# Off

## Framework

#### Interpretation – affirmative teams should have to defend hypothetical implementation of topical plan that increases prohibitions of anti-competitive business practices by the private sector by at least expanding the scope of core antitrust laws.

#### 1—“Core antitrust laws” are the Sherman, Clayton, and FTC Acts.

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At the federal level, there are three core antitrust laws: (1) the Sherman Act, in which Section 1 outlaws “every contract, combination, or conspiracy in [unreasonable] restraint of trade,” and Section 2 outlaws any “monopolization, attempted monopolization, or conspiracy or combination to monopolize”;1 (2) the Federal Trade Commission Act, which prohibits “unfair methods of competition” and “unfair or deceptive acts or practices”;2 and (3) Section 7 of the Clayton Act, which prohibits mergers and acquisitions where the effect “may be substantially to lessen competition, or to tend to create a monopoly.”3 Criminal violations of the Sherman Act carry a maximum penalty of a $100 million fine for corporations, and a maximum penalty of 10 years in prison and a $1 million fine for individuals. A prevailing plaintiff in a civil suit can recover treble damages and attorneys’ fees. But federal law currently does not provide for civil penalties when the government brings an antitrust case, only injunctive relief.

#### 2—“Prohibition” is a legal restriction.

Duhaime’s Law Dictionary N.D. –  Referred to by the Oxford University law library (Bodleian), School of Law, University of Oxford, Oxford, England, as a recommended research resource for law students (“Prohibition Definition”, Duhaime’s Law Dictionary, <https://www.duhaime.org/Legal-Dictionary/Term/Prohibition>, No Date)

Prohibition Definition:

A legal restriction against the use of something or against certain conduct.

#### Violation – the aff doesn’t defend the end point of increasing prohibitions that expand the scope of core antitrust laws

#### Prefer our interpretation:

#### 1---Fairness – the aff interp destroys it – not requiring a plan text decks stasis by allowing aff teams to change the 1AC throughout the debate, explodes the burden of negative research by unlimiting it to anything tangentially related to the resolution, and nullifies all topic-specific neg prep by forcing teams to rely on concessionary ground

#### 2---Truth Testing – only a topic with predictable limits produces clash-filled debates, which is the only internal link to any benefit debate can offer – rigorously testing positions allows debaters to improve their own advocacies and how to defend them, which creates more ethical and effective worldviews – but that becomes impossible without specific resolutional ties

#### Our model of debate doesn’t trade off with personal convictions, but it does make debaters stronger advocates

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(Derek, “Towards an Action-oriented Science Curriculum,” Journal for Activist Science & Technology Education, Vol. 1, No. 1)

\*\*note: SSI = socioscientific issues

Politicization of science education can be achieved by giving students the opportunity to confront real world issues that have a scientific, technological or environmental dimension. By grounding content in socially and personally relevant contexts, an issues-based approach can provide the motivation that is absent from current abstract, de-contextualized approaches and can form a base from which students can construct understanding that is personally relevant, meaningful and important. It can provide increased opportunities for active learning, inquiry-based learning, collaborative learning and direct experience of the situatedness and multidimensionality of scientific and technological practice. In the Western contemporary world, technology is all pervasive; its social and environmental impact is clear; its disconcerting social implications and disturbing moral-ethical dilemmas are made apparent almost every day in popular newspapers, TV news bulletins and Internet postings. In many ways, it is much easier to recognize how technology is determined by the sociocultural context in which it is located than to see how science is driven by such factors. It is much easier to see the environmental impact of technology than to see the ways in which science impacts on society and environment. For these kinds of reasons, it makes good sense to use problems and issues in technology and engineering as the major vehicles for contextualizing the science curriculum. This is categorically not an argument against teaching science; rather, it is an argument for teaching the science that informs an understanding of everyday technological problems and may assist students in reaching tentative solutions about where they stand on key SSI.

#### Framework has to be a voting issue – integrity of the game is a precondition for voting, and we’ve all implicitly agreed fairness is good by abiding by other norms like speech times and order – not voting for fairness causes judge biases which are worse

#### All arguments are framework arguments---exclusion args rely on a false dichotomy because debate requires continual judgment about which arguments are persuasive and which can be dismissed even though this usually happens implicitly---the role of the negative is always to say that it was bad for the aff to say what they did--- we don’t have the power to impose a norm, only to persuade you that their argumentative practices should be rejected

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

Lets first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"-that is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police. Robbins wants to imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument roughly, Habermass version-and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on-in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Lets leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody elses hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities. It is especially ironic in light of the fact that to the extent that I do give examples of the importance of liberal democratic proceduralism, I invoke the disregard of the protocols of international adjudication in the days leading up to the invasion of Iraq; I also speak about concerns with voting transparency. It is hard for me to see how my argument about proceduralism can be associated with the policies of the Bush administration when that administration has exhibited a flagrant disregard of democratic procedure and the rule of law. I happen to think that a renewed focus on proceduralism is a timely venture, which is why I spend so much time discussing it in my final chapter. But I hasten to add that I am not interested in imagining that proceduralism is the sole political response to the needs of cultural criticism in our time: my goal in the book is to argue for a liberal democratic culture of argument, and to suggest ways in which argument is not served by trumping appeals to identity and charismatic authority. I fully admit that my examples are less political events than academic debates; for those uninterested in the shape of intellectual arguments, and eager for more direct and sustained discussion of contemporary politics, the approach will disappoint. Moreover, there will always be a tendency for a proceduralist to under-specify substance, and that is partly a principled decision, since the point is that agreements, compromises, and policies get worked out through the communicative and political process. My book is mainly concentrated on evaluating forms of arguments and appeals to ethos, both those that count as a form of trump card or distortion, and those that flesh out an understanding of argument as a universalist practice. There is an intermittent appeal to larger concerns in the political democratic culture, and that is because I see connections between the ideal of argument and the ideal of deliberative democracy. But there is clearly, and indeed necessarily, significant room for further elaboration here. There is a way to make Robbins’s point more narrowly which would run something like this: Anderson has a very restricted notion of how argument should play out, or appear, within academic culture, given the heavy emphasis on logical consistency and normative coherence and explicitness. This conception of argument is too narrow (and hence authoritarian). To this I would reply simply that logical consistency and normative coherence and explicitness do not exhaust the possible forms, modes, and strategies of argumentation. There is a distinction to be made between the identification of moves that stultify or disarm argument, and an insistence on some sort of single manner of reasoned argument. The former I am entirely committed to; the latter not at all, despite the fact that I obviously favor a certain style of argument, and even despite the fact that I am philosophically committed to the claims of the theory of communicative reason. I do address the issue of diverse forms and modes of argument in the first and last chapters of the book (as I discuss above), but it seems that a more direct reflection on the books own mode of argumentation might have provided the occasion for a fuller treatment of the issues that trouble Robbins. Different genres within academe have different conventions, of course, and we can and do make decisions all the time about what rises to the level of cogency within specific academic venues, and what doesn't. Some of those judgments have to do with protocols of argument. The book review, for example, is judged according to whether the reviewer responsibly represents the scholarship under discussion, seems to have a good grasp of the body of scholarship it belongs to, and convincingly and fairly points out strengths and weaknesses. The book forum is a bit looser-one expects responsible representation of the scholarship under discussion, but it can be more selectively focused on a key set of issues. And one expects a bit of provocation, in order to make the exchange readable and dramatic. But of course in a forum exchange there is an implicit norm of argument, a tendency to judge whether a particular participant is making a strong or a weak case in light of the competing claims at play. Much of our time in the profession is taken with judging the quality of all manner of academic performance, and much of it has to do with norms of argument, however much Robbins may worry about their potentially coercive nature.

## Frame-Subtraction

### 1NC---Ballot Skeleton

#### 1 – Ballot – The 1AC’s value stands on its own---responding to it with judgement and the ballot is a hollow validation that siphons off political energy and draws them into the oppressive gaze of the academy---vote Negative to decline affirmation

Phillips 99 – Dr. Kendall R. Phillips, Professor of Communication at Central Missouri State University, PhD in Speech Communication from Pennsylvania State University, MA in Speech Communication from Central Missouri State University, BS in Psychology and Sociology from Southwest Baptist University, “Rhetoric, Resistance, and Criticism: A Response to Sloop and Ono”, Philosophy & Rhetoric, Volume 32, Number 1, p. 96-101

