy, libido, projection, etc.) as existing prior to—or independently of—considerations of economic, historical, political, and socio-symbolic context?

#### 2] No Semiotics Warrant

* Black Author

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

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

#### 3] Communicative Ontology is wrong.

King-Watts 15, Eric. "Critical cosmopolitanism, antagonism, and social suffering." Quarterly Journal of Speech 101.1 (2015): 271-279. (B.A. and M.A., University of Cincinnati. PhD., Northwestern University)//Elmer

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

#### 4] No Social Death AND it doesn’t justify Afro-Pessimism – Patterson agrees w/ us.

Patterson 18 Orlando Patterson March 2018 “The Kerner Report on race, 50 years on” <https://news.harvard.edu/gazette/story/2018/03/harvard-professor-reflects-on-the-kerner-report-50-years-on/> (author of Slavery and Social Death (1982) John Cowles Professor of Sociology at Harvard University)//Re-cut by Elmer

GAZETTE: In 1968, the Kerner Report concluded that “the nation was moving toward two societies, one black, one white — separate and unequal.” What is your assessment of the situation 50 years later? PATTERSON: Since then, there have been very important changes, but also some disappointments. There is no doubt that in **the public sphere**, particularly in the political realm, there have been substantial improvements. A good example is the election of a black president, but we should see this simply as the result of major changes in our political system that allowed blacks to be elected as mayors, congressional and senatorial representatives, and the occasional governor in the past 50 years. The Obama election didn’t mark a post-racial era. That’s an exaggerated and absurd claim. It’s nonsense. We all know that the major disadvantages that African-Americans face have roots in their enslavement. For most of the time African-Americans have lived in this country, they have been viewed as the quintessential outsiders, as people who didn’t belong to the dominant political or moral community. That was reflected in the absence of blacks in important political positions but also in the national conversation, up to about the 1960s. That has changed completely. In addition to that, there are some **important economic changes**, and this shouldn’t be sniffed at. There is **a genuine black middle class**. Finally, there is also the strong influence of blacks in the **cultural life** of the country. But in spite of their presence in the public sphere, black Americans still remain quite segregated in their private lives. GAZETTE: What are the factors that allowed segregation to continue? Some experts argue that segregation is almost as bad as before, or perhaps even worse. PATTERSON: Here is the great irony: The highest levels of segregation are in the most liberal Northeastern states, including New York, which deems itself the pre-eminent liberal state. On the other hand, cities that have experienced the highest levels of integration are the new Sun Belt cities — Houston, for instance. Part of the reason is that in newer cities people don’t feel that they and their ancestors have been living there for generations. And outsiders are not seen as suspicious because everybody is an outsider in a new city. There have been some changes in education at the elite level. But by and large this has been a major area of disappointment. The number of black students in overwhelmingly majority-black schools is as great as it was when the report came out. That, of course, is related to housing segregation. Now, blacks can afford good schools if they can afford to live in places that have such schools. There was a time when they wouldn’t get in or were admitted in token numbers. But much of the progress has been at the upper-middle-class level. Those at the bottom, the black poor, are not seeing much change. In relative terms, the black poor may even be slightly worse off. They certainly are as segregated as they ever were, and the violence in the inner cities has increased substantially since the Kerner Report. GAZETTE: The report blamed “structural racism” created by “white institutions” and “white society” for the violence and the conditions of the ghettos and the inner cities. One of its recommendations was to improve the conditions of the ghettos or simply get rid of them. Why has it been hard to accomplish this? PATTERSON: There is evidence that indicates that the ghettos must go. But it’s important to know there is some ambivalence within the African-American community. For many, having a black community ensures black cultural and communal life, both of which could dissipate if blacks are integrated in the broader white community. I disagree. Ghettos never worked. When people say that black neighborhoods are needed for black culture to live on, I point to the Jews, because even as they integrated, they preserved their culture. All other groups in America recognize that staying clustered in ghettos is not good. That was true of Jews. It’s been true of Asians. That’s also true of Irish and Italians, and more recently it’s been true of Hispanics. There is a growing Hispanic middle class that is very integrated. I don’t see why black Americans can’t do the same. Researchers found that blacks who moved to better neighborhoods were better off than those who stayed in their neighborhoods with similar resources. GAZETTE: What other factors have prevented integration from happening? PATTERSON: There has always been right-wing and racist opposition to any government attempt at integration. There was already some hostility to the [federal government’s] Moving to Opportunity for Fair Housing program in the late ’90s. But there is also the hypocrisy and the “not-in-my-backyard” view of many middle- and upper-middle-class