# 1NC v Leah

## 1

### Topicality

#### Our Interpretation is the affirmative should instrumentally defend the resolution, to clarify they must defend the hypothetical enactment of a just government issuing an unconditional right of workers to strike – 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.

## 2

### Kritik

#### Technocratic neoliberalism has locked in an insidious sign economy that overcodes all aspects of debate. Their fantasy of evacuating whiteness lends itself to a redemptive arch for circulating anti-anti-black thought that mystefies the reliance on a highly exclusive an violent technics of communication and refiguring such as the means of liberation that locking in the machinations of speed elitism

**Hoofd 10**

(Ingrid M. Hoofd is an Assistant Professor in the Department of Communications and New Media at the National University of Singapore, "The Accelerated University: Activist-Academic Alliances and the Simulation of Thought." Ephemera: Theory and politics in organisation, Vol. 10, No.1 (September 2010), http://www.ephemerajournal.org/contribution/accelerated-university-activist-academic-alliances-and-simulation-thought) //KB+TR Collab

Cries announcing the **demise** of the university abound, in particular in Europe and North America. Those who utter these cries often do this in an admirable attempt to **renew** the original mandate of the university, namely the fostering of **truth**, **justice** and **democratic debate**. Giving up on the now largely neoliberal and managerial university system that plagues Europe and the United States, some such critics try to mobilise a renewal of this mandate **outside academia’s institutional walls** with people and groups who represent an alternative to neoliberal globalisation. Much of this mobilisation is in turn done through technologies and discourses of mobility and tele-communication. Examples here are the European anti-Bologna ‘new university’ projects like Edu-Factory, the various autonomous virtual universities, and the intellectual collaboration with local and international activists and non-Western academics. I am referring here in particular to the promising formation of various extra-academic ‘activist-research’ networks and conferences over the last years, like Facoltà di Fuga (Faculty of Escape), Mobilized Investigation, Rete Ricercatori Precari (Network of Precarious Researchers), Investigacció (Research), Universidad Nómada (Nomadic University), and Glocal Research Space. Characteristically, these projects organise events that try to set up dialogues between non-Western and anti-neoliberal activists and academics, and carve out spaces for offline and web-based discussion and participation. Initiators and participants of these projects often conceptualise their positions as relating closely to **alter-globalist activism** – positions which hence are **hoped** to effectively **subvert neo-liberalism** as well as the **elitist-managerial university space** and its problematic method of scientific objectification for capitalist innovation.

In this paper, I will explain how such announcements of **the university’s demise**, the conceptualisation of its current situation as **one of crisis**, as well as the mobilisation of **the true academic mandate** today which often segues into a **nostalgia for the original university** of independent thought, truth and justice, are themselves paradoxically **complicit in the techno-acceleration that** precisely **grounds and reproduces neo-liberalism.** This is because the playing out of such nostalgia typically runs through the problematic invocation of **the humanist opposition between doing and thinking.** This causes the terms and their mode of production to become increasingly intertwined under contemporary conditions of capitalist simulation in which ‘thinking’ is more and more done in service of an economist form of ‘doing’. The aforementioned commendable projects thus paradoxically appear foremost as symptoms of acceleration.

Moreover, I will argue that this acceleration increasingly renders certain groups and individuals as **targets of techno-academic scrutiny and violence.** This increasing objectification that runs through the contemporary prostheses of the humanist subject hence spells disaster for non-technogenic forms of **gendered**, **raced** and **classed otherness.** I therefore suggest that this disastrous state of affairs is precisely carried out by the humanist promise of transcendence, democracy and justice that currently speeds up institutions like the university, and vice versa. Following this line of thought through, I claim that technological acceleration then surprisingly also harbours the promise of the coming of **a radical alternative** to neo-liberalism, and that it is precisely through the eschatological performance of this promise – arguably a repetition of the Christian belief in the apocalypse – that these activist-research projects and their neo-liberal mode of production may fruitfully **become the future objects of their own critique.** In short then, this paper attempts to affirm and displace the projects’ call for reinstating the original ‘true’ or transcending the current ‘spoilt’ university, in the hope of gesturing towards yet another alterity, through its own accelerated argument.

I argue that the complicity of projects like Edu-Factory and Facoltà di Fuga in technological acceleration should primarily be understood in terms of what I in my work call **speed-elitism** (Hoofd, 2009: 201). I extrapolate the idea of speed-elitism largely from the work of John Armitage on the discursive and technocratic machinery underlying current neoliberal capitalism. In turn, I will argue that these activist-academic projects exacerbate speed-elitism by connecting the latter to Jacques Derrida’s ideas on technology and thought, as well as the late Bill Readings’ and Fred Moten and Stefano Harney’s critiques of the contemporary university. In ‘Dromoeconomics: Towards a Political Economy of Speed’, Armitage and Phil Graham suggest that due to the capitalist need for the production of excess, there is a strong relationship between the forces of communication and the logic of speed. They connect the logic of speed specifically to a certain militarisation of society under neoliberalism. In line with Virilio’s Speed and Politics, they argue that the areas of war, communication and trade are today intimately connected through the technological usurpation and control of space (and territory), and through the compression and regulation of time. Eventually, Armitage and Graham suggest that ‘**circulation** has become **an essential process** of capitalism, **an end in itself**’ (Armitage and Graham, 2001: 118) and that therefore any form of cultural production increasingly finds itself tied up in this logic.

Neoliberal capitalism is hence a system in which the most intimate and fundamental aspects of human social life – in particular, forms of thought and linguistic difference – are formally subsumed under this system by being **circulated** as capital. In “Resisting the Neoliberal Discourse of Technology’, Armitage elaborates on this theme of circulation by pointing out that the current mode of late-capitalism relies on the continuous extension and validation of the infrastructure and the optimistic discourses of the new information technologies. Discourses that typically get repeated in favour of what I designate as the emerging speed-elite are those of connection, instantaneity, liberation, transformation, multiplicity and border crossing. **Speed-elitism**, I therefore argue, **replaces Eurocentrism** today as the primary nexus around which global and local disparities are organised, even though it largely builds on the formalisation of Eurocentric conceptual differences like doing versus thinking, and East versus West.

Under speed-elitism, the utopian emphasis on the transparent mediation through technologies of instantaneity gives rise to the *fantasy* of the networked spaces ‘outside’ the traditional academic borders as radical spaces, as well as the desire for a productive dialogue or alliance between activism and academia. This would mean that activism and academia have become *relative* others under globalisation, in which the (non-Western or anti-capitalist) activist figures as some kind of *hallucination* of radical otherness for the Western intellectual. This technological hallucination serves an increasingly aggressive neo-colonial and patriarchal economic state of exploitation, despite – or perhaps rather *because of* – such technologies of travel and communication having come to figure as tools for liberation and transformation.