My concern with this movement centers around an issue that Sloop and Ono seem to take as a given, namely, the role of the critic. On one hand, calling for the systematic investigation of existing marginalized discourses is a natural extension both of critical rhetoric (see McKerrow 1989, 1991) and of the general ideological turn in criticism (see Wander 1983). On the other hand, the ease of transition from criticism in the service of resistance to criticism of resistance may obscure the need to address some fundamental issues regarding the general function of rhetorical criticism in an uncertain and contentious world. Beyond licensing the critic to engage in political struggle, Sloop and Ono advocate the pursuit of covert resistant discourses. Such a move not only stretches our understanding of rhetoric and criticism, but also alters significantly the relationship between critic and out- law. Critical interrogation of dominant discursive practices in the service of political/cultural reform is supplanted in favor of positioning covert out- law communities as objects of investigation. Invited to seek out subversive discourses, the critic is positioned as the active agent of change and the out-law discourse becomes merely instrumental. Rather than academic criticism acting in service of everyday acts of resistance, everyday acts of resistance are put into the service of academic criticism. Rhetorical resistance That we are "caught within conflicting logics of justice that are culturally struggled over" (Sloop and Ono 1997, 50) and that rhetoric is employed in these struggles seems an uncontroversial statement. Despite the theoretical miasma surrounding judgment, Sloop and Ono accurately note, the material process of rendering judgments (and of disputing the logics of litigation) continues in the world of actually practiced discourse. In the materially contested world, rhetoric is utilized both by those seeking to secure the grounds of dominant judgment and by those seeking to undermine or supplant dominant cultural logics with some out-law notion of justice. The distinction between these two cultural groups, "in-law" and out- law, however, deserves some consideration prior to any discussion of the role of the critic as implied in the out-law discourse project. The discourse of the dominant or those within the bounds of superordinate logics of litigation is reminiscent of Michel De Certeau's (1984) strategic discourse. For De Certeau, strategies are utilized by those who have authority by virtue of their proper position. Strategies exploit the institutionally guaranteed background consensus by which power relations (and litigations) are maintained and advanced. In contrast, tactics are utilized by those having no proper place of authority within the discursive economy who must seek opportunities whereby the discourse of the dominant might be undermined and contested. To extend Sloop and Ono's definition, out-law discourses are those that can (and, by their analysis, do) take advantage of situations (e.g., race riots) to disrupt the regularity of dominant cultural groups. The ongoing struggle between strategically instituted cultural dominants and the "out-law always lurk[ing] in the distance" (66) is acknowledged, even celebrated, by Sloop and Ono. What their acknowledgment fails to provide, however, is a clear need for critical intervention. Indeed, quite the reverse is presented: It is the critic (particularly the left-leaning critic) who needs out-law discourse. While the struggles over justice, equality, and freedom have gone on, the left-leaning critics are those who have theoretically excluded themselves from the disputes. The study of out-law dis- courses, then, provides a means to reinvigorate the intellectual and re-institute (academic) leftist thinking into popular political struggles (53-54). Thus, Sloop and Ono's project incorporates three types of rhetoric: the rhetoric of the in-law, presumably the traditional object of critical attention; the rhetoric of the out-law, the study of which may transform our understanding of judgment as well as reinvigorate leftist democratic critiques; and the rhetoric of the critics who, having lost their political po- tency, can exploit the discourse of the out-law to promote ideological struggles. It is to this critical rhetoric that I now turn. Resistance criticism Sloop and Ono (1997) clearly state the relationship they envision between the rhetorical critic and out-law discourse: "Ultimately, we will argue that the role of critical rhetoricians is to produce 'materialist conceptions of judgment,' using out-law judgments to disrupt dominant logics of judgment" (54; emphasis added). Here the critic seeks out vernacular discourse (60), focuses on the methods and values embodied in these communities (62), listens to and evaluates the out-law community (62-63), and chooses appropriate discourses for the purpose of disrupting dominant practices (63). Essentially, it is the critic who seeks out marginalized discourses and returns them to the center for the purpose of provoking dominant cultural groups (63). Despite acknowledging the efficacy of out-law discourses, Sloop and Ono assume that the critiques generated and presented by the out-law community have only minimal effect. The irony, and indeed arrogance, of this assumption is evident when they claim: "There are cases, however, when, without the prompting of academic critics, out-law discourses serve local purposes at times and at others resonate within dominant discourses, disrupting sedimented ways of thinking, transforming dominant forms of judgment" (60; emphasis added). Sloop and Ono seem to suggest that such locally generated critiques are the exception, whereas the political efficacy of the academic critic is the rule. This seems an odd claim, given that the justification for their out-law discourse project is the lack of politically viable academic critique and the perceived potency of out-law conceptions of judgment. Their suggestion that out-law communities are in need of the academic critic contradicts not only the already disruptive nature of existing out-law discourses (the grounds for using out-law discourse), but also the impotence of contemporary critical discourse (the warrant for studying out-law discourse). By this I do not mean that the critiques and theories generated by academically instituted intellectuals have not been incorporated into subversive discourses. Just as out-law discourses inevitably mount critiques of dominant logics, so, too, the perspectives on rhetoric and criticism generated by academics are used in resistance movements. Feminist critiques of patriarchy, queer theories of homophobia, postcolonial interrogations of race have found their way into the service of resistant groups. The key distinction I wish to make is that the existence of criticism (academic or self-generated) in resistance does not necessitate Sloop and Ono's move to a criticism of resistance. What Sloop and Ono fail to offer is an adequate argument for "taking public speaking out of the streets and studying it in the classroom, for treating it less as an expression of protest" (Wander 1983, 3) and more as an object for analysis and reproduction within the political economy of the academy. Philip Wander made a similar charge against Herbert Wicheln's early critical project, and this concern should remain at the forefront of any discussion aimed at expanding the scope and function of criticism. Sloop and Ono offer numerous directives for the critic without addressing whether the critic should be examining out-law discourses in the first place. While it is too early to suggest any definitive answer to the question of criticism of resistance, some preliminary arguments as to why critics should not pursue out-law discourses can be offered: (1) Hidden out-law discourses may have good reasons to stay hidden. Sloop and Ono specifically instruct us that "the logic of the out-law must constantly be searched for, brought forth" (66) and used to disrupt dominant practices. But are we to believe that all out-law discourses are prepared to mount such a challenge to the dominant cultural logic? Or, indeed, that the members of out-law communities are prepared to be brought into the arena of public surveillance in the service of reconstituting logics of litigation? It seems highly unlikely that all divergent cultural groups have developed equally, or that all members of these groups share Sloop and Ono's "imperial impulse" (51) to promote their conceptions and practices of justice. (2) Academic critical discourse is not transparent. Here I allude to the overall problem of translation (see Foucault 1994; Lyotard 1988; Lyotard and Thebaud 1985; Zabus 1995) as an extension of the previous concern. Critical discourse cannot become the medium of commensurability for divergent language games. Are we to believe that the "use" of out-law dis- course by critics to disrupt dominant practices can fail to do violence to these diverse/divergent logics? Are out-law discourses merely tools to be exploited and discarded in the pursuit of returning leftist academic dis- course to the center? (3) Perhaps the academic translation of out-law discourse could be true to the internal logic of the out-law community. And, perhaps the re-presentation of out-law logic within the academic community will bestow a degree of legitimacy on the out-law community. Nonetheless, the effect of legitimizing out-law discourse is unknown and potentially destructive. In an effort to siphon the political energy of out-law discourse into academic practice, we may ultimately destroy the dissatisfaction that serves as a cathexis for these out-law discourses. It seems possible that academic recognition might take the place of struggle for material opportunities (see Fraser 1997). But, will academic legitimation create any material changes in the conditions of out-law communities? I mean to suggest, not that it is better to allow the out-law community to suffer for its cause, but rather that incorporating the struggle into an (admittedly) impotent academic critique does not offer a prima facie alternative. (4) Criticism of resistance denies the practical and theoretical importance of opportunity. Returning to De Certeau's notion of tactics, the crucial element of these discursive moves is their use of opportunity to disrupt the proper authority of the dominant. The kairos of intervention provides the key to undermining "in-law" discourses. But when is the "right moment in time" for the academic reproduction of out-law discourse? Mapping the points of resistance (ala Foucault and Biesecker) entails interrogating "in-law" discourses for their incongruities and contradictions, not turning the academic gaze upon those communities waiting for an opportunity. Out-laws do not lurk in the forefront (66), hoping to be exposed by academic critics; they wait for the right moment for their disruption. Rhetoricians can provide rhetorical instructions for seeking opportunities and for exploiting these opportunities (literally making the culturally weaker argument the stronger), but this does not justify interrogating (intervening in) the cultural logics of the marginalized. The concerns raised here are not designed to dismiss Sloop and Ono's provocative essay. The divergent critical logic they outline deserves careful consideration within the critical community, and it is my hope that the concerns I raise may help to further problematize the relationship between resistance and rhetorical criticism. Rhetorical criticism As I have suggested, my purpose is to use the provocative nature of Sloop and Ono's project to extend disputes regarding the ends of rhetorical criticism. Diverging perspectives on the ends of criticism have been categorized by Barbara Warnick (1992) as falling along four general lines: artist, analyst, audience, and advocate. Leah Ceccarelli (1997) discerns similar categories around the aesthetic, epistemic, and political ends of rhetorical criticism. The out-law discourse project presents clear ties to the notion of critic as advocate. For Sloop and Ono, the critic is an interested party, discerning (and at times disputing) the underlying values and forces contained within a discourse. Additionally, however, the out-law discourse critic is an analyst focusing on the hidden, aberrant texts of the out-law and "rendering] an incoherent or esoteric text comprehensible" (Warnick 1992, 233). Now, I am not suggesting that a critic must serve only one function or that the roles of advocate and analyst are mutually exclusive; rather, these entanglings of power (political ends) and knowledge (epistemic ends) are inevitable. My concern is that we not neglect the complexity of these entanglements. Turning covert out-law discourses into objects of our analyses runs the risk of subjecting them both to the gaze of the dominant and to the power relations of the academy. As the works of Michel Foucault (especially 1979, 1980) aptly illustrate, practices presented as extending such noble goals as emancipation and humanity may endow institutions of confinement and objectification. Any justification for studying out-law dis- course because doing so may extend our political usefulness in the pursuit of emancipatory goals must not obscure the already existing power relations authorizing such studies. Our attempts to extend our domains of knowledge and expertise (authority) must not be pursued unreflexively.

#### 2-- The Aff deploys the phrase “monopoly”. This terminology originates from a neoliberal lexicon. It *occludes the aff’s alternate perspectives on the world* AND simultaneously *secures a system of neoliberal violence*.

Saltman ‘7

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In education, neoliberalism has pervasively infiltrated with radical implications, remaking educational practical judgment and forwarding the privatization and deregulation program. The steady rise of privatization and the shift to business language and logic can be understood through the extent to which neoliberal ideals have succeeded in taking over educational debates. Neoliberalism appears in the now common sense framing of education through presumed ideals of upward individual economic mobility (the promise of cashing in knowledge for jobs) and the social ideals of global economic competition. In this view national survival hinges upon educational preparation for international economic supremacy. The preposterousness of this assumption comes as school kids rather than corporate executives are being blamed for the global economic race to the bottom. The "TINA" thesis (There Is No Alternative to the Market) that has come to dominate politics throughout much of the world has infected educational thought as omnipresent market terms such as "accountability," "choice," "efficiency," "competition," "monopoly," and "performance" frame educational debates. Nebulous terms borrowed from the business world such as "achievement," "excellence," and "best practices" conceal ongoing struggles over competing values, visions, and ideological perspectives. (Achieve what? Excel at what? Best practices for whom? And says who?) The only questions left on reform agendas appear to be how to best enforce knowledge and curriculum conducive to individual upward mobility within the economy and national economic interest as it contributes to a corporately managed model of globalization as perceived from the perspective of business. This is a dominant and now commonplace view of education propagated by such influential writers as Thomas Friedman in his books and New York Times columns, and such influential grant-givers as the Bill and Melinda Gates Foundation.

#### It’s irrelevant if this deployment of neoliberal terms was intentional OR even a disingenuous deployment that aspired to K neolib. Speech acts grow more potent when such deployments are removed.

Kipnis ‘7

Andrew Kipnis - Senior Fellow and Professor Andrew Kipnis in The Department of Anthropology, The Australian National University – “Neoliberalism reified: suzhi discourse and tropes of neoliberalism in the People's Republic of China” - Journal of the Royal Anthropological Institute (N.S.) 13,383-400 - #E&F – modified for language that may offend - obtained via J-Stor database.

Another problem is that neoliberal policies, *however defined*, may be sincerely or disingenously pursued. Often enough, powerful *social actors* ~~mouth~~ (deploy) neoliberal slogans or ideology of one form or another in a crass attempt to grab power or exploit others. There may be no intention of actually enacting neoliberal policy or striving for neoliberal goals. This issue should be of crucial interest to those who believe (as the author of this article does not) that neoliberalism is systemic in the contemporary world. If neoliberalism is a systemic 'discourse' (as some governmen-tality theorists would have it), then it reproduces itself by producing 'responsibilized' subject/citizens who re-create neoliberal institutions. From this vantage, disingenuous applications of neoliberal discourse would thus work to undermine neoliberal-ism. But if neoliberalism is an 'ideology' that serves merely to mask the true workings of class domination, then disingenuous applications of neoliberal ideas are central to the reproduction of neoliberalism. In such a case, the actual production of autonomous, responsible citizen/subjects would undermine neoliberalism. Few who write as if neoliberalism were systemic in the contemporary world demonstrate awareness of this contradiction.

