# Wake Round 1 Wiki

## 1NC

### T

#### Our interpretation is that the affirmative must demonstrate the desirability of the resolution either in totality or in a particular instance to meet the necessary win condition of being topical.

#### United States federal government means the three branches of government

USA.gov 13 "USA.gov is the U.S. government's official web portal" http://www.usa.gov/Agencies/federal.shtml

U.S. Federal Government - The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.

#### Increase means to make greater.

Merriam-Webster ND

“increase,” Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/increase

transitive verb

1: to make greater : AUGMENT

2obsolete : ENRICH

#### Interpretation: The core antitrust laws are only sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act.

The Antitrust Division 07 – Law enforcement agency that enforces the U.S. antitrust laws

“Antitrust Division Statement Regarding the Release of the Antitrust Modernization Commission Report,” The Antitrust Division, Department of Justice, April 2007, https://www.justice.gov/archive/atr/public/press\_releases/2007/222344.htm

The AMC has made many specific recommendations in its report, and the Division is in the process of reviewing all of them. The Division commends the AMC for its three primary conclusions:

Free-market competition should remain the touchstone of United States' economic policy. The Commission's conclusion in this regard is a fundamental starting point for policy makers. Over a century of experience has shown that robust competition among businesses, each striving to be increasingly successful, leads to better quality products and services, lower prices, and higher levels of innovation.

The core antitrust laws—Sherman Act sections 1 and 2 and Clayton Act section 7—and their application by the courts and federal enforcement agencies are sound and appropriately safeguard the competitiveness of the U.S. economy.

New or different rules are not needed for industries in which innovation, intellectual property, and technological innovation are central features. Unlike some other areas of the law, the core antitrust laws are general in nature and have been applied to many different industries to protect free-market competition successfully over a long period of time despite changes in the economy and the increasing pace of technological advancement. One of the great benefits of the Sherman and Clayton Acts is their adaptability to new economic conditions without sacrificing their ability to protect competition.

#### “business practices” are a repeated pattern of conduct

Lucas 88 – Judge, California Supreme Court

Malcolm Millar Lucas, Cal. ex rel. Van De Kamp v. Texaco, 46 Cal. 3d 1147, Supreme Court of California, October 1988, LexisNexis

\*\* Italics in original.

The statute defines "unfair competition" to mean, as relevant here, "unlawful, unfair or fraudulent *business practice* . . . ." ( Bus. & Prof. Code, § 17200, italics added.) In so doing it effectively requires what the court variously described in the leading case of Barquis v. Merchants Collection Assn. (1972) 7 Cal.3d 94 [101 Cal.Rptr. 745, 496 P.2d 817], as "a 'pattern' . . . of conduct" ( id. at p. 108), "ongoing . . . conduct" ( id. at p. 111), "a pattern of behavior" ( id. at p. 113), and, "a course of conduct" (ibid.).

#### Prohibit means Affirmative teams must completely ban a type of anticompetitive business practices – they don’t

Feldman 86 – Member of Procopio's Native American Law practice

Glenn M. Feldman, On Appeal from the United States Court of Appeals for the Ninth Circuit, California v. Cabazon Band of Mission Indians, 1986 U.S. S. Ct. Briefs LEXIS 1221, Supreme Court of the United States, 1986, LexisNexis

In arguing that California's bingo laws are prohibitory rat ther than regulatory, the appeallants have simply misunderstood the fundamental distinction between "prohibition" and "regulation" of conduct. As succinctly put by the Supreme Court of Washington more than 50 years ago, after noting that the prohibition and regulation of the sale of liquor are entirely different things: "To prohibit the liquor traffic implies the putting a stop to its sale as a beverage, to end it fully, completely, and indefinitely." In contrast, regulation "implies that the sale of intoxicating liquor shall go on within the bounds of certain prescribed rules, restrictions, and limitations." Ajax v. Gregory, 32 P.2d 560, 563 (Wash. 1934). Because regulation of conduct involves prescribing limitations, regulation, by definition, necessarily involves some degree of prohibition. Blumenthal v. City of Cheyenne, 186 P.2d 556, 566 (Wyo. 1947). The two concepts, however, are analytically distinct. Therefore, when courts have been faced with statutory schemes similar to California's bingo laws, they have consistently held them to be regulatory and not prohibitory.

#### We have Two impacts

#### 1. Fairness – absent a predictable stasis, the aff can determine the scope of the debate using an infinite amount of literature bases or experiences. That makes the scope of negative research too broad and makes it too easy to be aff. Fairness outweighs any other impact because debate is a competitive activity, and a skewed debate undermines the value of the energy and research that teams put into winning the competition. It makes the debates determined by a coinflip not research.

#### 2. Clash: defending your argument against a well-prepared opponent is key to any effective advocacy strategy or education obtained in debate – responding to negative arguments forced you to refine your arguments to the best possible version. Any other alternative means that we can’t improve our affirmatives after we break them which ruins the educational value of debate

#### That outweighs --- we’re cognitively biased to cling to preexisting beliefs, which breeds epistemic arrogance that culminates in Trumpism --- only submitting beliefs for reexamination by others and taking a risk of being wrong cultivates scrutiny.

Resnick 19

Brian Resnick, Science Writer for Vox, “Intellectual humility: the importance of knowing you might be wrong,” Vox. January 4, 2019. <https://www.vox.com/science-and-health/2019/1/4/17989224/intellectual-humility-explained-psychology-replication>

\*\*\*Modified with a strikethrough – Raffi

It’s been fascinating to watch scientists struggle to make their institutions more humble. And I believe there’s an important and underappreciated virtue embedded in this process.

For the past few months, I’ve been talking to many scholars about intellectual humility, the characteristic that allows for admission of wrongness.

I’ve come to appreciate what a crucial tool it is for learning, especially in an increasingly interconnected and complicated world. As technology makes it easier [**to lie**](https://www.vox.com/science-and-health/2018/4/20/17109764/deepfake-ai-false-memory-psychology-mandela-effect) and spread false information [incredibly quickly](https://www.vox.com/science-and-health/2018/3/8/17085928/fake-news-study-mit-science), we need intellectually humble, curious people.

I’ve also realized how difficult it is to foster intellectual humility. In my reporting on this, I’ve learned there are three main challenges on the path to humility:

In order for us to acquire more intellectual humility, we all, even the smartest among us, need to better appreciate our cognitive ~~blind~~ [limitations] spots. Our minds are more imperfect and imprecise than we’d often like to admit. Our ignorance can be invisible.

Even when we overcome that immense challenge and figure out our errors, we need to remember we won’t necessarily be punished for saying, “I was wrong.” And we need to be braver about saying it. We need a culture that celebrates those words.

We’ll never achieve perfect intellectual humility. So we need to choose our convictions thoughtfully.

This is all to say: Intellectual humility isn’t easy. But damn, it’s a virtue worth striving for, and failing for, in this new year.

Intellectual humility is simply “the recognition that the things you believe in might in fact be wrong,” as [Mark Leary](http://people.duke.edu/~leary/), a social and personality psychologist at Duke University, tells me.

But don’t confuse it with overall humility or bashfulness. It’s not about being a pushover; it’s not about lacking confidence, or self-esteem. The intellectually humble don’t cave every time their thoughts are challenged.

Instead, it’s a method of thinking. It’s about entertaining the possibility that you may be wrong and being open to learning from the experience of others. Intellectual humility is about being actively curious about your blind spots. One illustration is in the ideal of the scientific method, where a scientist actively works against her own hypothesis, attempting to rule out any other alternative explanations for a phenomenon before settling on a conclusion. It’s about asking: What am I missing here?

It doesn’t require a high IQ or a particular skill set. It does, however, require making a habit of thinking about your limits, which can be painful. “It’s a process of monitoring your own confidence,” Leary says.

This idea is older than social psychology. Philosophers from the earliest days have [grappled](https://philosophynow.org/issues/53/Socratic_Humility) with the limits of human knowledge. Michel de Montaigne, the 16th-century French philosopher credited with inventing the essay, wrote that “the plague of man is boasting of his knowledge.”

Social psychologists have learned that humility is associated with other valuable character traits: People who score higher on intellectual humility questionnaires are more open to [hearing opposing views](https://www.tandfonline.com/doi/abs/10.1080/15298868.2017.1361861). They more readily seek out information that conflicts with their worldview. They pay [**more attention to evidence**](https://www.templeton.org/wp-content/uploads/2018/11/Intellectual-Humility-Leary-FullLength-Final.pdf) and have a stronger self-awareness when they answer a question incorrectly.

When you ask the intellectually arrogant if they’ve heard of bogus historical events like “Hamrick’s Rebellion,” they’ll say, “Sure.” The intellectually humble are less likely to do so. Studies have found that cognitive reflection — i.e., analytic thinking — is [correlated](https://static1.squarespace.com/static/51ed234ae4b0867e2385d879/t/5b43b48b03ce6471753c78ba/1531163796071/2018+Pennycook+Rand+-+Cognition.pdf) with being better able to discern fake news stories from real ones. These studies haven’t looked at intellectual humility per se, but it’s plausible there’s an overlap.

Most important of all, the intellectually humble are more likely to admit it when they are wrong. When we admit we’re wrong, we can grow closer to the truth.

One reason I’ve been thinking about the virtue of humility recently is because our president, Donald Trump, is one of the least humble people on the planet.

It was Trump who said on the night of his nomination, “I alone can fix it,” with the “it” being our entire political system. It was Trump who once said, “[I have one of the great memories of all time](http://digg.com/2017/trump-great-memories-of-all-time).” More recently, Trump told the Associated Press, “I have a natural instinct for science,” in [dodging](http://nymag.com/intelligencer/2018/10/trump-i-have-a-natural-instinct-for-science.html) a question on climate change.

A frustration I feel about Trump and the era of history he represents is that his pride and his success — he is among the most powerful people on earth — seem to be related. He exemplifies how our society rewards confidence and bluster, not truthfulness.

Yet we’ve also seen some very high-profile examples lately of how overconfident leadership can be ruinous for companies. Look at what happened to Theranos, a company that promised to change the way blood samples are drawn. It was all hype, all bluster, and it collapsed. Or consider Enron’s overconfident executives, who were often hailed for [their intellectual brilliance](https://awealthofcommonsense.com/2018/05/when-intelligence-fails-miserably/) — they ran the company into the ground with risky, suspect financial decisions.

The problem with arrogance is that the truth always catches up. Trump may be president and confident in his denials of climate change, but the changes to our environment will still ruin so many things in the future.

As I’ve been reading the psychological research on intellectual humility and the character traits it correlates with, I can’t help but fume: Why can’t more people be like this?

We need more intellectual humility for two reasons. One is that our culture promotes and rewards overconfidence and arrogance (think Trump and Theranos, or the advice your career counselor gave you when going into job interviews). At the same time, when we are wrong — out of ignorance or error — and realize it, our culture doesn’t make it easy to admit it. Humbling moments too easily can turn into moments of humiliation.

So how can we promote intellectual humility for both of these conditions?

In asking that question of researchers and scholars, I’ve learned to appreciate how hard a challenge it is to foster intellectual humility.

First off, I think it’s helpful to remember how flawed the human brain can be and how prone we all are to intellectual blind spots. When you learn about how the brain actually works, how it actually perceives the world, it’s hard not to be a bit horrified, and a bit humbled.

We often can’t see — or even sense — what we don’t know. It helps to realize that it’s normal and human to be wrong.

It’s rare that a viral meme also provides a surprisingly deep lesson on the imperfect nature of the human mind. But believe it or not, the great [“Yanny or Laurel” debate](https://www.vox.com/2018/5/16/17358774/yanny-laurel-explained) of 2018 fits the bill.

For the very few of you who didn’t catch it — I hope you’re recovering nicely from that coma — here’s what happened.

An audio clip (you can hear it below) says the name “Laurel” in a robotic voice. Or does it? Some people hear the clip and immediately hear “Yanny.” And both sets of people — Team Yanny and Team Laurel — are indeed hearing the

Hearing, the perception of sound, ought to be a simple thing for our brains to do. That so many people can listen to the same clip and hear such different things should give us humbling pause. Hearing “Yanny” or “Laurel” in any given moment ultimately depends on a whole host of factors: the quality of the speakers you’re using, whether you have hearing loss, your expectations.