So the discourses of techno-progress, making connections, heightened mobility and crossing borders in activist-academic alliances often go hand in hand with the (implicit) celebration of highly mediated spaces for action and communication between allied groups. Such **discourses** however **suppress** the **violent colonial, capitalist and patriarchal history** of those technological spaces and the subsequent unevenness of any such alliance. More severely, they **foster an oppressive** sort of **imaginary ‘collective’ or ‘unity of struggles’ through the myth of ‘truly’ allowing for radical difference and multiplicity within that space** – a form of **techno-inclusiveness that** in turn **excludes** a variety of **non-technogenic groups and slower classes**. That these highly mediated spaces of thought and knowledge production are exclusivist is also shown by Sheila Slaughter and Gary Rhoades’ study of the transformation of higher education in ‘The Academic Capitalist Knowledge/Learning Regime’. Slaughter and Rhoades argue that new technologies allow the neo-liberal university to precisely cross the borders of universities and external for-profit and non-profit agencies in the name of development, production and efficacy, resulting in ‘new circuits of knowledge’. These ‘opportunity structures’ (Slaughter and Rhoades, 2004: 306) that the neoliberal economy creates, I in turn argue, become precisely those spaces of imagination that come to signify as well as being resultant of the university’s humanist promise of reaching-out to alterity. This paradoxically also **leads to** what Slaughter and Rhoades accurately identify as a ‘**restratification among and within** **colleges** and **universities’** (2004: 307).

*Thought* is then increasingly exercised in, and made possible through, spaces that are just as much spaces of acceleration and militarisation. The increasing complicity of the humanities in the applied sciences within the contemporary university, and hence the integration of critical thinking and neo-liberalist acceleration, is also a major theme running through Jacques Derrida’s *Eyes of the University*. Derrida there suggests that neo-liberalisation entails a militarisation of the university, claiming that ‘never before has so-called basic research been so deeply committed to ends that are at the same time military ends’ (Derrida, 2004: 143). The intricate relation between the military (‘missiles’) and the imperatives of the humanities (‘missives’) also pervades Derrida’s ‘No Apocalypse, Not Now’, in which he argues that the increasing urgency with which intellectuals feel compelled to address disenfranchisement and crisis **paradoxically** leads to a differential acceleration of such oppression through technologies of instantaneous action. But the relationship between new technologies and the subject’s *perception* of and subsequent desire for the incorporation of otherness that speed-elitism engenders, is best illustrated through Derrida’s *Archive Fever* and *Monolingualism of the Other*. Derrida’s concerns here are not so much directly with the contemporary university, but rather with the link between how thought is situated in technologies of communication (like language) and the emergence of authority as well as (academic and activist) empowerment.

#### Hartman’s archival work on slavery is a form of pained redress rooted in a melancholic slavish relationship to history. B**lackness as a lack in need of suture locks the archive out of history as an objective unit which can be made fully present, authenticated, and exposed- the colonial ideal of transparency.** The fantasy of an intimate relationship to the past and a pre-given fixity of ontological damnation makes their impacts structurally inevitable

Best 15

(Stephen Best, associate professor of English at UC Berkeley, PhD from the University of Pennsylvania, November 2015, “Come and Gone,” *small axe: a caribbean journal of criticism* Volume 19 Number 3, modified) gz

Huey Copeland asserts, in his magnificent new book *Bound to Appear: Art, Slavery, and the Site of Blackness in Multicultural America*, that the high-water mark of this complex visuality occurred during the black renaissance of the 1980s—a period of frenetic artistic activity, centered in New York and identified by many (Copeland included) with the publication of Toni Morrison's *Beloved* in 1987; a moment, as well, in which artists such as Ligon, Renée Green, Lorna Simpson, and Fred Wilson, the subjects of *Bound to Appear*, initially made their mark. Copeland reasons that the novel came to influence contemporary art practice on account of two factors. First, the novel's formal experiments into trauma and collective memory made it “a central touchstone for subsequent revisitations of slavery.”4 Second, the novel (or, to be more accurate, Morrison) completely redefined the politics of racial representation, broadly expanding the repertoire of responses to slavery by predicating the aesthetic ones on slavery's absence from the representational field.5 Morrison, rarely outmaneuvered when it comes to offering a critical context for her work, provided the following framing for the novel and its moment of production: “There is no place you or I can go, to think about or not think about, to summon the presences of, or recollect the absences of slaves … . There is no suitable memorial or plaque or wreath or wall or park or skyscraper lobby … . And because such a place doesn't exist (that I know of), the book had to” (3).6

The projects Copeland discusses, all installation works, “resonate with Morrison's invocation of slavery,” and each in its way extends Morrison's logic of presence and absence to “summon up the ghosts of the past” (9). Before I turn to discuss how contemporary art summons this past, it would help to place *Bound to Appear* in a critical context.

*Bound to Appear* can be categorized as the most recent in a long line of investigations into what has come to be called “the afterlife of slavery”—the general preoccupation with establishing the authority of the slave past in contemporary black life—and the first to explore that subject in the field of contemporary art. The projects that fall within this field are too many to mention here, but among them I would include Ian Baucom's *Specters of the Atlantic*, Colin Dayan's *The Law Is a White Dog*, Saidiya Hartman's *Scenes of Subjection* and *Lose Your Mother*, Stephanie Smallwood's *Saltwater Slavery*, and the *Representations* special issue on “redress” edited by Hartman and myself, all work underwritten, to some degree or another, by traumas of slavery and Middle Passage that appear unknowable, irrecoverable, and yet able to account for the *longue durée* of slavery.7 There is much to distinguish these works methodologically, and yet they share an inclination toward the melancholic view that history consists in the taking possession of such grievous experience and archival loss. As I have put it elsewhere, the vanished world of the black Atlantic comes into existence through loss and can only be sustained through more tales of its loss.8 This work, in addition to making an affective claim for continuity, to which a debt to Morrisonian ethics is owed, shares as well a belief in the political ontology of slavery, in the repetition of its structural inequalities in the present, a thesis offered in critical solidarity with Michel Foucault's “historical ontology”—a portmanteau term that sums up his lifelong interest in the conditions and the possibility of certain objects coming into being and sustaining their own unique temporal force, indifferent to historical context, historical period, or even, as in the case of American slavery these scholars would point out, the act of emancipation or the event of civil war.9 Structure and affect frequently affirm the authority of the slave past.

Copeland offers the visual as yet another register for this ontology, underscoring his affinities with this generation of work when he observes, for example, that Ligon's project is to engage “the regimes of viewership that subtend the afterlife of slavery” (149). One in fact picks up deeper soundings of the logic of historical ontology in Copeland's “carceral” vocabulary: “Can blackness ever appear other than through the scrim of its debilitating visual, institutional, discursive, and physical *constraints*,” he asks at one point, “the at once *censoring* and *spectacularizing* frameworks in which black being has been presented for public consumption,” “the *mastering conceit* from which African Americans have *sought refuge*?” (132, 129; italics mine). This is the lingua franca of a dominant strain in contemporary criticism, possessing dual origins in the thinking of Frantz Fanon and Foucault, and one need only take a moment to consider the post-Ferguson discourse of race and policing to be convinced of the validity of the thesis of slavery's visual afterlife.10 It will be my claim (and I will get to it presently) that when we reverse the thesis of slavery's afterlife and reconceptualize it as the basis for a historiography of slavery, we can tend also to hypostatize aspects of the slave past as missing from the visual field and in need of recovery—or, as one would have it, bound to appear. I would contend that this last entailment is not always tenable or justified by the historical record, and would invite us to reconsider this way of predicating loss. First, a bit of a confession.