3- The **Aff uses the phrase “Global South”– it’s unnecessary and violently homogenizing.**

**Toshkov 18** Dimiter Toshkov - Associate Professor at the Institute of Public Administration at Leiden University in The Netherlands. Formerly, Jean Monnet fellow at the Robert Schuman Centre for Advanced Studies at the European University Institute in Florence - “The ‘Global South’ is a terrible term. Don’t use it!” - November 6, 2018 - #E&F - http://re-design.dimiter.eu/?p=969

The ‘Global South‘ and ‘Global North‘ are increasingly popular terms used to categorize the countries of the world. According to Wikipedia, the term ‘Global South’ originated in postcolonial studies, and was first used in 1969. The Google N-gram chart below shows the rise of the ‘Global South’ term from 1980 till 2008, but the rise is even more impressive afterwards. **There is no Global South** The Global South/Global North terms are inaccurate and misleading. First, they are descriptively inaccurate, **even when they refer to general notions such as (economic) development**. Second, they are homogenizing, obscuring important differences between countries supposedly part of the Global South and North groups. In this respect, these terms are no better than alternatives that they are trying to replace, such as ‘the West‘ or the ‘Third World‘. Third, the Global South/Global North terms imply a **geographic determinism** that is wrong and demotivational. Poor countries are not doomed to be poor, because they happen to be in the South, and their geographic position is not a verdict on their developmental prospects. The Global South/Global North terms are inaccurate and misleading Let me show you just how bad these terms are. I focus on human development, broadly defined and measured by the United Nations’ Human Development Index (HDI). The HDI tracks life expectancy, education, and standard of living, so it captures more than purely economic aspects of development. The chart below plots the geographic latitude of a country’ capital against the country’s HDI score for 2017. (Click on the image for a larger size or download a higher resolution pdf). It is quite clear that a straight line from South to North is a poor description of the relationship between geographic latitude and human development. The correlation between the two is 0.48. A linear regression of HDI on latitude returns a positive coefficient, and the R-squared as 0.23. But, as is obvious from the plot, the relationship is not linear. In fact, some of the southern-most countries on the planet, such as Australia and New Zealand, but also Chile and Argentina, are in the top ranks of human development. The best summary of the relationship between HDI and latitude is curvilinear, as indicated by the Loess (nonparametric local regression) fit.

#### Our Alt: We can defend the rest of their advocacy and negate only certain parts. 2NR consolidation is the best alt:

#### One – no plan means any part of the 1AC can become the nexus question by the 2AR, we should reciprocally get to conditionally critique their frames and narrow the debate to parts of disagreement by the 2NR.

#### Two – – Praxis: our model teaches a form of engagement that corrects flaws in political strategies. Rejecting our approach is normatively worse for the Aff’s own cause.

Williams ’15 Douglas Williams is a third-generation organizer, He earned his BA in Political Science at the University of Minnesota at Morris and his MPA at the University of Missouri Columbia, where he was also a Thurgood Marshall Fellow and a Stanley Botner Fellow. He is currently a doctoral student in political science at Wayne State University in Detroit, where his research centers around public policy as it relates to disadvantaged communities and the labor movement. From the article: “The Dead End of Identity Politics” - From: The South Lawn - March 10, 2015 – Internally quoting Freddie DeBoer, Lecturer, Purdue University. DeBoer holds a PhD in Rhetoric and Composition from Purdue and an MA in English, concentration in Writing and Rhetoric from The University of Rhode Island, Modified for potentially objectionable language. In one instance a capital “B” was adjusted to a lower case “b” in a manner that boosted readability, but did not alter context. https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/

Freddie DeBoer makes a great point in his piece on what he calls “critique drift“: “This all largely descends from a related condition: many in the broad online left have adopted a norm where being an ally means that you never critique people who are presumed to be speaking from your side, and especially if they are seen as speaking from a position of greater oppression. I understand the need for solidarity, I understand the problem of undermining and derailing, and I recognize why people feel strongly that those who have traditionally been silenced should be given a position of privilege in our conversations. B(b)ut critique drift demonstrates why a healthy, functioning political movement can’t forbid tactical criticism of those with whom you largely agree. Because critical vocabulary and political arguments are common intellectual property which gain or lose power based on their communal use, never criticizing those who misuse them ultimately disarms (hampers) the left. Refusing to say ‘*this* is a real thing, but you are not being fair or helpful in making *that* accusation right now’ alienates potential allies, contributes to the burgeoning backlash against social justice politics, and prevents us from making the most accurate, cogent critique possible.” ----- (Williams is now no longer quoting DeBoer) Look, I am Black. Also, sometimes, I can be wrong. Those two things are not mutually exclusive, and yet we have gotten to a point where any critique of tactics used by oppressed communities can result in being deemed “sexist/racist/insert oppression here-ist” and cast out of the Social Justice Magic Circle. And listen, maybe that is cool with some folks. Maybe the revolution that so many of these types speak about will simply consist of everyone spontaneously coming to consciousness and there will be no need for coalitions, give-and-take, or contact with people who do not know every word or phrase that these groups use as some sort of litmus test for the unwashed. But for the rest of us who reside in a reality-based world, where every social interaction is not tailored for your idiosyncratic indignations, we know that casting folks out for the tiniest of offenses will lead to a Left that will forever be marginalized and ineffective. I have stated before that the kind of people who put out these lists and engage in the kind of identitarian caterwauling that has become rote copy on the Internet might actually want that, as a world where left-wing activism is made potent and transformative will be one where they cannot simply take comfort in their cocoon of self-righteousness. But damn them when I can turn on my computer and ~~see~~ one Black person after another being gunned down by police. Damn them when we have a president that can sit there with a straight face and speak the words of freedom and liberation while using the power at his disposal to deny those very concepts to others. And damn them when we can get thousands of words on Patricia Arquette drunk at a party or how it is privileged to not like the same musicians that they do, but we cannot seem to get any thoughts on how the biggest moment for communities of color since the 1960s is being squandered in a hail of intergenerational squabbling. And do not even get me started on people writing articles that malign long-standing activist organizations without a whiff of evidence that there has been any wrongdoing on their part.

#### Three – contingent agreement is good: negating the whole aff makes only the most extreme stances strategic, like prejudice is good. We should debate framing strategies rather than impact turns to injustice

#### Four – its fair: frame subtraction auto gives the aff ground – just defend the stances of the 1AC. All our links are net benefits to this Alt and it applies to other frames that we’ve critiqued.

# On

## Gov

**Totalizing rejection of the law sacrifices immediate needs of those suffering**

**Smith 13** Smith, UC Riverside media and cultural studies professor, 2013 (Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement”, Settler Colonial Studies, Taylor and Francis) \*font shrunk for readability\*