Here’s the deep lesson to draw from all of this: Much as we might tell ourselves our experience of the world is the truth, our reality will always be an interpretation. Light enters our eyes, sound waves enter our ears, chemicals waft into our noses, and it’s up to our brains to make a guess about what it all is.

“THE FIRST RULE OF THE DUNNING-KRUGER CLUB IS YOU DON’T KNOW YOU’RE A MEMBER OF THE DUNNING-KRUGER CLUB”

Perceptual tricks like this ([“the dress”](https://www.vox.com/2015/2/27/8119901/explain-color-dress) is another one) reveal that our perceptions are not the absolute truth, that the physical phenomena of the universe are indifferent to whether our feeble sensory organs can perceive them correctly. We’re just guessing. Yet these phenomena leave us indignant: How could it be that our perception of the world isn’t the only one?

That sense of indignation is called naive realism: the feeling that our perception of the world is the truth. “I think we sometimes confuse effortlessness with accuracy,” [Chris Chabris](http://www.chabris.com/), a psychological researcher who co-authored a book on the [challenges of human perception, tells me](https://go.redirectingat.com/?id=66960X1516588&xs=1&url=https%3A%2F%2Fwww.amazon.com%2FInvisible-Gorilla-How-Intuitions-Deceive%2Fdp%2F0307459667%2Fref%3Dsr_1_1%3Fie%3DUTF8%26qid%3D1545250306%26sr%3D8-1%26keywords%3Dinvisible%2Bgorilla%2Bbook). When something is so immediate and effortless to us — hearing the sound of “Yanny” — it just [feels true](https://www.vox.com/science-and-health/2017/10/5/16410912/illusory-truth-fake-news-las-vegas-google-facebook). (Similarly, psychologists find when a lie is repeated, it’s more likely to be [misremembered as being true](https://www.vox.com/science-and-health/2017/10/5/16410912/illusory-truth-fake-news-las-vegas-google-facebook), and for a similar reason: When you’re hearing something for the second or third time, your brain becomes faster to respond to it. And that fluency is confused with truth.)

Our interpretations of reality are often arbitrary, but we’re still [**stubborn**](https://jov.arvojournals.org/article.aspx?articleid=2613309) about them. Nonetheless, the same observations can lead to wildly different conclusions.

For every sense and every component of human judgment, there are illusions and ambiguities we interpret arbitrarily.

Some are gravely serious. White people often perceive black men to be bigger, taller, and more muscular (and therefore [more threatening](https://www.vox.com/science-and-health/2018/4/19/17251752/philadelphia-starbucks-arrest-racial-bias-training)) than they really are. That’s racial bias — but it’s also a socially constructed illusion. When we’re taught or learn to fear other people, our brains distort their potential threat. They seem more menacing, and we want to build walls around them. When we learn or are taught that other people [are less than human](https://www.vox.com/science-and-health/2017/3/7/14456154/dehumanization-psychology-explained), we’re less likely to look upon them kindly and more likely to be okay when violence is committed against them.

Not only are our interpretations of the world often arbitrary, but we’re often overconfident in them. “Our ignorance is invisible to us,” David Dunning, an expert on human blind spots, says.

You might recognize his name as half of the psychological phenomenon that bears his name: the Dunning-Kruger effect. That’s where people of low ability — let’s say, those who fail to understand logic puzzles — tend to unduly overestimate their abilities. Inexperience masquerades as expertise.

An irony of the Dunning-Kruger effect is that so many people misinterpret it, are overconfident in their understanding of it, [and get it wrong.](https://www.talyarkoni.org/blog/2010/07/07/what-the-dunning-kruger-effect-is-and-isnt/)

When people talk or write about the Dunning-Kruger effect, it’s almost always in reference to other people. “The fact is this is a phenomenon that visits all of us sooner or later,” Dunning says. We’re all overconfident in our ignorance from time to time. (Perhaps related: Some 65 percent of Americans [believe](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200103) they’re more intelligent than average, which is wishful thinking.)

Similarly, we’re overconfident in our ability to remember. Human memory is extremely malleable, prone to small changes. When we remember, we don’t wind back our minds to a certain time and relive that exact moment, yet many [of us think](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3149610/) our memories work like a videotape.

Dunning hopes his work helps people understand that “not knowing the scope of your own ignorance is part of the human condition,” he says. “But the problem with it is we see it in other people, and we don’t see it in ourselves. The first rule of the Dunning-Kruger club is you don’t know you’re a member of the Dunning-Kruger club.”

In 2012, psychologist Will Gervais scored an honor any PhD science student would covet: a [co-authored paper](http://science.sciencemag.org/content/336/6080/493) in the journal Science, one of the top interdisciplinary scientific journals in the world. Publishing in Science doesn’t just help a researcher rise up in academic circles; it often gets them a lot of media attention too.

One of the experiments in the paper tried to see if getting people to think more rationally would make them less willing to report religious beliefs. They had people look at a picture of Rodin’s [The Thinker](https://en.wikipedia.org/wiki/The_Thinker) or another statue. They thought The Thinker would nudge people to think harder, more analytically. In this more rational frame of mind, then, the participants would be less likely to endorse believing in something as faith-based and invisible as religion, and that’s what the study found. It was [catnip](https://www.scientificamerican.com/article/how-critical-thinkers-lose-faith-god/) for science journalists: one small trick to change the way we think.

“HOW WOULD I KNOW IF I WAS WRONG?” IS ACTUALLY A REALLY, REALLY HARD QUESTION TO ANSWER

But it was a tiny, small-sample study, the exact type that is prone to yielding false positives. Several years later, another lab attempted to replicate the findings with a [much larger sample size](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0172636), and failed to find any evidence for the effect.

And while Gervais knew that the original study wasn’t rigorous, he couldn’t help but feel a twinge of discomfort.

“Intellectually, I could say the original data weren’t strong,” he says. “That’s very different from the human, personal reaction to it. Which is like, ‘Oh, shit, there’s going to be a published failure to replicate my most cited finding that’s gotten the most [media attention](https://www.scientificamerican.com/article/losing-your-religion-analytic-thinking-can-undermine-belief/).’ You start worrying about stuff like, ‘Are there going to be career repercussions? Are people going to think less of my other work and stuff I’ve done?’”

Gervais’s story is familiar: Many of us fear we’ll be seen as less competent, less trustworthy, if we admit wrongness. Even when we can see our own errors — which, as outlined above, is not easy to do — we’re hesitant to admit it.

But turns out this assumption is [false](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0143723). As [Adam Fetterman](https://www.utep.edu/liberalarts/psychology/people/adam-k-fetterman.html), a social psychologist at the University of Texas El Paso, has found in a [few](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0143723) [studies](https://www.sciencedirect.com/science/article/pii/S0191886918305336), wrongness admission isn’t usually judged harshly. “When we do see someone admit that they are wrong, the wrongness admitter is seen as more communal, more friendly,” he says. It’s almost never the case, in his studies, “that when you admit you’re wrong, people think you are less competent.”

Sure, there might be some people who will troll you for your mistakes. There might be [a mob on Twitter that converges in order to shame you](https://www.vox.com/2016/2/29/11133822/internet-outrage-explained). Some moments of humility could be humiliating. But this fear must be vanquished if we are to become less intellectually arrogant and more intellectually humble.

Humility can’t just come from within — we need environments where it can thrive

But even if you’re motivated to be more intellectually humble, our culture doesn’t always reward it.

The field of psychology, overall, has been reckoning with a “[replication crisis](https://www.vox.com/science-and-health/2018/8/27/17761466/psychology-replication-crisis-nature-social-science)” where many classic findings in the science don’t hold up under rigorous scrutiny. Incredibly influential textbook findings in psychology — like the “[ego depletion”](https://www.vox.com/2016/3/14/11219446/psychology-replication-crisis) theory of willpower or the “[marshmallow test](https://www.vox.com/science-and-health/2018/6/6/17413000/marshmallow-test-replication-mischel-psychology)” — have been bending or breaking.

I’ve found it fascinating to watch the field of psychology deal with this. For some researchers, the reckoning has been personally unsettling. “I’m in a dark place,” Michael Inzlicht, a University of Toronto psychologist, [wrote](http://michaelinzlicht.com/getting-better/2016/2/29/reckoning-with-the-past) in a 2016 blog post after seeing the theory of ego depletion crumble before his eyes. “Have I been chasing puffs of smoke for all these years?”

“IT’S BAD TO THINK OF PROBLEMS LIKE THIS LIKE A RUBIK’S CUBE: A PUZZLE THAT HAS A NEAT AND SATISFYING SOLUTION THAT YOU CAN PUT ON YOUR DESK”

What I’ve learned from reporting on the “replication crisis” is that intellectual humility requires support from peers and institutions. And that environment is hard to build.

“What we teach undergrads is that scientists want to prove themselves wrong,” says [Simine Vazire](https://www.simine.com/), a psychologist and journal editor who often writes and speaks about replication issues. “But, ‘How would I know if I was wrong?’ is actually a really, really hard question to answer. It involves things like having critics yell at you and telling you that you did things wrong and reanalyze your data.”

And that’s not fun. Again: Even among scientists — people who ought to question everything — intellectual humility is hard. In some cases, researchers have refused to concede their original conclusions despite the [unveiling of new evidence](https://www.vox.com/science-and-health/2018/6/28/17509470/stanford-prison-experiment-zimbardo-interview). (One famous psychologist under fire recently told me [angrily](https://www.vox.com/science-and-health/2018/6/28/17509470/stanford-prison-experiment-zimbardo-interview), “I will stand by that conclusion for the rest of my life, no matter what anyone says.”)

Psychologists are human. When they reach a conclusion, it becomes hard to see things another way. Plus, the incentives for a successful career in science push researchers to publish as many positive findings as possible.

There are two solutions — among many — to make psychological science more humble, and I think we can learn from them.

One is that humility needs to be built into the standard practices of the science. And that happens through transparency. It’s becoming more commonplace for scientists to preregister — i.e., commit to — a study design before even embarking on an experiment. That way, it’s harder for them to deviate from the plan and cherry-pick results. It also makes sure all data is open and accessible to anyone who wants to conduct a reanalysis.

That “sort of builds humility into the structure of the scientific enterprise,” Chabris says. “We’re not all-knowing and all-seeing and perfect at our jobs, so we put [the data] out there for other people to check out, to improve upon it, come up with new ideas from and so on.” To be more intellectually humble, we need to be more transparent about our knowledge. We need to show others what we know and what we don’t.

And two, there needs to be more celebration of failure, and a culture that accepts it. That includes building safe places for people to admit they were wrong, like the [Loss of Confidence Project](https://lossofconfidence.com/).

But it’s clear this cultural change won’t come easily.

“In the end,” Rohrer says, after getting a lot of positive feedback on the project, “we ended up with just a handful of statements.”

We need a balance between convictions and humility

There’s a personal cost to an intellectually humble outlook. For me, at least, it’s anxiety.

When I open myself up to the vastness of my own ignorance, I can’t help but feel a sudden suffocating feeling. I have just one small mind, a tiny, leaky boat upon which to go exploring knowledge in a vast and knotty sea of which I carry no clear map.

Why is it that some people never seem to wrestle with those waters? That they stand on the shore, squint their eyes, and transform that sea into a puddle in their minds and then get awarded for their false certainty? “I don’t know if I can tell you that humility will get you farther than arrogance,” says [Tenelle Porter,](https://greatergood.berkeley.edu/profile/tenelle_porter) a University of California Davis psychologist who has [studied](https://www.tandfonline.com/doi/abs/10.1080/15298868.2017.1361861) intellectual humility.

Of course, following humility to an extreme end isn’t enough. You don’t need to be humble about your belief that the world is round. I just think more humility, sprinkled here and there, would be quite nice.

