## OFF

### T---1NC

Topicality---

#### Interpretation: The affirmative should defend the hypothetical desirability of the resolutional statement. Otherwise, the negative does not have the burden of rejoinder.

#### The team assigned “affirmative” in a debate is the one tasked with upholding the proposition to be debated.

Merriam-Webster 19

Merriam-Webster, Affirmative, 2019, via https://www.merriam-webster.com/dictionary/affirmative

Affirmative

Definition of affirmative (Entry 1 of 2)

1: asserting that the fact is so

gave an affirmative answer

affirmative proof

2: POSITIVE

an affirmative approach

3: favoring or supporting a proposition or motion

an affirmative vote

was on the affirmative side in the debate

4logic : asserting a predicate of a subject

affirmative noun

Definition of affirmative (Entry 2 of 2)

1: an expression (such as the word yes) of affirmation or assent

2: the side that upholds the proposition stated in a debate

3logic : an affirmative (see AFFIRMATIVE entry 1 sense 4) proposition

#### “Should” makes a normative statement about the most desirable thing to do.

Cambridge Dictionary n.d.

Cambridge Dictionary, “should,” no date, https://dictionary.cambridge.org/us/dictionary/english/should

should modal verb (DUTY)

used to say or ask what is the correct or best thing to do:

If you're annoyed with him, you should tell him.

You should take the subway - it's the easiest way to get there.

#### The affirmative has not met their burden:

#### The USFG is the three branches.

**Dictionary of Government and Politics ’98** (Ed. P.H. Collin, p. 292)

United States of America (USA) [ju:’naitid ‘steits av e’merike] noun independent country, a federation of states (originally thirteen, now fifty in North America; the United States Code = book containing all the permanent laws of the USA, arranged in sections according to subject and revised from time to time COMMENT: the federal government (based in Washington D.C.) is formed of a legislature (the Congress) with two chambers (the Senate and House of Representatives), an executive (the President) and a judiciary (the Supreme Court). Each of the fifty states making up the USA has its own legislature and executive (the Governor) as well as its own legal system and constitution

#### Strengthening collective bargaining rights means making it easier to form unions, increasing penalties for violations, and reversing right-to-work laws.

EPI 16 – Economic Policy Institute, non-profit, non-partisan think tank.

EPI, “The Agenda to Raise America’s Pay,” Economic Policy Institute, 12-6-2016, https://www.epi.org/action/the-agenda-to-raise-americas-pay/

Strengthen collective bargaining rights

The single largest factor suppressing wage growth for middle-wage workers over the last few decades has been the erosion of collective bargaining, which has affected both union and nonunion workers alike. Making it easier for willing workers to form unions, increasing penalties for corporate violations of labor laws, and halting and reversing the spread of so-called right-to-work laws will help give workers the leverage they need to bargain for better wages and benefits and set high labor standards for all workers.

### K---1NC

Mundane Afrofuturism Kritik.

#### The affirmative’s space discourse retreats from discussions of material structures of oppression in favor of a politics of symbolic escapism. The aff causes political fatalism and prevents progressive change.

Nama 8 — Adilifu Nama, Associate Professor and Chair of the African American Studies Department at Loyola Marymount University, 2008 (“Subverting The Genre: The Mothership Connection,” *Black Space: Imagining Race in Science Fiction Film*, Published by University of Texas Press, ISBN 9780292794511, p. 171-173) \*edited for language

Sun Ra and his small group orchestra represent a science fiction response to the racial injustice experienced by black folk in America— that is, Sun Ra will ferry a small number of black people on a “space ark” to another inhabitable planet so that they can escape the culmination of racial injustice, the self-destruction of Earth. The film envisions black liberation as intergalactic travel and the fulfillment of black peoples’ desires as achievable only on another planet that is absent of whites. At its core, Space Is the Place is symbolically dialoguing with the limited black integration into the economic mainstream along with the problematic aspects of black political cooptation once mainstream access is achieved, a point underscored when Sun Ra is accused of being a sellout because his album is advertised on the radio for purchase. Unfortunately, the film ends up retreating from the complicated debate and tensions between black economic inclusion and racial justice. Instead, it settles for an imaginary solution to the quagmire of American race relations in the form of black people leaving Earth to relocate on a planet where white people are not present.

The simple resolution offered to the complex issue of racial justice in Space Is the Place is noteworthy because it suggests that despite a phenomenal increase in black elected officials during the 1970s and a burgeoning black middle class, symbolic escapism from America was a representational [end page 171] outlet. In Space Is the Place the appropriation of Egyptian iconography to create a science fiction aura and signify the alien status of Sun Ra and his band members is significant in this way. Arguably, the loose combination of black nationalism and Egyptian iconography present in Space Is the Place is an aesthetic forerunner of what would later become theoretically formalized as Afrocentricity, a black nationalist philosophy that includes the assertion that ancient Egypt was a black civilization.5 Regardless of the debate concerning the historical validity of ancient Egypt as a black civilization, the use of Egyptian iconography alongside strident expressions of black nationalism in Space Is the Place offers a cinematic referent for imagining African Americans as direct descendants of a highly advanced race of people. It also functions as a form of symbolic escapism that allows African Americans, still stranded in ghetto poverty on Earth, to take symbolic refuge in a glorious past, possibly to avoid a troublesome present and an unsure future. Without a doubt, by combining ancient Egyptian imagery with an ending in which black people escape Earth’s destruction on a spaceship, Space Is the Place revels in escapist racial fantasy, similar to that of sf films like When Worlds Collide, The Time Machine, and Logan’s Run.

Yet the racial fantasy of Space Is the Place is not fueled by an uncomplicated notion of “reverse racism.” The film is a caveat to whites of the consequence of political disengagement with issues of racial inequality in America and signals that advocates of radical black politics have become resigned to the view that alliances and points of common ground with whites appear impossible. In this sense, Space Is the Place is a reworked version of [end page 172] the sf film classic The Day the Earth Stood Still (1951), in which an alien visits Earth to warn the population to administer their nuclear weapons prudently or risk being destroyed. Unlike the ending in The Day the Earth Stood Still, Earth is destroyed in Space Is the Place, but its forewarning theme is still a significant part of the film. As Sun Ra periodically cautions, destruction of the planet is avoidable if racism is no longer practiced.

The racial politics of Space Is the Place begins with a strident expression of black nationalism, goes on to give a tentative symbolic acknowledgment to Third World solidarity with the inclusion of a Latina aboard Sun Ra’s ship, and in the end descends into an uninspired display of political fatalism in which the total population of the planet, except for a handful of ~~blacks~~ [Black people], is doomed as the planet explodes into pieces. Consequently, the end of Space Is the Place indicates a profound disillusionment with the political struggle for racial equality and a desire for escape, even if only to an imaginary destination beyond the stars. But Space Is the Place was not the only black sf expression that prodded ~~blacks~~  [Black people] to look to the sky for deliverance. The image and message of the music of George Clinton became increasingly important during the 1970s as an alternative visual site for the representation of black science fiction. The appropriation of sf imagery in Clinton’s early funkmusic career was just as independent and bizarrely esoteric as Space Is the Place but more accessible in its exhortation to “put a glide in your stride and a dip in your hip and get on board the Mothership.”

#### The connective assumption between the Underground Railroad and space as the Afrofuturist *place* relies on the capitalist connection between innovation, land, and freedom

Knight 18 Nadine Knight, College of the Holy Cross Associate Professor Ph.D., Harvard University A.B. Princeton University “A Long Way Away”: Unreachable Freedoms in Contemporary Afrofuturist Neo-Slave Narratives1 JOURNAL OF SCIENCE FICTION Volume 2, Issue 4, December 2018 ISSN 2472-0837

In Mark Dery’s now familiar formulation of Afrofuturism, two things stand out: the “African American signification that appropriates images of technology,” and the determination to stake a claim on the “unreal estate of the future” (Dery 180). Similarly, Ytasha L. Womack’s accessible overview, Afrofuturism: The World of Black Sci-Fi and Fantasy Culture, published two decades later, situates Afrofuturism at the “intersection of imagination, technology, the future, and liberation” (Womack 9), a notion that she later explicates as a “liberation edict in Afrofuturism” (Womack 38). The relationship between Afrofuturism, technological advancement, and liberation is at the heart of two Afrofuturist neo-slave narratives that appeared within a few months of each other in 2016: Colson Whitehead’s acclaimed novel, The Underground Railroad, and an experimental album, Splendor & Misery, by the rap group clipping. These works interrogate freedom 2 and the limits of technology in attaining freedom for the formerly-enslaved, and they also ask us to consider the relationship between freedom and movement. Taken together, the works suggest that we must rethink both the relationship between human intervention with technology as well as the capitalist notion of freedom represented by claims to land, even the as-yet “unreal estate.” The Underground Railroad and Splendor & Misery both question the scope and sustainability of racial progress in the 21st century in works where freedom for the protagonists continues to recede on the horizon. Each of these works strands the protagonist in an indeterminately free space (literally, in the case of Splendor & Misery). These endings contrast to the more optimistic early days of Afrofuturism. After all, when Sun Ra promised followers that “space is the place” as an alternative to the intractably-racist Planet Earth, there was still a tangible, known planet that he depicted in his genre-defining film.3 The correlation between land/place and freedom has long been a hallmark of Afrofuturism and narratives of slavery. By retreating from a celebratory stance toward technological appropriation and ending with protagonists still on the run, the works of Whitehead and clipping ask us to dwell more fully in the present and to re-assess the certitude of freedom located in new frontiers.

In The Underground Railroad and Splendor & Misery, technological advancements, in the form of railroads in the novel and a sentient spaceship in the album, initially represent the financial and militarized empowerment of the enslaver. Whitehead’s Cora and clipping’s Cargo #2331 both begin their works as enslaved people whose value is in their more primitive capacity as physical laborers, in contrast to the wide-ranging financial and technological interests of their captor-owners. Cargo #2331 is in the midst of his own Middle Passage-like transport to a life of servitude: his rebellion is mostly physical, in contrast to the sentient spaceship’s advanced technological supervision and counter-measures. The Mothership emphasizes Cargo #2331’s physicality by observing “spiking in the pulse” and “endorphins” and “rage in the nervous system” more attentively than any precise technological capability (“The Breach”).4 The contrast between Cargo #2331 and the Mothership is heightened by their different musical styles. As the Mothership, Daveed Diggs raps swiftly, with a mechanical feel, while Cargo #2331’s expression is through slower, mournful songs that invoke traditional African American spirituals. By beginning with the emphasis on unfree laborers and physical toil, clipping and Whitehead mirror the “typical cyberpunk acceptance of capitalism as an unquestionable universe” (Bould 182). Much as Afrofuturism accepts the subversion or appropriation of technology as the next necessary step toward emancipation, there tends to be a capitalist equation of freedom with property ownership of one’s own. We see this in the long legacy of the famous “40 acres and a mule” edict issued by General William Tecumseh Sherman during the Civil War (and notably recalled today in the name of filmmaker Spike Lee’s production company); I argue that both The Underground Railroad and Splendor & Misery are working within a framework that has long held that freedom requires a place in which to be free— even if that place is no longer on Earth. By revealing the continued inaccessibility of a place upon which freedom can rest, both of these works suggest that the sustainable liberatory promises of Afrofuturism have stalled because of this tether to the idea of place.

#### Fatalism reifies imperialism as the horizon and cements permanent war, authoritarianism, and climate change.

Wilder 22 – Associate Professor of Anthropology at The Graduate Center of the City University of New York.

Gary Wilder, Introduction: The Opposite of Pessimism Is Not Optimism in Concrete Utopianism: The Politics of Temporality and Solidarity. Fordham University Press. 2022. https://www.jstor.org/stable/j.ctv2rr3d74.4

Left culturalism entails quasi- ontological claims about incommensurable lifeworlds and categorical claims about epistemological differences. It often dismisses solidarity politics and internationalist projects as intrinsically Western, elite, or liberal—as alibis for hierarchy and pathways to imperialism. Left presentism, which may assume the more extreme form of Left melancholy, entails quasi- metaphysical claims about the eclipse of futurity and an ever extending present. It often dismisses visionary projects for structural change as outmoded and misguided, as fated to end in failure, disappointment, dogmatism, or authoritarianism. Both of these tendencies fuel and are nourished by a kind of Left realism that, however unintentionally, regards existing arrangements as the horizon of the possible.