Ironically, then, the same US government that codified slavery, segregation, anti-immigrant racism, and the genocide of indigenous peoples, now becomes the body that will protect people of colour from racism. The fact that the US itself could not exist without the past and continuing genocide of indigenous peoples in particular does not strike liberal legal reformists as a contradiction. Bell suggests that it may be possible to engage in legal reform in the midst of these contradictions if one foregoes the fantasy that the law is morally benevolent or even neutral. In doing so, more possibilities for strategic engagement emerge. For instance, in the ‘Racial Preference Licensing Act’, Bell suggests that rather than criminalise racial discrimination, the government should allow discrimination, but tax it. Taxes accrued from this discrimination would then go into an ‘equality’ fund that would support the educational and economic interests of African-Americans.14 As I have argued elsewhere, the law enforcement approach has been similarly limited in addressing the issues of gender violence when the majority of men do, or express willingness to engage in, it.15 As a result, criminalisation has not actually led to a decrease in violence against women.16 Anti-violence activists and scholars have widely critiqued the supposed efficacy of criminalisation.17 As I will discuss later in this essay, Native women in particular have struggled with the contradictions of engaging the legal system to address the legacies of colonial gender violence. While there is growing critique around criminalisation as the primary strategy for addressing gender violence, there has not been attention to what other frameworks could be utilised for addressing gender violence. In particular, what would happen if we pursued legal strategies based on their strategic effects rather than based on the moral statements they propose to make? DISTRUSTING THE LAW Aside from Derrick Bell, because racial and gender justice legal advocates are so invested in the morality of the law, there has not been sustained strategising on what other possible frameworks may be used. Bell provides some possibilities, but does not specifically engage alternative strategies in a sustained fashion. Thus, it may be helpful to look for new possibilities in an unexpected place, the work of anti-trust legal scholar Christopher Leslie. Again, the work of Leslie may seem quite remote from scholars and activists organizing against the logics of settler colonialism. But it may be the fact that Leslie is not directly engaging in social justice work that allows him to disinvest in the morality of the law in a manner which is often difficult for those who are directly engaged in social justice work to do. This disinvestment, I contend is critical for those who wish to dismantle settler colonialism to rethink their legal strategies. In ‘Trust, Distrust, and Anti-Trust’, Christopher Leslie explains that while the economic impact of cartels is incalculable, cartels are also unstable.18 Because cartel members cannot develop formal relationships with each other, they must develop partnerships based on informal trust mechanisms in order to overcome the famous ‘prisoners’ dilemma’. The prisoner’s dilemma, as described by Leslie, is one in which two prisoners are arrested and questioned separately with no opportunity for communication between them. There is enough evidence to convict both of minor crimes for a one year sentence but not enough for a more substantive sentence. The police offer both prisoners the following deal: if you confess and implicate your partner, and your partner does not confess, you will be set free and your partner will receive a ten-year sentence. If you confess, and he does as well, then you will both receive a five-year sentence. In this scenario, it becomes the rational choice for both to confess because if the first person does not confess and the second person does, the first person will receive a ten-year sentence. Ironically, however, while both will confess, it would have been in both of their interests not to confess. Similarly, Leslie argues, cartels face the prisoners’ dilemma. If all cartel members agree to fix a price, and abide by this price fixing, then all will benefit. However, individual cartel members are faced with the dilemma of whether or not they should join the cartel and then cheat by lowering prices. They fear that if they do not cheat, someone else will and drive them out of business. At the same time, by cheating, they disrupt the cartel that would have enabled them to all profit with higher prices. In addition, they face a second dilemma when faced with anti-trust legislation. Should they confess in exchange for immunity or take the chance that no one else will confess and implicate them? Cartel members can develop mechanisms to circumvent pressures. Such mechanisms include the development of personal relationships, frequent communication, goodwill gestures, etc. In the absence of trust, cartels may employ trust substitutes such as informal contracts and monitoring mechanisms. When these trust and trust substitute mechanisms break down, the cartel members will start to cheat, thus causing the cartel to disintegrate. Thus, Leslie proposes, anti-trust legislation should focus on laws that will strategically disrupt trust mechanisms. Unlike racial or gender justice advocates who focus on making moral statements through the law, Leslie proposes using the law for strategic ends, even if the law makes a morally suspect statement. For instance, in his article, ‘Anti-Trust Amnesty, Game Theory, and Cartel Stability’, Leslie critiques the federal Anti-Trust’s 1993 Corporate Lenience Policy that provided greater incentives for cartel partners to report on cartel activity. This policy provided ‘automatic’ amnesty for the first cartel member to confess, and decreasing leniency for subsequent confessors in the order to which they confessed. Leslie notes that this amnesty led to an increase of amnesty applications.19 However, Leslie notes that the effectiveness of this reform is hindered by the fact that the ringleader of the cartel is not eligible for amnesty. This policy seems morally sound. Why would we want the ringleader, the person who most profited from the cartel, to be eligible for amnesty? The problem, however, with attempting to make a moral statement through the law is that it is counter-productive if the goal is to actually break up cartels. If the ringleader is never eligible for amnesty, the ringleader becomes inherently trustworthy because he has no incentive to ever report on his partners. Through his inherent trustworthiness, the cartel can build its trust mechanisms. Thus, argues Leslie, the most effective way to destroy cartels is to render all members untrustworthy by granting all the possibility of immunity. While Leslie’s analysis is directed towards policy, it also suggests an alternative framework for pursuing social justice through the law, to employ it for its strategic effects rather than through the moral statements it purports to make. It is ironic that an anti-trust scholar such as Leslie displays less ‘trust’ in the law than do many anti-racist/anti-colonial activists and scholars who work through legal reform.20 It also indicates that it is possible to engage legal reform more strategically if one no longer trusts it. As Beth Richie notes, the anti-violence movement’s primary strategy for addressing gender violence was to articulate it as a crime.21 Because it is presumed that the best way to address a social ill is to call it a ‘crime’, this strategy is then deemed the correct moral strategy. When this strategy backfires and does not end violence, and in many cases increases violence against women, it becomes difficult to argue against this strategy because it has been articulated in moral terms. If, however, we were to focus on legal reforms chosen for their strategic effects, it would be easier to change the strategy should our calculus of its strategic effects suggest so. We would also be less complacent about the legal reforms we advocate as has happened with most of the laws that have been passed on gender violence. Advocates presume that because they helped pass a ‘moral’ law, then their job is done. If, however, the criteria for legal reforms are their strategic effects, we would then be continually monitoring the operation of these laws to see if they were having the desired effects. For instance, since the primary reason women do not leave battering relationships is because they do not have another home to go, what if our legal strategies shifted from criminalising domestic violence to advocating affordable housing? While the shift from criminalisation may seem immoral, women are often removed from public housing under one strike laws in which they lose access to public housing if a ‘crime’ (including domestic violence) happens in their residence, whether or not they are the perpetrator. If our goal was actually to keep women safe, we might need to creatively rethink what legal reforms would actually increase safety. REVOLUTIONARY REFORMS As mentioned previously, there has been insufficient evaluation of the strategic effects of legal strategies opposing gender violence. However, the work of Native anti-violence scholar and activist, Sarah Deer, points to possible new directions in engaging legal reform for the purpose of decolonisation. Deer notes that the issues of gender violence cannot be separated from the project of decolonisation. For instance, currently, tribal governments are restricted to sentencing tribal members to three years in tribal prison for even major crimes such as rape. Much of the focus of the anti-violence movement has been on increasing the number of years tribal governments can incarcerate members. Because of this effort, the Tribal Law and Order Act of 2010 increased the length of sentences from one to three years. However, Deer notes that prior to colonisation, violence against women was virtually unheard of, even though tribes did not have prisons.22 Instead, tribes utilised a number of social mechanisms to ensure safety for women and children, and none of these mechanisms are prohibited by federal legislation. Because the federal government restricts the amount of prison time allowed for sexual offenders, tribes primarily call on the federal government to expand tribes’ ability to incarcerate. However, as a variety of scholars have noted, expanded sentencing has not actually led to decreased violence.23 Thus, rather than focusing their attention simply on incarceration, Deer suggests that tribes look to pre-colonial measures for addressing violence and begin to adapt those for contemporary circumstances.24 At the same time, Deer notes that it is not necessarily a simple process to adapt pre-colonial measures for addressing violence. Unfortunately, many of the alternatives to incarceration that are promoted under the ‘restorative justice model’ have not developed sufficient safety mechanisms for survivors of domestic/sexual violence. ‘Restorative justice’ is an umbrella term that describes a wide range of programs that attempt to address crime from a restorative and reconciliatory rather than a punitive framework. As restorative justice frameworks involve all parties (perpetrators, victims, and community members) in determining the appropriate response to a crime in an effort to restore the community to wholeness, restorative justice is opposed to the US criminal justice system, which focuses solely on punishing the perpetrator and removing him (or her) from society through incarceration. These models are well developed in many Native communities, especially in Canada, where the legal status of Native nations allows an opportunity to develop community-based justice programs. In one program, for example, when a crime is reported, the working team that deals with sexual/domestic violence talks to the perpetrator and gives him the option of participating in the program. The perpetrator must first confess his guilt and then follow a healing contract, or go to jail. The perpetrator is free to decline to participate in the program and go through the criminal justice system. In the restorative justice model, everyone (victim, perpetrator, family, friends, and the working team) is involved in developing the healing contract. Everyone is also assigned an advocate through the process. Everyone is also responsible for holding the perpetrator accountable to his contract. One Tlingit man noted that this approach was often more difficult than going to jail: First one must deal with the shock and then the dismay on your neighbors faces. One must live with the daily humiliation, and at the same time seek forgiveness not just from victims, but from the community as a whole […]. [A prison sentence] removes the offender from the daily accountability, and may not do anything towards rehabilitation, and for many may actually be an easier disposition than staying in the community.25 These models have greater potential for dealing with crime effectively because, if we want people who perpetuate violence to live in society peaceably, it makes sense to develop justice models in which the community is involved in holding him/her accountable. Under the current incarceration model, perpetrators are taken away from their community and are further hindered from developing ethical relationships within a community context. However, the problem with these models is that they work only when the community unites in holding perpetrators accountable. In cases of sexual and domestic violence, the community often sides with the perpetrator rather than the victim. As Deer argues, in many Native communities, these models are often pushed on domestic violence survivors in order to pressure them to reconcile with their families and ‘restore’ the community without sufficient concern for their personal safety.26 In addition, Native advocates have sometime critiqued the uncritical use of ‘traditional’ forms of governance for addressing domestic violence. They argue that Native communities have been pressured to adopt circle sentencing because it is supposed to be an indigenous traditional practice. However, some advocates contend that there is no such traditional practice in their communities. Moreover, they are concerned that the process of diverting cases outside the court system can be dangerous for survivors. In one example, Bishop Hubert O’Connor (a white man) was found guilty of multiple cases of sexual abuse but his punishment under the restorative justice model was to participate in a healing circle with his victims. Because his crimes were against Aboriginal women, he was able to opt for an ‘Aboriginal approach’ – an approach, many argue, that did little to provide real healing for the survivors and accountability for the perpetrator. Deer complains that there is a tendency to romanticise and homogenise ‘traditional’ alternatives to incarceration. First, she notes traditional approaches might, in fact, be harsher than incarceration. Many Native people presume that traditional modes of justice focus on conflict resolution. In fact, Deer argues, penalties for societal infractions were not lenient – they entailed banishment, shaming, reparations, physical punishment and sometimes death. Deer notes that revising tribal codes by reincorporating traditional practices is not a simple process. It is sometimes difficult to determine what these practices were or how they could be made useful today. For example, some practices, such as banishment, would not have the same impact today. Prior to colonisation, Native communities were so close-knit and interdependent that banishment was often the equivalent of a death sentence. Today, however, banished perpetrators could