“It’s bad to think of problems like this like a Rubik’s cube: a puzzle that has a neat and satisfying solution that you can put on your desk,” says [Michael Lynch](https://michael-lynch.philosophy.uconn.edu/), a University of Connecticut philosophy professor. Instead, it’s a problem “you can make progress at a moment in time, and make things better. And that we can do — that we can definitely do.”

For a democracy to flourish, Lynch argues, we need a balance between convictions — our firmly held beliefs — and humility. We need convictions, because “an apathetic electorate is no electorate at all,” he says. And we need humility because we need to listen to one another. Those two things will always be in tension.

The Trump presidency suggests there’s too much conviction and not enough humility in our current culture.

“The personal question, the existential question that faces you and I and every thinking human being, is, ‘How do you maintain an open mind toward others and yet, at the same time, keep your strong moral convictions?’” Lynch says. “That’s an issue for all of us.”

To be intellectually humble doesn’t mean giving up on the ideas we love and believe in. It just means we need to be thoughtful in choosing our convictions, be open to adjusting them, seek out their flaws, and never stop being curious about why we believe what we believe.

### K

#### Framing settlerism as inevitable ignores the structuring effect of capitalism --- only historical materialism offers a cross-cutting demand for movements

Snelgrove et al 14

Corey Snelgrove, Rita Kaur Dhamoon, and Jeff Corntassel. Snelgrove is a Professor at the University of British Columbia; Kaur Dhamoon at the University of Victoria and Corntassel at the University of Victoria, “Unsettling settler colonialism: The discourse and politics of settlers, and solidarity with Indigenous nations,” Decolonization: Indigeneity, Education & Society, Vol. 3, No. 2, 2014, p. 1-32, <http://decolonization.org/index.php/des/article/view/21166/17970>]

Corey: This relational, interdependent focus is also important amongst settlers ourselves – perhaps as a way to counter the flattening of differences that occurs amongst settlers, particularly in solidarity work. Settlers obviously need to be doing our own work and challenging ‘our’ institutions and practices that serve to protect or further colonization. But we can’t do this if we flatten the differences and ignore the inequalities and power relationships that exist within settler society. Not only does such flattening prevent much needed alliances but flattening itself can actually work to protect certain elements of settler colonialism. For instance, white supremacy works to naturalize white settler presence. In terms of solidarity then, I find it problematic for myself, as a white, class privileged, cis-hetero, and able bodied male (as well as people like me) to demand other peoples to act in solidarity, while also not holding myself (and others like me) responsible and accountable to other forms of violence that may be a contributing factor to the further reification of structures that support settler colonialism, like the State. Now I’m not arguing for the continued eschewal of Indigenous governance and legal orders because others experience violence, but rather, that the substantive recognition of Indigenous governance and legal orders also requires a dismantling of other, related forms of domination. This latter dismantling I see as necessary but also insufficient for the dismantling of settler colonialism. These sites and spaces of domination and resistance are distinct, but also connected dialectically. This seems to be something that settlers, white settlers specifically, have yet to articulate and take up, critique and act against. And this is perhaps most evident in how settlers seem to be continuously waiting for instruction from Indigenous peoples on how to act. Rita: I wonder if this relational approach is a more useful direction for settler colonial studies, not unlike the kind of work you do Jeff, in thinking about colonialism in a global, comparative context. Jeff: And I think, the more you can make those links, the British occupation of Maori territory is directly related to HBC’s strategy to begin treaty making here... All those things are interrelated. They are shared, and they are seen as shared strategies. The other thing I see is this impulse to delocalize it... it’s always that kind of Free Tibet Syndrome... the further away acts of genocide are from your location, the more outrage expressed at these injustices. It’s a way of avoiding complicity, but it’s also a way of recasting the gaze. It’s like, ‘We’re not going to look right here, because this appears to be fairly peaceful’ And so it’s always that sort of re-directing away from localized responsibility, and almost magnifying impacts farther away. Rita: So what settler colonial studies does do, is help us relocate to locality, which is helpful. You mention the HBC. I wonder what was the relationship between the Hudson Bay Company in Canada and the East India Company or the East Africa Company? If we’re thinking about settler colonialism as a structure, how is it related to other modalities of gendered and sexualized white supremacy? How are the logics of State sovereignty and authority over nonwhite bodies connected? If we’re thinking about it, as non-Indigenous peoples being ‘in solidarity’, part of that is locating, attacking the whole structure of imperialism that is deeply gendered and homonationalist, that depends on neo-liberal projects of prioritizing able-bodied workers who can serve capitalism. Corey: Part of this, I think, what we’ve been discussing here, relates to what I sometimes see as the framing of ‘settler’ as event, rather than structure – where we are perhaps overly focused on the question of ‘who’ at the expense of the ‘how’. If we don’t understand how settlers are produced we run the risk of representing settlers as some sort of transhistorical subject with transhistorical practices. So I’m worried that while in one moment the term ‘settler’ denaturalizes our – that is all non-Indigenous peoples – presence on Indigenous lands, in the next, and through this construction of the ‘settler’ as transhistorical, we renaturalize it. In short, we go from a disavowal of colonization, to its representation as inevitable. Here is where I think a historical materialist or genealogical approach to the production of settler subjects may be useful in showing how this production is conditioned by but also contingent on a number of factors – white supremacy, hetero-patriarchy, capitalism, colonization, the eschewal of Indigenous governance and legal orders, environmental degradation, etc. Now this is also not to say that the binary of Indigenous/Settler isn’t accurate. I think its fundamental. Rather, I think it is possible and important to recognize that there have been, and are, individuals (or even collectives) that might be referred to as something other than settlers by Indigenous peoples, perhaps as cousins. Or in a similar vein, that there have been and are practices by settlers that aren’t colonial (and here is where centering Indigenous peoples’ accounts of Indigenous-settler relations, as well as their own governance, legal and diplomatic orders is crucial). But I think it’s just as important to recognize that these relations have and do not occur despite settler colonial and imperial logics, and thus outside of the binary. Rather, such relations occur in the face of it. The binary then is fundamental as the logics that uphold the binary cannot be ignored due to the existence of possiblly good relations as the logics that uphold the binary threaten those relations through the pursuit of the elimination of Indigenous peoples. Rita: Yet, how do we act in light of these entanglements, and with, rather than overcoming differences? Corey: Tuck and Yang (2012) had this really great article, “Decolonization is not a Metaphor.” In it, they talk about the importance of an ethics of incommensurability – a recognition of how anti-racist and anti-capitalist struggles are incommensurable with decolonization. But what I’ve been thinking about recently is whether these struggles are incompatible. For example, in the Indigenous resurgence literature, there is a turn away, but it’s also not an outright rejection. It also demands settlers to change. Yet recognizing that settlers are (re)produced, the change demanded is not just an individual transformation, but one connected to broader social, economic, and political justice. There are then, it seems, potential lines of affinity between decolonization and others, though incommensurable, struggles. And in order to sustain this compatibility in the face of incommensurability, relationships are essential in order to maintain accountability and to resist repeating colonial and other relations of domination, as well as, in very strategic terms, in supporting each other’s resistance.

#### Settlerism as structural is weaponized to divide the masses, preventing cross-racial coalitions essential to understand the history of American Empire and move against it

Barker 17

Joanne Barker, Professor of American Indian Studies at San Francisco State University, former Visiting Scholar in the American Indian Studies Program of the Inter-American Cultures Institute at UCLA, has received fellowships from the University of California, the Rockefeller Foundation, and the Ford Foundation, self-identifies as an enrolled member of the Delaware Tribe of Indians, holds a Ph.D. in the History of Consciousness from the University of California-Santa Cruz, “The Analytic Constraints of Settler Colonialism,” Tequila Sovereign, February 2, 2017, <https://tequilasovereign.wordpress.com/2017/02/02/the-analytic-constraints-of-settler-colonialism/>

I’d like to re-frame my critique of the constraints of settler colonialism with the twelve little women in mind. I am going to try to show that a certain analytic within the studies has, however unwittingly, foreclosed and even chilled understandings of Black and Indigenous histories and identities in ways that derail our understandings of U.S. imperialism as a social formation and so our work with one another. One of the consequences of this goes to our ability to think through how #BlackLivesMatter, #SayHerName, #NoDAPL, and #MMIW are co-generative — even as I recognize the reasons why each of these movements have at different times demanded we respect their particularity.

Drawing from Marxist structuralism, Patrick Wolfe defines the settler colonial society through two key differentiations.

The first is between the structure and the event of invasion. Wolfe maintains that the permanence of invasion distinguishes the structure of a settler society, which originates with the withdrawal of the empire and the rise to power of a land-holding class who always intended to stay. Wolfe defines the ideology that cements this structure together as the logic of elimination. The settler exploits Indigenous labor but more importantly seeks to eliminate all vestiges of Indigenous land claims by the elimination of Indigenous cultures and identities.

The quickest way I can explain my concerns with Wolfe’s definition is to mark how it rearticulates the problematics of structuralism. It treats society as a fixed, coherent thing that can be objectively described. The descriptions are simultaneously over‑determined by the historical event of the empire’s withdrawal and the exceptionalism of a permanent invasion. We’ve been in this trouble before – we know structuralism generates all kinds of ahistorical and apolitical problems, not to mention essentialisms, even as it is conditioned by the intersectionalities of originary events and political identities.

For instance, Lorenzo Veracini argues that settler colonialism is “characterized by a settler capacity to control the population economy” as a marker of sovereignty and that this situation is “associated with a particular state of mind” and “narrative form” so powerful that “the possibility of ultimately discontinuing/decolonizing settler colonial forms remains problematic.” Veracini maintains that “settlers do not discover: they carry their sovereignty and lifestyles with them.

As they move towards what amounts to a representation of the world, as they transform the land into their image, they settle another place without really moving.”

I would argue that the settler colonial is a contested and unstable concept. Drawing from critical Indigenous, race, and feminist approaches — such as those developed by Jodi Byrd, Mishuana Goeman, Jennifer Denetdale, and Elle-Máijá Tailfeathers — that understand colonialism, racism, sexism, and homophobia as permanent features of U.S. society, I would argue that society is not an objectively settled structure to be described, nor an imaginary that travels as an integral whole around the world. It is a set of contested meanings caught up in struggles over power and knowledge.

And resistance is most certainly not futile.

The second differentiation on which Wolfe’s settler colonialism rests is between the settler and the Indigenous. While many assume the settler to be white – and perhaps more so to be a white heterosexual male – Wolfe, Veracini, and others characterize the settler as both white and all other non-Indigenous people irrespective of gender and sexuality. Pressed on the politics of such characterizations, particularly of figuring Blacks as settlers, Wolfe explains:

Willingly or not, enslaved or not, at the point of a run or not, they arrived as part of the settler-colonial project. That doesn’t make them settlers in the same sense as the colonizers who coerced them to participate—of course not—but it does make them perforce part of the settler-colonial process of dispossession and elimination. — Patrick Wolfe (2012)

As the work of Circe Sturm, Tiya Miles, Sharon Patricia Holland, and so many others have demonstrated, Black and Indigenous histories and identities (not necessarily distinct) are intersectional messes of racialized and gendered contestation over and within the ongoing colonial forces of U.S. imperialism. We need their analyses to understand these histories and identities and the ways we have inherited them. We need to be careful about grouping all racial, ethnic, diaspora, and immigrant communities in with settlers and pitting them and their presumably shared struggles for civil rights against Indigenous sovereignty and territorial claims. The kinds of polemics that result are not helpful. What if reparations and return are not antithetical political objectives? Who decides their antithesis?

Creation, Generation

In 1985, during a speech at the United Nations Decade for Women Conference in Nairobi, Lilla Watson said:

If you have come here to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together.

Watson, a member of the Murri indigenous to Queensland, has said since and repeatedly that she was “not comfortable being credited for [saying] something that had been born of a collective process” and preferred that the words and their meaning be credited to “Aboriginal activist groups, Queensland, 1970s.” She thus held herself – and the practice of citing her – accountable to the community to whom she belonged. That ethic is further reflected in her — in her community’s — perspective that genuine decolonization will happen as our movements address our shared conditions of oppression. Our liberation is bound together.