These intersecting orientations maintain a skeptical stance toward the prospect of societal transformation and planetary politics. They reproduce provincial assumptions about political geography, temporality, and identity. By treating places, periods, and subjects as self- identical, they obstruct our capacity to forge transversal political alignments in the service of other possible worlds. They mistake political imagination for naïve optimism and utopianism for idealism. Negative critique is treated as an end in itself. Pessimism is confl ated with radicalism. Fatalism wins the day.

One does not have to be a scholar or an activist to recognize that we are living in dark and likely catastrophic times. Massive destructive forces are converging— runaway productivism, permanent war, authoritarianism, and climate change among them. These are compounded by systemic financial instability, social polarization, and mass displacement worldwide. Such displacements, in both the North and the Global South, are playing out in territorial, socioeconomic, and cultural domains. They are both real and perceived. A growing proportion of the world’s population is living through unhomely times. The traumatic conditions and peculiar experience of unhomeliness are crosscut by untimely counterparts—processes and practices of repetition, nonsynchronism, and haunting. Available lines of egress seem always already to be barred. Pathways forward loop back to blocked starting points. Political hope is shadowed and mocked by such epochal uncanniness. Neoliberal capitalism, statism, imperialism, techno- science, and mass mediation have created conditions for an unprecedented global crisis (or a series of cascading, intersecting, and ongoing crises) that is undermining humanity’s ability to reproduce itself. These developments will certainly compel processes of largescale restructuring whose outcome and human cost are unimaginable. But the ground upon which to hope that such restructuring will be emancipatory— that worldwide economic, political, or environmental disaster can be avoided, let alone justice or equality constructed—is nowhere apparent. It is difficult to believe that anyone—except the most blinkered, parasitic, or nihilistic among us—can feel optimistic about the future.

And yet . . .

The recent tendency among critical thinkers to frame political differences in terms of pessimism vs. optimism is at best beside the point, and at worst politically disabling. The task of critical analysis is to delineate the challenges that must be confronted and the possible pathways that could help emancipatory forces overcome the existing order so as to promote human flourishing on a planetary scale. It is a different and, I would argue, secondary matter whether we are optimistic that such pathways will be found, that necessary steps will be taken, that success is likely. To state the obvious: Positive outcomes are never guaranteed, yet history continues to unfold and political horizons remain open. Certainly, liberal optimism is implicated in the present impasse. But a race- to-the- bottom among melancholic pessimists will just as certainly foreclose the grounded imaginative and visionary practical efforts without which there can be no prospect of moving beyond it.

In current political discourse, the concepts “pessimism” and “optimism” tend to express one- sided conceptions of realism and idealism. I would argue that to simply weigh in on one or the other, or to critique one from the standpoint of the other, is to uncritically reproduce the barren terms of this dubious opposition.

#### The alternative is Mundane Afrofuturism. This is an explicit PIK out of the affirmative’s discourse and method in favor of thinking the future sideways since Earth is all we have.

Murney 21 – PhD Student at UNSW Australia.

Anastasia Murney, “Messing with Men in Space: The Speculative Imagination in Contemporary Art” https://doi.org/10.26190/unsworks/2267

In mapping the current landscape of counter-futuring, a newer wave of Afrofuturists as well as Indigenous, feminist and queer futurists move to anchor their practices in material conditions rather than projecting into outer space.48 This has involved a revision of Afrofuturism as a genre and its relationship to the future. For example, artist Martine Syms’s sobering “The Mundane Afrofuturist Manifesto” (2013) throws out “unexamined and hackneyed tropes” such as “jive-talking aliens” and “magical negroes” and argues for a divestment from utopian interstellar space travel as the realm where liberation is achieved. “Earth is all we have,” states Syms, “what will we do with it?”49 Another recalibration comes from Anishinaabe scholar Grace L. Dillon, who writes in the introduction to Walking the Clouds: An Anthology of Indigenous Science Fiction (2012), “Indigenous sf is not new—just overlooked.”50 Again, this speaks to the marginalisation of certain modes of speculative thinking and practice within the genre of science fiction and through the dominance of “Western techno-cultural consciousness.”51 Pedro Neves Marques expresses a similar point when he argues, “it is important to remember that some futures never went anywhere—they were not allowed to—and yet they survive.”52 This speaks to the suppression of multiple futures and their subordination within the singular linear path of Western colonial capitalism. Instead, Marques identifies parallel futures, which “push us to think the future sideways rather than ahead, fomenting those future worlds that are already here, but which continue to be sidelined and made invisible.”53 This notion of ‘thinking the future sideways’ resonates with the idiosyncratic movement of the Swampy Cree porcupine; it zigzags and ventures off the beaten path and burrows into a nook to survive. So, counter-futures and parallel futures work against the temporal dominance of Western colonial capitalism while expanding and nourishing those futures existing in cramped spaces.¶ The speculative imagination concerns the translation of marginalised fictions into futures and the magnification of forgotten futures. For Larissa Sansour, Nicoline van Harskamp, Adelita Husni-Bey and Pussy Riot, this also involves refusing false promises and retrieving unfulfilled ones. For instance, practices belonging to the burgeoning field of Arabfuturism share Afrofuturist themes of colonial dispossession as well as demonstrating a deep scepticism toward the nation-state. This is understandable given the cartographic violence of the earliest European interventions into the Middle East and subsequent waves of militarised invasions since (and before) the War on Terror. Sansour refuses the colonial fiction that liberation can be achieved through the form of the nation-state and on its limited terms. Her films often unfold in an ironic register and reflect on the state as either reproducing colonial violence or a near-impossible ideal. But there are different geopolitical shapes and unfulfilled promises to be found in the 1960s and 70s and the ambitions of Pan-Arabism and the Non-Aligned Movement— alternative futures that began to unfold in the shadow of the Cold War.54 To think and imagine more expansive programs for living otherwise can also lead to the buried ambitions of 1970s feminisms. This opens onto a vibrant historical scene where feminism was enmeshed with socialism and anarchism prior to the dominance of neoliberal feminisms. This entailed more explicit critiques of the patriarchal nationstate as well as a reciprocal movement between feminist thought and science fiction. The anti-capitalist and anti-statist worldmaking of writers such as Le Guin, Marge Piercy and Joanna Russ serve as powerful and untapped proposals. The speculative imagination is about finding critical directions into forgotten projects that can be remobilised in the present. It is about inhabiting stories in ways that extend their vital energies and ambiguities.¶

### CP---1NC

Collective Bargaining C/A

#### The United States Federal Government should:

#### ---expand the subjects over which employers are required to collectively bargain in good faith to include measures to reduce climate change, including emissions standards by companies and suppliers, clean energy investments, energy intensity, and climate adaptation,

#### ---legalize secondary actions,

#### ---require all labor unions to implement affirmative recruitment programs,

#### ---include strong, enforceable anti-discrimination clauses, with dedicated grievance procedures for racial discrimination,

#### ---establish a Racial Equity Review Board to monitor all collective bargaining agreements for compliance with federal anti-discrimination and equity standards.

#### Expanding mandatory subjects of bargaining is a radical restructuring of labor law that combats climate change. Workers are demanding their employers fight climate change but lack the legal ability to enforce their demands.

Block 19 – Professor of Practice and the Executive Director of the Center for Labor and a Just Economy at Harvard Law School.

Sharon Block, “How Labor Law Could Help – Not Hinder – Tackling Big Problems,” Onlabor, 12/6/19, https://onlabor.org/how-labor-law-could-help-not-hinder-tackling-big-problems/

Lately we are seeing workers trying to enforce demands that their employers address the climate crisis. Leaders of the “Bargaining for the Common Good” movement have made addressing the climate crisis a focus of their innovative bargaining campaigns. In September, Amazon workers at the Seattle headquarters walked off the job to protest the company’s failure to take bolder action on climate. OnLabor’s own Jared Odessky recently provided an overview in “In These Times” of provisions in collective bargaining agreements that address climate protection goals.

I fear, however, that these efforts to deal with climate change at the bargaining table are destined to have limited success because of the fundamental structural problems with our labor law. Enterprise bargaining severely limits the scope of what workers can accomplish through bargaining, including what they can accomplish on climate, because collective bargaining agreements apply only to one firm (at best). No single employer can make a meaningful difference in climate change, no matter how much the company reduces its carbon footprint or advocates for clean energy policies. A single employer at best can influence the after-the-fact effects of climate change, like giving workers more water breaks during periods of high temperatures. In this way, the NLRA’s enterprise-based bargaining system precludes workers from demanding a say in any issue that is bigger than what their own employer can tackle.

Moreover, the law’s definition of mandatory subjects of bargaining raises questions about whether unions in our enterprise-based bargaining system can even get the climate issue to the bargaining table.

I’ve written previously about how the NLRA’s narrow definition of mandatory subjects of bargaining is an impediment to workers being able to weigh in on the full range of issues in which they are interested, including the response to the climate crisis. To be a mandatory subject of bargaining, a proposal must not only be related to a term or condition of employment, it must also be within an employer’s influence or control. See Eastex, Inc. v. NLRB, 437 U.S. 556, 568 n. 18 (1978). If workers’ frame their objective in putting climate-related proposals on the enterprise-based bargaining table as impacting the climate crisis and reversing the trend of increasing temperatures, their proposals are going to fail the mandatory-subject test. No single employer can be understood to influence or control climate change.

Moving to sectoral bargaining, however, would expand the scope of collective bargaining agreements in a way that would enable unions to better address climate change. Imagine if workers could create a coordinated movement to demand in bargaining that lots of employers reduce their carbon footprints – maybe together employers could actually impact climate change. The climate crisis is so massive and all-encompassing there are legitimate questions as to whether even a coordinated approach among employers could have a meaningful impact. Legislation that mandates radical change in the U.S. climate policy, along the lines of the Green New Deal, is necessary to save the planet. I suggest, however, that a worker-driven coordinated sectoral policy on climate change could be a positive step in making big needed changes.

Although such a worker-driven industry-wide approach is not possible under the NLRA, labor law reform could move the U.S. to a sectoral bargaining system. Take, for example, how a sectoral approach could work in the auto industry. Many environmentalists believe that a big move in the U.S. to electric cars is a necessary step in reaching the U.S. obligations under the Intergovernmental Panel on Climate Change. What if all of the auto manufacturers in the U.S. were at a sectoral bargaining table where the unions made a demand for a transition to electric vehicles? The size of the U.S. market could influence the global market for electric cars. Even if that is not true, sectoral bargaining in the U.S. also could facilitate a global sectoral push for more electric cars. Let’s now imagine if unions engaged in a transnational strategy to pressure automakers around the world to increase production of electric vehicles. Because most of the rest of the world engages in sectoral bargaining such coordination is not beyond the realm of possibility. If successful, we could be on our way to tackling one of the most significant contributors to carbon pollution.

Electricity generation is another sector that must be reformed to arrest the climate crisis. Unions that represent workers in the energy sector could bring clean energy generation proposals to a sectoral bargaining table and negotiate the terms of a just transition – one that leads to cleaner energy and support for workers whose jobs change as a result of such a transformation. Germany recently engaged in such an exercise. In January 2019, the German Coal Commission brought together industry players, unions and other stakeholders to negotiate an agreement to phase out coal by 2038. This form of sectoral bargaining also negotiated financial support for coal miners and their communities. While the Coal Commission was not formally a part of Germany’s sectoral bargaining system, it demonstrates the potential of an industry-wide approach to tackling big climate goals.