people, including white liberals, who have strongly resisted attempts at building moderate-income and low-income housing in the suburbs. And finally, there is the reluctance of some black leaders to promote integration too vigorously because of the argument that we need black neighborhoods to preserve African-American traditions, racial pride, a sense of identity, as well as the political advantages of being clustered. But Martin Luther King Jr. strongly supported integration, and he referred to an integrated society as America’s beloved community. Between the right-wing opposition, the white liberal hypocrisy, and the ambivalence of black leaders, integration has faded away from the national agenda. But the main reason for the lack of integration is that blacks don’t have the income to integrate; they can’t afford to live in the suburbs or send their kids to private schools. Some can do it, and that’s some progress, but it’s not enough. GAZETTE: Some are saying it’s time for a new report on the racial divide in the U.S. Do we need a new version of the Kerner Report? PATTERSON: It can do no harm, but I don’t think it would be effective. Bill Clinton tried a National Conversation on Race, and it didn’t lead to much. What I think is more important is that the leadership within both the black and the liberal communities work together to improve the situation in the inner cities. Right now, people are fully aware of the despair and pessimism that exist in the black community, especially in regard to black youth, police brutality, black unemployment, and mass incarceration, which is an abomination. One in three black youth is likely to risk imprisonment. That’s an abomination for all Americans. We know what the solutions are: integration, education, and decent jobs. Whether we need another commission to say that again, I don’t think so. There has to be a joint effort of all communities and a massive infusion of support at the local, state, and federal level to provide better education in the inner cities because this goes beyond providing jobs. The jobs are not coming back even for white people in the Midlands, and I don’t expect them to come back in the inner cities. GAZETTE: Finally, how relevant is the Kerner Report in the era of Black Lives Matter? PATTERSON: We’re going through a period of extreme despair about the situation of African-Americans. The most extreme form of this despair is a movement called Afro-pessimism, which holds that black Americans are still viewed as they were viewed in the slavery days as different, inferior, and as outsiders. I find myself in an odd situation because the Afro-pessimists draw heavily on one of my books, “Slavery and Social Death,” which is ironic, because I’m not a pessimist. I don’t think we’re in a situation of social death, because one of the elements of social death is that you’re not recognized as **an integral member of the civic community**, the public sphere, and we certainly are, on the political and cultural levels. And we’re very integrated in the military, which is the quintessence of what defines who belongs. The Afro-pessimists are right, though, to point to persisting segregation in the private sphere. When the report came out, it was a period of turmoil. It was one of those times when people felt that civilization was on the brink of collapse. In a way, what is happening now is similar to what happened then. And like in the past, the right and the left are at loggerheads about which direction to take. People on the right view behavior as the reason for poverty and crime, while liberals point to structural factors, as well as racism. My take is that the problems of black America go back several centuries. The state sanctioned both slavery and Jim Crow after Reconstruction as a form of neo-slavery. When slavery was finally abolished in 1865, it ended the legal capacity of one person to own another, but the culture of slavery and the set of institutions that were built up to support that system persisted. The state also legally sanctioned and economically supported the postwar growth and segregation of the suburbs. So I see this as a state-sanctioned, structurally created problem, and therefore the state must bear a major responsibility in correcting it. The question is how we move forward. In a fair world, the state will assume its responsibility and invest in a giant, massive infusion of support at the local, state, and federal levels to reverse the situation. Maybe, on second thought, we do need another report to alert people to the fact that the level of segregation is as great as it ever was.

#### 5] No Natal Alienation

Taylor 13, Terrell Anderson. Optimism and Pessimism in Twentieth Century African American Literature. Diss. Georgetown University, 2013. //Elmer

Unlike Wilderson and Patterson, West argues that black culture exists, and that it has served vital purposes. He argues against the thesis of natal alienation by explaining that African Americans have maintained certain African cultural features, specifically "kinetic orality, passionate physicality, improvisational intellectuality, and combative spirituality" ("Black Strivings" 80). While the ur-text of black culture may not be a tangible text but a guttural cry (a reference possibly drawn from the work Aime Cesaire), West argues that black culture, at its best, transfigures and transforms that cry into an "existential arsenal" that simultaneously expresses "the profoundly tragicomic character of black life" and generates "creative ways of fashioning power and strength..." ("Black Strivings" 81-82). West contends that black culture generates community, agency, and identity in a society that would deny African Americans these anchors of humanity. West finds examples of these cultural moments and practices within the arts, music, and especially literature.