simply leave home and join the dominant society. While tribes now have the opportunity to divest from the US colonial system, many Native women remain under violent attack. They may need to use the federal system until such time that more advanced decolonisation becomes possible. Thus Deer advocates a two-fold strategy: 1) The short-term strategy of holding the federal government accountable for prosecuting rape cases; and 2) encouraging tribes to hold perpetrators accountable directly so that they will eventually not need to rely on federal interference. This approach can be misread as a simple formula for reform. However, it is important to remember that the project of prison abolition is a positive rather than a negative project. The goal is not to tell survivors that they can never call the police or engage the criminal justice system. The question is not, should a survivor call the police? The question is: why have we given survivors no other option but to call the police? Deer is suggesting that it is not inconsistent to reform federal justice systems while at the same time building tribal infrastructures for accountability that will eventually replace the federal system. If we focus simply on community accountability without a larger critique of the state, we often fall back on framing community accountability as simply an add-on to the criminal justice system. Because anti-violence work has focused simply on advocacy, we have not developed strategies for ‘due process’, leaving that to the state. When our political imaginaries are captured by the state, we can then presume that the state should be left to administer ‘justice’ while communities will serve simply as a supplement to this regime. To do so, however, recapitulates the fundamental injustice of a settler state that is founded on slavery, genocide and the exploitation of immigrant labour. Further, we are unable to imagine new visions for liberatory nationhood that are not structured on hierarchical logics, violence and domination. We face a dilemma: on the one hand, the incarceration approach for addressing sexual/domestic violence promotes the repression of communities of colour without really providing safety for survivors. On the other hand, restorative justice models often promote community silence and denial under the rhetoric of community restoration without concern for the safety of survivors. Thus, our challenge is to develop community-based models that respond to gender violence in ways that hold perpetrators accountable. Unfortunately, in this discussion advocates often assume only two possibilities: the criminal justice system or restorative justice. When anyone finds faults with the restorative justice model, it is assumed that the traditional criminal justice approach must be the back-up strategy. Deer’s approach, by contrast, is to work with the criminal justice system while continuing to develop effective strategies for addressing violence. These will eventually eliminate the need to rely on the criminal justice system. Of course, the trap of pursuing reforms is that they can create investment in the current US legal system and detract from building new systems of governance that are not based on violence, domination and control. At the same time, we are not going to go from where we are now to revolution tomorrow. Thus, it becomes important to strategise around what may be called ‘revolutionary’ reforms. Other abolitionists have argued that the only reforms that should be supported are those that diminish the criminal justice apparatus. Other abolitions have argued that this approach leaves people vulnerable to the ‘crimes of the powerful’, such as rape and domestic violence.27 It is in this context that we can understand Deer’s current projects. She has worked on building tribal infrastructure by encouraging and assisting tribes to develop tribal civil protection orders. Her strategy is not so much based on the rationale that civil protection orders will in themselves provide protection for women. Rather, by developing these orders, tribes gain the practice of developing their own systems for addressing violence. Deer notes that this is one area that is not likely to be interfered with by the US federal government. At the same time, it is not an approach that is directly tied with investing tribes in the project of incarceration. Thus, it becomes a reform that tribal communities may adopt now as they develop creative responses for addressing violence. The reason for this suggested reform is that many tribal governments incorrectly think that the federal government is already adequately addressing gender violence and do not take initiative to address it themselves.28 In the end, the importance of Deer’s recommendation is not so much an investment in that particular strategy, but the manner in which it encourages us to think of short-term strategies that are not simply based on increased incarceration, strategies that will more likely fall under the federal radar screen so that tribal communities have more time to practice new ways of supporting accountability for violence. This will encourage communities to develop better decolonial practices in the future. As Deer notes, a ‘long-term vision for radical change requires both immediate measures to address sexual violence and a forward-looking effort to dismantle the culture of rape that has infiltrated tribal nations’.29 At the same time, many other Native activists are engaging community accountability strategies that do not work with the current system at all. These strategies are not broadly advertised because these activists do not want to gain the attention of federal authorities. Yet, many communities have developed informal strategies for addressing authorities. For instance, one man who assaulted a relative was banished from his community. As he was simply able to move to the city, tribal members would follow him to various work places, carrying signs that described him as a rapist. Again, this may be a strategy that we may or may not support. But the point is that it is important to engage the experimental and ‘jazzy’ approaches for developing community-based accountability strategies.30 In his recent book X-Marks, Scott Lyons engages with Native activists and scholars who call for decolonisation as a central focus for organising.31 **Those who call for decolonisation often do not effectively engage in any short-term reformist strategy, even though they may save the lives of indigenous peoples who are currently under immediate attack. As a result, the immediate needs of people often get sacrificed in favour of articulating seemingly politically-pure ideals.** Conversely, those who do engage in short-term reform strategies often decry the goal of decolonisation as ‘unrealistic’. In doing so, they do not critique the manner in which these strategies often retrench rather than challenge the colonial status quo. Lyons affirms the need for decolonisation, but notes that decolonization happens with pre-existing materials and institutions. He calls on Native peoples to think creatively about these institutions and about the ways in which they can be deployed not just for short-term gains but for a long-term vision of liberation. BEYOND SHAMING THE SYSTEM Legal reformists who often focus on shaping the law to reflect their moral values and those who focus on extra-legal revolutionary strategies often share the same goal. Often the presumed ‘radical’ strategy adopted by social justice groups is to engage in civil disobedience. While these groups ostensibly break the law, they often do so in rather ceremonial fashion; they essentially want to shame the system. People are supposed to get arrested, and those in power are supposed to be so shamed by the fact that an unjust system required people to break the law. The expectation is that they will then change the laws. Acts of civil disobedience often are not targeted toward changing a policy directly or building alternative systems to the current one. Many Native groups in the southwest US, however, have developed an alternative framework for extra-legal social change. Rather than breaking the law to change the system, they propose to make Native communities ungovernable. For instance, during the passage of SB1070, Native groups with the Taala Hooghan Infoshop, O’odham Solidarity Across Borders, and others occupied the Border Patrol Office.32 However, rather than engaging in the occupation with the expectation of getting arrested, they chained themselves to the building so that the office could not perform its work. This approach has continued with their efforts to stop the US government’s desecration of the San Francisco Peaks through the construction of a ski resort. While they have not eschewed legal strategies for stopping this desecration, they have focused on preventing tourists from visiting the area so that the ski resort will no longer be economically viable. According to their promotional material on TrueSnow.org: For the last decade defenders of the peaks have used every legitimate way they could think of to try to stop the US Forest Service from allowing treated sewage effluent to be sprayed on the Peaks to make snow. More than 20,000 people took part in the Forest Service Environmental Impact Statement process with letters and appeals asking them not to spray treated sewage effluent on the peaks to make snow. Thousands of us went to Flagstaff City Council meetings to voice our opposition to the sale of treated sewer water for the project. Yet still they approved it – before even an environmental impact statement was done. They were the most clueless of all. Currently the Hopi tribe is seeking lawsuit against the city because of this treated sewage effluent sale. A group of tribes and environmental and social justice organizations took a lawsuit all the way to the steps of the Supreme Court. The lawsuits have only called into question the legitimacy of what is loosely termed the ‘justice’ system. For it seems there is no justice in this system. It is just us, IN this system. There is also yet another lawsuit in play which I have termed ‘Save the Peaks Coalition vs The Snowbowl Movement’ which may have the possibility of stopping this project in the long term. But if we wait for a verdict, all the trees will be cut and the pipeline installed. This has not stopped the politically connected ski area from going ahead with their project right now and they have already clear-cut 100,000 trees (or more) and have already buried a few miles of pipeline along Snowbowl road. If they lose in court they would be expected to repair the damages. How do you get back 400 year old trees? Greed and hatred seems to be Snowbowl's only motivation […]. But isn't there some way to stop it? Well we could hit them where it hurts! In the pocketbook. If you live in the Fort Valley area of Flagstaff you must see by now how little Arizona Snowbowl really cares about the ‘economic benefits’ it brings our fair town. I know some of us had a good deal of trouble even going to work when the snow was good and Snowbowl was busy. The traffic jam was incredible. Stretching more than 15 miles. They took our livelihood away and hope to make that a daily occurrence by having a ‘predictable’ ski season using sewer water to make snow. This jam up gave us an idea! Why don't we do the same thing? Arizona Snowbowl does not own the mountain, and it is perfectly legal to drive up to the area for any permitted public lands use. This means hiking, camping, praying, skiing, sitting, loving, mushroom hunting, etc. So what do I do? It is time to stop waiting for a government entity, an environmental group, or any of the people you have come to expect to save the peaks for us. The time has come to show them how much power the people have! And believe me, you are the most powerful people in all of the world! You! Yep you! You can do it! All summer the Arizona Snowbowl is open Friday, Saturday, and Sunday for scenic skyrides, food, and alcohol. They do get a pretty good business up there and it would have an impact if the mountain was just ‘too busy’ with people doing all the other things our Public Forests are for. There is nothing illegal about it and it would send a clear message to the forest service that we don't need Snowbowl to ‘recreate on the mountain’. Heck, we don't even need a ski area up there to ski! In essence, take a vacation. Just do it up on the peaks and don't use Snowbowl. Our government officials are forgetting what ‘all power to the people’ really means. You cannot wait any longer for someone else to save the peaks for you. It will take of all us together to do this. So what are you waiting for? Pack a lunch this Saturday morning and Converge on the Peaks!33 What these activists suggest is to divest our moral investment in the law. This will affect not only what legal reforms we may pursue, but what revolutionary strategies we might engage in. Rather than engaging in civil disobedience to force legislators to change laws to conform to our moral principles, we might be free to engage creatively in strategies that build political and economic power directly. CONCLUSION In the debates prevalent within Native sovereignty and racial justice movements, we are often presented with two seemingly orthogonal positions – long-term revolutionary extra-legal movements or shortterm reformist legalist strategies. Short-term legal strategies are accused of investing activists within a white supremacist and settler colonial system that is incapable of significant change**.** Meanwhile, revolutionaries are accused of sacrificing the immediate needs of vulnerable populations for the sake of an endlessly deferred revolution. The reality of gender violence in Native communities highlights the untenability of these positions**. Native women’s lives are at stake now – they cannot wait for the revolution** to achieve some sort of safety. At the same time, the short-term strategies often adopted to address gender violence have often increased violence in Native women’s lives by buttressing the prison industrial complex and its violent logics. While this reformist versus revolutionary dichotomy suggests two radically different positions, in reality they share a common assumption: that the only way to pursue legal reform is to fight for laws that that reinforce the appropriate moral statement (for instance, that the only way to address violence against Native women is through the law and to make this violence a ‘crime’). Because the US legal system is inherently immoral and colonial, however, attempts to moralise the law generally fail. It is not surprising that the response to these failures is to simply give up on pursuing legal strategies. However, the works of Derrick Bell, Christopher Leslie, and Sarah Deer, while working in completely different areas of the law, point to a different approach. **We can challenge the assumption that the law will reflect our morals and instead seek to use the law for its strategic effects**. In doing so, we might advocate for laws that might in fact contradict some of our morals because we recognize that the law cannot mirror our morals anyway. **We might then be free to engage in a relationship with the law which would free us to change our strategies as we assess its strategic effects.** At the same time, **by divesting from the morality of the law, we then will also simultaneously be free to invest in building our own forms of community accountability and justice outside the legal system.** Our extra-legal strategies would go beyond ceremonial civil disobedience tactics designed to shame a system that is not capable of shame. Rather, we might focus on actually building the political power to create an alternative system to the heteropatriarchal, white supremacist, settler colonial state.