“But,” Oklahoma-based Black activist tells me, “I want Indigenous peoples to take responsibility for the way they enslaved Black bodies and internalized white racism towards Blacks in the conduct of their tribal sovereignty.” “But,” Mississippi Choctaw scholar says to me, “I want Blacks to take responsibility for the way they grabbed at Indian lands after the Civil War. For the way the U.S. illegally and violently acquired the lands from us that they promised to give to Freedmen. That Freedmen and their descendants ignore this when they call for reparations.”

But… I’m still trying to figure out how in the difficult moments when the transgenerational trauma of land dispossession, slavery, and racism so profoundly precludes our perceptions and expectations of one another, we can find a way to affirm one another’s concerns and move our liberation struggles forward.

A way that rejects the “respectability” of U.S. recognition and the containment politics of financial settlement. As Glen Coulthard argues, recognition is a bullshit lie of capitalism that dresses up exploitation in liberal inclusion. As Alyosha Goldstein argues, settlements “foreclose the lineages of historical injustice” and “individualize” in liberal fashion what is a matter of collective and sovereign claims to territories and economic reckoning.

A way that rejects the kinds of legally and economically inconsequential responsibility-taking performance of church and government apologia. A way that refuses to be settled up or settled down to negligible levels of financial compensation that change nothing.

I believe we must draw from what Leanne Simpson argues are our cultural teachings for behaving towards one another. She offers compassion, generosity, and humility as the points at which genuine restoration of ourselves and our relationships are possible. From there, as Coulthard argues, we must carve a way forward through a “disciplined maintenance of resentment,” a “politicized anger” towards state oppression that refuses to accept guilt ridden, meaningless gestures of acknowledgment and payouts for genuine reparations and land return.

Conclusions

As a conclusion I want to think about Black Lives Matter supporting the #NoDAPL actions at Standing Rock.

I don’t think it’s an accident that it is water that has brought the movements together. As the Black community of Flint and the Lakota peoples of Standing Rock have taught us, water links us together in our struggles for life. It points our attentions to what is destroyed by military, security, and corporate concerns in Ferguson, Mexico, Palestine, and British Columbia; what highlights the illegal seizing of lands for the illegal construction of pipelines; what has been contaminated with hubris in the Delaware River basin, Flint Michigan, the Dakotas, and too many other places to name.

Melissa Nelson writes that,

Most of us find it easier to separate ourselves from nature than to embrace the liquid mystery of our union with it. As freshwater disappears on the earth, so do the water stories that remind us that we too can freeze, melt, conceive, and evaporate. We too can construct a confluence of cultural rivulets where the natural and cultural coalesce. — Melissa Nelsen

Perhaps we too can embrace the life of water to recognize the ways our movements co-generate, to find our coalescence.

#### Neoliberalism guarantees extinction through poverty, inequality, and ecological destruction

David McCoy 17, Professor of Global Public Health at the Centre for Primary Care and Public Health at Queen Mary University London, “Critical Global Health: Responding to Poverty, Inequality and Climate Change,” Int J Health Policy Manag 2017, 6(9), 539–541

According to the World Bank, the number of people living in extreme poverty has more than halved since 2001 and is now believed to represent about 10% of the world’s population.3 This suggests some progress in poverty reduction, notwithstanding some analysts arguing that the Bank’s methods for standardising ‘purchasing power’ across different countries and currencies under-estimates the true number of people living in extreme poverty.4

However, Benatar argues that any reasonable commitment to eradicating poverty should account for all who live in poverty, and not just those in extreme poverty. Although the question of how one defines and measures poverty has exercised economists, political scientists and philosophers for decades, it is hard to imagine anyone disagreeing with the view that anyone living on an income of less than $10/day is poor. And yet, a staggering 71% of the world’s population live below this income line.5 By this measure, poverty has been growing across the world, not shrinking. The tendency to focus on the prevalence of extreme poverty directs attention away from this fact.

A more important point made by Benatar is that a celebration of reductions in extreme poverty has the effect of directing attention away from the more fundamental issue of increasing inequality and widening disparities in wealth and power. This is important because the prevalence of global poverty is largely a consequence of the inequitable distribution of resources and of various forms of structural violence that simultaneously produce wealth and privilege on one hand and poverty and disempowerment on the other.6Fraser argues that the term ‘the global poor’ should be replaced with the term ‘the globally exploited’ or ‘the globally excluded’ so as to explicitly acknowledge the social causes of poverty.7 Doing so would leave the global community feeling much less self- satisfied with the limited reductions in the number of people living on less than $2/day.

Some may suggest that Benatar is being overly negative and unappreciative of the fact that levels of extreme poverty have fallen. It may also be pointed out that the global poor have enjoyed other gains, including improvements in health and reductions in mortality rates.8 It is also often claimed that the poor have benefited from advancements in democracy and freedom. For example, it is not infrequent for mainstream news journals to celebrate the rising number of parliamentary democracies in Africa,9 or to suggest that the internet and new mobile technologies have empowered the global poor,10 or that economic globalisation has extended economic freedom and opportunities to all people.11 In short, the global poor are not just better off, but also healthier and freer.

Many who work in ‘global health’ tend to share this positive, ‘glass half-full’ picture of human progress. Positive optimism and the celebration of selective indicators of health improvement are distinct features of narratives projected by actors such as the Gates Foundation, the World Bank and the Global Fund. In particular, technological developments in health are lauded as being both cost-effective and capable of transforming the lives of the poor.

But Benatar is not suggesting a pessimistic outlook - rather he is calling for a more critical perspective that challenges those narratives that lead away from any discussion of the socially determined maldistribution of wealth (poverty) and health (disease and illness), or which have the effect of concealing the structural violence and injustice that underpins global poverty, even while health indicators are improving for the global poor. There are good reasons for doing so.

As already mentioned, it is arguable that poverty is actually increasing worldwide. Additionally, while there may be a greater number of representative forms of national democracy, the increasingly unequal distribution of wealth and power has created the basis for democratic structures and processes to be corrupted or captured by wealthy elites in many countries. Neoliberal globalisation, including the rise in power of transnational corporations and global finance, and the consequent weakening of national sovereignty (especially in poor countries), have also impinged the ability of the majority poor to enjoy the theoretical benefits of the expansion of democratic elections across the world.

In terms of the reductions in mortality rates, a more critical perspective is warranted if we recognise the fragility of recent global health gains and the threats posed by climate change and ecosystems collapse, anti-microbial resistance, and the prospect of growing levels of violence and armed conflict across the globe. In other words, the predominantly biomedical approach that prevails in global health and which has undoubtedly improved our ability to keep people alive for longer in conditions of poverty, may eventually fail in the medium to long term if we neglect the social determinants of both human health and environmental degradation.

Finally, notwithstanding the reductions in mortality, the fact that such large proportions of the world’s population live in social, economic and environmental conditions that are inconsistent with a good life also suggests a need for a more critical approach that places equity at the heart of how we measure progress.

Nature and the Planet

Benatar also calls for a more urgent recognition of the dangers posed by climate change and ecological degradation, and for humanity to abandon its human-centred model of development in favour of one that places the planet and nature at the centre of our imaginations. Many of us already know that global warming, climate and weather changes, biodiversity loss and ocean acidification present an existential threat to humanity. High profile Lancet publications of reports from a Commission on Climate Change and Health and a Commission on Planetary Health, together with Margaret Chan asserting that climate change is ‘the defining issue’ of the 21st century, 12 would suggest that the health community is responding adequately to the problems of excessive greenhouse gas emissions and consumption patterns that are degrading the planet’s capacity to sustain organised human life.

The reality, however, is that many of us still live beyond our fair share of the planet’s capacity and do not yet see unsustainable consumption and lifestyles as a form of ‘ecologically-mediated’ structural violence that is destroying the prospects of future generations and harming the lives of hundreds of millions of mostly poor people who are already experiencing the consequences of climate change. Although we are, to some degree, trapped within a system built around fossil fuel and the idea of perpetual ‘economic growth,’ we also choose to exceed our fair share of the world’s carbon budget by, for example, flying more than we need to, or choosing diets that are patently ecologically unsustainable.

There may be several reasons for this apparent paradox between what we know and what we do. It may be that the scale of danger posed by climate change is under-appreciated, enabled in part by vast amounts of manufactured disinformation that has been generated by the fossil fuel industry and climate denialists. Similarly, it may represent a cognitive-behavioural dissonance that results from an effective and ubiquitous advertising industry that drives a demand for unsustainable material consumption. It may also be that we feel a degree of entitlement from our work to improve the health of the global poor that excuses us from changing our lifestyles. Or we may hope that technological solutions will save us from having to change the way we live. Or we may simply lack hope in the ability of humanity to avoid self-destruction.

It is the grave threat posed by climate change and ecological degradation that points to the need to better understand the paradox between what we know and what we do. Unless we do so, the full potential for the global health community to use its unique mandate and authority to catalyse the wider systemic changes that are required may be left unrealised. Once again, the argument for a more critical approach seems justified.

What to Do?

Benatar’s article throws up a range of large and complex challenges to which there are no simple solutions. But if the argument is accepted that the global health community needs to adopt a more critical approach, what might this mean in practice? Here I suggest three broad steps that should be taken.

First, the global health community needs to engage more fully with a range of under-represented disciplines and subject areas such as economics, international relations, trade, finance, law, geography and the earth sciences. While some public health scholars have been highlighting the importance of these subject areas to global health, the scholarship and efforts that have been rooted in an understanding of the structural, social and ecological determinants of health must no longer be a minority interest, siloed away from the larger part of the global health community that is focused on the science and practical challenges of individual diseases, their proximal causes and their treatment.

The appeal of ‘pragmatic’ technological and technocratic interventions to save lives and promote incremental improvements in population health is undeniably strong when compared to the messy, unpredictable and conflictual world of politics, economics and climate change. It is understandable that health actors are drawn towards ‘fights’ against disease and illness. But ultimately, a vision of global health that is rooted in both justice and sustainability requires the global health community to develop a broader knowledge base and skills set.

But this by itself is not enough. A second requirement is that we engage politically and confront the politics of global health itself. The latter includes understanding the political dimensions of neoliberal theories and assumptions that have dominated thinking over the past fifty years or so and examining how this shapes health and development policy. Of relevance, for example, is Ron Labonté’s argument in this journal that the SDGs are fundamentally flawed because they assume “that the same economic system, and its still-present neoliberal governing rules, that have created or accelerated our present era of rampaging inequality and environmental peril can somehow be harnessed to engineer the reverse.”13 This also includes understanding the way unequal power shapes our global health architecture and policy approaches. The many global health partnerships that have emerged over the past two decades, for example, have worked effectively to reconcile the mission of global health actors (from civil society, academia and the United Nations [UN]) with the interests of powerful private actors. Similarly, the emphases within global health on charity and technology as solutions for the afflictions of the global poor, or more recently on ‘health security,’ need to be assessed politically in terms of transformatively redistributing power and wealth, or affirming social justice as a foundation for health and wellbeing.

Finally, a more critical global health community would recognise the need to achieve global outcomes through local action. New economic models and re-democratisation, for example, are vital ingredients to the systemic change that is required – but these ingredients will only be provided in sufficient quantity if communities, municipalities and other local groupings are actively engaged in their generation. Adequate systemic change, enabled by policy and legislation, will only occur if shaped and driven by demands from the ground. At the same time, systemic change can be catalysed by smaller-scale changes and developments involving communities at the local level. The large number of health professionals and workers who operate at the local level should be central to these endeavours, and those of us working in global health should look to enable our local health counterparts to create progressive change from the bottom up.

#### Vote negative to affirm the Party --- this rejects the divisions constitutive of neoliberalism and works to galvanize collective organizing that challenges the violence of the political-economy

Dean and Mertz 16

Jodi Dean and Chuck Mertz. Jodi Dean is an American political philosopher and professor in the Political Science department at Hobart and William Smith College. Chuck Mertz runs This is Hell! Radio, in Chicago. “The JFRP: For a New Communist Party.” January 23, 2016. <https://antidotezine.com/2016/01/23/for-a-new-communist-party/>

Chuck Mertz: Real change, the kind of change that Occupy Wall Street had hoped to start, can be achieved through—I know you’re going to find this hard to believe—a political party. I found it hard to believe, until I read Jodi Dean’s book [Crowds and Party](http://www.versobooks.com/books/1991-crowds-and-party). Jodi is here to explain to us how a political party can bring about real change.