Facilitating sectoral bargaining over climate crisis strategies would be beneficial for two reasons. First, it would create a new tool to put pressure on corporations to change their behavior. So far, relying on voluntary corporate commitments or our gridlocked political system has not yielded the results we need. Second, it would ensure that workers have a direct voice in influencing how corporations address the climate crisis. Workers are already on the front line of suffering from our inaction on climate – it makes sense to reform labor law so they can have a chance to spur much needed action.

#### Secondly, Secondary strikes are critical to tackle climate change transnationally — In particular, it’s key to enable targeting of upstream and downstream players throughout the supply chains.

Novitz 23 – Professor of Labour Law at the University of Bristol Law School.

Tonia Novitz, “A just transition for labour: how to enable collective voice from the world of work,” Britsol Research Portal, 2023, https://research-information.bris.ac.uk/ws/portalfiles/portal/379527945/A\_Just\_Transition\_for\_Labour\_NOVITZ\_ARTICLE\_27.2.23.pdf

Moreover, legitimate objectives of collective labour voice are limited both in national labour laws and even at the ILO. The scope of lawful aims of collective bargaining and industrial action may need to be extended beyond ‘economic and social’ interests to environmental concerns. Moreover, it may not be appropriate to limit consultation, bargaining rights or strikes to a dispute between an employer and their workers in a particular country. Coordinated bargaining across corporate subsidiaries supported, for example, by sympathy strikes and even transnational cross-border action may be appropriate. Pollution does not neatly stay in one geographical location and ecological harms in one place may well have impact elsewhere. There may also be a need for workers’ objectives to transcend their immediate self-interest to take account of communities outside the workplace or in another country, but also future generations if intra- generational justice is to be considered. This question of the objectives of voice is the subject of the third part of this article.

Finally, the article considers the methods of voice suitable for meaningful participation in ‘just transitions’. There is a tendency to limit collective worker voice to consultation, rather than making provision for bargaining and genuine negotiation (which could include recourse to strikes). Reliance solely on consultative mechanisms presents a problematic potential power imbalance in shaping just policies for transition. The absence of reference to a right to strike in current policy documents is highlighted and challenged here.

II. IDENTITY OF VOICE

Paying attention to the identity of collective worker voice in the participatory mechanisms established for designing just transitions entails considering who (at work) is represented in the process, which is likely to impact the content of any representations and even, potentially, how such representations are made. The potential danger is that only those who are in a standard employment relationship that are designated ‘employees’, and who are able to claim protection from dismissal under national employment laws, will be meaningfully able to participate.13 An understandable fear of dismissal, and thereby losing one’s livelihood, when speaking out can act as a deterrent to engagement in both individual representations and collective assertion of voice through a trade union.14 Moreover, domestic legislation in certain countries makes trade union membership and engagement in collective bargaining contingent on status as a ‘worker’.15 Where someone has devoted their services to another but does not meet these formal requirements, or is otherwise vulnerable due to the nature of the work they perform and the terms on which this is performed (such as immigration requirements), their capacity to engage collectively with just transitions would seem to be unduly limited.

The ‘worker’ problem has long been an issue globally regarding treatment of the those engaged in service delivery in the informal economy, particularly in the global South.16 Recent research has highlighted the vulnerabilities of those who are ‘self-employed’, for example running their own street stalls as market vendors,17 or operating as ‘waste-pickers’,18 but who are subject to certain stringent requirements imposed by others as to the ways in which their work is performed. Protection of their livelihoods and the terms on which they access the sites on which they work and sell their wares are the current subject of dispute. These people are also likely to be exposed in their work to environmental hazards, such as street pollution or toxic substances on waste dumps, and have limited means to challenge or change this.19 Their ability to access trade union representation or its equivalent through membership-based associations can make a difference, providing strength in numbers and scope for coordinated resistance, but remains likely to be limited. NGOs which are non- membership based may be helpful, but are not a simple substitute for the agency that a collective organisation representing members can offer.20 Rather, combined engagement and representation from NGOs and trade unions or other membership-based associations seems to be emerging, which is discussed further below.

Issues have arisen in Europe and around the world in relation to forms and sectors of labour commonly excluded from standard mechanisms for collective bargaining. An example is agricultural work, which has been a longstanding concern regarding scope for collective organisation,21 but was further exposed during the Covid-19 pandemic as lying outside the coverage of trade union engagement and representation.22 A common problem was the use in this sector of temporary seasonal work, where those hired were vulnerable in terms of their immigration status as well as their employment status. Contractual documents could designate these agricultural workers self-employed, albeit falsely, but that designation would be unlikely to ever be challenged, given the geographical and linguistic isolation of the workers concerned. Without laws enabling trade union access to the site of the work, which is for example not a matter of entitlement in the UK without order of a ballot under a statutory recognition procedure or formal recognition of the union by the employer,23 the scope for representation of this most vulnerable set of workers has not been possible. The scale of exploitation of seasonal agricultural workers in the UK was highlighted by the independent Anti-Slavery Commissioner shortly before she resigned; she has not been replaced.24 This matters also from a just transitions perspective because agricultural workers are most likely to be aware of environmental and ecological issues, being best placed to act as whistleblowers but perhaps more importantly advocates for change.25 Without their collective engagement, just transition processes are unnecessarily impoverished.

Also on the rise in Europe and elsewhere is platform work, consisting of task-based hire of services. This has been the subject of controversy, synonymous with insecurity of income, unregulated hours of work and wider health and safety concerns.26 Familiar issues with employment status arise, such that those who work in this sector find themselves outside standard employment law protections. Analysis in a recent World Employment Social Outlook (WESO) report, compiled with the advice of experts and published by the International Labour Office, advocated sustainable (in the sense of durable) regulation, which would entail ensuring access to freedom of association and collective bargaining rights.27 I have argued that issues of environmental importance arise here too, linked to the work performed (for example, in transport) and the relevance of the streets or home as a place of work.28 Health and safety concerns and awareness of the need for environmental protections connect here.

Again, while there is nascent trade union engagement here, for example the Independent Workers Union of Great Britain (IWGB) and the App Drivers and Couriers Union (ADCU) in the UK, there are also significant legal obstacles to recognition of ‘gig’ or platform workers as having ‘worker status’ which enables them to be counted for the purposes of trade union recognition.29 This is despite a more sympathetic statutory purposive approach advocated by the UK Supreme Court in the 2021 Uber judgment, which recognised the powerful controls which platforms can exercise over those who work for them.30

There are potential solutions to this employment status problem which so heavily impacts the identity of voice within just transitions processes. For example, at the ILO there have been important statements to the effect that employment status matters less than decent treatment of those in the ‘world of work’, broadly understood. The term ‘world of work’ emerged at the ILO in the preamble to the 2008 ILO Declaration on Social Justice for a Fair Globalisation.31 Article 2 of the 2019 ILO Convention No. 190 expressly stated that this ‘world of work’ should be understood to include ‘persons working irrespective of their contractual status’ and extends to ‘both the formal and informal economy’.32

ILO supervisory bodies have long recommended that trade union and collective bargaining rights, including the right to strike, be made available to even ‘self-employed’ workers.33 The ILO Conference Committee has likewise advocated paying particular attention to how collective voice could be achieved in relation to more precariously employed workers, whether in the platform economy or elsewhere.34 This has become a matter of increasing importance, and the compelling nature of such workers’ claims to collective bargaining, seems to be most recently reflected in a recent EU initiative. The European Commission Guidelines on ‘Collective Agreements regarding the Working Conditions of Solo Self-employed Persons’ state that even self-employed workers can be permitted to engage in collective negotiation of terms and conditions of hire without breach of competition law, albeit in certain limited circumstances in which they are at a disadvantage due to a clear power imbalance.35 The question then is how these nascent measures can be fostered in order to achieve greater representation of those in this wider world of work in deliberations concerning ecological, environmental and climate change issues, encompassing but also potentially extending beyond decarbonisation.

One barrier at present is the judgment of the European Court of Human Rights in the Pastoral Cel Bun (Romanian Priests) case,36 which curiously used the ILO Employment Relationship Recommendation No. 19837 as a key reference point for determining whether those at work can access rights to freedom of association under Article 11 of the European Convention on Human Rights, including trade union representation. This is a problematic use of an ILO soft law recommendation aimed at setting the parameters for each member state to adopt a ‘national policy’ to enhance access to employment law;38 it is also an obvious contravention of ILO supervisory norms established over a considerable period of time.39 Such an approach also has the potential to thwart political commitments now being made at the ILO and now in the EU.40 This is disappointing because, to be effective and legitimate participants in decision-making concerning just transition, trade unions need to be representative and inclusive of a wider world of work.

One possibility, suggested by James Brudney in the US, is that where we cannot secure access to trade union representation of those who are most vulnerable in the world of work, alliances or ‘co-governance’ will have to be forged with NGOs who do at least represent their interests.41 That said, as observed above, more membership-based organisations for those whose services are so precariously hired seems preferable, as it is likely to prevent ‘capture’ of their claims and more direct representations to be made; 42 the difficulty however lies both with securing their legal recognition as ‘trade unions’ and enabling them to speak out on the issues that are of importance to them.

III. OBJECTIVES OF VOICE

Even when workers can form and join what are formally recognised as trade unions, a further series of constraints can be placed on trade union organising and bargaining activities under national legislation, especially as regards the legitimate aims of their activities. Indeed, this may be a deterrent for membership-based social movement organisations representing atypical workers to define themselves as trade unions. For, by doing so, they become subject to a series of legal constraints and potential civil liability where they cross these boundaries, which are not conducive to voicing concerns regarding sustainable development or just transitions.

There have been longstanding fears that trade unions will pursue in collective bargaining and industrial action objectives which present obstacles to (or even derail) environmental, digital and other labour market transformations. There may be a temptation to seek to protect jobs and terms and conditions for current members, rather than the kind of restructuring, relocation and retraining which just transition may require. This is a rational concern and reflects trade union conduct at certain times in various parts of the world.43

However, as observed in the introduction, the trend in trade union representation has been towards advocating longer term environmental protections. Concerns have been raised relating to the demography of trade union membership, and their perceived limitations linked to age, gender and race.44 Ironically, such limitations could be overcome if trade unions were permitted to represent those engaged in the wider ‘world of work’ outside a standard employment relationship, which now remains the preserve of only the more privileged members of the workforce.

The introduction of ‘green reps’ (representatives) by the UK Trades Union Congress (TUC) was beneficial, but their struggle continues to ensure that they have the same rights to time off as trade union health and safety representatives.45 More generally, trade union pursuit of broader environmental aims in collective bargaining and action, departing from their so- called traditional and more limited functions, remains blocked by legislation and even international labour standards. Even where trade unions seek to broaden the ambit of their activities, to act more responsibly within the communities in which their members live, and to take a longer term view of the need for preservation of the environment and cutting emissions, they are prevented from doing so. Instead, they need to demonstrate compelling issues directly confronting their members in the workplace affecting their members’ immediate material interests, for example, regarding health and safety, rather than the longer term effects of the work they do and its implications.

In the UK, for example the Trade Unions and Labour Relations (Consolidation) Act 1992 places limitations, not only on which organisations may be registered as trade unions (under Chapter I),46 but also their status and management of their property (in Chapters II and VI), and their administration (I the terms set out in Chapters III, IV and V and VII). Section 178 places constraints on the legitimate subject matter of collective bargaining;47 while section 244 sets out the legitimate aims of industrial action. Section 178 defines a ‘collective agreement’ and ‘collective bargaining’ by virtue of whether they relate to or are connected with one or more of the following matters:

(a) terms and conditions of employment, or the physical conditions in which any workers are required to work;

(b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;

(c) allocation of work or the duties of employment between workers or groups of workers;

(d) matters of discipline;

(e) a worker’s membership or non-membership of a trade union;

(f) facilities for officials of trade unions; and

(g) machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers’ associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

‘Physical conditions’ may be relevant to a safe and healthy working environment, but do not obviously embrace environmental concerns that reach beyond the workplace and the workers’ immediate self-interest. So, if in the UK, workers and trade unions seem to bargain only on matters in this list, this is not due to the self-absorption or self-centredness of the membership, or a lack of altruism or sympathy for the wider community. Their limited ambitions can be linked to these statutory limitations.