In my own previous attempt to address the afterlife of slavery, in which my focus was on a problematic of historical injury in the political project of reparations and the political vocabulary of redress, the goal was, as Saidiya Hartman and I would write, “to interrogate rigorously the kinds of political claims that can be mobilized on behalf of the slave (the stateless, the socially dead, and the disposable) in the political present”—those rough cognates of the slave revealing the underlying work of political ontology. We asked, What is the time of slavery? Is it the time of the present? What is the story about the slave that we ought to tell out of the present we ourselves inhabit? In taking up these questions, we were concerned to elaborate neither “what happened then” nor “what is owed because of what happened then,” but rather the particular character of slavery's violence that appears to be ongoing and constitutive of the unfinished project of freedom.11 However, of late I have felt the urge to dissent from my own earlier investments in this historical ontology and to question what might be considered the epistemological “frames” this view of history compels on me, not least a tort historicism that views slavery as a site of wrongful injury—that is, the assumption that our birth into relation (our admittance to the social order) is the result of an injury from which we have yet to recover; that the social is historical in the sense of being structured by a present past of suffering and injury, so that for me to understand myself today I must necessarily believe myself (or, better, my historical proxy) to have been someone else (or potentially someone else) in the past; that the person I was prior to my wounding can in fact be known; and though missing from the field of knowledge, the scholar's recovery of knowledge of those dispossessed by history paves the royal road to a kind of tolerance or repair of damaged life. These sorts of historical and political investments (the acquisitive urges, strong claims-making, perfective activity) are common to agonistic critique, and while I cannot do full justice here to the terms of my dissent from this epistemology, for the moment I would like to observe, in line with the thinking of Stanley Cavell, that the agon of wrestling with the failure, resistance, or impossibility of something that was lost to history making an *appearance* often carries with it fears and desires about social *acknowledgment*. I hold that it does not always serve the project of critique to limn appearance to the social, or to conceptualize the social as ideally structured around a sense of mutual acknowledgment, and that at the very least it ought to concern us that a number of expressions of loss in the history of slavery do not serve that conception. These last exceptions I will take up more extensively in the next section of this essay.

I mention Cavell because no one has been more committed than him to exploring how the problem of appearance gets infused with the need for acknowledgment, and I have often found his queries into the psychological dimensions of skepticism supremely helpful in my efforts to think critically about the habit of positing a return to appearance from archival oblivion as a salve for damaged life. Rei Terada summarizes Cavell's project on “the skeptic” (described by Terada as one “who seems to care inordinately about appearance and reality”):

Interpreting the mutually irritable conversation between the skeptic and ~~her or his—almost always, his~~ [their]—interlocutors, Cavell explains that the skeptic is perceived as wanting something fundamentally unreasonable, something more than conditions on our planet can provide. Cavell interprets the skeptic's language as a request for social acknowledgment in the guise of a failed epistemic statement. In his account, skeptical scruples about appearance and reality transmit fears and desires about interpersonal understanding: “*acceptance* in relation to objects” corresponds to “*acknowledgment* in relation to others.”12

Both Terada and Cavell mean by “acceptance” that moment when the skeptic no longer disputes the givens of the phenomenal world, a moment that, forever foreclosed from arrival on account of ~~his~~ [their] dissatisfaction, nevertheless carries both ~~his~~ [their] hope and ~~his~~ [their] fear of acknowledgment in the final instance, of the end to ~~his~~ [their] “antagonism toward a world that prevents ~~[him]~~ [them] from joining ~~[his]~~ [their] own being.”13 My concern is not to burrow deeper into the problem of appearance as it has been formulated within this precise strain of philosophical skepticism. Rather, taking Cavell's correlation between appearance and acknowledgment as axiomatic, that is, assuming that he never means their relation to be causal and instead sees them as specifying two poles of a philosophical entailment, I would like to propose that the correlation has something to teach us about a concern with appearance that persists in work on race and slavery.

I pointed earlier to a general interest in the traumas of slavery and Middle Passage during what might be called the Morrisonian moment, and I would add that specific traumas have figured most prominently in this period—the Margaret Garner infanticide in which she killed her children rather than see them returned to slavery, or, as well, the massacre aboard the slave ship *Zong* in which Captain Luke Collingwood ordered that 132 slaves be thrown overboard in the attempt to collect on the voyage's insurance contract. When one gets right down to it, scholars of slavery have been drawn not simply to death as such but to lives made visible only at the point of their erasure and obliteration. As a consequence, they have had to split their concerns, evenly, as if in an inverse mirror, between the deconstructively elusive and the historically grounded: on the one hand, finding themselves keen to discuss lives that are “spectral,” in the sense that Jacques Derrida gives us to understand that word, that is, departing at the moment of their apparition;14 on the other, finding it hard to resist the allure of the encounter with power, with “lowly lives reduced to ashes in the few sentences that struck them down.”15

All those lives destined to pass beneath any discourse and disappear without ever having been told were able to leave traces—brief, incisive, often enigmatic—only at the point of their instantaneous contact with power … .

Lives that are as though they hadn't been, that survive only from the clash with a power that wished only to annihilate them or at least to obliterate them … . They are no longer anything but that which was meant to crush them—neither more nor less.16

A broadly shared enthrallment with the “touch of the real,” a desire to be drawn into the vortex of lives lost in the very moment when they are found, a desire to bear witness to violent extermination in the hope that such witnessing may occasion compassionate resuscitation: such propensities have kept critics returning to the scene of the crime, and a crime most often imagined as the archive itself, whether ship's logs, planter's journals, or coerced confessions. This is neither a problem nor a surprise; but the practice of structuring slave historiography around an archive understood as the scene of a crime allows for the emergence, as Mark Seltzer has observed, of centripetal social bonds (my use of the term *vortex* was no accident), ones “formed at the scene of the crime or at the impact point of a collective disaster, one at which witnessing is mutually witnessed and so forms a momentary social encounter and joint world.”17 Witnessing promises mutuality, and that mutuality, in turn, a kind of intimate acknowledgment. But as I have written elsewhere, even Morrison in her more recent (post-*Beloved*) novels has abandoned this project, turning her attention away from solidarity and mutual acknowledgment and toward the conditions of abandonment as such, as this last registers in the past's recalcitrance and moments when it fails to speak to us or mirror our concerns. Thus even Morrison has found reason to accent the centrifugal energies in historical moments, as I phrased it, “not when things come together but when things fall apart.”18