**Habeas Viscus creates a politics of assemblage that lacks stability – this openness to flux destroys social change.**

Joseph Schwartz 8, Professor of Political Science at Temple University, The Future of Democratic Equality, 56-61

Butler, Brown, and Connolly reject the essentialism of “narrow” identity politics as an inverted “ressentiment” of the Enlightenment desire for a universal, homogenized identity. They judge identity politics to be a politics of “wounding, resentment, and victimization” that only can yield bad-faith moralization Wendy Brown takes to task identity politics for “essentializing” conceptions of group identity. For example, she critiques the work of Catherine MacKinnon as epitomizing “identity” political theory, accusing MacKinnon of denying women agency by depicting them purely as victims.38 Brown also remains wary of the patriarchal, conformist nature of traditional left conceptions of solidarity and citizenship. Brown’s implicit concept of radical democratic citizenship rests upon the recognition that political identity is continually in flux and is socially constituted through “agonal” political struggle. Brown celebrates an Arendtian conception of a polity in which both shared and particular identities are continually open to reconstruction. In this “left Nietzschean” view of an “everyperson’s” will to power, there can be no cultural certainties or political givens, as such “givens” would repress difference and fluidity.39 But, if the human condition is a world of permanent flux, then we must postulate a human capability of living with constant insecurity, for in this world there can be no stable political institutions or political identities.40 An ability to calculate the probabilities of political actions or public policies would disappear in this world of infinite liminality. By assuming that the pre-eminent democratic value is that of leaving all issues as permanently open to question, post-structuralist “democratic theory” **eschews the theoretical and political struggle over what established institutions** and consensual values **are needed to underpin a democratic society**.¶ Post-structuralist analysis has contributed to a healthy suspicion of narrow and “essentializing” identity politics. But a self-identified feminist, African- American, or lesbian activist is likely to value the shared historical narratives that partly constitute such group identities. Of course, if one is a democrat and a pluralist, one would reject the oppressive homogenization and potentially authoritarian aspects of ethnic or racial chauvinism and of “essentializing” types of identity politics. The democratic political home should be open, fluid, and self-reflective; but if participation is to be open to all, then such a society also needs to reproduce a shared democratic culture and the institutional guarantee of democratic rights. That is, contrary to post-structuralist analysis, not all issues can be open to “agonal struggle” in a democratic society. The traditional radical democratic critique of democratic capitalism remains valid; the equal worth of the individual is devalued by rampant social inequality within and between groups. Thus, a radical democrat, whether post-structuralist or not, must not only be committed to institutional protections of political and civil rights, but also to social rights—the equal access to the basic goods of citizenship (education, **health care**, housing, child care). Of course, the precise nature and extent of these rights will be politically contested and constructed. But a democratic society cannot leave as totally “open” the minimal institutional basis of democracy— a democratic society cannot be agnostic as to the value of freedom of speech, association, and universal suffrage.¶ Social movements fighting for an expansion of civil, political, and social rights, rarely, if ever, rest their arguments on appeals to epistemological truths— whether “foundational” or “anti-foundational.” To remain democratic, their policy goals cannot be so specific that they preclude political argument about both their worth and how best to institutionalize them. If social movements in a 58 democratic society deemed that every policy defeat meant a betrayal of basic democratic principles, there would be no give-and-take or winners and losers within democratic politics. But if a government were to abolish freedom of speech and competitive elections, or deny a social group basic rights, it would be reasonable for an observer to judge that democratic principles had been violated. Democratic political movements and coalitions struggle to construct **shared meanings** about those political, civil, and social rights that should be guaranteed to all citizens—and they often work to expand the types of persons to be recognized as citizens (such as excluded immigrants). **Such arguments are inevitably grounded in normative arguments that go beyond merely asserting the import of “flux,” “difference,”** and “anti-essentialism.” The civil rights movement did not demand equal rights for all solely as an “agonal” assertion of the will of the excluded; they desired to gain for persons of color an established set of civil and political rights that had been granted to some citizens and denied to others. The movement correctly assumed that the exclusion of citizens from full political and civil rights violated the basic norms of a democratic society. Thus, postmodern epistemological commitments to “flux” and “openness” cannotin-and-of-themselvessustain the “fixed” moral positions needed to sustain a radical democracy.¶ Post-structuralist theorists openly proclaim their hostility to all philosophical “meta-narratives.” They reject comprehensive conceptions of how society operates and the type of society that would best instantiate human freedom. But post-structuralists go beyond rejecting “meta-narratives”; they insist that only an “anti-foundational” epistemology can ground a politics of emancipation. For Butler, Brown, and Connolly, not only do “meta-discourses” invariably fail in their efforts to ground moral positions in a theory of human nature or human reason. They also assert that an agonal politics of democratic “we” formation can alone sustain democratic society. This agonal politics, they claim, can only be sustained by a recognition of the inconstant signification of discourse and the ineluctable flux of personal and group identity.41 Rejecting the authoritarian, celebration of the “ubermensch” by Nietzsche, they offer a post-Nietzschean, “amoral” conception of democracy as an open-ended project of defining a self and community that is constantly open to the desires of “others.” These theorists constantly reiterate the definitiveness (dare we say “foundational truth”) of this grounding of democracy, **despite the historical reality that social movements often contest dominant narratives in the name of a stable alternative narrative of a democratic and pluralist community.**¶One might well contend that the post-structuralist political stance is guilty of a new meta-narrative of “bad faith,” that of “anti-foundationalism.” According to this anti-foundational politics, a true democrat must reject any and all a priori truths allegedly grounded upon the nature of human reason or human nature. A committed democrat may well be skeptical of such neo-Kantian or neo-Hegelian conceptions of freedom; but, many committed democrats justify their moral commitments using these philosophical methods. A democrat might also reject (or accept) the arguments of a Jurgen Habermas or Hans Georg Gadamer that the structure of human linguistic communication contains within it the potential for a society based on reasoned argument rather than manipulation and domination. But there are numerous other philosophically “pragmatic” ways to justify democracy, even utilitarian ones. Political democrats may well disagree about the best philosophical defense of democracy. But, invariably, “practicing democrats” will defend the belief (however philosophically “proved” or “justified”) that democratic regimes best fulfill the moral commitment to the equal worth of persons and to the equal potential of human beings to freely develop and pursue their life plans.¶ To contend that only an anti-foundationalist, anti-realist epistemology can sustain democracy is to argue precisely for a foundational metaphysical grounding for the democratic project. It is to contend that one’s epistemology determines one’s politics. Hence, Brown and Butler both spoke at a spring 1998 academic conference at the University of California at Santa Cruz where some attributed “reactionary” and “left cultural conservatism” to belief in “reactionary” “foundationalist humanism.”42 **Post-structuralism cannot escape its own essentialist conception of identity.** For example, Butler contends in Feminist Contentions that democratic feminists must embrace the post-structuralist “nondefinability of woman” as best suited to open democratic constitution of what it is to be a “woman.”43 But this is itself a “closed” position and runs counter to the practices of many democratic feminist activists who have tried to develop a pluralist, yet collective identity around the shared experiences of being a woman in a patriarchal society (of course, realizing that working-class women and women of color experience patriarchy in some ways that are distinct from the patriarchy experienced by middle-class white women).¶ One query that post-structuralist theorists might ask themselves: **has there ever existed a mass social movement that defined its primary “ethical” values as being those of “instability and flux”?** Certainly many sexual politics activists are cognizant of the fluid nature of sexuality and sexual and gender identity. But only a small (disproportionately university educated) segment of the women’s and gay and lesbian movement would subscribe to (or even be aware of) the core principles of post-structuralist “anti-essentialist epistemology.” Nor would they be agnostic as to whether the state should protect their rights to express their sexuality. Post-structuralist theorists cannot avoid justificatory arguments for why some identities should be considered open and democratic and others exclusionary and anti-democratic. That is, how could post-structuralist political theorists argue that Nazi or Klan “ethics” are antithetical to a democratic society—and that a democratic society can rightfully ban certain forms of “agonal” (e.g. harassing forms of behavior against minorities) struggle on the part of such anti-democratic groups.

#### Their theory of violence is incorrect and unactionable. The history of Man 1, Man 2, and Man 3 presumes closed totalities that magically *switch* with a change in episteme. This model cannot build the political constituencies or models for transition that we need to deal with militarism, economic exploitation, and racism.

Paget **HENRY** Sociology @ Brown ‘**2K** *Caliban’s Reason* p. 139-141

Wynter’s reformulation is open to questions from both the poeticist and historicist traditions. For reasons of space and familiarity, I will restrict my critical remarks to questions from my own historicist position. To see some of the implications for the historicist position, we need to ask ourselves the following question: What would be the costs to Caribbean postcolonial thought if it made this shift from the politico-economic to the categorical? At least three major costs will be incurred. First, it would require replacing the “Marxian key of the mode of production” as the one that explains domination and poverty.37 Its place would be taken by the **auto-poetics of founding schemes** that include the mode of production in a **larger symbolic totality**. Two problems arise from this suggested replacement. First is the imprecision of this epistemic totality compared to the mode of economic production. Wynter uses several terms to refer to this larger totality—the forms of social life, the mode of domination, the order informing systemic code, or the imaginaire social of Corneluis Castoriadis. Throughout my exposition for consistency I used the expression—an episteme and its order knowledge. The differences in nature and generality of these terms point to the imprecision of Wynter’s concept. To replace the Marxian mode of production, she will have to specify her oppositionally coded totalities more precisely. Second, for societies struggling so desperately with issues of economic development in an increasingly competitive world, this may indeed be a difficult shift to make, even with a more precisely defined epistemic totality. The importance of political economy to Caribbean postcolonial thought is indicated by the wide influence of political economists from James through Arthur Lewis to Clive Thomas. A radical turn toward the categorical would **significantly increase the distance between social theory and processes such as labor extraction**, **plant closings**, lobbying, and **IMF adjustment programs** that are seen to be the **moving forces of political life**. This long and complex route from the categorical to the economic and the political is not sufficiently recognized by Wynter. It needs to be mediated in a way that recognizes more specifically the **relative autonomy of the economic** **in** **spite of its original mythopoetic naming**. This semiotic priority of the cultural Wynter translates into a consistently higher (almost absolute) cybernetic ranking, which restricts both the autonomy of the economic and its ability to resist or reinscribe its original cultural construction. This results in an **underrepresentation of the economic**, in particular, and an underestimation of its importance. This is evident from the manner in which her critique of development economics moves exclusively on the level of its cultural inscription and bypasses the specific findings and projects that have emerged from its concrete practice. The systematic underrepresenting of the economic introduces the second difficulty with Wynter’s position: the relationship between categorical processes and institutional structures. They are blurred in a way that is similar to the poststructuralist erasure of the difference between praxis and deconstruction. In theory, Wynter’s position is one of equality and mutuality, but in practice this is consistently violated. For example, in the legitimacy needs of institutional systems of power, Wynter sees “the equiprimordiality of structure and cultural conceptions in the genesis of power.”38 In other words, “the cultural aspects of power are as original as the structural aspects; each serves as a code for the other’s development.”39 However, the above **repositioning** of **political economy** is **not in line** with this position of **equiprimordiality**. This gap suggests that in actual practice Wynter has not been able to control the discursive tendencies toward overrepresenting founding categories. The underrepresenting of economic and other institutional structures is systematically related to the overrepresentation of language, sign systems, and discursive processes in Wynter’s approach. These factors take on both a centered and determinate significance that is inconsistent with the call for de-centered discourses. This tension between categorical processes and institutional structures raises the question of the autonomy of the latter. There is little in Wynter’s texts that supports a higher cybernetic ranking for epistemic and categorical processes. On the contrary, the evidence suggests a much greater degree of autonomy for institutional structures than her ranking would entail. The differences in the temporalities of categorical/discursive processes and institutional structures constitute a good case in point. There are **many instances** in which **institutional structures** (e.g., **racism** or **capitalism**) **continue to grow** **long after** their **legitimating arguments have been deconstructed**. There are also cases (e.g., African religions in the new world) where categorical foundations continue to exist long after their institutional support has been removed. These differences in temporality suggest that categorical processes have only limited influences over institutional structures and that the latter possess selfpreservative dynamics of their own. This autonomy means that there is **no simple route** from the **categorical** to the **economic** or **political**. The consequences of this underrepresenting of institutional structures are very evident in Wynter’s analyses of state socialism. In the cases of both Grenada and the Soviet Union, the examination moves exclusively on the categorical level. It fails to address or adequately recognize the patterns of state domination of other institutions that were related to processes of economic and political accumulation. The principle of equiprimordiality disappears in these analyses as emphasis is placed on domination generated by the liminal status of owners of private property. If we take a glance at the long and violent struggle for democracy in Haiti, the need for a stronger institutional analysis is again quite clear. While the persistence of the Noirisme/Mulatrisme opposition in Haitian society provides good grist for Wynter’s categorical mill, there can be no getting around the **hegemony** of the **military as an institution**, and the totalitarian manner in which it penetrated the judiciary, the church, the schools, the press, and other institutions of civil society. The categorical (onto-epistemic) deconstructing of the above opposition and its deeper epistemic structures could at best weaken but **not overthrow this military hegemony**. In short, greater attention to the institutional dynamics of Caribbean societies is needed if Wynter’s reformulation is to adequately address the postcolonial crisis.