#### 6] Gratuitous violence thesis is wrong

Deane 18, Carter Biester. "Prison Necropolitics." (2018). (Department of Philosophy and Black Studies at Wesleyan University)//Elmer

Historian Neil Roberts’ criticism of social death raises similar concerns about agency. According to Roberts, accounts of flight from slavery demonstrate the shortcomings of using social death to understand history. In defining social death, he curiously replaces one of Patterson’s three elements, the susceptibility to gratuitous violence, with “powerlessness.”72 Powerlessness here implies a one-sided understanding of the relationship between the slave and master. For Roberts, social death “denies the significance of psychology to freedom, rendering it unable to explain how slaves are able to become free physically outside the actions and intentions of enslaving agents.”73 Accord to Roberts, **social death is inadequate to explain slave resistance**, then, because it either denies the power of the enslaved or fails to account for their experiences. Using the concept risks describing reality as “an inert state of social death.”74

#### 7] Antagonism is a product of contingent history, not metaphysics – black feminist social life is possible within the grammar of country

Spillers 18 Hortense Spillers, Vanderbilt, Time and Crisis Questions for Psychoanalysis and Race Journal of French and Francophone Philosophy - Revue de la philosophie française et de langue française, Vol XXVI, No 2 (2018) pp. 25-31 http://www.jffp.org/ojs/index.php/jffp/article/viewFile/855/791

A little less than midway through Between the World and Me, Coates explains that one of the lessons of his parenting has been his attempt to raise his son, Samori Toure, “to respect every human being as singular.”1 Relatedly, Coates believes that such respect “must extend…into the past.” In elaboration of the point, his next step seems to overwhelm the bounds of intimacy that frame the whole discourse and take hold instead of a far broader stage of reference, though the move is hardly irrelevant: “Slavery,” he begins, “is not an indefinable mass of flesh. It is a particular, specific enslaved woman, whose mind is active as your own, whose range of feeling is as vast as your own; who prefers the way the light falls in one particular spot in the woods, who enjoys fishing where the water eddies in a nearby stream, who loves her mother in her own complicated way, thinks her sister talks too loud, has a favorite cousin, a favorite season, who excels at dress-making and knows, inside herself, that she is as intelligent and capable as anyone. . . .”2

Coates concocts this hypothetical scene, with its nineteenth-century pastoral flavors, from a composite of historiographical sketches of black life under slavery’s regimen, but by invoking it, he is insisting, I believe, that we make every effort to understand the enslaved in the fullness of their humanity rather than the empty ciphers of log books and accounting columns against which background the enslaved’s humanity is evacuated, is checked at the door. The common historical thread that by implication weaves at least three generations of interlocutors together is Coates’s evocation of the black body; a general schema, a heuristic device that operates across time, through time, unaltered by circumstance and particularity, Coates’s “black body” is certainly recognizable, though I’d have much preferred a different metonymic collapse precisely because black humanity cannot be reduced to its body. But in articulating to his son and his son’s generation what paradigmatically lies ahead, Coates takes recourse to body image because he wants to dissociate body from something else—soul comes to mind—and what soul ontologically guarantees; but it was the body that was stolen, alienated, tortured, starved, fractured, labored to death and streamlined for its sexual and reproductive function. Between the World and Me is addressing, then, this sustained ordeal and its aftermath, as Coates assures the reader that he was so hailed by his father and that father by his own. Coates asserts: “This is your country, this is your world, this is your body, and you must find some way to live within the all of it.” Within the all of it. In The Fire Next Time, Baldwin makes powerful appeal to what he calls the few relatively conscious blacks and whites in the belief that the acquisition of a certain level or degree of consciousness would not only harmonize race relations in the U.S, but that in doing so, we would “achieve our country.” As he puts it in the closing argument of the essay: “If we—and now I mean the relatively conscious whites and the relatively conscious blacks, who must, like lovers, insist on, or create, the consciousness of the others—do not falter in our duty now, we may be able, handful that we are, to end the racial nightmare, and achieve our country, and change the history of the world.” With this prophetic gesture, Baldwin could make his readers believe that indeed such a thing was possible!