**We are at the end of art and history as the antiblack capitalist regime has been stretched to its absolute limit- the only way to sustain this system is by combing the waste of modernity for the newest affective fuel. The aff relies on a thesis of capital as production which is WRONG- in a world of wealth without job creation, increasing institutionalization of black studies, and where “devalued women’s work” is the hottest commodity on the art market, abjection and its public performance is not in *opposition* to imperial control but is in de-regulated semiotic economies the *new normal*-the *excess* of blackness is now the *newest surplus value* to be accumulated**

James 15. Robin James is an Associate Professor of Philosophy @ UNC Charlotte. “Resilience & Melancholy: Pop Music, Feminism, Neoliberalism, Publisher: Zero Books p. 88-92

Resilience must be performed explicitly, legibly, and spectacularly. Overcoming is necessary but insufficient; to count and function as resilience, this overcoming must be accomplished in a visible or otherwise legible and consumable manner. Overcoming is a type of “affective labor” which, as Steven Shaviro puts it, “is productive only to the extent that it is a public performance. It cannot unfold in the hidden depths; it must be visible and audible” (PCA 49n33) In order to tune into feminine resilience and feed it back into its power supply, MRWaSP has to perceive it as such. “Look,! Overcame!” is the resilient subject’s maxim or mantra. Gender and race have always been “visible identities,” to use philosopher Linda Martin Alcoff’s term, identities strongly tied to one’s outward physical appearance. However, gendered/racialized resilience isn’t visible in the same way that conventional gender and racial identities are visible. To clarify these differences, it’s helpful to think of resilience in terms of a “Look, I overcame!” imperative. “Look, I Overcame!” Is easy to juxtapose to Frantz Fanon’s “Look a Negro!”, which is the touch stone for his analysis of gendered racialization in “The Fact of Blackness.” In both cases, looking is a means of crafting race/gender identities and distributing white patriarchal privilege. But, in the same way that resilience discourse “upgrades” traditional methods for crafting identities and distributing privilege, the “looking” in “Look, I Overcame’” is an upgrade on the “looking” in “Look, a Negro” According to Fanon, the exclamation “Look, a Negro!” racializes him as a black man. To be “a Negro” is to be objectified by the white supremacist gaze. This gaze fixes him as an object, rather than an ambiguous transcendence (which is a more nuanced way of describing the existentialist concept of subjectivity). “The black man,” as Fanon argues, “has no ontological resistance for the white man” (BSWM 110) because, as an object and not a mutually-recognized subject, he cannot return the white man’s gaze (“The Look” that is so important to Sartre’s theory of subjectivity in Being & Nothingness). The LIO narrative differs from Fanon’s account in the same way it differs from Iris Young’s account of feminine body comportment: in resilience discourse, objectification isn’t an end but a means, any impediment posed by the damage wrought by the white/male gaze Is a necessary prerequisite for subjectivity, agency, and mutual recognition. In other words, being looked at isn’t an impediment, but a resource. Resilience discourse turns objectification (being looked at) into a means of subjectificatlon (overcoming). It also makes looking even more efficient and profitable than simple objectification could ever be. Recognizing and affirming the affective labor of the resilient performer, the spectator feeds the performer’s individual overcoming Into a second-order therapeutic narrative: our approbation of her overcoming is evidence of our own overcoming of our past prejudices. This spectator wants to be seen by a wider audience as someone who answers the resilient feminine subject’s hail, “Look, I Overcame’. Just as individual feminine subjects use their resilience as proof of their own goodness, MRWaSP uses the resilience of its “good girls” as proof that they’re the “good guys” — that its social and ethical practices are truly just, and that we really mean it this time when we say everyone is equal. For example, the “resilience” of “our” women is often contrasted with the supposed “fragility” of Third-World women of color. Or, in domestic US race-gender politics, the resilience of some African-American women (their bootstraps-style class ascendance) is contrasted to the continued fragility of other African-American women, and thus used to reinforce class distinctions among blacks. //

There are a million different versions of this general story: “our” women are already liberated — they saved themselves —but, to riff on Gayatri Spivak, “brown women need saving from brown men.” Most mainstream conversations about Third-World women are//

versions of this story: discussions of “Muslim” veiling, female circumcision, sweatshops, poverty ‘development.” they’re all white-saviorist narratives meant to display MRWaSP’s own resilience. Look, I Overcame!” upgrades ‘Look, a Negro’ by (a) recycling objectification into overcoming and (b) compounding looking, so that one can profit from others’ resilience, treating their overcoming as one’s own overcoming. This upgrade in white supremacist patriarchy requires a concomitant upgrade in looking.” This shift in looking practices parallels developments in film and media aesthetics. As Steven Shaviro has argued, the values, techniques, and compositional strategies most common in contemporary mainstream Western cinema — like Michael Bay’s Transformers—are significantly different than the ones used in modernist and post-modernist cinema, and that these differences in media production correlate to broader shifts in the means of capitalist and ideological production. Neoliberalism’s aesthetic is, he argues, “post-cinematic.” This post-cinematic aesthetic applies not just to film and media, but to resilience discourse. Its performance practices and looking relations configured by the “Look. I Overcame!” imperative, resilience is, in a way, another type of post-cinematic medium. In the next section I use Shaviro’s theory of post-cinematic media to identify some specific ways in which traditional patriarchal tools are updated to work compatibly with MRWaSP resilience discourse. The looking in the “Look, I Overcame!” narrative is not the same kind of looking described by concepts like “the male gaze” or “controlling images” This looking is a type of deregulated MRWaSP visualization.

#### Instead Vote Negative to endorse a politics of radical passivity that pushes the system to its collapse -- such a project is necessary to prevent the absorption of all resistance into the furthering of the sovereign juridical matrix

Berardi 11

Franco “Bifo” Berardi, Professor of Social History of Communication at the Accademia di Belle Arti of Milan, After the Future, pg. 104-108