**The 1AC’s refusal of prematurely discards valuable tools for emancipation at the first whiff of colonial association.**

**Meagher, 18**—University of Connecticut (Thomas, “Maturity in a Human World: A Philosophical Study,” <https://opencommons.uconn.edu/cgi/viewcontent.cgi?article=8155&context=dissertations>, dml)

Of course, these reflections take as their point of departure not a universal and ahistoric form of patriarchy, misogyny, or sexism, but rather a **historically particular form** instantiated through **Euro-modern colonialism** (Wynter, 1990; Oyèwùmí, 1997; Lugones 2007). What is it at issue is not so much the intersection of standalone forms of racism and sexism, but rather their mutual co-constitution through an imperial and colonial matrix of power. Following Sylvia **Wynter**, we may then raise the issue that the problem of maturity may be linked to what she terms “the **over-representation of Man** as if it were the human” (2003). “Man” takes as its point of reference a white, European or Euro-American bourgeois male, a “global breadwinner” whose economic mastery is attributable not to illegitimate regimes of appropriation and exploitation but rather to Man’s intrinsic virtue. The modern episteme, Wynter contends, is premised on **elevating Man** to the status of an **a priori ideal** of humanity. A consequence is that modern forms of knowledge are shrouded in a logic of “**biodicy**” (Wynter, 2006), in which whatever ills humanity confronts can be attributed not to the misdeeds of Man but rather to the intrinsic lack of value to be found in those human beings who are not Man – women, people of color, the global poor, etc. As such, the imperative lurking behind Euro-modern conceptions of maturity, as well as their enshrinement and naturalization within Euro-modern institutions, may be not only “be a man” but simply “be Man.” “Man,” of course, stands ambiguously at the heart of many modern discourses. On the one hand, “man” can be taken to refer explicitly and particularly to adult males. On the other hand, “man” and “mankind” are taken to refer to humanity in general, with similarly gendered pronouns and suffixes serving as generic referents. Feminist thought has long had to reckon with the ripe conditions for equivocation that this engenders, and Wynter and other thinkers confronting problems of racism and coloniality have gone further in establishing that for Euromodernity, “man” equivocates between references to all human beings and references merely to European peoples (and perhaps the occasional “honorary white”). Yet receiving much less attention is another central ambiguity: if “man” has an equivocal relation to categories of race and gender, what of its relation to age and adulthood? If Euromodern discourses on man over-represent a racialized, gendered, classed subject as if it represented humanity writ large, is there a similar error in over-representing the adult as if it were all humanity? Clearly, it would be an error to say, for instance, that human rights are rights by virtue of one’s having attained adulthood; the “rights of man” often refer to rights that would appear to be the human rights of children as well as adults. Indeed, there may be some human rights that are distinctly owed to children – consider, for instance, S. Matthew Liao’s argument that children have a right to be loved (Liao, 2015). Yet here the issue of paternalism emerges, a source of recurring debates in Euro-modern thought due to its imbrication in colonial and patriarchal modes of power. If children have a right to have guardians, then the debate rages as to whether the child-like should likewise have some form of protectorate imposed upon them. Here a critical response emerges: if paternalism functions as a Trojan horse for colonization and patriarchy, then perhaps it simply ought to be rejected wholesale. Hence, what if decolonizing values requires discarding the notion of maturity altogether? In other words, maturity is woven into the fabric Euro-modern values, and it is therefore a medium for the propagation of coloniality. Where efforts to value maturity are present, it seems, the valorization of “Man” and devalorization of women, people of color, etc. lurks in the shadows. If Wynter’s call is for “the human after Man,” then it might follow that what is needed is the achievement of the human after maturity. b. The Problem of Naïve Decolonization The notion that **any values associated with colonialism** or **coloniality** ought to be **discarded**, however, is **fraught with problems**. The apt metaphor here pertains to the folly of throwing babies out with the bathwater. Colonialism is an effort to **instrumentalize** land, people, culture, values, and knowledge; it **invariably makes use** of that which is valued **prior to colonization**. This is not to say that colonialism does not introduce new values of its own, but even where this is the case, colonialism often seeks to impose these through **projects of cooptation** that are established in reference to the values that **precede them**. In brief, the issue is that efforts to value maturity are **by no means original** or **exclusive** to Euro-modernity and coloniality. Consider here Ifeanyi Menkiti’s contention (1984, 2004) that it is typical of African conceptions of personhood that one must mature in order to become a person. Full personhood is not a product of birth alone but is rather achieved through the acts and influences that make one meaningfully a member of a community. The claim, then, is not simply that it is better to be mature than not, but rather that a type of maturity is requisite to attain an ontological status of personhood: “passage through time helps create not only a qualitative difference between young and old, but also an ontologically significant one” (Menkiti, 2004: 325). The notion of maturity as bearing **normative significance** and even the notion of maturity as constitutive of the **difference** between those who are **fully human** and those who are **not** are **not purely European** or **colonial inventions**. This is not to say that Europe did not re-invent notions of maturity or bring to them a significance that was **distinctly colonial** and **not indigenous** to a pre-colonial context. Nor is it to claim that it was African societies’ normative attachment to forms of maturity that made them more susceptible to efforts of European colonization. The point is simply that maturity refers, ultimately, to ideals about which many societies have had constructive ideas **prior to colonization**, and the fact that there are **colonial ideals** of maturity, as well as **precolonial conceptions** of maturity that have been **colonized** and **transformed** in the process, **does not imply** that maturity ought to be **discarded wholesale** on the grounds that it is **no more than a colonial artifact**. The effort to **reject whatever is associated with colonizers** or **epochs of colonization** can be termed “**naïve decolonization**.” I do not mean to suggest that decolonization is **itself naïve** but rather that one can **distinguish** between forms of decolonization that are **naïve** and forms that are **mature**. Naïve decolonization often works according to the logic of **guilt by association**. Under this framework, decolonization’s **chief responsibility** becomes to **repudiate whatever happens to be associated with the colonizers**. The problem with such an approach is one that Aimé Césaire raised in Discourse on Colonialism (2000): that to **oppose colonialism**, to maintain that it dehumanizes both colonized and colonizer, **does not mean** that one can **go back to a pre-colonial world**. Frantz Fanon, likewise, issued the call to “Leave this Europe where they are never done talking of Man, yet murder men everywhere they find them” (1963: 311), but this “leaving” meant to refuse the claim that Europe was an adequate model, that its “successes” made it worthy of imitation. “It is a question,” Fanon wrote, “of the Third World starting a new history of Man, a history which will have regard to the sometimes prodigious theses which Europe has put forward, but which will also not forget Europe’s crimes, of which the most horrible was committed in the heart of man, and consisted of the pathological tearing apart of his functions and the crumbling away of his unity” (1963: 315). In short, the **imperative** to build a world **no longer suffering** from colonial pathologies may **require** that one **not discard all European thought** in much the way that European intellectuals often claimed that **all non-European thought could be discarded**. Naïve decolonization regards **repudiation of the colonial as sufficient** for decolonization; mature decolonization confronts a responsibility to **build a world** that is **genuinely after colonialism**, a world, as Fanon called for, in which tools would not possess human beings and enslavement would be brought to a permanent end, and wherein it would be possible for human beings to discover and love each other, wherever they may be (1967a: 231). In that sense, we may issue a **warning** that **Wynter’s call** for “the **human**, **after Man**” **may not mean**, as such, the **death of Man**. The obvious points of reference here are Michel Foucault’s vision that man could be erased “like a face drawn in the sand at the edge of the sea” (Foucault 1994: 387) and Friedrich Nietzsche’s “God is dead. … And we have killed him” (Nietzsche 2001: §125). The **problem** with a call for Man’s death is that the death of Man is **not necessarily the end of Man’s power**. That Man should have hegemonic power in shaping the world, in organizing it in such a fashion so that each of its part serves Man’s ends, is an acute concern. But the death of Man **does not guarantee the diminishment** of such power. Foucault had expressed a similar concern in warning that **having literally cut off the king’s head does not ensure that one will have done likewise** in the realm of political theory (Foucault, 1978: 88-9); the question can remain, though, as to whether even cutting off the king’s head in political theory would eradicate the king’s power over how politics is thought about. Here African ontologies suggest a relevant point of consideration: the death of ancestors does not eradicate their power with regard to present and future generations (Gyekye, 1995: 68–84; Henry, 2000: 26–43; L.R. Gordon, 2006: 58–61). Wynter, in building off of and beyond Foucault’s framework, discussed these matters in terms of “**transumptive chains**” that **govern the shift** from one episteme and epoch of power to another. The **symbols** and **modes of knowledge production** put into effect to undergird one regime of power, do not “**resume**” so much as “**transume**” – that is, their **interruption by revolutions** and **epistemic breaks** yields their continuation in **altered forms**. The “death of God” at issue for Nietzsche and others was less an issue of God’s absence and more an issue of how God had been replaced; could science, philosophy, or Man really serve the knowledge- and world-orienting roles that God had? To ask of humanistic institutions that they replace God is, in its own way, a continuation of the power of God: it is to impose a demand that is exogenous to those institutions and that may transcend their capacities quite drastically. The degodding of the Western episteme, Wynter contends, moved it out of a Christocentric framework of knowledge production into a partially secularized episteme of **Man-1**, premised on the centrality and ideality of “**homo politicus**,” which in turn was further degodded and begot **Man-2**, the episteme of “**homo oeconomicus**” (Wynter, 2003, 2006). But the **structure of the argument** implies that present efforts toward decolonization could, **simply**, **beget Man-3**, and simply because one takes as one’s aim that one will kill Man-2 **does not negate the possibility** that one’s efforts will **culminate in the hegemony of Man-3**. A further reference point of relevance, then, is Sigmund Freud’s notion of the Oedipus complex (Freud, 1977: 207–8, 328–38). Human beings enter into a world in which they are cared for, but their maturation facilitates the diminution of that care. Confrontation with an adult world, though, may spark forms of resentment that engender an anxious or oppositional relation to those by whom one has been nurtured. The notion of the Oedipus complex suggests a desire to displace and replace those sources of care, and the structure of such desire would be to persist without reflective awareness: e.g., I want to spite my father by surpassing him and reincarnate my mother’s love through another, but I may fail to understand that this desire is implicitly manifest in my acts. The psychoanalyst, then, can point to the structural tendency of human existence to produce Oedipal desires, and for the patient under analysis, this can facilitate reflection on how one’s behavior may ultimately be the symbolic expression of the Oedipal. Fanon (1967a), though, by taking this method seriously, saw that a rigid interpretation of it would have to be transcended, for in a colonized society, the sociogenesis of Oedipal structures would be quite different than it would be in the European context that stimulated Freud’s explorations. If in both France and Martinique it was Man that was symbolically produced as paragon of value, then the investment of Oedipal desire in one’s father could be typical among white children in France and atypical among black children in Martinique. The tragic consequence is that many black people would, in turn, act upon these desires unreflectively, pursuing dreams of integration and white acceptance that were simply unrealizable. Hence, the Oedipal could, in the colonial context, be an extension of colonial power, part of the array of psychological tools that undergird domination. A further problem, then, is evident even in opposition to the colonizer: pursuing the **death of the colonizer**, to **passionately seek the death of Man**, could be to **fail to confront** the causes of one’s debilitation and, indeed, to **exacerbate them**. Psychoanalysis hinges on the importance of moving from a naïve understanding of one’s desires to a mature one. Ironically, this point is often lost on many of those who repudiate Freudian psychoanalysis. Indeed, both in positivist and post-structuralist psychologies there is much evidence of an Oedipal relationship to Freud, an over-investment in, as it were, cutting off his head in psychological theory. This may take pathological expression where it means that one recapitulates the worst of Freud’s mistakes and discards his most prescient insights. An example is illustrated by Emma Perez’s criticism of Félix Guattari and Gilles Deleuze’s Anti-Oedipus. If Guattari and Deleuze are correct that the Oedipal does not arise in the pre-colonial kinship structures of the non-West, it does not thereby follow, Perez contends, that colonization has not imposed the Oedipal on them. To resist the Oedipal diagnosis, in short, does not combat the “Oedipalization” that coloniality puts into place (Perez, 1999: 102–110). The “anti-” of antiOedipus may, ultimately, betray an Oedipal anxiety at the heart of post-structuralist efforts to hasten the death of their forbears. So, too, for positivist approaches that, repelled by the limitations of the “talking cure” approach of psychoanalysis, beget an uncritical and at times fetishistic relationship to neurophysiological reductionism. That there are limitations to the early articulations of psychoanalysis does not entail that one ought to overlook its strengths, in the same way that the psychoanalyst may recommend that the patient respond to the influence of a flawed parent by at least attempting to grasp and understand the parent’s genuine virtues and accomplishments; otherwise, the disdain may become pathological. The point of examining structures of Oedipal desire is not to discover an inevitable fate – to find that one is doomed to pathology and catastrophe – but rather to help one take responsibility for reflecting upon what one really wants and needs and, to use Fanon’s term, to be actional in the face of powers one cannot fully eradicate. What Fanon and Perez point to, then, is a model of mature decolonization for which the mere acceptance and application of European ideas and concepts is inadequate but for which the wholesale and uncritical repudiation of those ideas and concepts is undesirable and irresponsible. Hence, the **maturity of decolonization** involves **heeding** both Audre Lorde’s warning that it would be naïve to expect the master’s tools to dismantle the master’s house (Lorde, 1984: 110–3) as well as **Jane** and **Lewis Gordon’s warning** that the effort to dismantle the master’s house is **necessary** but **insufficient** for projects of decolonization (Gordon and Gordon, 2006). The master is, indeed, **well-versed** in how to **use his tools to maintain his house**; for this reason, decolonization that **limits itself to immanent critique** of the Euro-modern intellectual canon is likely doomed to **tilt at windmills**, for this canon was by and large erected in order to **facilitate enduring modes** of coloniality. But the diminution of the master’s power is **not merely a matter of dismantling his house**, and **tools** that the master has sought to employ **might nonetheless be useful to construct other houses**, to **create alternative possibilities** and **futures**. In short, naïve decolonization takes its responsibilities as **delimited** by the need to **overthrow the master**, but mature decolonization encounters an **expanded responsibility** which demands the **creative** and **critical apprehension** of the **resources** and **inventions** that can **build a new world** and set afoot a **new humanity**. As such, it **needs to be wary** of naïve decolonization, for, among other issues, naïve decolonization is a **tool** that masters **can manipulate**, **have manipulated**, and may even at times **appropriate as their own**. Think, for instance, of the many ways in which the ideal of a **color-blind society**, offered up initially as an **anti-colonial idea**, has been turned into an **asinine** but **effective tool** for passing and upholding policies with **racist effects**, or the ways in which the expansion of U.S. colonial power **drew upon exploitation** of the so-called “**Black Legend**” to replace Spanish colonial power **without eradicating the colonial standing** of the locales thus “liberated.” To speak of “naïve decolonization” at all, though, is to raise a thorny linguistic issue, for “naïve” shares its etymological roots with the term “native.” The notion that its articulation in modern French and English vernaculars is completely unrelated to conceptions of “natives” in the colonies strains credulity. To decolonize the concepts that shroud intellectual production and normative life requires critical reflection on the relationship between the concepts as inherited and the greater conceptual scheme of which they are parts. So, for instance, we may speak of the efforts of those like Kwasi Wiredu (1997: 136–144) or Ngũgĩ wa Thiong’o (1986) toward decolonization by way of rethinking concepts from the perspective of languages not imposed by colonizers and, indeed, to be able to think enmeshed in these languages rather than as a merely occasional visitor to them. But it **does not follow** that one is **in all cases better off** by having **abandoned terms** that appear in the language of the colonizer, and the imperative of crosscultural communication – both in general and in the particular case of projects of decolonization – may require being able to **critically** and **reflectively employ language** that is neither **purely innocent** nor **purely colonizing** in its **pragmatic effects**. “Naïve” may simply refer to a cultural universal with transcultural validity, whereas the peculiar sense of “native” in Euro-modern languages may be the cultural particular of a cultural formation guided by the telos of colonization.4 And where “naïve” is used in such a way as to implicate this “native” baggage, one **need not throw one’s hands up** and abandon the term, since the alternative of **distinguishing better** and **worse uses** of it remains.el