Welcome to This is Hell!, Jodi.

Jodi Dean: Hi! Thanks.

CM: Great to have you on the show.

Let’s start with Occupy. What, to you, explains the impact that the Tea Party had on Republicans, relative to the impact that Occupy seems to have had on the Democratic Party? All of the sudden there were “Tea Party Republicans.” There weren’t “Occupy Democrats.”

JD: That’s a good point. The Tea Party took the Republican Party as its target. They decided that their goal was going to be to influence the political system by getting people elected and basically by trying to take over part of government. That’s why they were able to have good effects. They didn’t regard the mainstream political process as something irrelevant to their concerns. They thought of it as something to seize.

The problem with many—but not all—leftists in the US is that they think the political process is so corrupted that we have to completely refuse it, and leave it altogether. The Tea Party decided to act as an organized militant force, and too much of the US left (we saw this in the wake of Occupy) has thought that to be “militant” means to refuse and disperse and become fragmented.

CM: So what explains the left turning its back on the collective action of a political party? It would seem like a political party would fit into what the left would historically want: an apparatus that can organize collective action.

JD: There are multiple things. First, the fear of success: the left has learned from the excesses of the twentieth century. Where Communist and socialist parties “succeeded,” there was violence and purges and repression. One reason the left has turned its back is because of this historical experience of state socialism. And we have taken that to mean that we should not ever have a state. I think that’s the wrong answer. That we—as the left—made a mistake with some regimes does not have to mean that we can never learn.

Another reason that the left has turned its back on the party form has been the important criticism of twentieth century parties that have been too white, too masculine, potentially homophobic; parties that have operated in intensely hierarchical fashion. Those criticisms are real. But rather than saying we can’t have a party form because that’s just what a party does, why not make a party that is not repressive and does not exclude or diminish people on the basis of sex, race, or sexuality?

So we’ve got at least two historical problems that have made people very reluctant to use the party. I also think that, whether or not you mark it as 1968 or 1989, the left’s embrace of cultural individualism and the free flow of personal experimentation has made it critical of discipline and critical of collectivity. But I think that’s just a capitalist sellout. Saying everybody should just “do their own thing” is just going in the direction of the dominant culture. That is actually not a left position at all.

CM: So does identity politics undermine collectivism? And did that end up leading to fragmentation and a weakening of the left? Because there are a lot of people we’ve had on the show—and one person in particular, Thomas Frank—who say that there is no left in the United States.

JD: First I want to say that I disagree with the claim that there is no left. In fact, I think that “the left” is that group that keeps denying its own existence. We’re always saying that we’re the ones who don’t exist. But the right thinks that we exist. That’s what is so fantastic, actually. Did you see the New York Post screaming that Bernie Sanders is really a communist? Great! They’re really still afraid of communists! And it’s people on the left who say, “Oh, no, we’re not here at all!”

The left denies its own existence and it denies its own collectivity. Now, is identity politics to blame? Maybe it’s better to say that identity politics has been a symptom of the pressure of capitalism. Capitalism has operated in the US by exacerbating racial differences. That has to be addressed on the left, and the left has been addressing that. But we haven’t been addressing it in a way that recognizes how racism operates to support capitalism. Instead, we’ve made it too much about identity rather than as an element in building collective solidarity.

I’m trying to find a way around this to express that identity politics has been important but it’s reached its limits. Identity politics can’t go any further insofar as it denies the impact of capitalism. An identity politics that just rests on itself is nothing but liberalism. Like all of the sudden everything will be better if black people and white people are equally exploited? What if black people and white people say, “No, we don’t want to live in a society based on exploitation?”

CM: You were saying that the left denies its own collectivity. Is that only in the US? Is that unique to the US culture of the left?

JD: That’s a really important question, and I’m not sure. Traveling in Europe, I see two different things. On the one hand I see a broad left discussion that is, in part, mediated through social media and is pretty generational—people in their twenties and thirties or younger—and that there’s a general feeling about the problem of collectivity, the problem of building something with cohesion, and a temptation to just emphasize multiplicity. You see this everywhere. Everybody worries about this, as far as what I’ve seen.

On the other hand, there are countries whose political culture has embraced parties much more, and fights politically through parties. Like Greece, for example—and we’ve seen the ups and downs with Syriza over the last two years. And Spain also. Because they have a parliamentary system where small parties can actually get in the mix and have a political effect—in ways that our two-party system excludes—the European context allows for more enthusiasm for the party as a form for politics.

But there’s still a lot of disagreement on the far left about whether or not the party form is useful, and shouldn’t we in fact retreat and have multiple actions and artistic events—you know, the whole alter-globalization framework. That’s still alive in a lot of places.

“I think holding on to the word ‘communism’ is useful, not only because our enemies are worried about communism, but also because it helps make socialists seem really, really mainstream. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what we should have at a bare minimum.”

CM: You mentioned the structure of the US electoral system doesn’t allow for a political party to necessarily be the solution for a group like Occupy. Is that one of the reasons that activists dismiss the party structure as something that could help move their agenda forward?

JD: We can think about the Black Panther Party as a neat example in the US context: A party which was operating not primarily to win elections but to galvanize social power. That’s an interesting way of thinking about what else parties can do in the US.

Or we can think about parties in terms of local elections. Socialist Alternative has been doing really neat work all over the country, organizing around local elections with people running as socialist candidates not within a mainstream party. I think that even as we come up against the limits of a two-party system, we can also begin to think better about local and regional elections.

The left really likes that old saw: “Think Globally, Act Locally.” And then it rejects parties—even though political parties are, historically, forms that do that, that actually scale, that operate on multiple levels as organizations.

That we have a two-party system makes sense as an excuse why people haven’t used left parties very well in the US, but that doesn’t have to be the case.

And one more thing: there is a ton of sectarianism in the far left parties that exist. Many still fight battles that go back to the twenties, thirties, forties, fifties, and haven’t let that go. That has to change. We don’t need that kind of sectarian purity right now.

CM: You ask the question, “How do we move from the inert mass to organized activists?” You mention how you were at Occupy Wall Street; you write about being there on 15 October 2011 as the massive crowd filled New York’s Times Square. And you mention this one young speaker, and he addresses the crowd; they’re deciding if they should move on to Washington Square Park or not, because they need to go somewhere where there are better facilities. You then quote the speaker saying, “We can take this park. We can take this park tonight. We can also take this park another night. Not everyone may be ready tonight. Each person has to make their own autonomous decision. No one can decide for you. You have to decide for yourself. Everyone is an autonomous individual.”

Did that kind of individualism kill Occupy Wall Street from the start?

JD: Yeah, I think so. A lot of times I blame the rhetorics of consensus and horizontalism, but both of those are rooted in an individualism that says politics must begin with each individual, their interests, their experience, their positions, and so on. As collectivity forms—which is not easy when everyone’s beginning from their individual position—what starts to happen is that people start looking for how their exact experiences and interests are not being recognized.

I think that the left has given in too much to this assumption that politics begins with an individual. That’s a liberal assumption. Leftists, historically, begin with the assumption that politics begins in groups. And for the left in the nineteenth and twentieth centuries, the operative group is class. Class is what determines where our political interests come from.

I try to do everything I can in the book to dismantle the assumption that politics, particularly left politics, should begin with the individual. Instead I want people thinking about how the individual is a fiction, and a really oppressive fiction at that. And one that’s actually, conveniently, falling apart.

CM: You write about Occupy Wall Street having been an opening but having had no continuing momentum. You mention that the party could add that needed momentum. That’s one of the things that parties can do. The structure of the party can continue momentum and keep the opening alive.

When you say that a party could be a solution for a movement like Occupy, you don’t mean the Democratic Party, do you?

JD: I’ve got a lot of layers on this question. My first answer is that no, I really mean the Communist Party. My friends call this “Jodi’s Fantasy Revolutionary Party” as a joke, because the kind of Communist Party I take as my model may not be real, or may have only existed for a year and a half in Brooklyn in the thirties. And I don’t mean the real-existing Communist Party in the US now, which still exists and basically endorses Democrats.

My idea is to think in terms of how we can imagine the Communist Party again as a force—what it could be like if all of our left activist groups and small sectarian parties decided to come together in a new radical left party.

So no, I don’t envision the Democratic Party as being that. That’s not at all what I have in mind. I’m thinking of a radical left party to which elections are incidental. Elections might be means for organizing, but the goal isn’t just being elected. The goal is overthrowing capitalism. The goal is being able to build a communist society as capitalism crumbles.

Second, it could be the case—as a matter of tactics on the ground in particular contexts—that working for a Democratic candidate might be useful. It could be the case that trying to take over a local Democratic committee in order to get communist/socialist/radical left candidates elected could also be useful. But I don’t see the goal as taking over the Democratic Party. That’s way too limited a goal, and it’s a goal that presupposes the continuation of the system we have, rather than its overthrow.

CM: But how difficult would it be for a Communist Party to emerge free of its past associations with the Soviet Union? Can we even use the word “communist” or is it impossibly taboo?

“It’s fantastic that Occupy Wall Street’s narrative of the 99% and the 1% asserted collectivity through division. This is class conflict. There is not a unified society. This is the collectivity of us against them. This narrative produced the proper collectivity: an antagonistic one.”

JD: We have to recognize that the right is still scared of communism. That means the term is still powerful. That means it still has the ability to instill fear in its enemies. I think that’s an argument for keeping the word “communism.”

It’s also amazing that close to half of Iowa participants in the caucuses say that they are socialist. Four or five years ago, people were saying socialism is dead in the US. No one could even say the word. So I actually think holding on to the word “communism” is useful not only because our enemies are worried about communism, but also because it helps make the socialists seem really, really mainstream, and that’s good. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what America should have at a bare minimum.

One last thing about the history of communism: every political ideology that has infused a state form has done awful things. For the most part, if people like the ideology, they either let the awful things slide, or they use the ideology to criticize the awful things that the state does. We can do the same thing with communism. It’s helpful to recognize that the countries we understand to have been ruled by Communist Parties were never really communist—they didn’t even claim to have achieved communism themselves. We can say that state socialism made these mistakes, and in so doing was betraying communist ideals.

I don’t think we need to abandon these terms or come up with new ones. I think we need to use the power that they have. And people recognize this, which is what makes it exciting.

CM: You write, “Some contemporary crowd observers claim the crowd for democracy. They see in the amassing of thousands a democratic insistence, a demand to be heard and included. In the context of communicative capitalism, however, the crowd exceeds democracy.

“In the 21st century, dominant nation-states exercise power as democracies. They bomb and invade as democracies, ‘for democracy’s sake.’ International political bodies legitimize themselves as democratic, as do the contradictory and tangled media practices of communicative capitalism. When crowds amass in opposition, they pose themselves against democratic practices, systems, and bodies. To claim the crowd for democracy fails to register this change in the political setting of the crowd.”

So are crowds today, the protesters today, opposed to democracy? Or are they opposed to the current state of, let’s say, representative democracy?

JD: Let’s think about our basic environment. By “our,” now, I mean basically English-speaking people who use the internet and are listening to the radio and live in societies like the United States. In our environment, what we hear is that we live in democracy. We hear this all the time. We hear that the network media makes democratic exchange possible, that a free press is democracy, that we’ve got elections and that’s democracy.

When crowds amass in this setting, if they are just at a football game, it’s not a political statement. Even at a march (fully permitted) that’s registering opposition to the invasion of Iraq, for example, or concern about the climate—all of those things are within the general environment of “democracy,” and they don’t oppose the system. They don’t register as opposition to the system. They’re just saying that we want our view on this or that issue to count.

But the way that crowds have been amassing over the last four or five years—Occupy Wall Street is one example, but the Red Square debt movement in Canada is another; some of the more militant strikes of nurses and teachers are too—has been to say, “Look, the process that we have that’s been called democratic? It is not. We want to change that.”