Time is in the mind. The essential limit to growth is the mental impossibility to enhance time (Cybertime) beyond a certain level. I think that we are here touching upon a crucial point. The process of re-composition, of conscious and collective subjectivation, finds here a new – paradoxical – way. Modern radical thought has always seen the process of subjectivation as an energetic process: mobilization, social desire and political activism, expression, participation have been the modes of conscious collective subjectivation in the age of the revolutions. But in our age energy is running out, and desire which has given soul to modern social dynamics is absorbed in the black hole of virtualization and financial games, as Jean Baudrillard (1993a) argues in his book Symbolic Exchange and Death, first published in 1976. In this book Baudrillard analyzes the hyper-realistic stage of capitalism, and the instauration of the logic of simulation.¶ Reality itself founders in hyperrealism, the meticulous reduplication of the real, preferably through another, reproductive medium, such as photography. From medium to medium, the real is volatilized, becoming an allegory of death. But it is also, in a sense, reinforced through its own destruction. It becomes reality for its own sake, the fetishism of the lost object: no longer the object of representation, but the ecstasy of denial and of its own ritual extermination: the hyperreal. [...]¶ The reality principle corresponds to a certain stage of the law of value. Today the whole system is swamped by indeterminacy, and every reality is absorbed by the hyperreality of the code and simulation. The principle of simulation governs us now, rather that the outdated reality principle. We feed on those forms whose finalities have disappeared. No more ideology, only simulacra. We must therefore reconstruct the entire genealogy of the law of value and its simulacra in order to grasp the hegemony and the enchantment of the current system. A structural revolution of value. This genealogy must cover political economy, where it will appear as a second-order simulacrum, just like all those that stake everything on the real: the real of production, the real of signification, whether conscious or unconscious. Capital no longer belongs to the order of political economy: it operates with political economy as its simulated model. The entire apparatus of the commodity law of value is absorbed and recycled in the larger apparatus of the structural law of value, this becoming part of the third order of simulacra. Political economy is thus assured a second life, an eternity, within the confines of an apparatus in which it has lost all its strict determinacy, but maintains an effective presence as a system of reference for simulation. (Baudrillard 1993a: 2)¶ Simulation is the new plane of consistency of capitalist growth: financial speculation, for instance, has displaced the process of exploitation from the sphere of material production to the sphere of expectations, desire, and immaterial labor. The simulation process (Cyberspace) is proliferating without limits, irradiating signs that go everywhere in the attention market. The brain is the market, in semiocapitalist hyper-reality. And the brain is not limitless, the brain cannot expand and accelerate indefinitely. The process of collective subjectivation (i.e. social recomposition) implies the development of a common language-affection which is essentially happening in the temporal dimension. The semiocapitalist acceleration of time has destroyed the social possibility of sensitive elaboration of the semio-flow. The proliferation of simulacra in the info-sphere has saturated the space of attention and imagination. Advertising and stimulated hyper-expression (“just do it”), have submitted the energies of the social psyche to permanent mobilization. Exhaustion follows, and exhaustion is the only way of escape:¶ Nothing, not even the system, can avoid the symbolic obligation, and it is in this trap that the only chance of a catastrophe for capital remains. The system turns on itself, as a scorpion does when encircled by the challenge of death. For it is summoned to answer, if it is not to lose face, to what can only be death. The system must itself commit suicide in response to the multiplied challenge of death and suicide. So hostages are taken. On the symbolic or sacrificial plane, from which every moral consideration of the innocence of the victims is ruled out the hostage is the substitute, the alter-ego of the terrorist, the hostage’s death for the terrorist. Hostage and terrorist may thereafter become confused in the same sacrificial act. (Baudrillard 1993a: 37)¶ In these impressive pages Baudrillard outlines the end of the modern dialectics of revolution against power, of the labor movement against capitalist domination, and predicts the advent of a new form of action which will be marked by the sacrificial gift of death (and self-annihilation). After the destruction of the World Trade Center in the most important terrorist act ever, Baudrillard wrote a short text titled The Spirit of Terrorism where he goes back to his own predictions and recognizes the emergence of a catastrophic age. When the code becomes the enemy the only strategy can be catastrophic:¶ all the counterphobic ravings about exorcizing evil: it is because it is there, everywhere, like an obscure object of desire. Without this deep-seated complicity, the event would not have had the resonance it has, and in their symbolic strategy the terrorists doubtless know that they can count on this unavowable complicity. (Baudrillard 2003: 6)¶ This goes much further than hatred for the dominant global power by the disinherited and the exploited, those who fell on the wrong side of global order. This malignant desire is in the very heart of those who share this order’s benefits. An allergy to all definitive order, to all definitive power is happily universal, and the two towers of the World Trade Center embodied perfectly, in their very double-ness (literally twin-ness), this definitive order:¶ No need, then, for a death drive or a destructive instinct, or even for perverse, unintended effects. Very logically – inexorably – the increase in the power heightens the will to destroy it. And it was party to its own destruction. When the two towers collapsed, you had the impression that they were responding to the suicide of the suicide-planes with their own suicides. It has been said that “Even God cannot declare war on Himself.” Well, He can. The West, in position of God (divine omnipotence and absolute moral legitimacy), has become suicidal, and declared war on itself. (Baudrillard 2003: 6-7)¶ In Baudrillard’s catastrophic vision I see a new way of thinking subjectivity: a reversal of the energetic subjectivation that animates the revolutionary theories of the 20th century, and the opening of an implosive theory of subversion, based on depression and exhaustion.¶ In the activist view exhaustion is seen as the inability of the social body to escape the vicious destiny that capitalism has prepared: deactivation of the social energies that once upon a time animated democracy and political struggle. But exhaustion could also become the beginning of a slow movement towards a “wu wei” civilization, based on the withdrawal, and frugal expectations of life and consumption. Radicalism could abandon the mode of activism, and adopt the mode of passivity. A radical passivity would definitely threaten the ethos of relentless productivity that neoliberal politics has imposed.¶ The mother of all the bubbles, the work bubble, would finally deflate. We have been working too much during the last three or four centuries, and outrageously too much during the last thirty years. The current depression could be the beginning of a massive abandonment of competition, consumerist drive, and of dependence on work. Actually, if we think of the geopolitical struggle of the first decade – the struggle between Western domination and jihadist Islam – we recognize that the most powerful weapon has been suicide. 9/11 is the most impressive act of this suicidal war, but thousands of people have killed themselves in order to destroy American military hegemony. And they won, forcing the western world into the bunker of paranoid security, and defeating the hyper-technological armies of the West both in Iraq, and in Afghanistan.¶ The suicidal implosion has not been confined to the Islamists. Suicide has became a form of political action everywhere. Against neoliberal politics, Indian farmers have killed themselves. Against exploitation hundreds of workers and employees have killed themselves in the French factories of Peugeot, and in the offices of France Telecom. In Italy, when the 2009 recession destroyed one million jobs, many workers, haunted by the fear of unemployment, climbed on the roofs of the factories, threatening to kill themselves. Is it possible to divert this implosive trend from the direction of death, murder, and suicide, towards a new kind of autonomy, social creativity and of life? I think that it is possible only if we start from exhaustion, if we emphasize the creative side of withdrawal. The exchange between life and money could be deserted,//

and exhaustion could give way to a huge wave of withdrawal from the sphere of economic exchange. A new refrain could emerge in that moment, and wipe out the law of economic growth. The self-organization of the general intellect could abandon the law of accumulation and growth, and start a new concatenation, where collective intelligence is only subjected to the common good.

## Case

### 1NC – T/L

#### Vote Negative on Presumption – the ballot doesn’t solve any of their offense.

#### 1-- Competitive incentives – tactical gamesmanship overcodes any ethical benefit from the aff because teams think you just want to win – winning by losing is net better. At best teams just go back to the drawing board to beat you.

#### 2-- Forced Negation – the aff mt be a good idea for leah – but what is the role of the negative being forced to disagree – turns their offense forces debaters to run to the margin and have to negate individual coping mechanisms OR say that spirit murder is good.