#### their theory of homo economicus is bad:

#### 1---reductionist---misplaces possibility for people to hijack the state to procure material benefits

#### 2---it’s not “natural”

Jane Hardy 21. Professor of Political Economy, University of Hertfordshire, U.K.. “The myth of the ‘neoliberal self.’” *International Socialism* (171). <http://isj.org.uk/neoliberal-self/>.

The ruling classes and bosses try to make certain features of human behaviour and motivation – namely the primacy of individualism and self-interest – appear natural and taken for granted. Since some on the left have absorbed ideas about the atomisation and fragmentation of the working class, it is important to reassert Marx’s argument that there is no such thing as an individual outside of society. In the Grundrisse Marx writes: The human being, in the most literal sense, is a political animal: not merely a gregarious animal, but an animal that individuates itself only in the midst of society. Production by an isolated individual outside societyexcept in the rare case of a civilised person in whom social forces are already dynamically present being cast by accident into the wilderness is as much of an absurdity as is the development of language without individuals living together and talking to one another.62 Feral children, born and growing up outside society, will probably develop the ability to make noises and engage in rudimentary communication, but they will not develop language. Language is deeply embedded in human culture. It enables us to refer to abstract concepts and imagined and hypothetical events; it allows us to tell stories about the past and speculate about the future. In Capital, Marx reminds us of what sets humans apart from animals: A spider conducts operations that resemble those of a weaver, and a bee puts to shame many an architect in the construction of her cells. But what distinguishes the worst architect from the best of bees is that the architect raises his structure in imagination before he raises it in reality.63 Marx emphasised the collective nature of production. Work is a collective endeavour, whether it takes the form of prehistoric people hunting together or the vast structures of collaboration that support modern scientific inquiry and technological innovation. The large sums of money that bosses invest in teambuilding exercises show that they understand the cooperative nature of work and the creativity that it produces. Competitiveness and self-interest are not the self-evident and natural human traits that the neoliberals would have us believe. In his 1944 book The Great Transformation, the Hungarian political economist Karl Polanyi drew on the vast body of anthropology that had emerged in the 1920s in order to debunk Smith’s idea of homo economicus. He noted that, far from having an innate propensity to truck, barter and exchange, some communities had an aversion to both exchange and acquisition, leading him to claim that the legend of the individualistic psychology of primitive man had been exploded.64 The cold rationality of the market lacks the grip on the psychology of ordinary people that ruling-class ideology suggests. In fact, even the biggest corporations recognise basic human traits such as friendliness and warmth, if only to hijack and distort them in order to sell us commodities. For example, the language of gratitude has been incorporated into a number of high-profile advertising campaigns as corporations attempt to project feelings associated with friendship; Airbnb and Uber have been repackaged as the sharing economy, masking the precarious forms of work and huge profits that they produce. Davies looks at how such rebranding often involves attempts to airbrush money out of the picture: Payment is one of the unfortunate pain points…that requires anaesthetising with some form of social experience. Thus shopping must be represented as something else entirely.65 For instance, Tesco™s Food Love Stories adverts tell emotive stories of generous people such as Birdie, a Caribbean woman who has fostered 800 children and loves making jerk chicken for her family. Never letting a good crisis go to waste, another advert encouraged Tesco shoppers to cook Jon™s aromatic isolation lamb during the Covid-19 pandemic. The trumpeting of individual freedom has much more to do with rhetoric than the real operation of neoliberalism. Polanyi referred to the double movement: the forces of unbridled capitalism were so devastating and unsustainable that legislation had to be introduced to curb its worst excesses in the 19th century.66 The logic of unfettered capitalism would be child labour and the sale of uranium on the open market.67 Georg Lukács, another Hungarian theorist, pointed out that when capitalism was still expanding it rejected every sort of social organisation as an incursion into property rights and the freedom of the individual capitalist.68 The HBO series Deadwood illustrates how capitalism was forced to develop regulatory institutions and structures. In 1876, the discovery of gold in the Black Hills of the Dakota Territory attracted thousands of people to the area to prospect. The camp of Deadwood was established and rapidly expanded into a large town. Initially, this lawless town was the epitome of the Wild West™s every man for himself ethos. However, an outbreak of cholera meant that even the most corrupt and venal proto-capitalists had to cooperate to develop institutions, founding a hospital and establishing norms for the disposal of bodies in order to preserve their embryonic capitalist economy.