In the instance of African-American culture, certainly from Baldwin’s and Coates’s points of view, as expressed in The Fire Next Time and its epigone, Between the World and Me, the crisis at hand is confronted at the level of the body—the markings and stigmata of skin color and pigmentation and the damaging regimes of public relations built up from the latter—but its resolution, long deferred, would take another route, paradoxically, the transliteration of the bodily into consciousness, or we might say, after Baldwin’s peroration, the work of soul-craft: just as Du Bois limned parallel lines between black reconstruction and the revitalization of American democracy, Baldwin literally predicates the outcome of national destiny on the salvific stance of the few—the black few, chief among them. In short, Baldwin is calling on black America to embody the moral conscience of the nation as Du Bois had done long before. Even though Coates does not go that far, the potential to reach such heights is vaguely outlined by way of his insistence that his son assume the historical dimensions of memory in undertaking to understand the very predicament of the bonded. In a sense, the “predicament” reaches closure in Emancipation and constitutional maneuver, but the long red record of violence attests that sermons and legislation, bodies surrendered in sacrifice, and careful attention to the duties of citizenship have not been sufficient. If that is so, then the crisis of enslavement, acquiring other ways and means, touches down on contemporary ground as the noise of Ferguson, Missouri, Flint, Michigan, Staten Island, New York, Sanford, Florida, Waller County, Texas and numerous other ports of call, both well-known and obscure, that riddle the landscape of our nightmarish half-awakening. Bothered, then, by what was, which remains what is, we bear on the pulse of the nerve, down to the present day, an historical antagonism that would transform itself into an askesis, or a discipline that would make room for a paradoxical possibility—to achieve both distance from the predicament, as we live i//

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This “hermeneutic demand” to interpret the situation of blackness in the process of living it has yielded over time a varied conceptual and theoretical response, beginning systematically with the work of W.E.B. Du Bois. In fact, Du Bois encounters “soul” as the chief theoretical device that he mobilizes against his notion of America’s “dusty desert of dollars and smartness.” But further, Du Bois’s systematic deployment of “soul-craft,” or what we might call African-American subjecthood/subjectivity as it refracts and reflects on the surround, is poised on the contemporary scene as “the problem of the Negro as a problem for thought.”3 Du Boisian ontology might be brought alongside a psychoanalytic protocol, which has the advantage of positing an occasion for the recognition of a putative collective, as well as the predicament of the “one.” My own interest in a psychoanalytic problematic in relationship to this class of historical actors is predicated on two related premises, both translated from the Freudian-Lacanian synthesis; not by any mean suggesting the desirability of a wholesale application of any psychoanalytic regime to African-Diasporic life worlds, I am interested in the investigation of 1) discourse as the locus of a “situation-specificity.” If the unconscious is “structured like a language,” as the Lacanians contend, and if “linguistic structure gives its status to the unconscious,” then the investigator wishes to discover where a subject-subjectivity is located. There is significant critical resistance to this notion and to the repertoire of conceptual apparatuses to which it belongs precisely because there is no steady ontological ground or disposition that black personality inhabits. In Afropessimism, for example, Frank Wilderson, as one of its major theorists, starts from the premise that black culture and, therefore, black subjectivity, demarcates a highly uncertain proposition, or does not exist all, on the basis of what Orlando Patterson advances as “social death.”4 I start from an analogous configuration of historiographical and historical data and reach a different conclusion—2) because the subject of “social death” has been barred from language—in fact, the latter might be thought of as the founding proposition of blackness in the Western context—then all the more reason why such language in this subjective formation must be revealed.