### 1NC – AT Her Name was Venus

#### They attempt to trace Venus, but that archival reach through the performance of enumerating loss and their framing of Venus affixes blackness to violence through rhetorical utterances – turning the aff

McKittrick 14

(Katherine McKittrick is Associate Professor of Gender Studies at Queen’s University, “Mathematics Black Life”, The Black Scholar, 44:2, 2014)

In Saidya Hartman's "Venus in Two Acts," she returns to the deaths of two young African girls who were both violently and brutally killed on the middle passage. Raped, strung up, whipped to death, dying alone: This is the information Hartman pieces together from the ship's ledger and financial accounts, the captain's log book, and the court case that dismissed the charges of murder against Captain John Timber, the 16 man who caused the deaths of the girls. The archive of black diaspora is, as Hartman rightly suggests, "a death sentence, a tomb, a display of a violated body, an inventory of property, a medical treatise ... an asterisk in the grand narrative of history." 1 The asterisked archives are filled with bodies that can only come into being vis-a-vis racialsexual violence; the documents and ledgers and logs that narrate the brutalities of this history give birth to new world blackness as they evacuate life from blackness. Breathless, archival numerical evidence puts pressure on our present system of knowledge by affirming the knowable (black objecthood) and disguising the untold (black human being). The slave's status as object-commodity, or purely economic cargo, reveals that a black archival presence not only enumerates the dead and dying, but also acts as an origin story. This is where we begin, this is where historic blackness comes from: the list, the breathless numbers, the absolutely economic, the mathematics of the unliving. Recall then, aboard the ship Peggy, aboard the ship Prosperous Amelia, aboard the brig Nancy. The ledgers read: Samuel Minton, 60 years, nearly worn out ... Formerly slave to Thomas Minton, Norfolk, Virginia ... Gilbert Lafferts, 21 years, likely lad, Mr. James Henderson's possession, proved to be the property of Mr. James Henderson ... Master & Bill of Sale produced ... Anny Bolton, 42, stout wench, Uames Alexander). Formerly the property of Thomas Bolton, Nansemond, Virginia ... Jenny Frederick, 32 years, ordinary wench ... Certified to be free by Jonah Frederick of Boston, New England ... Betty Rapelje, 21, stout wench, (Peter Brown) ... Says she was born free at Newtown, Long lsland.2 Worn out, bill of sale produced, certified to be free, ordinary wench, proved to be the property of, formerly slave to, formerly the property of, all with parenthetic possessors. New world blackness arrives through the ordinary, proved, former, certified, nearly worn-out archives of ledgers, accounts, price tags, and descriptors of economic worth and financial probability. The list of slaves upon these ships is a list of propertied commode ties. The slave is possession, proved to be property. Yet a voice interrupts: says she. It follows that black freedom is embedded within an economy of race and violence and unfolds as an indeterminate impossibility: wench, property of, likely lad, nearly worn out; certified to be free, says she was born free, formerly slave to. Says she was born free. The brutalities of transatlantic slavery, summed up in archival histories that give us a bit of (asterisked-violated) blackness, put meaningful demands on our scholarly and activist questions. While the tenets and the lingering histories of slavery and colonialism produced modernity as and with and through blackness, this sense of timespace is interrupted by a more weighty, and seemingly truthful (truthful and truth-telling because iterated as scientific, proven, certified, objective), underside-where black is naturally malignant and therefore worthy of violation; where black is violated because black is naturally violent; where black is naturally unbelievable and is therefore naturally empty and violated; where black is naturally less-than-human and starving to death and violated; where black is naturally dysselected, unsurviving, swallowed up; where black is same and always and dead and dying; where black is complex and difficult and too much to bear and violated.3 The tolls of death and violence, housed in the archive, affirm black death. The tolls cast black as impossibly human and provide the conditions through which black history is currently told and studied. The death toll becomes the source. The tolls inevitably uncover, too, analyses of histories and narratives and stories and data that honor and repeat and cherish anti-black violence and black death. If the source of blackness is death and violence, the citation of blackness-the scholarly stories we tell-calls for the repetition of death and violence. The practice of taking away life is followed by the sourcing and citation of racial-sexual death and racial-sexual violence and blackness is (always already and only) cast inside the mathematics of unlivi ngness (data/scientifically proven/certified violation/asterisk) where black comes to be (a bit).4 Indeed, if blackness originates and emerges in violence and death, black futures are foreclosed by the dead and dying asterisks. And if the dead and dying are the archival and asterisked cosmogonies of blackness, within our present system of knowledge-a system, to paraphrase Frantz Fanon, where the subhuman is invited to become human on terms that require antiblack sentiment-scraps and bits of black I ife and death and narrative are guaranteed to move toward, to progress into, unlivingness and anti-blackness. 5 With this in mind we would do well to notice that scholarly and activist questions can, at times, be so tightly tied to bits and pieces of narratives that dwell on anti-black violence and black racial death-seeking out and reprising "terrible utterances" to reclaim and recuperate black loss and somehow make it all the less terrible-that our answerable analytical futures are also condemned to death.6 Put differently, historically present anti-black violence is repaired by reproducing knowledge about the black subjects that renders them less than human. It is a descriptive analytics of violence. The cyclical and death-dealing numeration of the condemned remains in tact, at least in part, through analytical pathways that are beholden to a system of knowledge that descriptively rehearses antiblack violences and in this necessarily refuses decolonial thinking. How then do we think and write and share as decolonial scholars and foster a commitment to acknowledging violence and undoing its persistent frame, rather than simply analytically reprising violence? How do we ethically engage with mathematical and numerical certainties that compile, affirm, and honor bits and pieces of black death? In order to underscore the urgency here, it is worth thinking about the ways in which slave ship and plantation ledgers unfold into a series of crude and subjugating post-slave accounts: The rule in the courts was that a drop of blood made you black; just walking around looking about/This guy looks like he is up to no good or he is on drugs or something; the accusation was beginning to take on a familiar tone ... EmmettTill ... Scottsboro ... Armed with his new political powers Diluilo came to have access to billions of dollars in public funds to launch a program to reform the superpredators by exorcising the evil he saw in them; three-quarters of the persons arrested for such crimes were Negro ... in Detroit, the same proportions held .... Negro males represent 2.1 percent of all male technicians while Negro females represent roughly 10 percent of all female technicians .... It would appear therefore that there are proportionately 4 times as many Negro females in significant white collar jobs than Negro males; these assholes, they always get away; it would come to be based on degrees of selected genetic merit (or eugenics) versus differential degrees of the dysselected lack of this merit: differential degrees of, to use the term made famous by The Bell Curve, "dysgenicity."7 We can think of more accounts, more numbers, more math. In Demonic Grounds, I suggest that the markers of captivity so tightly adhere to the black body that seeing blackness involves our collective willingness to collapse it into a signifier of dispossession.8 While I certainly suggest there, as I do here, that black dispossession reveals the limits of our present geographic order and opens up a way to imagine new modes of black geographic thought, it is challenging to think outside the interlocking data of black erasure, unfreedom, and anti-black violence. Putting pressure on archive numbers that, particularly in the case of the middle passage and plantation life, are the only documents that tell us about the ways in which the practice of slavery set the stage for our present struggles with racism, is difficult. So, what do we do with the archival documentation that displays this unfree and violated body as both naturally dispossessed and as the origin of new world black lives? How do we come to terms with the inventory of numbers and the certain economic brutalities that introduce blackness-the mathematics of the unliving, the certification of unfreedam-and give shape to how we now I ive our lives? And what does it mean that, when confronting these numbers and economic descriptors and stories of murder and commonsense instances of anti-black violence, some of us are pulled into that Fanonian moment, where our neurological synapses and our motor-sensory replies do not result in relieved gasps of nostalgia or knowing gasps of present emancipation (look how far we have come/slavery is over/get over slavery/ post-race/look how far) but instead dwell in the awfulness of seeing ourselves and our communities in those numbers now?9 This is the future the archives have given me. Yet, the Fanonian moment also disturbs to ask not how we get over the awfulness and brutality, but rather how do we live with it, differently, right now and therefore imagine what Sylvia Wynter describes as "being human as praxis"?10 In what follows, I move with the numbers and begin to work out how the uncomfortable mathematics of black life can inform current and future formations of black studies. I suggest that black studies not only names and posits the violent arithmetics of the archive, but that this citation of violence also can and should no longer ethically repeat this violence. Indeed, while not always honored, the intellectual project of black studies-with its long history of citing and surviving racial violence in numbers-provides a deliberate commentary on the ways in which blackness works against the violence that defines it. Thus, across a range of thinkers-! note Dionne Brand, Sylvia Wynter, Audre Lorde, Frantz Fanon, but there are more and many to add-there is a careful effort to show that if we are to name the violent displacement of black cultures, this must be done by both noticing and undoing the compulsion to inhabit safe and comfortable places within the very system that cannot survive without anti-blackness. Indeed, the research of W. E. B. Du Bois, who turns knowable racial numbers in on themselves to ask how the race is both fixed and unfixed by social conditions, is especially notable here. 11