There are even greater constraints on the legitimate aims of strikes and other industrial action in section 244, which repeats this list but also requires that there is a ‘dispute between workers and their employer’ which relates ‘wholly or mainly’ to one or more of these matters. A mere relationship or connection, as per section 178, is not even sufficient. The requirement that a lawful trade dispute is focused on the relationship between workers and their employer, with a corresponding express statutory provision barring ‘secondary action’,48 prevents the kind of sympathetic strikes which could enable solidarity in a single workplace where, in an era of subcontracting and fissured employment relations, different workers are notionally hired by different employers.49 This statutory bar is also problematic in that secondary strikes could be of assistance in addressing the transnational activities of subsidiaries in corporate groups which operate across borders that have social, economic and environmental effects beyond any single national jurisdiction.50 The capacity to use collective bargaining and industrial action as a corrective is thereby limited in problematic ways.

#### Understanding climate change as existential does not require understanding it as binary or linear. Instead, we should understand it as an ongoing, non-linear risk to the very existence of humanity itself.

Kemp & Beard 9/3 – Lecturer in Environmental Policy, Australian Nat’l U, and Ph.D. in Int’l Relations; Senior Research Associate & Academic Programme Manager of the CSER, Cambridge

Luke Kemp, also Faculty Fellow, Notre Dame Institute for Advanced Studies, and Research Affiliate, Centre for the Study of Existential Risk (CSER), and SJ Beard, also Associated Researcher, the Institute for Futures Studies, “Chapter 14: Existential Change: Lesson from Climate Change for Existential Risk,” *An Anthology of Global Risk* (Cambridge, UK: Open Book Publishers, 3 Sept. 2024), SJ Beard and Tom Hobson (eds.), pp. 403-404

Within Existential Risk Studies it is common to hear people ask the question “is climate change an existential risk?”, and many who ask this question answer negatively, arguing that as a result climate change is not an important topic of research within the field. However, whether it is answered affirmatively or not, this question is misguided. There are three reasons for thinking this. Firstly, it makes little sense on a probabilistic level; whether something will be a threat to our collective existence is not a binary matter, it is a question of likelihood. However, many researchers within Existential Risk Studies mistakenly conflict existential risk with events that could be existential catastrophes. Secondly, climate change is not a single uniform process that will affect everyone in the same way; it is a set of diffuse impacts to different exposed populations, interacting with different vulnerabilities and exposures, and activating different risk cascades. As Richards et al. show, it will inevitably interact with a host of other threats (not only food security and societal collapse, but even factors such as the explosivity of volcanic eruptions or the emergence of zoonotic pathogens),1 and these can interact with one another to create reinforcing feedback loops or “global systems death spirals”.2 Finally, “ existential risk” is too vague and arbitrary a concept for the question to ever be answered. All the definitions of existential risk that have received the greatest public attention thus far, such as Toby Ord’s, focused not in terms of an impact on humanity at any point in time but rather in terms of “the loss of long-term future value”;3 either referring to the author(s) particular vision of a high-tech intergalactic utopia, or a fuzzy undefined idea of “our potential”.4

Other authors have practised attribution substitution and sought to answer an easier question such as “will the direct impacts of climate change make the Earth uninhabitable?” as a proxy for existential risk,5 or suggested agricultural impossibility as a proxy for civilisational collapse at a given level of temperature rise.6 These are certainly more tractable questions, but they are also entirely different questions, and there is a danger in thinking that answering them is sufficient to assess the overall level of climate risk.

We are better off reverting back to the common-sense definition of existential risk as the risk to the existence of a given object, and specifying whether the object under threat is humanity as a whole ( extinction risk), global industrial society (collapse risk), or something else entirely. We should be thinking of an overall level of risk emergent from a particular socio-ecological system, and how much climate change influences this level.7 And the question we should be asking about this risk is what contribution, under certain scenarios, climate change will make, bearing in mind that it will almost certainly be operating in tandem with many other drivers of risk.

Considering this revised question can also help to rectify a recurring problem in the climate risk literature: using mean global temperature rise as the sole threat indicator. Authors and activists alike have frequently made a direct link between the level of warming and the likelihood of global catastrophe, with 4–6 °C being most frequently used as this terrible threshold.8 However, global surface temperature is only one of the climate change induced factors we need to worry about. 3 °C of warming above pre-industrial levels could be entirely manageable if it occurs in a world of adaptive technologies, high levels of multilateral cooperation, wealth equality, trust in institutions, and the safe management of other planetary boundaries. It could also be catastrophic in a world where other planetary boundaries are transgressed, the international order is riven with conflict, lethal autonomous weapons are in mass production, and societies are scarred by inequality, low trust, and polarization. Understanding the contribution of climate change to Global Catastrophic Risk requires a more sophisticated approach which looks beyond the direct impacts of a given level of warming to think through fully formed climate scenarios. We believe that, when conceived of in this way, the risks associated with climate change are more appreciable and it is far harder to argue that understanding them is unimportant; however, even if others disagree with this assessment, we still maintain that this is the right way to think about the problem.

#### Unions are good and antiracist. Their example of white men being unable to give up what’s in their pockets is the reason CBR are good. It’s the framework for empowering black people to take it from them.

Bivens et al. 23 – Chief Economist, EPI; Ph.D., Economics, New School.

Josh Bivens, Celine McNicholas, director of policy and government affairs/general counsel at EPI, Kyle K. Moore, economist with EPI’s Program on Race, Ethnicity, and the Economy, and Margaret Poydock, senior policy analyst at EPI, “Unions promote racial equity,” Economic Policy Institute, 07-31-2023, https://www.epi.org/publication/unions-promote-racial-equity/

By now it is well known that unions are a key institution enforcing more equal outcomes by income class in the U.S. economy and that the policy-driven shrinkage of unionization has played a key role in the rise of income inequality in recent decades. However, unions also significantly reduce economic disparities between Black and white workers. Specifically, unions reduce racial wage gaps and racial wealth gaps are smaller among union members. This is largely the result of the union pay premium and the enhanced job protections enjoyed by workers covered by a union contract. The union advantage benefits all workers and has an equalizing effect on Black-white wages.

Unions and the Civil Rights Movement

Since the early 20th century, organized labor has been a key institution in the American economy. Like nearly all American institutions over this time, it has often been plagued by racism and other forms of bigotry. And yet, unlike most other American institutions, its net effect has been to significantly reduce economic disparities between Black and white workers. In fact, outside of the Civil Rights Movement itself, it is safe to say that organized labor—despite its imperfections—has been the most equalizing institution in American society in narrowing racial gaps in the labor market.

Further, key parts of organized labor (particularly the Congress of Industrial Organizations, or CIO) actually provided direct political and economic support to the Civil Rights Movement, starting as early as the 1930s. In fact, the wave of Southern states passing so-called right-to-work laws—meant to hamstring union organizing in 1947 (the first year this option became available to them under the Taft-Hartley Act)—was driven at least in part by a conscious desire to defund the Civil Rights Movement.1

Starting in the mid-1940s, Black workers were more likely to be in unions than white workers, and the pay premium they received from unionization was larger.2 This equalizing effect of unionization on Black-white pay differences is a key reason why these gaps fell in the decades before 1980. The rapid decline in unionization after 1980 was almost certainly a key reason why the Black-white wage gap has risen steadily in recent decades.3 In short, the collateral damage of the assault on unions includes a reversal of progress in closing racial pay disparities.

#### Evaluate the debate through the lens of consequentialism. Moral fundamentalism leads to worse outcomes.

Cherniss 21 – Associate professor of political theory at Georgetown University.

Joshua L. Cherniss, “1. Squeamishness Is the Crime”: Ruthlessness, Ethos, and the Critique of Liberalism,” *Liberalism in Dark Times: The Liberal Ethos in the Twentieth Century*, Princeton University Press 2021, pp. 14-17.

Ruthlessness and the Story of Twentieth-Century Politics

Lev Zalmanovich Kopelev was, by most measures, a good man. He was also, for the first half of his life, a devout Communist. His faith in Marxism survived the punishment that his moral decency provoked. While serving as a propaganda officer and translator in World War II, Kopelev denounced the Red Army’s systematic campaign of rape and other war crimes against the vanquished population of East Prussia. This “bourgeois humanism” earned him ten years in the gulag. Released in 1954, after Stalin’s death, he rejoined the Communist Party, optimistically embracing Khrushchev’s “thaw.” After finally breaking with Communism in 1968, Kopelev sought to reckon with his earlier beliefs in several memoirs. Here he is describing his experience as a twenty-one-year-old Party activist in his hometown of Kharkov during the Holodomor, the state-imposed terror-famine of 1932–33:

I saw people dying from hunger. I saw women and children with distended bellies, turning blue, still breathing but with vacant, lifeless eyes . . . I saw all this and did not go out of my mind or commit suicide. Nor did I curse those who had sent me out to take away the peasants’ grain in the winter, and in the spring to persuade the barely walking, skeleton-thin or sickly-swollen people to go into the fields in order to “fulfill the Bolshevik sowing plan.”3

How did a sensitive, morally brave young man come to act this way?

Why was he unable to turn from his course? These questions are crucial to understanding the experience of the twentieth century. Human history is full of crimes, miseries, and follies; it is futile to award comparative points for horror. Yet we should take seriously the perception, voiced by many of its participants, that the twentieth was, as Isaiah Berlin declared, “the most terrible century in Western history”—a sentiment which reflects the fact that, as Berlin’s cousin Yehudi Menuhin remarked, the century “raised the greatest hopes ever conceived by humanity, and destroyed all illusions and ideals.”4 (Or so it seemed: illusions, it turns out, are resilient.) The scale and intensity of suffering and degradation—especially in contrast to the expectations with which the century began, and the comfort enjoyed by many—are extraordinary; they call for explanation.5

This chapter offers a tour of the ethical landscape of early twentieth-century politics, and a conceptual framework for making sense of it. I first analyze the phenomenon of ruthlessness and underscore the importance of a particular sort of ruthlessness in early twentieth-century political thought. I next lay out the connection between this sort of ruthlessness and critiques of liberalism. After an excursus clarifying the concept of ethos, I highlight the way in which the assault on liberalism was inspired by disgust with liberalism as a feature of character, and the articulation of a distinctively anti-liberal ethos.