This specific linguistic and discursive “retrieval” –we could call it—is possible, I believe, because the subject of “social death” becomes, in the words of Fred Moten, objects that “can and do resist.”5 The passage that I read earlier from Coates’s fictionalization of an enslaved person is noteworthy as regards the resisting object: instead of presenting the face of a passive unmoving foil to the human wishes and willing of another, Coates’s anonymous figure is imagined to be fully dimensional. I would name this dimensionality the “one who counts” from the Lacanian notion. As I have attempted to demonstrate elsewhere, the “one” stands in stark contrast to the “individual” with its accents and overtones that index property and ownership. The subject of discourse and the “one who counts” would allow an inquiry into personality, or one in relation to others. As personality assumes the forward position, stigmata, in my estimation, recedes to background. Another way to put this would be to say that the movement toward subject positioning is anti-racist in its impulses, inasmuch as a racialized perception of reality aims its weapons toward the undifferentiated—it swallows whole masses of humanity down the gullet so that empirically millions of subjects might be metonymically reduced to a repertory of traits—the individual stands for the “race,” the “race” for the individual in perfect synecdochic complementarity. The “one” intervenes on this ease of motion where it matters—on the ground of the local, “at home,” we might say, insofar as its opening gambit denotes what the subject speaks, what the subject is spoken. The “one” might well overlap the “individual,” sharing some of its traits—the proper name, for instance—but the former seems to exceed the latter in both priority and emphasis to the extent that individualism is predicated on the rights of property and what is permissible by law.

#### Debate is Good - Debate is valuable for racial liberation – Leaders of a Beautiful Struggle in Baltimore used debate’s process to refine argument and advocacy skills to push for structural change - disproves their “debate is parasitic claims”

LBS 18 Leaders of a Beautiful Struggle 2018 "History" <https://www.lbsbaltimore.com/about-us/history/> //Elmer

The **organizational focus on public policy** **stems from** the **unique experience** many of its founders had with the rigorous academic activity **of** policy **debate**. The founders of LBS ignited their passion for debate as high school students of the local urban debate league; however, it was their **collegiate debate** experience at Towson University that **catapulted them** **into** the **world of activism** and advocacy. In a community which has traditionally favored a dispassionate C-SPAN style of debate, LBS founders proliferated a style that was rooted in the cultural and intellectual resources of people of African descent. Antecedents to the style of debate LBS founders practiced were the Black students of the University of Louisville’s debate program, directed by Ede Warner and Daryl Burch. Their unique policy debate arguments challenged the norms and procedures of collegiate debate, which was usually mired in structural racism. The success of Louisville debaters, Elizabeth Jones and Tonia Greene – a quarterfinalist in two prominent national debate competitions, set a path for **challenging white supremacy by utilizing** the **pedagogical practices and research methodologies** **that** policy **debate required**. Deven Cooper and Dayvon Love, both from Baltimore City, transformed the college debate community as Towson University students when in 2008 they won the CEDA National Debate Championship. This was the first time a team of Black college debaters had accomplished such as feat in the history of policy debate. As Towson University student debaters, LBS founders consistently defeated teams from powerhouse debate schools such as Dartmouth, Harvard, and Northwestern University. Their unique racial justice lens and analysis of issues ranging from Supreme Court Statutory Law to Federal Agricultural Policy has led to successful experiences both as debaters and coaches. While matriculating through college, the founders of LBS collectively decided to create an organization that would export their policy debate and student organizing experience to the Baltimore community. Leaders of a Beautiful Struggle was formulated and legally constituted as a Limited Liability Corporation in August of 2010. The decision to establish LBS as an LLC was a tough strategic question addressed via several internal, critical analysis sessions. While establishing the organization as a non-profit organization would have more easily allowed for short-term financial contributions from foundations, the founders recognized that it also would have hindered an ability to exercise the economic, political, and social freedom that is now experienced. It was of utmost importance to establish a politically independent organization from inception. This decision has necessitated a significant level of sacrifice, both as individuals and collectively as an organization. Nevertheless, the founders remained steadfast in their commitment to establish an organization that could make a profound impact in the Baltimore community. Simultaneously, Governor Martin O’Malley was attempting to construct a multi-million dollar prison for youth charged as adults. **LBS’** early **grassroots organizing** work centered on mobilizing Black youth in Baltimore City to **help** **stop** the **planned construction of a youth jail**. This climate culminated in a large series of protests called Youth Justice Sunday. It was a multi-organizational, Black grassroots effort aimed to voice opposition to the jail. This led to a statewide conversation, amongst local and state officials, about youth incarceration. We were successful in our efforts to lead the halting of the construction of the youth jail. Since then, LBS has forayed in electoral politics, challenged the equitable practices of the non-profit sector, levied public criticism of state agencies and elected officials, and participated in several coalitions aimed at Black self-determination and community empowerment efforts.