### 1NC – AT Shakara example

#### They give Shakara as an example:

#### 1 – debate is not school – participation is optional

#### 2 – there are no SRO’s in debate that judges/coaches are forced to report too.

#### 3 – voting aff can’t solve it – post the judge placing a ballot – SRO’s will continue to exist.

#### 4 – Voyeurism DA – turns case at the level of form

Giorgis 14 (Hannah, writer for theguardian.com, Monday 8 September 2014 16.20 EDT. “Don't watch the Ray Rice video. Don't ask why Janay Palmer married him. Ask why anyone would blame a victim.” <http://www.theguardian.com/commentisfree/2014/sep/08/ray-rice-domestic-violence-video-janay-palmer-victim-blaming> //shree)

That we feel entitled (and excited) to access gut-wrenching images of a woman being abused – to be entranced by the looks of domestic violence – speaks volumes not only about the man who battered her, but also about we who gaze in parasitic rapture. We click and consume, comment and carry on. What are we saying about ourselves when we place (black) women’s pain under a microscope only to better consume the full kaleidoscope of their suffering? This broadcasting of victims’ most vulnerable moments as sites for public commentary is not new. Indeed, victims of abuse have always been forced to recount their traumas to audiences more intent on policing their victimhood than finding justice. With YouTube and TMZ and all the rest, victim blaming extends far past simply being shunned by your immediate community – it means having your most horrific memories go viral without your consent. It means having millions of people virtually dissect your wounds, not to heal them but to decide if your injuries were bad enough for everyone to feel bad for you.

### 1NC – AT Hines and Wilmot

#### They say hines and wilmot

#### 1-- Yes, there are racist frames to evaluate how black people present themselves in the activity BUT we haven’t performed such AND arbitrarily voting aff doesn’t solve it.

#### 2 – Debate is different from the home and the plantation because debaters always have the ability to Opt out and doesn’t have jail cells, SRO’s, and the degree of antiblack violence isn’t scalable.

#### 3 – You’ve double turned yourself – it says spectatorship of scenes of subjection cause spirit murder.

### 1NC – AT Hill Collins

#### They say Hill Collins --

#### 1-- Asignation DA – The 1AC’s framing of Black womanhood betrays the Black and trans\* feminist work at play – rather than reinvesting into monocers of womanhood – the 1NC forefronts from Blackness and trans\*ness as disruptive orientations and care that excavates the interstices of categorization itself.

Green & Bey 17 [Marquis Bey is a PhD candidate in the English department at Cornell University, whose work concerns Black feminism, transgender studies, critical theory, and contemporary Black literature. Kai M. Green is an assistant professor of Women’s Gender and Sexuality Studies at Williams college, as well as a poet, filmmaker and interdisciplinary scholar whose work focuses on Black feminist theory, queer of color critique, performance studies, media studies, and trans studies. “Where Black Feminist Thought and Trans\* Feminism Meet: A Conversation” Souls: A Critical Journal of Black Politics, Culture, and Society, 19:4, p 438-454, 2017 //tjb]