An Anatomy of Ruthlessness

Ruthlessness, as I use the word here, refers to a way of inhabiting or experiencing one’s own moral life. It involves, first, an approach to deliberation—a way of thinking about one’s actions—that disregards, suppresses, or drastically subordinates all other considerations or values to some paramount consideration, principle, or goal. Ruthlessness also involves linked features of sentiment and sensibility. First, it indicates a single-minded intentness on a single goal—what Hawthorne termed an “inveteracy of pursuit that knew neither rest nor conscience.”6 This lack of “conscience” indicates a further feature: an absence of reservation, remorse, or regret (or an alacrity in dismissing such feelings) when engaging in actions that harm people or violate commonly held moral standards; and a failure to perceive or consider that others may have a just grievance against one.7

Many people act ruthlessly, or display elements of ruthlessness in thought and feeling, some of the time. Some bring themselves, or are brought, to act ruthlessly, without developing a ruthless mind-set or disposition—or can only partially and ambivalently muster up a ruthless mind-set to match their actions (Hamlet, who is “cruel to be kind” and constantly self-questioning, embodies this partially successful ruthlessness: his conscience is continually making a “coward” of him—that is, marring his ruthless dedication to his end with paralyzing scruples). Many are indoctrinated or habituated into ruthlessness. Some embrace ruthlessness as a normative model for thought, feeling, and action, and seek to cultivate ruthlessness as an ethic or ethos in themselves and others. It is this last phenomenon that particularly interests me here.8

To explore the roots of this ruthlessness, let us return to Kopelev, and the question of how his humanistic idealism compelled him to serve inhumanity. Kopelev fell prey to the tyranny of doctrine: a “rationalistic fanaticism overcame my doubts, my pangs of conscience and simple feelings of sympathy, pity and shame.”9 This involved not only dedication to an ideal, but subscription to an ethical theory:

With the rest of my generation I firmly believed that the ends justified the means. Our great goal was the universal triumph of Communism, and for the sake of that goal everything was permissible—to lie, to steal, to destroy hundreds of thousands and even millions of people, all those who were hindering our work or could hinder it, everyone who stood in the way.10

Achieving a moral goal demanded dedication, determination, a temporary suspension of humane sentiment and principles. But there was also at work the intoxicating consciousness of serving a larger cause—and the sense of certainty and moral superiority that this granted, and that those who experienced it feared losing. What Kopelev and his comrades dreaded most was “to fall into doubt or heresy and forfeit our unbounded faith.”11

Two features of this sort of ruthlessness struck observers with particular force. One was the way in which those who committed heinous actions were motivated by sincere benevolence and idealism. Some, of course, were simply malevolent or power-hungry. But the peculiar horror of twentieth-century atrocities lay in the fact that some of the most ruthless proponents of terror were genuine philanthropists, motivated by passionate devotion to ideals of justice and liberation. The second was the way in which cruelty, certainty, and self-righteousness amplified one another, and allowed men to torture and kill “peacefully and with a quiet conscience, with the feeling that they had done their duty, with the smell of roasting human flesh still in their nostrils, and slept—the sleep of the innocent after a day’s work well done.”12

Here we observe a distinctive political-ethical phenomenon, that of ethical-ideological-political ruthlessness (I will, in what follows, generally drop this unwieldy string of qualifiers, and use “ruthlessness” as shorthand). It was ethical in arising from the conviction that ruthlessness was demanded by a correct understanding of the dictates of morality—whether because moral duties require one to act ruthlessly, or because personal qualities of hardness, resolution, and certainty are virtues. It was ideological insofar as it was inspired by belief in a (putatively infallible) theory about how the world works, and a rejection of considerations that did not “fit” the theory. It was political not only in occurring within political action, but in reflecting the conviction that ruthlessness was demanded by the conditions of political life.

## Case

### 1NC - Presumption

#### 3. You shouldn’t vote aff simply because the 1AC observed violence in the world without specifying methods for radical change and political mobilization. It maximizes our internal links to clash, AND reinscribes white liberalism.

Gary Wilder 22. Professor of Anthropology, History, and French and Director of the Committee on Globalization and Social Change at the Graduate Center of the City University of New York. Concrete Utopianism: The Politics of Temporality and Solidarity. Fordham University Press. P. 99-100

Against Left Melancholy

In a widely read 1999 essay, political theorist Wendy Brown regrets "the Left's . . . failure to apprehend the character of the age and to develop a political critique and a moral-political vision appropriate to this character."84 She ascribes this failure to an attitude of "Left melancholy" in which "the revolutionary hack . . . is, finally, attached more to a particular political analysis or ideal—even to the failure of that ideal—than to seizing possibilities for radical change in the present."" This "narcissism with regard to one's past political attachments . . . exceeds any contemporary investment in political mobilization, alliance, or transformation."" Her conception of "Left melancholy" builds on the insights of Walter Benjamin concerning the German 192os and Stuart Hall concerning the British 197os. Both thinkers criticized the traditional Left for failing, in moments of historical crisis, to fulfill its self-appointed role as the leader of a mass movement for societal transformation. In each case, Brown suggests, a rigid attachment to outmoded ideals prevented Left actors from recognizing new conditions and responding adequately to new challenges. She relates this blindness and paralysis to the overwhelming sense of loss following great political defeats.

Brown sought to warn her 1999 interlocutors against the dangers of political melancholy at a moment when the global Left was suffering another round of historic losses. She was especially concerned about the tendency among traditional Leftists to scapegoat identity politics for these losses, even as they remained anachronistically attached to a reductive materialism and belief in historical teleology. The result was an impoverished "Left traditionalism" that operates without either a deep and radical critique of the status quo or a compelling alternative to the existing order of things . . . a Left that has become more attached to its impossibility than to its potential fruitfulness . . . a Left that is thus caught in a structure of melancholic attachment to a certain strain of its own dead past."' In contrast, she calls for "the Left to invigorate [itself] with a radical . . . critical and visionary spirit . . . that embraces the notion of deep and indeed unsettling transformation of society." She asks, in terms that should still reverberate today, "How might we draw creative sustenance from socialist ideals of dignity, equality, and freedom, while recognizing that these ideals were conjured from historical conditions and prospects that are not those of the present?"' Here then is a response to Traverso's dilemma that rejects rather than revives melancholic attachments to past defeats and convictions.

#### We should instead imagine solutions we can do. The 1AC renders black people as conscripts rather than agents, which is paternalistic, Eurocentric, and antiblack.

Davis 22 – Visiting Assistant Professor of Africana Studies and Politics, Mellon Doctoral Fellow at Oberlin College.

Samantha L. Davis, from “Abstract” to “Introduction,” in *Theorizing Black Statecraft*, PhD Dissertation, September 2022, pp. iv-21, https://scholarworks.umass.edu/cgi/viewcontent.cgi?article=3800&context=dissertations\_2.

ABSTRACT

A guiding principle of black political theory and postcolonial thought, to use Audre Lorde’s famous dictum: the master’s tools will never dismantle the master’s house. As a result, scholars wanting to challenge and decolonize the canon and its concepts tends to disavow turns to the state in black politics because these efforts imply a form of false consciousness, ~~blacks~~[black people] fighting for freedom and liberation are tricked or fooled by European concepts and ideas. They are conscripts, not agents. The disavowal of “statist impulses” across the history of black postcolonial politics in the United States and the Caribbean has the consequence of leaving turns to the state undertheorized.

In this dissertation, I argue that a reinterpretation of black state-making is necessary to disclose the complicated nature of black politics in a world organized by racism. Reconceptualizing and expanding anticolonial politics and principles, this dissertation combines original archival research and interpretative methods of textual analysis to theorize black statecraft across three key figures: Toussaint Louverture, Frederick Douglass, and C.L.R. James. I position these thinkers as black statecraft thinkers that hold together both the critique of the destructive power of the state with liberatory visions of the state. This study offers a conceptual framework for understanding statist impulses across the tradition of black political thought including the black radical tradition. These thinkers bring into view the relationship the state has with freedom in its vision of the new state to be built. By undervaluing the state and statecraft as a topic worthy of investigation, scholarship in political theory ignores the ways in which these black statecraft thinkers provide alternatives and should be seen as part of the black radical tradition.

Through an investigation of how these theorists of black statecraft engage with and theorize the state, we are better able to reflect on the areas of political contestation reshaping the way certain concepts like the state and freedom, to name a few key concepts explored in this study, are understood, and mediated. These black political thinkers provide great reflections for what we are fighting for, to give content to the kind of political-social community we seek to build upon principles of freedom, equality, and justice.

CHAPTER 1

INTRODUCTION: THEORIZING BLACK STATECRAFT

This research comes out of my interest in the Age of Revolutions. In particular, revolutions bring attention to the problem of foundations and while this problem has garnered much scholarly work, less has been given to the ways in which black actors transform categories of political thought – from freedom to the state. Recasting the problem of foundation to attune to the work of black actors brings us to the politics of decolonization.

Founding and refounding are often central to politics of decolonization (Kohn and McBride 2011; Getachew 2019; Bernal 2017). Standard accounts of decolonization end with the creation of independent nation-states. These accounts laud the triumph of independence and self-determination but argue that the post-colonial state often replaces old forms of domination and oppressions with new ones, presenting additional problems to be overcome rather than offering the solutions professed in the revolutionary fervor of refounding. For instance, thinkers like Saidiya Hartman, Neil Roberts, and David Scott, among others, have argued that American and European antiblack and white supremacist statist discourse often masquerades as universalist discourses, fooling well-meaning black political actors into turning to Western tools (like the state) in their liberation struggles and the foundation of freedom (Hartman 1997; Scott 2004; Roberts 2015 Bogues 2003).

In a similar vein, contemporary political theory has produced an important critique of the state as the concentration of power and right to violence that establishes and reproduces racialized difference, domination, and oppression, as several scholars have shown (Goldberg 2002; Mills 1997). Following Marx and Engels, if the state is an oppressive force of one class over and against the other, then any principle of freedom defined by or enacted through the state is only meant for the few. As an instrument of domination and oppression, consequently, the state is a tool of black oppression and is not an appropriate tool of black liberation. It follows, then, that there can be no positive content to the political organization of black freedom into a state because once achieved, the state will ultimately “mirror” the injustices and modes of domination it was meant to overcome (Brown 1995). The modern state is understood historically and empirically through historical projects of slavery, colonialism and imperialism (Pitts 2010). 1 At the same time, the state is a site of contestation. We obscure the ways in which political actors have opposed and offered alternatives. For instance, Wendy Brown (1995) reflects on the ways in which “emancipatory or democratic political projects …problematically mirror the mechanisms and configurations of power which they are in effect and which they purport to oppose” (Brown 1995, 3). On the relationship between freedom and the state, she writes,

“Certainly politics, the place where our propensity to traffic in power is most explicit, is saturated with countless aims, and motivations other than freedom – from managing populations, negotiating conflicting interests, or providing for human welfare, to the expression of open revenge, aggression, spurred by injury, pleasure in domination or the prestige of power” (Brown 1995, 4).

As a result of these conflicting aims, Brown questions and thus disavows the state as a mechanism for achieving black freedom due to the state’s historical racist foundations. As I will argue in this dissertation, this leads, in turn, to a disavowal of the state or state-making as an important site of black political theorizing.

The problem at the heart of this dissertation, then, is that approaches to the state in contemporary political theory have situated black freedom, agency, and the political in a problematic binary. This binary situates black freedom in an opposing and almost contradictory relationship to the state.

There are two approaches to black freedom and the state that this dissertation will counter. The first holds that the state represents a form of “false consciousness” on the part of ~~blacks~~[black people] fighting for freedom and liberation. This perspective follows in the wake of Audre Lorde’s famous dictum: the master’s tools will never dismantle the master’s house. They are “conscripts, not agents of modernity, as in David Scott’s (2004) famous words. The second approach follows from the first in viewing the state as an instrument of violence that must be rejected, and holding that true actin only exists outside the state. The first approach, I will contend, presents an uncritical view that the state and statist discourses are the sole provenance of the West. As Adom Getachew (2016) has noted, this lens thus has the negative consequence of “reducing subaltern political practices to derivative discourses.”2

[BEGIN FOOTNOTE 2] She continues, “by framing the response to exclusion in terms of the realization of previously articulated ideals, subaltern action is denied the possibility of reimaging those ideals or inaugurating alternatives.” [END FOOTNOTE 2]

Due to this intractable entanglement, it is impossible within modernity to challenge modernity, to create and foster oppositional discourses or tools. In this way, questions arise with further implications as to whether it is possible to have oppositional, hybrid, or creolized discourses aimed at the destruction of oppressive forces like colonialism, imperial conquest, and fascism. At the same time, disavowing turns to the state turns these political actors into dupes, and their actions not ones of black men as independent political agents and thinkers, navigating a deeply constrained and racist political, economic, and social landscape.

In this dissertation I contend that we have much to lose by discounting black political agency and efforts to achieve freedom that turn to the state. We discount black political agency with our critique of the state and of efforts to achieve freedom that turn to the state and statecraft. Moreover, I will argue this approach advances a disavowal of black agency in addition to its disavowal of the state, thus, painting a picture of postcolonial, black subjectivities as lacking full agency.