It’s not that we are anti-democratic. It’s that democracy is too limiting a term to register our opposition. We want something more. We want actual equality. Democracy is too limiting. The reason it’s too limiting is we live in a context that understands itself as “democratic.” So democracy as a political claim, in my language, can’t “register the gap that the crowd is inscribing.” It can’t register real division or opposition. Democracy is just more of what we have.

CM: We are so dependent. We use social media so much, we use Facebook so much, we use so many of these avenues of what you call communicative capitalism so much. How can we oppose or reject this system without hurting ourselves and our ability to communicate our message to each other? Can we just go on strike? Can we become the owners of the means of communicative production?

JD: One of the ways that Marxism historically has understood the political problems faced by workers is our total entrapment and embeddedness in the capitalist system. What makes a strike so courageous is that workers are shooting themselves in the foot. They’re not earning their wage for a time, as a way to put pressure on the capitalist owner of the workplace.

What does that mean under communicative capitalism? Does it mean that we have to shoot ourselves in the foot by completely extracting ourselves from all of the instruments of communication? Or does it mean that we change our attitude towards communication? Or does it mean that we develop our own means of communication?

There’s a whole range here. I’m not a Luddite. I don’t think the way we’re going to bring down capitalism is by quitting Facebook. I think that’s a little bit absurd. I think what makes more sense is to think of how we could use the tools we have to bring down the master’s house. We can consolidate our message together. We can get a better sense of how many we are. We can develop common modes of thinking. We can distribute organizing materials for the revolutionary party.

I don’t think that an extractive approach to our situation in communicative media is the right one. I think it’s got to be more tactical. How do we use the tools we have, and how do we find ways to seize the means of communication? This would mean the collectivization of Google, Facebook, Amazon, and using those apparatuses. But that would probably have to be day two of the revolution.

CM: Jodi, I’ve got one last question for you, and it’s the Question from Hell, the question we might hate to ask, you might hate to answer, or our audience is going to hate the response.

How much did the narrative that Occupy created, of the 99% and the 1%, undermine a of collectivity? Because it doesn’t include everyone…

JD: Division is crucial. Collectivity is never everyone. What this narrative did was produce the divided collectivity that we need. It’s great to undermine the stupid myth of American unity, “The country has to pull together” and all that crap. It’s fantastic that Occupy Wall Street asserted collectivity through division. This is class conflict. This says there is not a unified society. Collectivity is the collectivity of us against them. It produced the proper collectivity: an antagonistic one.

### CASE

#### They’ve incorrectly identified the proper response to the consolidation of power in the hands of the settlers – engagement in antitrust research is crucial in advocacy spaces to embolden grassroot leaders to challenge oppressive colonial structures

Greer and Rice 21 – Jeremie Greer and Solana Rice are Co-founders and Co-executives of Liberation in a Generation, a national movement-support organization working to build the power of people of color to transform the economy.

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 18-26, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

As illustrated in section 3, the federal government has many laws and regulations to rein in corporate concentration. Some advocates work to ensure that current regulations are being enforced; other advocates work to identify new regulations and even agencies to respond to the ways that corporate concentration has dominated our economy. We believe that the movement—within research and advocacy spaces especially—should embolden grassroot leaders of color to deliver antiracist policy solutions aimed specifically to curtail monopoly power. Below, we provide considerations for future action that are not policies or regulations or campaigns in and of themselves, but ideas that could transform the anti-monopoly movement in ways that require it to reimagine itself and approach the work through a racial justice lens. Develop More In-Depth, Intentional Research Part of the impetus for writing this document is that Liberation in a Generation believes that the power to change our economic systems rests with the organizers of color who are (re)building the political strength of communities of color. The research and advocacy to limit monopoly power needs to better quantify, center, and reflect the ways that people of color are being harmed. This means conducting research that centers the impact of monopoly power on people of color (as workers, consumers, community members, and participants in our democracy). The research and advocacy need to be relevant to the organizers who are indeed experiencing and fighting many of these forces on the ground, and it should inform solutions that they develop, nurture, and advance through activism. The research and advocacy must use less jargon and abstraction, focusing less on markets, firms, or efficiencies, and it should talk more about the impact of corporate decisions on people, their lives, and their futures. The tent of advocates working on anti-monopoly needs to widen as well. Bringing in the people most impacted is essential to shaping and accomplishing the path forward. Draw Connections Between Monopoly Power and Current Movement Priorities As discussed earlier in this paper monopoly power has enormous impact on other movement priorities led by leaders of color, such as environmental justice, worker justice, housing justice, police and prison abolition, closing the racial wealth gap, and demcratic disenfranchisement. Anti-monopoly policy can be a powerful tool to accomplish existing movement priorities, including the Green New Deal, a Homes Guarantee, a federal jobs guarantee, and Medicare for All. In order to fully utilize it as a tool, anti-monopoly advocates must support—mainly in the background—grassroots leaders of color in integrating anti-monopoly policy and advocacy strategies into the existing campaigns they are leading. By following their lead, and by working together to curb corporate power, we as a collective progressive movement can accomplish an array of movement priorities and move the US closer to liberation for people of color.

#### Their structural reading of colonialism as quote “that are buried in the system of the economy and anti-trust” relies on pessimistic “traps” – binary between “authenticity” and “cooption,” an overdetermined state, and the futility of political action – that are diametrically opposed to Indigenous agency and efforts to reassert nationhood both here and abroad

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Sheryl, “The Pessimism Traps of Indigenous Resurgence,” Chapter 10 in *Pessimism in International Relations*, Eds. Stevens, T., & Michelsen, N., Palgrave)

Despite all of these activities designed to re-write the relationship between states and Indigenous peoples, some high-profle critical Indigenous political theorists reject all state overtures towards reconciliation and take extremely pessimistic approaches towards future Indigenous-state relations. They advocate that Indigenous resurgence through a return to Indigenous land-based forms of governance is the only path to decolonisation. I argue that while resurgence school theorists are strong advocates for Indigenous nations and bring focus and clarity to a set of issues about power structures and dynamics, they are all caught in the same set of three ‘pessimism traps’ that unnecessarily limit their capacity to contribute to improved Indigenous-state relationships. These pessimism traps emanate from a reliance on Fanonian revolutionary thought and a problematic application of Fanonian theory from French-colonised North Africa to an entirely different context in the English-speaking settler states. Finally, I argue, these pessimism traps are diametrically opposed to the work and vision of Indigenous organisations who have been working on the ground for decades to assert Indigenous nationhood both domestically and internationally, in ways that often assertively and creatively challenge and shift the existing system of sovereign states. In sum, because the resurgence school remains trapped in a pessimism box of its own making, it remains signifcantly out of step with Indigenous movements and actually risks harming their efforts to advance Indigenous self-determination in creative and innovative ways.

Pessimism Trap 1: A Clear Demarcation of Indigenous Individuals into Only Two Categories, ‘Authentic’ and ‘Co-Opted’

For Indigenous resurgence theorists, these two categories are the only possibilities, and there is no grey area in-between. In their view, Indigenous peoples are co-opted if they hold elected offce, make land claims or economic development agreements with governments or industry, or even sign treaties. Furthermore, co-opted Indigenous peoples are so co-opted, that they do not even recognise how they are being used and colonised by the state and its private-sector partners. On the other hand, authentic Indigenous peoples live on their traditional lands, speak their Native languages, practice their culture and govern themselves in traditional fashion. They are the only ones that have successfully resisted the overwhelming forces of colonisation and its powers of cooptation, and the only ones with the power to do so into the future.

In his 2005 book, Wasáse: Indigenous Pathways of Action and Freedom, Taiaiake Alfred calls on the original people, what he calls Onkwehonwe in the Mohawk language, to unify in resisting the colonial structures that continue to oppress them.5 Relying on warrior imagery in the Mohawk tradition, Alfred confronts Indigenous people to recognise Western domination in our communities and resist it. He argues forcefully that Indigenous peoples have become overly complacent on, and even dependent upon, Western social, economic and political structures. He calls for a resurgence in Indigenous spirituality and political structures in Indigenous communities. As he sees it, a strong Indigenous warrior is not one that necessarily engages in war and violent resistance but, rather, is one that shows real courage by living a daily life grounded in the spiritual teachings and practices of our ancestors. The decolonising revolution he calls for is rooted within the peaceful resurgence of traditional spirituality and governance. As he writes, ‘There are people in all communities who understand that a true decolonization movement can emerge only when we shift our politics from articulating grievances to pursuing an organized and political battle for the cause of our freedom. These new warriors understand the need to refuse any further disconnection from their heritage and the need to reconnect with the spiritual bases of their existences’.6 While at frst glance, this book represents a powerful and compelling call to action by Indigenous communities and leaders, a closer examination reveals all three pessimism traps in play throughout the text .

Alfred draws a sharp line between authentic Indigenous approaches and co-opted ones. As he puts it, ‘Not all of us have been conquered. There are still strong Onkwehonwe who persevere in their struggle for an authentic existence and who are capable of redefning, regenerating, and reimagining our collective existences’.7 Yet, he warns, ‘The colonizers stand on guard for their ill-gotten privileges using highly advanced techniques, mainly co-optation, division and when required, physical repression’ and ‘with its massive resources, the state can co-opt leadership and movement successes’.8

Furthermore, Alfred notes, the authentic Indigenous peoples and leaders are no longer the majority, as the co-opted ones seem to occupy most of the leadership roles in organisations and communities. Lamenting the constant temptations for co-optation on offer, from land claims agreements, to casino capitalism, to chief and council salaries, Alfred writes, ‘Working for a cause that has indigenous integrity means sacrifce. …This is the reality of an authentic indigenous existence in political terms. And, evidently, in our communities today, there are only a few people who are convinced that taking on the psychological and fnancial burden of being really indigenous is worth the fght’.9

Similar patterns appear in Alfred’s follow-up 2009 book, Peace, Power, Righteousness: An Indigenous Manifesto. 10 In this work, Alfred walks the reader through Indigenous values, weaving a thesis that a new kind of Indigenous leadership, characterised by the resurgence of Indigenous forms of self-determination, is the only way to resist colonialism and preserve what still exists of Indigenous culture and lifeways today. In a Fanonian spirit, he challenges Indigenous peoples, and particularly leaders, professionals and academics, to be aware of how colonialism has impacted them and their communities on every level, including and especially, psychologically. He challenges Indigenous leadership and communities to recognise these multiple layers of colonialism in current contemporary practice, and to resist them.