#### Humanism is Good - Blackness isn’t historically calcified and their reading runs counter to the Black radical tradition – vote Negative to align yourself with Black Humanist Movements.

Kelley 17 Gary B. Nash Professor of American History at UCLA (Robin D.G., “Robin D.G. Kelley & Fred Moten In Conversation,” transcribed from https://www.youtube.com/watch?v=fP-2F9MXjRE, 1:57:36-2:02:56, dml)//re-cut by Elmer

KELLEY: Um, Fred—Fred will take most of these questions. So that's why I'm going to begin first because he's gonna, he's gonna—he's gonna end it because he, he, he has the answer to all these questions ‘cause I turn to him for these questions. On the specific, on the first question, I just want to make sure I understand it because I'm, you know, I don't always recognize, uh, it may be because I'm just old, but I don't always recognize, uh, that black politics, black [unclear—maybe “guys”] work politics have been structured or defined by white supremacy. I mean, white supremacy is there. And I guess maybe because I'm such a student of Cedric Robinson, you know, not everything is about, or in response to, white supremacy. And in fact, one of the critiques coming out of doing Southern history was this idea that race relations framework, that race relations defines, uh, African-American history or Black history. And it's simply not true because much of what people do in terms of, of **social formation**, community building, um, is, is, is what Raymond Williams might call alternative cultures. In other words, it **may be structured in dominance** in some ways, **but not defined** by it. And Cedric's **Black Marxism**, you know, really made this point. He **talks about** the **ontological totality**, you know, the, this sense of being and making ourselves whole, in that we come out of an experience, again, **structured by** white supremacy, structured by **violence**, structured by enslavement and dispossession, but, **but** one in **which** western hegemony didn't work, you know, that modes of thinking wasn't defined by Enlightenment modes of thinking. In other words, that, that part of the **Black radical tradition is** a **refusal to be property**, to even admit that human beings could be property. You know, so **we** sometimes **give white supremacy** way **too much credit//**

, and maybe I misunderstood the question. And so I think that there's lots of things that happen outside of joy and survival, and survival is important, but survival is not the end all, you know. So I think, and I'll give you one very, very specific example, and now I'm not gonna say anything else after this. The way we have tended to more recently **treat** **slavery, Jim Crow and mass incarceration** as a piece, **as** the reinstantiation of **the same thing,** the continuation, that denies the fact that **these** systems **are** actually **distinct**, that they are historically specific, and in fact they’re **responses** to, in many ways, **to the weakness of** this as **a racial regime**. So if you think of like the whole idea of the new Jim Crow to me is very, very problematic. Um, although that book by Michelle Alexander is very, very powerful and very useful in terms of educating people about prisons. Jim Crow was not the continuation of slavery. It was not. **Jim Crow** was a **response to** the **Black Democratic**, uh, **upsurge** after slavery. It was a revolution of Reconstruction. It was a way to try to suppress that. The fact that, that, you know, there was this incredible response. That's why there's a, there's a huge gap between 1877 at the official end of Reconstruction and the rise of Jim Crow, which is the 1890s, disfranchisement, lynching. That's because you've had 13, 14, 15, 20, 25 years of a democratic possibility and struggle. The same thing with mass **incarceration**—yes, we've had incarceration, but it's, but that, that, that, that upward swing **has** a lot **to do with**, again, responses to the struggles in the 1960s, the assault on the Keynesian welfare-warfare state, the fact that you know the, the war on political, the **formation of political prisoners**, those struggles in fact was the state's response to opposition. And so if we don't acknowledge that, then what we end up doing is thinking that somehow there's a structure of white supremacy that's unchanging, fixed, and so powerful we can't do anything about it when in fact it's the opposite. White supremacy is fragile. White supremacy is weak. **Racial regimes** actually are always having to **shore themselves up** precisely **because they're unstable**. We can see that. We can't see it because the whole system of hegemony is to give us the impression that it is so powerful, there's no space out. And yet it’s working overtime to, to respond to our opposition. Right. That may not answer your question, but that's sort of a way I think about it. Maybe it’s not satisfactory, but yeah.