For the second set of approaches, black freedom can only be obtained outside state structures as true, complete freedom is only possible outside the state, among alternative social formations or ways of being (Fick 1990; Fischer 2004; Roberts 2015). For instance, in Freedom as Marronage Neil Roberts (2015) posits black freedom in terms of marronage in two distinct modes: sovereign marronage and sociogenic marronage, to capture “the activity of flight carried out by lawgivers, or sovereign political leaders, and agents of mass revolution” (Roberts 2015, 10). Roberts’ critique lies with sovereignty conceptualized as given through the lawgiver rather than statecraft in terms of the people’s will. According to Roberts, while “the desire for sovereignty often mirrors freedom visions” (Roberts 2015, 103). sovereignty is incapable of achieving them. As a result, sovereignty limits the popular imagination to figures of the lawgiver or leader at the expense of alternative forms of freedom operating at the time. Freedom is understood top down instead of bottom up. It is the singular lawgiver, or sovereign, to whom agents look for guidance to achieve freedom for self and community. The tensions between the sovereign lawgiver and the masses are irreconcilable. Flight from the structures of colonialism represents the best hope for the freedom of the formerly enslaved. In other words, to realize freedom, the masses must be involved in their own governance or flee.

Roberts’ work reflects broader movements, theorizing notions of black fugitivity as a form and resource of politics (Hesse 2014; Harvey and Moten 2013; Shulman 2021). This dissertation argues that these movements have ultimately led to an overwhelming disavowal of the state as a form capable of achieving and securing black liberation and black freedom. They tend to favor a deconstructive approach which aims to destroy the world as constituted by the western powers, in favor of alternatives more closely inspired by our African heritage, and which accordingly promotes narratives of separation and nationalism.

Their arguments for a search of alternative traditions urge us to flee or runaway to find freedom end right at the moment that interests me the most and that prompt the questions underpinning this dissertation. And what will they build there, at the end of revolution? How will they organize society to secure and promote black freedom, but also freedom for all within its territory? And if nationalism is the way, in what ways are they building something different from what came before or what they escaped? The question, then, becomes might there be something different in state projects that sustain racial hierarchies and those aimed at destroying them?

These are questions that attend to what David Scott terms “the problem-space” of black politics in the 19th and 20th centuries. I turn to the longstanding problem of decolonization and the state, centralizing how this issue influences/affects the postcolonial state among black thinkers and political actors in the 19th and 20th centuries. Rather than a turn away from the state, I propose we investigate the kind of states black thinkers have shaped. Central to this task is the idea of what I term black statecraft.

Black Statecraft

This dissertation offers black statecraft as a theoretical lens to capture a range of ideas and engagements/entanglements black people have had with the state. It rejects the idea that black actors engaged with state-making and theorizing are merely privileging Western categories and values. Black statecraft instead attunes us to the radical features of this revolutionary event of state-making in their connections to the contexts of decolonial revolutions in the social heterogeneity of the antislavery movement, a transnational/transcultural network and media sphere, and diverse practices of slave resistance. The Haitian Revolution and the founding of the first black independent nation in the Atlantic world, I argue begins a long tradition of black statecraft that extends across the United States and the Caribbean.

By keeping our visions of the state (political community) and freedom in view alongside our critiques of the state, black statecraft brings attention away from a shared or unified vision of the state and freedom, and instead to a shared set of questions and problems that real world political actors face, what David Scott terms “the problem space.” As Scott (2005) defines it, the problem space is,

First of all a conjunctural space, a historically constituted discursive space. This discursive conjuncture is defined by a complex of questions and answers – or better, a complex of statements, propositions, resolutions, and arguments offered in answer to largely implicit questions or problems. Or to put this another way, these statements and so on are moves in a field or space of argument, and to understand them requires reconstructing that space of problems that elicited them.

To uncover the dynamics of black statecraft, I use Scott’s notion as a way of understanding and analyzing the conceptual and ideological work objects, like the state and statecraft, are meant to perform.

Throughout this dissertation, I aim to make visible black political engagements with statecraft in terms of a “theory-problem.” Thinking of the state as a theory problem and statecraft as a problem-space provides an opportunity to theorize black engagements with statecraft in terms of what is viewed as a problem itself. In other words, it makes visible what the black actors under study were doing with the state, what foundations they wanted to build. At the same time, rather than explain the failures of state or ideology, I reflect on the ways in which this approach to the issue of enacting black freedom results in an antipolitical response. My main contention is that theories of the state are implicitly theories of politics. Therefore, the disavowal of the state is also a disavowal of black politics.

Black statecraft, as this dissertation will illuminate is an important part of black political practice of politics in the 19th and 20th centuries. Through an engagement with Toussaint Louverture, Frederick Douglass, and C.L.R. James, I will illustrate how responses to the state speaks to a larger problem of the possibilities of black politics in a racialized world. Engaging with these thinkers through the lens of black statecraft and attuned to their problem-space also gets to the specificity of black freedom struggles in the 19th and 20th centuries.

By undervaluing the state and statecraft as a topic worthy of investigation, scholarship in political theory ignores the ways in which these black statecraft thinkers provide alternatives and innovations in statemaking, bending the arc of history closer to justice. Both approaches to black freedom and the state along with the binary thinking it encourages blunts our understanding of the contours of decolonization and limits the way we view our resources in the events and thinkers of the past.

This dissertation engages with the persistent and ongoing question of enacting black freedom in the context of a racialized world in the Caribbean and the United States in the 19th and 20th centuries. I aim to show the variety of ways black thinkers and actors reflected upon their experience through critical engagement to put forward political ideas and projects that continue to shape the ways in which we engage or choose to disengage the state, politics, and the political.

I insist that we must return to these questions of founding, freedom, and the state because the state is also a site of contestation. Through an investigation of how these theorists of black statecraft engage with and theorize the state, we are better able to reflect on the areas of political contestation reshaping the way certain concepts like the state and freedom, to name a few key concepts explored in this study, are understood, and mediated. These black political thinkers provide great reflections for what we are fighting for, to give content to the kind of political-social community we seek to build upon principles of freedom, equality, and justice. My work responds to the need for reconceptualizing and expanding anticolonial politics and principles, decolonizing principles of freedom, self-determination, and autonomy.

As a framework of analysis, black statecraft thus subverts statist-anti-statist binaries by holding together a critique of the state with political projects aimed toward founding a new one. Through its deconstructive critique, the black thinkers in this inquiry bring into view the relationship the state has with freedom in its vision of the new state to be built. It captures both what black people were and continue to fight against along with keeping in view what we are fighting for.

Statecraft, here, is a political and ideological project of world-making in concert with others (Arendt 1958; Krause 2015; Markell 2003). There is no black allegiance to state, but perhaps allegiance to an idea of a principled, ethical state, one they shaped not one they mistakenly placed their belief – the sole creation of white Europeans. I aim to show the variety of ways ~~blacks~~ reflected upon their experience and put forward political ideas and projects that continue to shape the ways in which we engage or choose to disengage the state, politics, and the political. Black visions of the state and freedom provides a space to reflect on the possibilities of freedom and the modes in which we attempt to achieve it. This history offers stories and writings that become our resources for present and future political practice.

In this dissertation I develop this argument through an analysis of three thinkers: Toussaint Louverture, Frederick Douglass, and C.L.R. James. These thinkers, I argue, represent black statecraft thinkers that are especially positioned to hold both the critique of the destructive power of the state with liberatory visions of the state as thinkers that subvert binary-thinking on the state and state-making. They illustrate how black statecraft navigates this binary. I argue that it is valuable to reflect upon the relationship of the state suggested by these thinkers to the actualization of racial emancipation and black freedom.

I demonstrate that binaries are not productive and offer black statecraft and statemaking as an alternative to the statism/anti-statism dichotomy. A reinterpretation of black state-making is necessary to disclose the complicated nature of black politics in a world organized by racism. I want to both ‘deconstruct certain modalities’ of black political thought, critical race theory, and decolonial thought as well as construct a theory of black statecraft that holds together the critique and the (possibilities of) formation or foundation of the new. I tease out our understanding of the state as both a set of political, social, economic institutions of governance and an idea influencing how we envision our society, the principal foundations of government and the state, and the role of government/the state in the peoples lives. In this way, it’s important to keep in mind the state as object – as a site of contestation – and as an idea – another site of contestation.

My dissertation thus extends Adom Getachew’s work of expanding our understanding of decolonization beyond that of the nation-state as form and self-determination as its guiding demand. The anticolonial nationalists in her tale are worldmakers illustrating that “the age of decolonization anticipated and reconfigured our contemporary questions about international political and economic justice” (Getachew 2019, 3).

Getachew’s worldmaking is a way of extending the critique of these black figures into projects of political formation meant to build a new world order. Just like Getachew’s recovery of black Anglophone worldmakers in the 20th century, I recover black statecraft, by reflecting on the problem-space of an earlier moment, an inaugural moment of 18th and 19th century projects of black statecraft, in which the battles remain those of the abolition of slavery. In the 20th century moment in Getachew’s text, she traces episodes of self-determination in the anticolonial internationalization of the nation-state whereas I examine episodes of universalizing the world system of states and the humanity and capability of self-governance among ~~blacks~~.

Even in this early moment in what would become Haiti, the nascent state needed allies, fostering early moments of internationalism in the face of competing empires and restrictions to equal entry brought about by the legacy of racial hierarchies. Getachew’s casting of these black political thinkers and state makers as “worldmakers” does similar work to my recasting of the narrative of abolition and decolonization as statecraft. As she puts it, “These worldmaking ambitions provide occasion to rethink the critique of anticolonial nationalism specifically, and nationalism more broadly” (Getachew 2019, 26).

The thinkers and political actors examined in my work worked to build the foundations of what would become the postcolonial state and nation, a project of building new foundations. In this way, black statecraft moves beyond critique, extending it and using the critique to construct new worlds. In this, it reflects on the perennial problems of political thought: What is the relationship of human freedom and the state? Upon what foundation do we come together to form a society? What is political/social organization supposed to serve? Statecraft must be seen as a dynamic field of debate within and across political movements and actors rather than an adversarial all-powerful dominant force that remains the same and consistent with itself through time. I want to tease out our understanding of the state as both a set of political, social, economic institutions of governance and an idea influencing how we envision our society, the principal foundations of government and the state, and the role of government/the state in the people’s lives.

We continue to confront neocolonial imperialism in the 21st century. How we understand our relationship to the past and the vestiges of the past in our present is integral to our efforts to overcome its effects, to envision alternatives, and conditions the work we do to change things. To do so, it is important to confront the binary. Next I turn to how the problem of the binary emerges in black political thought as a problem for black politics.

The Problem of the Binary for the Political in Black Political Thought

Conventional approaches to black political thought identify two main streams of thought that black thinkers fall into: assimilationist/integrationist and separatist/nationalist. Differences between these two traditions can be strategic but often coalesce around philosophical views of morality and human nature. In his classic examination of the two traditions Bernard Boxill (1992) puts the differences this way:

The assimilationist tradition maintains that a society in which racial differences have no moral, political, or economic significance—that is, a color-blind society—is both possible and desirable in America. ' The separatist tradition denies this, some separatists maintaining that a color-blind society in America is not possible, others maintaining that it is not desirable” (Boxill 1992, 119.)3

Another way of understanding the differences between the two traditions is how each shape the ways in which we choose to engage or disengage with the state and the reasons for or against such engagement. This can be seen in two key approaches to black freedom and efforts of political organization such as the state.

For an assimilationist or integrationist, the goal is to revise the state structure (in this case, abolish slavery) and incorporate its black citizens into the fabric of the country on terms of equality, justice, and freedom.4 Common to this literature is the connection between integrationism and liberalism, on one hand, and black nationalism, on the other. Discussions of black nationalism stand as a counterpoint to the limitations and failures of liberalism for overcoming the challenges facing black people.

Black nationalist or separatist literature reflected an urge to find a place where ~~blacks~~ could form their own state, beyond the effects and influence of white supremacy and antiblack racism.5 The idea that ~~blacks~~ represent a nation within a nation has a long history in African American culture. As a result, Black Nationalist schemes clearly address issues related to self-determination, sovereignty, and autonomy.

There are two unintended consequences of these typologies. First, the binary of integrationist versus nationalist typologies. Since we continue to face the effects of the “Afterlives of Slavery,” failure and tragedy is attached to the integrationist or assimilationist side, while Black Nationalism remains part of a black political imaginary of alternatives, a radical separatist path that was unable to be realized. 6 As a result, nationalism becomes hegemonic in the Academy, as the form par excellance politics is meant to take. The second is that this leads to casting off manifestations of integration or assimilation in favor of black nationalism and black cultural nationalism. In sum, the result is a disavowal of the state, a misinterpretation of certain proposals and modes of agency by black political actors via these typologies in black political theorizing.