As in his earlier work, Alfred divides Indigenous peoples, communities and leadership into two stark categories: authentic and co-opted. Indigenous leaders, he says, either actively resist, or they co-operate with the state. When they co-operate with the state, they ‘rationalize and participate actively in their own subordination and the maintenance of the Other’s superiority’ and therefore become co-opted.11

Further, he sees that as states have moved away from overt violent control of Indigenous communities, co-option has become the preferred method of control and subordination:

The fact is that neither the state-sponsored modifcations to the colonial-municipal model …nor the corporate or public-government systems recently negotiated in the North constitute indigenous governments at all. Potentially representing the final solution to the white society’s ‘Indian Problem,’ they use the co-operation of Native leaders in the design and implementation of such systems to legitimize the state’s longstanding assimilationist goals for indigenous nations and lands.12

One of the deepest problems, according to Alfred, is that co-opted communities, leaders and professionals do not often even realise that they are, in fact, co-opted. Co-option, he says, ‘is a subtle, insidious, undeniable fact, and it has resulted in a collective loss of ability to confront the daily injustices, both petty and profound, of Native life’.13 As a case in point, Alfred engages in a substantial discussion of how the concept of sovereignty itself is Western in focus and therefore, when Indigenous leaders advocate for it, on behalf of their nations and communities, they are unwittingly engaging in a politics of co-optation. ‘Shallow-minded politicians’, Alfred writes, ‘are unable to grasp that asserting a right to sovereignty has signifcant implications’. When they assert a claim to sovereignty but not to resist the state itself, ‘they are making a choice to accept the state as their model and to allow indigenous political goals to be framed and evaluated according to a “statist” pattern’.14 Another prominent member of the Indigenous resurgence school, Glen Coulthard (Yellowknives Dene), was mentored by Taiaiake Alfred and their common philosophy is immediately apparent. As Alfred writes in his foreword to Coulthard’s 2014 book, Red Skin, White Masks: Rejecting the Colonial Politics of Recognition, ‘Coulthard is talking about rising up, …about resurgence and the politics of self-affrmation. This is a call to combat contemporary colonialism’s objectifcation and alienation and manipulation of our true selves’.15

Coulthard critiques the current Canadian policy atmosphere of reconciliation as contemporary colonialism, ultimately the same as the old colonialism, but with a new mask. He argues the structure of the settler colonial invasion continues to dispossess and oppress Indigenous peoples, as it always has, but it now has a new face: the disingenuous liberal politics of recognition—which includes such current policy initiatives as the delegation of self-determination, economic development and the settlement of land claims. He begins by noting that over the past forty years or so, there has been an ‘unprecedented degree of recognition for Aboriginal “cultural” rights within the legal and political framework of the Canadian state’.16 Coulthard acknowledges that the increase in recognition demands coming from Indigenous intellectual and community leaders are largely responsible for these changes to the structure of the Indigenous-state relationship in Canada. Yet, Coulthard’s goal in this work is to challenge the notion that ‘the colonial relationship between Indigenous peoples and the Canadian state can be adequately transformed via such a politics of recognition’.17 Rather than ushering in a new relationship, he argues, the ‘politics of recognition in its contemporary liberal form promises to reproduce the very confgurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend’.18

In other words, all of the work and struggle by Indigenous leaders and advocates in the past four decades to advance self-government, recognition of Aboriginal rights and title and economic development for their communities has not only been futile, but damaging to what would or should have been an ‘authentic’ struggle for Indigenous self-determination. Further, all of these advocates and leaders do not even realise how co-opted they have become in the ongoing structures of colonialism. Citing Alfred, and echoing Fanon, Coulthard notes that the dominance of the recognition approach over an extended period of time has produced a class of ‘Aboriginal “citizens”’ who have come to defne themselves in terms of the colonial state and its institutions rather than the culture and political traditions of their own Indigenous nations. He identifes a similar process with capitalist economic development initiatives that have created an ‘emergent Aboriginal bourgeoisie whose thirst for proft has come to outweigh their ancestral obligations to the land and to others’.19 Unfortunately, Coulthard pessimistically views Indigenous rights advancement as ‘bleak’, since ‘so much of what Indigenous peoples have sought over the last forty years to secure their freedom has in practice cunningly assured its opposite’.20

In a 2007 article, Cherokee political scientist Jeff Corntassel takes the co-option argument to the international level.21 Corntassel acknowledges that UN fora do provide opportunities for strategising and diplomacy among Indigenous actors from diverse parts of the world, especially important in storytelling, information sharing and building solidarity. Corntassel also acknowledges that there were a handful of instances in the First UN Indigenous Decade (1995–2004) where Indigenous peoples were able to successfully challenge UN protocols and procedures and insert themselves into the UN ‘on their own terms’. However, despite these acknowledgements, Corntassel concludes that the UN system, being made up of states, aims to co-opt Indigenous peoples into the norms and mores of the state, thereby distracting them from their proper focus on advancing their own nationhood. Like Alfred and Coulthard, Corntassel falls into the first pessimism trap which demarcates Indigenous political leadership into ‘authentic’ and ‘co-opted’ categories.

Pessimism Trap 2: The State is Unified, Deliberate and Unchanging in Its Desire to Dispossess Indigenous Peoples and Gain Unfettered Access to Indigenous Lands and Resources

In other words, colonialism by settler states is a constant, not a variable, in both outcome and intent. Further, the state is not only intentionally colonial, but it is also unifed in its desire to co-opt Indigenous peoples as a method and means of control.

In 2005’s Wasase, Alfred presents the state as unitary, intentional and unchanging in its desire to colonise and oppress Indigenous peoples noting, ‘I think that the only thing that has changed since our ancestors frst declared war on the invaders is that some of us have lost heart’.22 Referring to current state policies as a ‘self-termination movement’, Alfred states, ‘It is senseless to advocate for an accord with imperialism while there is a steady and intense ongoing attack by the Settler society on everything meaningful to us: our cultures, our communities, and our deep attachments to land’.23

Alfred’s Peace, Power, Righteousness (2009) also argues that the state is deliberate and unchanging, stating quite plainly that ‘it is still the objective of the Canadian and US governments to remove Indians, or, failing that, to prevent them from beneftting, from their ancestral territories’.24 Contemporary states do this, he argues, not through outright violent control but ‘by insidiously promoting a form of neo-colonial self-government in our communities and forcing our integration into the legal mainstream’.25 According to Alfred, the state ‘relegates indigenous peoples’ rights to the past, and constrains the development of their societies by allowing only those activities that support its own necessary illusion: that indigenous peoples today do not present a serious challenge to its legitimacy’.26

Linking back to the aim of co-option, Alfred argues that while the state’s desire to control Indigenous peoples and lands has never changed, the techniques for doing so have become subtler over time. ‘Recognizing the power of the indigenous challenge and unable to deny it a voice’, due to successful Indigenous resistance over the years, ‘the state has (now) attempted to pull indigenous people closer to it’.27 According to Alfred, the state has outwitted Indigenous leaders and ‘encouraged them to reframe and moderate their nationhood demands to accept the fait accompli of colonization, (and) to collaborate in the development of a “solution” that does not challenge the fundamental imperial lie’.28

In a similar vein, Coulthard’s central argument is centred on his understanding of the dual structure of colonialism. Drawing directly from Fanon, Coulthard fnds that colonialism relies on both objective and subjective elements. The objective components involve domination through the political, economic and legal structures of the colonial state. The subjective elements of colonialism involve the creation of ‘colonized subjects’, including a process of internalisation by which colonised subjects come to not only accept the limited forms of ‘misrecognition’ granted through the state but can even come to identify with it.29 Through this dual structure, colonial power now works through the inclusion of Indigenous peoples, actively shaping their perspectives in line with state discourses, rather than merely excluding them, as in years past. Therefore, any attempt to seek ‘the reconciliation of Indigenous nationhood with state sovereignty is still colonial insofar as it remains structurally committed to the dispossession of Indigenous peoples of our lands and self-determining authority’.30

Concerning the state in relation to Indigenous peoples on the international level, Corntassel argues that states and global organisations, for years, have been consistently framing Indigenous peoples’ self-determination claims in ways that ‘jeopardize the futures of indigenous communities’.31 He claims that states frst compartmentalise Indigenous self-determination by separating lands and resources from political and legal recognition of a limited autonomy. Second, he notes, states sometimes deny the existence of Indigenous peoples living within their borders. Thirdly, a political and legal entitlement framing by states deemphasises other responsibilities. Finally, he claims that states, through the rights discourse, limit the frameworks through which Indigenous peoples can seek self-determination. Like Alfred and Coulthard, Corntassel has concluded that states are deliberate and never changing in their behaviour. With this move, Corntassel limits and actually demeans Indigenous agency, overlooking the reality that Indigenous organisations themselves chose the human rights framework and rights discourse as a target sphere of action precisely because, as was evident in earlier struggles like slavery, civil rights or women’s rights, these were tools available to them that had a proven track record of opening up new possibilities and shifting previous state positions and behaviour. Indigenous advocates also cleverly realised, by the 1970s, that the anti-discrimination and decolonisation frames could be used together against states. States did, in no way, nefariously impose a rights framework on Indigenous peoples. Rather, Indigenous organisations and savvy Indigenous political actors deliberately chose to frame their self-determination struggles within the human rights framework in order to bring states into a double bind where they could not credibly claim to adhere to human rights and claim that they uphold equality while simultaneously denying Indigenous peoples’ human rights and leaving them with a diminished and unequal right of self-determination. But, because he is caught in the pessimism trap of seeing the state only as unifed, deliberate and unchanging, Corntassel overlooks and diminishes the clear story of Indigenous agency and the potential for positive change in advancing self-determination in a multitude of ways.

Pessimism Trap 3: Engagement with the Settler State is Futile, if Not Counter-Productive

Since the state always intends to maintain, if not expand, colonial control, and is seeking to co-opt as many Indigenous peoples as possible in order to maintain or expand its dispossession and control, it is therefore futile, at best, and actually dangerous to Indigenous existence to engage with the state. Furthermore, all patterns of engagement will lead to co-optation as the state is cunning and unrelenting in its desire to co-opt Indigenous leaders, academics and professionals in order to gain or maintain control of Indigenous peoples.

Alfred argues, in both his 2005 and 2009 books, that any Indigenous engagement with the state, including agreements and negotiations, is not only futile but fundamentally dangerous, as such pathways do not directly challenge the existing colonial structure and ‘to argue on behalf of indigenous nationhood within the dominant Western paradigm is self-defeating’.32 Alfred states that a ‘notion of nationhood or self-government rooted in state institutions and framed within the context of state sovereignty can never satisfy the imperatives of Native American political traditions’33 because the possibility for a true expression of Indigenous self-determination is ‘precluded by the state’s insistence on dominion and its exclusionary notion of sovereignty’.34 Worst of all, according to Alfred, when Indigenous communities frame their struggles in terms of asserting Aboriginal rights and title, but do so within a state framework, rather than resisting the state itself, it ‘represents the culmination of white society’s efforts to assimilate indigenous peoples’.35

Because it is impossible to advance Indigenous self-determination through any sort of engagement with the state, Coulthard also advocates for an Indigenous resurgence paradigm that follows both his mentor Taiaiake Alfred but also Anishinaabe feminist theorist Leanne Simpson.36 As Coulthard writes, ‘both Alfred and Simpson start from a position that calls on Indigenous peoples and communities to “turn away” from the assimilative reformism of the liberal recognition approach and to instead build our national liberation efforts on the revitalization of “traditional” political values and practices’.37 Drawing upon the prescriptive approach of these theorists, Coulthard proposes, in his concluding chapter, fve theses from his analysis that are intended to build and solidify Indigenous resurgence into the future:

1. On the necessity of direct action, meaning that physical forms of Indigenous resistance, like protest and blockades, are very important not only as a reaction to the state but also as a means of protecting the lands that are central to Indigenous peoples’ existence;

2. Capitalism, No More!, meaning the rejection of capitalist forms of economic development in Indigenous communities in favour of land-based Indigenous political-economic alternative approaches;

3. Dispossession and Indigenous Sovereignty in the City, meaning the need for Indigenous resurgence movements ‘to address the interrelated systems of dispossession that shape Indigenous peoples’ experiences in both urban and land-based settings’38;

4. Gender Justice and Decolonisation, meaning that decolonisation must also include a shift away from patriarchy and an embrace of gender relations that are non-violent and refective of the centrality of women in traditional forms of Indigenous governance and society; and

5. Beyond the Nation-State. While Coulthard denies that he advocates complete rejection of engagement with the state’s political and legal system, he does assert that ‘our efforts to engage these discursive and institutional spaces to secure recognition of our rights have not only failed, but have instead served to subtly reproduce the forms of racist, sexist, economic, and political confgurations of power that we initially sought…to challenge’.39 He therefore advocates expressly for ‘critical self-refection, skepticism, and caution’ in a ‘resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically nonexploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions’.40

Corntassel also demonstrates the third pessimism trap, that all engagement with the state is ultimately futile. For the most part, however, Corntassel’s observation is that the UN system operates like a reverse Keck and Sikkink ‘boomerang model’ and ‘channels the energies of transnational Indigenous networks into the institutional fefdoms of member countries’, by which an ‘illusion of inclusion’ is created.41 He argues that, in order to be included or their views listened to, Indigenous delegates at the UN must mimic the strategies, language, norms and modes of behaviour of member states and international institutions. Corntassel fnds that ‘what results is a cadre of professionalized Indigenous delegates who demonstrate more allegiance to the UN system than to their own communities’.42 In his fnal analysis, he charges that the co-optation of international Indigenous political actors is highly ‘effective in challenging the unity of the global Indigenous rights movement and hindering genuine dialogue regarding Indigenous self-determination and justice’.43

Finding that states deliberately co-opt and provide ‘illusions of inclusion’ to Indigenous political actors in UN settings, Corntassel comes to the same conclusion as Alfred concerning the futility of engagement, arguing that because transnational Indigenous networks are ‘channeled’ and ‘blunted’ by colonial state actors, ‘it is a critical time for Indigenous peoples to rethink their approaches to bringing Indigenous rights concerns to global forums’.44

Imagining a Post-Colonial Future: Pessimistic ‘Resurgence’ Versus the Optimism and Tenacity of Indigenous Movements on the Ground

All of these writers advocate Indigenous resurgence, through a combination of rejecting the current reconciliation politics of settler colonial states, coupled with a return to land-based Indigenous expressions of governance as the only viable, ‘authentic’ and legitimate path to a better future for Indigenous peoples, which they refer to as decolonisation. While inherently critical in their orientation, these three approaches do make some positive and productive contributions to Indigenous movements. They help shed light on the various and subtle ways that Indigenous leaders and communities can become co-opted into a colonial system. They help us to hold leadership accountable. They also help us keep a strong focus on our traditional, cultural and spiritual values as well as our traditional forms of governance which then also helps us imagine future possibilities.