*KMG*: One of my favorite quotations is from D.L. Smith’s essay, “What is Black Cul- ture?” where he writes, “Perhaps in losing ourselves, we will find ourselves.”11 We are made into subjects through processes of imprint upon bodies, identity; race, gender, class, and/or sexual orientations. Without these identities, we fear that we will lose some sense of ourselves that is bound to history, so we carry it (history), sometimes by choice and other times, identities are placed upon us from the world around us and we have no real choice in how others choose to perceive us or our embodied histories. The fact of the matter is that we know that just because you are poor doesn’t mean that you will have radical anti-capitalist politics. Just because you are Black doesn’t mean that you will somehow have an affinity towards or with other Black people. These identities are scripts and the people who carry these scripts in their body, or rather those who embody evidence of particular identities, constantly prove how categorical labels are always already, they be, incapable of articulating the fullness of we (subjects) who endure, challenge, reinforce, despise, love, and sometimes encourage the naming. This limit does not exist simply because of a failure to acknowledge intersectional identities that many people carry, that is, a Black transgender working class woman—we could continue to add on here bisexual, college educated, Latinx, Republican—all of these identity claims start to help you understand the fullness of a subject, but none of these give you the full subject even if we keep listing out all of the identities we hold, we will only ever be approaching the fullness of a being or subject as said being changes in and over time. So I think the fear that we will lose ourselves without these categories is a trap that keeps us holding on to categories that we know fail us. There is a bind though because these identity categories prove useful in garnering state recognition, and also in creating a sense of community or group affinity. Think of the notion of a “protected class” that describes persons who are supposedly protected by the law because of their identity, but these anti-discrimination laws don’t always work to protect the people they set out to protect. While most hate crimes are still committed on Black bodies, it is LGBT [lesbian, gay, bisexual, and transgender] (white) folk who are most evoked when thinking of hate crimes and we are usually thinking about white queer bodies.12 For example, a recent episode of *Law and Order SVU,* “Transgender Bridge,”13 centers on the story of a white transgender teenage girl who is taunted by high schoolers from another school, a *Black* school, and an altercation ensues on the bridge after school. The Black boy pushes the girl and she falls over the bridge. She survives the initial fall, but later dies because of complications from the fall. Over the course of the episode, the Black boy keeps being reminded that he didn’t just hurt anyone, but someone from a “pro- tected class.” The viewer isn’t supposed to be able to see or hold that the Black boy is also a part of a class that needs protecting. This kind of nuance would disrupt and make unstable the position of the white transgender girl as the proper “protected class.” The Black boy is sentenced to 7 years, 3 years in a juvenile facility, and upon his 18th birthday he’ll be transferred to an adult prison to serve the remainder. In order to be able to view the nuance of the above situation it requires what I call a trans\* positionality or lens. For me, there is a difference between trans and transgender. Transgender people are all very different so there isn’t one thing that I can say about Black transgender people. Being Black and transgender doesn’t give a person the ability to redeploy strategies of feminism. There are Black transgender people who do that work, but there are others who do not. I think what is more useful is to think about the ways in which trans\*, like blackness, can be embodied, but it actually marks a certain kind of orientation in the world, it is not fixed though always precarious. It is important to make this distinction between transgender and trans because many transgender people do not identify as transgender, but rather identify as man or woman, not asking to remake or add a new gender category, but rather fit into one that already exists. In this case, I would not say that transgender people are actually undoing the categories that produce the boundaries of a gender binary, though changing one’s location on the binary does challenge the notion that gender is fixed, because some people are able to change genders. I think what might be more useful in this conversation is to think about gender non- conforming bodies, bodies that do not fit and actively refute a binary legibility. Not because these people are necessarily more radical, but their existence often poses a critique to the gender-binaried-order of the land. I believe it is necessary to cultivate a politic that is able to view the ways in which certain bodies are made more vulnerable to certain kinds of violence, but to also note that vulnerability changes depending on time, place, and condition. In the latest essay I published I propose trans\*: We must listen for the fullness embedded in the silences and gaps, the moments of existence before the name or the category came to do its work upon the body. We must be more attuned to the present absences which calls for a Trans\* method. One of the ways in which Black Queer Studies scholars have challenged us to engage black sexuality and gender is through simultaneous black and queer acts of (re)membering. Black Queer Studies staged this work in the gap and in the silence of Queer Studies and Black Studies who articulated themselves as mutually exclusive. Black Queer Studies helped us to call out the missing, the ones who are with us, but neglected. A Trans\* method further names the work of charting the present absences in multiple sites of intersection by demanding a moment of criti- cal presence. A Trans\* method is a tool that helps us to embark upon the work of listening, understanding, and reading as both intellectual and political practices. It allows us to see certain things that might not normally be seen. It also helps us to understand how that seeing is being shaped. As the T in LGBTQI becomes more apparent in popular culture, it is important that we still hold fast to a Trans\* analytic, knowing that representation is not enough. We know that it is not enough, for just as Laverne Cox and Janet Mock have become the popular beautiful women of color representing the transgender movement, there have been countless other unnamed (and named, but names we are not familiar with) transgender women and men who have been harassed, violated, and murdered in the streets. At the heart of black feminist praxis is a push to make the lives of disappeared black women matter.14 In order to make that argument, black feminists showed us how the category of woman failed to account for the unique experience of black women. This critique both challenged and clung to the category itself. I consider the identities that have yet come to cohere as nameable, yet are ever present with us. How do we carry those not as simple additions to an ever growing acronym, LGBTQI, but instead hold them up as future Trans\* operations that will come to do work and further open us up to new possibilities. This is the charge of a Black Queer Studies for now; and by now I mean in this current historical moment, but I also use for now to imply the temporariness of this method as one that is unfixed so that we might always be open and ready for a name changing considering what is necessary for now is not necessary for always//.15 *MB*: I like the distinction you’re making between transgender people and gender nonconforming bodies. One can identify and be identified as transgender and

yet do little to subvert and disrupt the gender binary. I imagine, maybe, you’d say something similar about those who are epidermally read as Black? That is, one can identify and be identified as Black and do little to undermine white supremacy. We can name a whole host of racially and gender marginalized folks who do not do Black feminist or trans feminist work, as it were: suffragists who said that they’d “cut off this right arm of mine before I will ever work or demand the ballot for the Negro and not the woman”; Hotep dudes pontificating about their “African Queens” and demanding babies, babies, babies because birth control is “genocide”; Southern African American men with swastika tattoos and confederate flags on their pick-ups; far-Right transgender women who buttress the gender binary; African American women who chastised “their” men for not being “manly” enough to defend “the race.” Surely subjectivity is complex and perhaps we all harbor instances of hegemonic practices. I think I want to maintain, though, that the Black/trans/feminist work to be done rests not in what we purportedly are but in how we mobilize ourselves and our politics in subversion of power. The terms at hand, then, come to be tied, for us, to relations to power and a willingness to enact the political forces behind these terms. In other words, we must *choose* Black and trans and feminism; we must make these things mean and matter in politically liberatory ways. I think I yearn for the thing that flows from the meeting of Black feminism and trans feminism as gendered fugitivity. The Blackness and transness of feminisms are not distinct phenomena to be hierarchized, nor mutually exclusive modes of subjectivity; Blackness and transness both engender animacy, act as analytical sites of disruption, and imbricate one another to the end of excavating the interstices of categorization. And I want to be clear that the political valences of the language I choose to deploy with respect to the Blackness and transness of feminisms must be handled with care. This conversation is testament to the fact that we care a great deal. And it is because we care a great deal that we are asserting these positions. We care about—nay, we love—the deviant, the marginalized, the fugitive, the renegades, the rebels, the gender-benders, the queer. These are the ones with whom I want to be. I want to be in sociality with them because they are, to me, seeking to actualize radical politics, mastering the refusal of mastery.

### 1NC – AT Hartman Belly of the Ship

#### They Say Hartman 16:

#### 1 -- Double Bind—If they win Misogynoir is a pervasive structure that isn’t locked into temporal categories, that means that the aff has no UQ for its impacts and its solvency mechanism isn’t able to overcome the harms of the 1AC OR the orientation of advocacy exists in the status quo and there is no unique reason to vote aff.

#### 2 -- 1NC Best and 1NC McCkittrick impact turn this framing of the plantation as the belly of the world

### 1NC – AT Weinbaum

#### They say Weinbaum

#### 1-- Debate doesn’t spill up outside this space – they can’t create collective strikes like the card cites

#### 2—To Strike also is an acto of labor – they pathologize black women who don’t have the agency or positionality to be in a space of refusal.

### 1NC – AT Join in Making the Black Living Room

#### They Say Endorse the Cultivation of Living Rooms

#### 1 – excludes poor black lumpenproletariat – what happens for people who don’t own houses and can’t be like June Jordan and rent spaces.

#### 2 – their framing of the aff as the ONLY mode of resistance pathologizes how the process of space making is in of itself a form of laboring that some people don’t have the energy to do

### 1NC – AT RoB and RoJ

#### The Roll of the Ballot and Judge is to Vote for the Better Debater – anything else is impact justified, self serving, and arbitrary making it impossible to predict. If someone did something actively antiblack like say the N word, or the forms of violence their card describes – that’s not a question of you as a judge but requires you intervene stop the round and take it to tab.