Nationalism, the black radical tradition, and the search for alternative traditions express a desire to escape, rupture and break with the past and the challenges and contradictions it places in the present. For real world actors, ruptures or escape may not be possible.

Black nationalism and Black culturalism predominated these inquiries early on in its academic history. Within the black nationalism trajectory, scholars are not as interested in understanding black political contributions to the nation, the state, or the nation-state, but have been more focused on establishing a tradition of radical thought as an oppositional thought by offering alternatives to the dominant and destructive paradigms of American and European culture.

We see this manifested in the simultaneous rise of Black nationalism in the Academy and scholarship corresponds with the Black liberation struggles of the 1960s and 1970s and the emergence of Black Studies departments across universities (Robinson 2001). This work is more interested in discerning the ‘nation’ rather than the ‘state.’

At the time, there were many reasons for this. One is the desire to identify black people as composing a unified, unique (ethnic) group with a shared history, fate, and culture. Following work like Melville Herskovits (1941) The Myth of the Negro Past, scholars sought to establish and raise black people to the position of a worthy category of study, not as a problem or in order to understand black pathology. As a result, this work has left black contributions to political concepts, such as the state, on the table. Not only is it assumed that the most interesting parts of black political thought exist in spaces outside the European or American political theories, but that radical politics exist in efforts to run away from the space of oppression in order to find a space – both physical and political, but also cultural and intellectual - outside the system of antiblack racism and white supremacy. This includes scholarship on the history of black thought that seeks to identify alternative, radical approaches or connect black reflections on their experience and the world through transnational connections as in Africana thought (Rabaka 2009). But, it ultimately neglects the ways in which black contributions to political thought are themselves beyond the boundaries and understandings of European and American political thought.

The standard account of decolonization and the state in black liberation struggles positions black politics in a bind of imitation of European revolutionary discourses that are doomed for failure. At the same time, nationalism persists as a privileged model, while the state is viewed in terms of the inherent problems with states and power configured in states that make it difficult to achieve universal liberty.

The consequence of these kind of binaries in discussions of black political thought is that it too easily succumbs to evaluating the utility of these thinkers or politics as resources for contemporary and future politics along an either/or axis. One stream of thought is deemed more useful than the other and the latter discourse is discarded. A choice must be made. The argument throughout these chapters is that this tendency obscures the valuable contributions black thinkers have made in thinking about the state and state-building. We are unable to see clearly, for instance, how canonical thinkers such as Toussaint Louverture, Frederick Douglass, and C.L.R. James are all challenging the status quo in ways that are truly revolutionary vis-à-vis the state.

Why Disavow the State? Anti-statism and Fugitivity in Black Political Thought

This disavowal of the state comes out of two concerns. First, in black political thought there is a greater valuation placed on national independence, a clear break with the colonial past, as well as a focus on the “nation”-ness of the nation-state, rather than the composition and ideas informing the “state” aspect of the term. As a result of the emphasis on nationalism throughout the literature, other ideas for organizing black freedom within alternative theorizations of the state and state forms like federalism have been largely devalued.

Second and related to the first, the logic underlying many critical readings of nonnationalist political projects can be found throughout black political thought and often deploys Audre Lorde’s dictum - the “Master’s Tools will never dismantle the Master’s house,” meaning the tools of the oppressor cannot be used by the oppressed in order to service their liberation or freedom. Black political thinkers working within the radical tradition and Afro-pessimists argue our historical resources are subversive traps and impediments toward true freedom. Our history, our traditions, and reflection upon our experiences is so connected and engaged to that which aims to destroy us, the only possible solution is to break these ties that bind us to these vacuous political visions. Leading to and only made possible through a clear break, independence, or separation.

For instance, critical race theorist David Theo Goldberg (2002) traces the genealogy of the modern state to show the ways in which it is conceived in racial terms. The modern state “is inherently contradictory and internally fractured, consisting not only of agencies and bureaucracies, legislatures and courts, but also of norms and principles, individuals and institutions” (Goldberg 2002, 7). This contradictory and fractured state becomes something from which we must be released, in need of destruction, overcoming, and escape. These efforts to understand the empirical state (both historically and contemporarily) are motivated instead by a push to make the state a problem, not a means to achieve the solution. As a result, much black political thought addresses the issues of destruction, rather than those of construction.

A significant group of research in this strand reflects on the American black experience and provides much-needed analysis of the entanglements between slavery, freedom, and the state. These scholars investigate the relationship the state has to violence, domination, and oppression to show how invariably, discourses of freedom that employ the means and forms of the state merely reconstitute rather than destroy the violence, domination, and oppressive characteristics of the state (Brown 1995).

Another case in point, in Empire of Liberty: Power, Desire, and Freedom Anthony Bogues investigates the meaning of the concept of liberty for U.S. imperial political discourse.7 He argues, “liberty becomes a code for domination, not a metaphor for freedom” (Bogues 2010, 36). This is particularly true within the state. Bogues continues, “the dialectic of freedom… emerges not from the liberal tradition and its double structure, but out of the interstices of domination” (Bogues 2010, 36).

In a similar vein, another influential scholar, Saidiya V. Hartman argues in Scenes of Subjection the failure of emancipation and Reconstruction in the United States “need[s] to be located in the very language of persons, rights, and liberties” because “the forms of violence and domination enabled by the recognition of humanity [was] licensed by the invocation of rights, and justified on the grounds of liberty and freedom” (Hartman 1997, 6). She provides the concept, burdened individuality, which helps emphasize the “double bind of freedom: being freed from slavery and free of resources, emancipated and subordinated, self-possessed and indebted, equal and inferior, liberated and encumbered, sovereign and dominated, citizen and subject” (Hartman 1997, 117). By shifting the onus of freedom’s rights and privileges to the individual, the state absolved itself of responsibility. Why, then, Hartman’s work suggests, would the state be turned to as a site of freedom struggles when the state created the conditions for new forms of domination and oppression in its name. In particular, Hartman contends that rights discourses facilitated relations of domination and new forms of bondage as well as the transformation of self from slave to rational, acquisitive, and responsible individuals.

Both of these scholars trace the indelible connections freedom and liberty has to domination for Black people. Rather than providing an opportunity to achieve a meaningful freedom, the state is often the mechanism that maintains the powers of domination. Thinkers like Hartman, Bogues and others attune us to the ways in which American and European antiblack and white supremacist statist discourse often masquerades as universalist discourses, fooling well-meaning black political actors into offering Western tools (like the state) in their liberation struggles and the foundation of freedom. The question, then, becomes might there be something different in state projects that sustain racial hierarchies and those aimed at destroying them? What is missing from these narratives is the contested nature of the state. Dominant forces often manipulate the tools in their favor but cannot destroy the counterrevolution it engenders.

In a recent lecture, “Black Liberation and the Paradox of Political Engagement” Frank Wilderson (2014) argues, that black political projects and the extreme and effective state violence that anticipates and shuts down the black position – the political antagonism does not allow an exit – black political struggle, then, is tragically only ever a repetition.

These critical readings from the literature to a worrying degree, succumb to taking agency away from the black actors under study. In David Scott black people can only be conscripts, while in Hartman, the unequal incorporation of ~~blacks~~ into society in the U.S. led to individuals whose humanity was “constricted,” “abased” and “encumbered” challenging efforts to live in a free society (Hartman 1997, 6).

Critical theories of racial slavery urge us to revisit the foundations of antiblackness as it conditions the structures of the modern world.8 Yet, the significance of this fact leads to an understanding of black life in ways that lack agency. For example, Orlando Patterson’s text Slavery and Social Death remains a classic among black political theorists grappling with the contradictions of the state (Patterson 1982). Likewise, Frank Wilderson argues, death of the black body is a) foundational to the life of American civil society (just as foundational as it is to the drama of value – wage slavery, and b) foundational to the fantasy space of desires which underwrite the industrialist’s hegemony” (Wilderson 2003, 233). Jared Sexton similarly urges an understanding of the afro-pessimist project as being one that points us to the fact that “black life is not social, or rather that black life is lived in social death” (2011, 29). Fred Moten, another influential thinker, has argued, black pathology underpins all discourse about ~~blacks~~ and blackness. Black radical discourse is “animated by the question, What’s wrong with black folk?” (Moten 2008, 177).9

From Du Bois questioning what it means to be a problem to Patterson’s contention of black social death, the idea permeates that black life is too constrained to be considered life at all. It also raises issues about the possibility of black political practice constructing new and better worlds. A problem is without power to build new worlds. A Thing cannot found a new state. The pathological Moten is tracing has the consequence of making certain acts legible as agentive acts or not. What struggles for liberation, freedom, and foundation can come from such a position?

Whereas Moten’s essay shows the ways in which blackness becomes a pathology in Afropessimist’s work, Sexton writes, “no, blackness is not the pathogen in afropessimism, the world is. Not the earth, but the world, and maybe even the whole possibility of and desire for a world” (Sexton 2011, 31).

All of this leads to a desire among scholars to search for alternative traditions and political formations no longer associated with the attendant problems of “the tragic continuity between slavery and freedom” (Sexton 2011, 23). Jared Sexton describes it this way: there is a need to establish an “ontological priority or previousness of blackness relative to the antiblackness that establishes itself against it, a priority or previousness that is also termed “knowledge of freedom” or pace Chandler, comprehension of ‘the constitutive force of the African American subject(s)” (Sexton 2011, 24).

The importance of a critique of the state, the state form, and power, cannot be understated. At the same time, it has resulted in an overall turn away from the state as an important site of inquiry toward progressive ends, staging a rigid and unproductive binary between statism and antistatism. If, as the authors above argue, the state is not a suitable tool for addressing barriers to black freedom, this is because of what the state has historically been and continues to be, not a reflection of what is possible. Anti-statism is clearly defined throughout contemporary political thought, however, statism is rigidly implied as unwavering support for the state. Statism need not be associated with an apologia, an attempt to justify the actions of modern states, to support the means as necessary in order to ultimately support the state despite apparent discretions against its professed principles. Not only does this understanding of statism not reflect most black responses to the state but removes from view black contributions to our understanding of the possible/potential relationship of black freedom to the state and how it can potentially be achieved.10

I tease out our understanding of the state as both a set of political, social, economic institutions of governance and an idea influencing how we envision our society, the principal foundations of government and the state, and the role of government/the state in the people’s lives. In this way, it is important to keep in mind the state as object – as a site of contestation – and as an idea – another site of contestation.

#### 7. Capital does not derive all meaning from Black captivity. Their thesis is too totalizing.

Go 21 – Professor and Director of Graduate Studies, Department of Sociology, University of Chicago. Faculty Affiliate in the Center for the Study of Race, Politics & Culture.

Julian Go, “Three Tensions in the Theory of Racial Capitalism,” *Sociological Theory*, vol. 39, no. 1, 2021, pp. 41, https://journals.sagepub.com/doi/pdf/10.1177/0735275120979822.

Of course, whether “race” preexisted capitalism does not alter the larger argument of the racial capitalism approach, which is that racial differentiation and capitalism are mutually supportive. Still, the tension in Robinson’s work manifests the deeper issue of whether “racial” capitalism refers to race or other identities. This issue permeates Walzer’s (2020) recent criticism of the racial capitalism concept. Walzer points to examples such as Russia and China, where capitalism does not rely on racial differences but rather on ethnic and religious differentiation. “It may be that Muslims are among the most exploited workers in Russia,” he wrote, “but they are mostly Caucasian (some of them the original Caucasians), so we would have to talk about religious capitalism—where Orthodox Christians, not white people, are the privileged group.” On this basis, Walzer rejected the racial capitalism concept as limited at best and analytically debilitating at worse.

Skeptics of Walzer have offered a rebuke: his argument misses the global dimensions of capitalism. At issue is not whether racial stratification articulates with capitalism within any single country but whether it permeates the world-capitalist system. Proponents of this argument could readily assemble evidence to show that, on a global scale, the vast majority of the world’s proletariat, subproletariat, and dispossessed—whether cultivating grapes or coffee on the farms of the Americas, cleaning up office floors in London, or making clothes in the sweatshops of New Delhi—are, to borrow DuBois’s (1935) phrase, “~~yellow~~, brown and black.” Against Walzer, this would retain the main claim of the racial capitalism approach that race and capitalism are intertwined.

Yet this scaling upward of capitalism to a global level brings its own complications. It carries the danger of what Bourdieu and Wacquant (1999) called “the cunning of imperialist [racialist] reason”: an analytic operation by which U.S.-centered scholars impose presumably U.S.-centric classifications (in this case, “race”) onto the rest of the world, thereby imposing racial classifications into contexts where they might not be operative. We would be obliged, for instance, to impose racial classifications onto Latin American contexts such as Brazil, where the salience of racial classifications is debatable (Loveman 1999; Wimmer 2015). In short, if we are to insist on the global character of racial capitalism, we must assume that analysts’ racial classifications are global as well. They may very well be, but racial capitalism’s founding texts, and more recent discussions, have not sufficiently problematized this tension.2

#### And, if they’re right that there’s no outside to racial capitalism, the implication is not that we should do nothing, but that we should interrogate the details of our political commitments and strategies.

#### 8. Fugitivity as a method of coalition fails and gets cracked down on.

Wainer and Bienenfeld 19– Member of the United Federation of Teachers and Movement of Rank and File Educators; longtime socialist activist and recently retired president of a higher-education teachers local union.

(Kate Wainer and Mel Bienenfeld, 7-21-2019, "Problems with an Electoral Road to Socialism in the United States," New Politics, https://newpol.org/issue\_post/problems-with-an-electoral-road-to-socialism-in-the-united-states/)

Throughout U.S. history the labor movement and other radical reform movements have had to contend with ferocious and violent counterattacks. After World War I, socialists, anarchists, and labor activists of various stripes faced intense state repression. The survival of U.S. capitalism was not in question at this time. Yet, the federal government responded with mass arrests, deportations, frame-ups, and violence. After World War II, federal and state governments effectively repressed the radical wings of the labor movement with witch hunts and blacklists, while tolerating rampant racist violence. It is important to note that the Communist Party not only, at this point, could not have threatened revolution, its orientation was heavily electoral. But the mere prospect of a more militant labor movement and a radical electoral alternative was something both Democrats and Republicans were determined to repress. In the 1960s the FBI’s Cointelpro program targeted movement activists and even murdered Black Panther leader Fred Hampton.

#### 9. The rhetoric and tools of law are essential for revolutionaries.

Gowder 22 – Professor of Law at Northwestern University.

Paul Gowder, “Law for Black Radical Liberation,” *Boston Review*, 13 June 2022, https://www.bostonreview.net/articles/law-for-black-radical-liberation/.

Douglass’s view has been a perennial touchstone in debates about the Constitution, but it is worth revisiting for another reason, as well. In the political sphere, both scholars and activists involved in movements for social justice have often questioned whether a focus on law and on legal rights promotes individualistic remedies over group solidarity. On this point, Douglass’s argument—and the history of Black liberation movements more broadly—reveals how the language of the law can be a basis for collective demands. While skeptics are right to observe that legal victories alone tend to be unstable, the same can be said about other forms of social transformation—as historian David Waldstreicher recently noted in these pages, even “revolutions aren’t all they’re sometimes cracked up to be”—and there is a rich tradition showing how legal and political efforts can reinforce rather than undermine one another. At a moment in which both the rule of law and the progress toward racial and social justice of the last half-century in the United States appear to be under severe threat, this history shows how the law can remain an essential resource in building a more just world.

Douglass’s belief in the emancipatory potential of law—at least in the hands of organized political movements—resonates with socialist historian E. P. Thompson’s defense of the rule of law in Whigs and Hunters: The Origin of the Black Act (1975), a study of the legal conflict over rights to forests in eighteenth-century England. Though best known as the pioneering social historian of The Making of the English Working Class (1963), Thompson also contributed to the development of what might be called left legalism. Addressing structuralist Marxists such as French philosopher Louis Althusser who were skeptical of law’s relation to capitalism, Thompson argued that the very ideological function of law—its layering a veneer of universal justice over capitalist power relations—in fact rendered it useful to movements for justice. “In a context of gross class inequalities,” Thompson concedes, “the equity of the law must always be in some part sham.” Yet even in the case of the law of British imperialism, “the rules and the rhetoric have imposed some inhibitions upon the imperial power. If the rhetoric was a mask, it was a mask which Gandhi and Nehru were to borrow, at the head of a million masked supporters.” In short, the law provided a rhetorical framework for revolutionary demands in the form of universal legal rights.

This subversive capacity of law arguably rests on three distinctive features of law, at least within the Anglo-American common law tradition.

The first is as Thompson identified it: the law makes its appeal in terms of universal principles and (particularly in liberal democracies) underlying universal values. Such societies, as Moses Finley explains in his 1971 lecture, “The Ancestral Constitution,” tend to tell valorizing stories about their founders and the ideals which they imbued into their institutions. It is with regard to these kinds of features that legal scholar Tomiko Brown-Nagin has written of “law as a cultural resource.” Campaigns against police brutality from the 1960s through the present Movement for Black Lives have “invoked the national commitment to the rule of law and equal protection” in an effort to “demonstrate hypocrisy by the state or its agents” with the goal of gaining “public recognition and credibility,” Brown-Nagin notes. The tactic of using law to identify and resist the hypocrisy of the powerful can be observed in the practical implementation of law as well—in particular, the legal technique of appealing to precedent. By dint of law’s universality, a rule applied in one case ought to be applied in another. Combining this with the logic of precedent, the extension of rights to one person can serve as a foundation for the extension of rights to others.

Second, the individualized nature of adjudication—as well as the way that appeals to precedent require comparisons across different cases—forces a kind of recognition of shared humanity. Skilled lawyers recognize that the trial is a setting for narrative, in which the interests and characters of those whose behavior are at issue are put on display and organized into a story that will be recognizable—because of the way that the characters in the trial are shown to respond to universal human motives—to juries and judges and the communities at large. In her book Double Character: Slavery and Mastery in the Antebellum Southern Courtroom (2000), for example, historian Ariela Gross shows that the process of applying legal methods to the behavior of enslaved people served a humanizing function at odds with the views of enslavers—embedding into legal doctrine the fact that enslaved people were indeed people, rather than mere property.

Third, to the extent the law offers any constraints on governments and powerful interests, the enforcement of those constraints requires at least the credible threat of coordinated action by ordinary people, even if only by those privileged enough to enjoy the benefits of legal protection. But the need to recruit ordinary people into the law’s defense has significant consequences for campaigns for freedom and equality. For example, it assumes the existence of robust civil society institutions among those who benefit from the law. Of course, such institutions may be vulnerable to copying or outright joining by the subordinated: antebellum Black Americans organized their own churches and Freemason lodges, effectively creating their own civil society out of preexisting forms that whites deployed. Moreover, shifting power balances may well require that the privileged recruit the subordinated to help enforce their legal rights. That, in turn, requires that the substance of the law is, or can be, sufficiently to their advantage to motivate their participation.

These features of law may help explain why Black liberation activists have so often appealed to the law and the idea of individual rights protected by law. They have done so in both subversive and solidarity-building ways, sometimes both at the same time.

A striking example comes from Black Panthers Bobby Seale and Huey Newton. In his book Seize the Time: The Story of the Black Panther Party (1970), Seale recounts a confrontation between Newton and the police over a demand to search a car full of guns. When Newton vigorously appeals to his constitutional rights, he appears to confound the police, who were clearly used to seeing the Constitution as the patriotic fount of their own authority. He then threatens to back up his appeal to law with an appeal to arms. “When the pig says, ‘You’re just turning the Constitution around,’ Huey says, ‘I’m turning nothing around. I’m exercising my constitutional right. I’ve got the gun to back it up!’” While the threat of violence was of course a key part of this confrontation, the universality of the law and the difficulty of openly saying that it protected police but not Black citizens played an inextricable role in supporting Newton’s resistance. His appeal to law also gave courage to observers, some of whom would later join the movement:

“Don’t go anywhere! These pigs can’t keep you from observing. You have a right to observe an officer carrying out his duty.” And these pigs, they listened to this shit. See, Huey’s citing law and shit.

Newton thus used the law to keep the police from responding effectively to his armed resistance and to prevent them from dispersing his audience. His audience, in turn, was inspired by his capacity to resist a small army of police, a foundational move in the Black Panther’s effort to build a force to protect their community from police violence: “After that,” Seale writes, “we really began to patrol pigs then, because we got righteous recruits.”

The Newton confrontation, like Douglass’s speech, tracks Thompson’s and Brown-Nagin’s account of how law can be used by social movements. Moreover, the way that Newton’s invocation of law confounded the police serves as a vivid illustration of Thompson’s claim that a ruling class can be trapped by its own habit of using law to support its own interests. It was precisely because the Oakland police viewed the law as the normative foundation of their own authority—precisely because it offered the rhetorical terrain in which they tended to win conflicts—that the officers were vulnerable to Newton’s tactic.

Newton fit his appeal to law into his broader movement goals by using the power of law as a recruiting tool. But the universality of law can also serve as a direct element of a political appeal by movement organizations. In 1838, for example, a committee of Black Pennsylvanians met to organize resistance to a new state constitution that would have stripped them of the right to vote. They released a broadside, “Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania,” which emphasized two ideas. First, they argued that disenfranchising Black Pennsylvanians would make everyone’s rights less secure. “It is the safeguard of the strongest that he lives under a government which is obliged to respect the voice of the weakest,” they wrote. They also predicted that taking away their right to vote would undermine their incentive to participate in all kinds of collective projects: it would “starve our patriotism” and “turn into gall and wormwood the friendship we bear to yourselves.” Second, they argued that Black Pennsylvanians were the same in all relevant respects as whites: they had been considered citizens at the time of the state’s founding, they paid taxes, they were working and productive members of society, and they had served along with whites in the Revolutionary War.

In one particularly interesting passage, the appeal responds to white objections that permitting them the vote would promote “intermixture of the races”:

Then let the indentures, title-deeds, contracts, notes of hand, and all other evidences of bargain, in which colored men have been treated as men, be torn and scattered on the winds. Consistency is a jewel. Let no white man hereafter ask his colored neighbor’s consent when he wants his property or his labor, lest he should endanger the Anglo-Saxon purity of his descendants? Why should not the same principle hold good between neighbor and neighbor, which is deemed necessary, as a fundamental principle, in the Constitution itself?

In its appeal to “consistency,” this passage is a sort of apotheosis of liberal legalism: it points to Black–white parity in market transactions as the basis for a parallel claim about political transactions. Yet, despite its capitalist and individualistic foundation, the actual use to which this claim is put isn’t an individual’s appeal for some kind of right to property but rather a liberation movement’s appeal for the democratic right to vote to pursue shared ends.

Like Douglass, the Panthers and the Pennsylvanians challenge the presumption that law is essentially individualistic—that it “ratifies and legitimates an adversarial, competitive, and atomistic conception of human relations,” as legal historian Morton J. Horwitz has put it—and that in virtue of its individualism it impedes efforts at political organizing. History reveals that law can play a much different role, one focused less on individual litigation or the belief that enlightened judges will save the oppressed and more on collective political action—and yet still be distinctively legal. Douglass recognized that the law could be turned into a force for good in the hands of “abolition statesmen”—that is, as the product of political action that made use of the distinctive and useful tools that law offers. The Panthers recognized that even abusive cops had been conditioned to take appeals to law seriously and used that knowledge to confound police misconduct and inspire acts of organized resistance. And the Pennsylvanians recognized that the logic of the law could be put to service in explaining their claims to full political agency in the first place.