As I have pointed out here, however, all three theorists are also caught in the same three pessimism traps: authenticity versus co-option; a vision of the state as unified, deliberate and never changing in its desire to colonise and control; and a view of engagement with the state as futile, if not dangerous, to Indigenous sovereignty and existence. When combined, these three pessimism traps aim to inhibit Indigenous peoples’ engagement with the state in any process that could potentially re-imagine and re-formulate their current relationship into one that could be transformative and post-colonial, as envisioned by the UN Declaration on the Rights of Indigenous Peoples. The pessimism traps together work to foreclose any possibility that there could be credible openings of opportunity to negotiate a fairer and just relationship of co-existence with even the most progressive state government.

This pessimistic approach is not innocuous. By overemphasising structure and granting the state an enormous degree of agency as a unitary actor, this pessimistic approach does a remarkable disservice to Indigenous resistance movements by proscribing, from academia, an extremely narrow view of what Indigenous self-determination can and should mean in practice. By overlooking and/or discounting Indigenous agency and not even considering the possibility that Indigenous peoples could themselves be calculating, strategic political actors in their own right, and vis-à-vis states, the pessimistic lens of the resurgence school unnecessarily, unproductively and unjustly limits the feld of possibility for Indigenous peoples’ decision-making, thus actually countering and inhibiting expressions of Indigenous self-determination. By condemning—writ large—all Indigenous peoples and organisations that wish to seek peaceful co-existence with the state, negotiate mutually benefcial agreements with the state, and/or who have advocated on the international level for a set of standards that can provide a positive guiding framework for Indigenous-state relations, the pessimistic lens of resurgence forecloses much potential for new and improved relations, in any form, and is very likely to lead to deeper conficts between states and Indigenous peoples, and potentially, even violent action, which Fanon indicated was the necessary outcome. The pessimism traps of the resurgence school are therefore, likely self-defeating for all but the most remote and isolated Indigenous communities. Further, this approach is quite out of step with the actions and vision of many Indigenous resistance movements on the ground who have been working for decades to advance Indigenous self-determination, both domestically and globally, in ways that transform the colonial state into something more just and may eventually present creative alternatives to the Westphalian state form in ways that could respect and accommodate Indigenous nations. Rather, it aims to shame and blame those who wish to explore creative and innovative post-colonial resolutions to the colonial condition.

The UN Declaration on the Rights of Indigenous Peoples (the Declaration or UN Declaration) was adopted by the General Assembly in 2007 after 25 years of development. The Declaration is ground-breaking, given the key leadership roles Indigenous peoples played in negotiating and achieving this agreement.45 Additionally, for the frst time in UN history, the rights holders, Indigenous peoples, worked with states to develop an instrument that would serve to promote, protect and affirm Indigenous rights, both globally and in individual domestic contexts.46

Many Indigenous organisations and movements, from dozens of countries around the world, were involved in drafting and negotiating the UN Declaration and are now advocating for its full implementation, both internationally and in domestic and regional contexts. In Canada, some of the key organisational players—the Grand Council of the Crees (Eeyou Istchee), the Assembly of First Nations, and the Union of British Columbia Indian Chiefs, or their predecessor organisations—were involved in the drafting and lengthy negotiations of the UN Declaration during the 1980s, 1990s and 2000s. In the United States, organisations like the American Indian Law Alliance and the Native American Rights Fund have been involved as well as the Navajo Nation and the Haudenosaunee Confederacy, who represent themselves as Indigenous peoples’ governing institutions. From Scandinavia, the Saami Council and the Sami Parliaments all play a key role in advancing Indigenous rights. In Latin America, organisations like the Confederación de Nationalidades Indígenas del Ecuador (CONAIE) and the Consejo Indio de Sud America (CISA) advocate for implementation of the UN Declaration. The three, major transnational Indigenous organisations— the World Council of Indigenous Peoples, the International Indian Treaty Council and the Inuit Circumpolar Council—were all key members of the drafting and negotiating team for the UN Declaration, and the latter two, which are still in existence, continue their strong advocacy for its full implementation.

Implementation of the UN Declaration on the Rights of Indigenous Peoples requires fundamental and significant change, on both the international and domestic levels. Because implementation of Indigenous rights essentially calls for a complete and fundamental restructuring of Indigenous-state relationships, it expects states to enact and implement a significant body of legal, constitutional, legislative and policy changes that can accommodate such things as Indigenous land rights, free, prior and informed consent, redress and a variety of self-government, autonomy and other such arrangements. States are not going to implement this multifaceted and complex set of changes on their own, however. They will require significant political and moral pressure to hold them accountable to the rhetorical commitments they have made to support this level of change. They will also require ongoing conversation and negotiation with Indigenous peoples along the way, lest the process becomes problematically one-sided. Such processes ultimately require sustained political will, commitment and engagement over the long term, to reach the end result of radical systemic change and Indigenous state relationships grounded in mutual respect, co-existence and reciprocity. This type of fundamental change requires creative thinking, careful diplomacy, tenacity, and above all, optimistic vision, on the part of Indigenous peoples. The pessimistic approaches of the resurgence school are ultimately of little use in these efforts, other than as a cautionary tale against state power, of which the organisational players are already keenly aware. Further, by dismissing and discouraging all efforts at engagement with states, and especially with the blanket accusations that all who engage in such efforts are ‘co-opted’ and not ‘authentically’ Indigenous, the resurgence school actually creates unnecessary negative feelings and divisions amongst Indigenous movements who should be pooling limited resources and working together towards better futures.

#### And state based antitrust reform IS good – reinterpretation of antitrust law massively reduces inequality and helps fight back against disparate power relations

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Sandeep Vaheesan, “Accommodating Capital and Policing Labor: Antitrust in the Two Gilded Ages,” *Maryland Law Review*, vol. 78, no. 4, 2019, pp. 816-825, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3832&context=mlr.

IV. How Remaking Antitrust Law Could Help End the New Gilded Age

Congress, the antitrust agencies, and federal courts should restore the original anti-monopoly, pro-worker vision for the antitrust laws. For much of their history, these laws had a pro-capital, anti-worker orientation. Notwithstanding this record, these laws can be reoriented to police capital and accommodate labor in accord with the intent of Congress. In passing these laws, Congress aimed to curtail the power of capital and also preserve space for workers to organize. 392 The antitrust agencies and federal courts should reject the ahistorical and deficient efficiency paradigm and embrace the political economy framework of the sponsors of the antitrust laws. Specifically, they need to reinterpret antitrust to restore competitive market structures and limit the power of large businesses over consumers, producers, rivals, and citizens. Along with imposing checks on the power of large businesses, Congress, the agencies, and the courts must preserve freedom of action for workers acting in concert.

New statutes and executive and judicial reinterpretation of antitrust law, in accord with congressional intent, would help remedy many economic and political injustices in the United States today. Monopoly and oligopoly appear to contribute to a host of societal ills. These include increased inequality, 393 diminished income for workers 394 and other producers, 395 and declining business formation. 396 At the same time, protecting workers' collective action against antitrust challenges would create more space for workers to organize and claim a fairer share of income and wealth. 397 Restoring antitrust law to its original goals would likely produce a more just and equitable society. Although no means a panacea for what ails the United States, antitrust law should be part of a broader social democratic agenda that reduces the yawning inequalities in wealth and power today. 398

Reinterpreting and reviving antitrust law will require new legislation from Congress, 399 a radical remaking of the federal antitrust agencies and the courts, or some combination of both. Congress, the DOJ, the FTC, and the courts would have to undo a thick accretion of pro-business, anti-worker case law and guidelines. 400 The current Supreme Court and the Trump administration are, if anything, likely to entrench the consumer welfare antitrust that failed consumers and workers, to continue to tolerate the abuses of monopolies and monopsonies, and to deploy antitrust against the powerless. 401 Yet, administrations and the composition of the Supreme Court are not destined to remain the same.

Already signs of progress are clear. Along with bills on strengthening antitrust in Congress, a number of members of Congress and candidates for Congress are making antitrust a centerpiece of their agenda. 402 At least on the Democratic side, antitrust and anti-monopoly appear likely to be important themes in the contest to be the party's presidential nominee in 2020. And if and when an administration committed to the revival of antitrust and control of corporate power is elected, it would have an opportunity to pursue a different course on antitrust through both appointments to the federal antitrust agencies and to the judiciary. In relying on the executive branch and the courts, the conservative reinterpretation - and retrenchment - of antitrust offers one model for reviving the field. 403 And even in the near term, litigation can yield important advances. Some lower courts appear receptive to reinvigorating or at least honoring mid-century precedents the Supreme Court has not overruled. 404

A. Confronting the Power of Capital

A reinterpretation of the antitrust laws needs to be founded on the political economy embodied in the legislative histories of the principal antitrust laws. The Congresses that enacted these statutes were not concerned with narrow economics or some abstract notion of competition. Instead, they sought to control the power of the new monopolies and trusts that dominated the American political economy. They had a broad conception of the power of large-scale enterprise and considered - and condemned - the trusts' power over consumers, producers, competitors, and citizens. 405 A review of the legislative histories reveals economic and political ideas that are consonant with popular concerns about corporate power today. 406

Permissive merger and monopoly policy resulted in a highly concentrated industrial structure. 407 Numerous sectors across the economy became more concentrated over the past two decades. 408 A few examples are illustrative. In the airline industry, the number of major carriers declined from nine to four since 2005. 409 Two duopolies dominate railroads - one east of the Mississippi and one west of it. 410 The wireless industry has four major players, 411 with AT&T and Verizon accounting for approximately seventy percent of market share by revenue. 412 In agriculture, concentration increased dramatically in markets throughout the supply chain, starting with inputs such as fertilizer and seeds through processing of farmers' crops, livestock, and poultry and food retailing. 413 Most local labor markets in the United States, and in rural areas in particular, are highly concentrated (as defined by the Horizontal Merger Guidelines) 414 and have become more concentrated since the 1970s. 415

Consumer welfare antitrust failed even on consumer welfare grounds. In metropolitan areas across the country, hospital mergers created highly concentrated markets for hospital services and contributed to higher costs in health care. 416 John Kwoka has shown that the antitrust agencies often failed to challenge mergers that had subsequent anticompetitive effects (higher short-term consumer prices). 417 Furthermore, Kwoka found that merger remedies, especially behavioral remedies, often failed to preserve competition. 418 Other research has also shown that increased market concentration contributes to higher consumer prices. 419

The failures of consumer welfare antitrust become even clearer when a broader set of economic and political interests are examined. Higher consumer prices are one manifestation of business power but only one and arguably not the most important one. Concentration in labor and product markets contributes to lower wages. 420 Just from a consumer angle, dominant online platforms, with their huge troves of user data and lack of effective competition, pose serious threats to personal privacy. 421 Companies that control infrastructure that support a range of activity, whether they are the electric grid or a search engine monopoly, have the power to shape large swaths of the economy over time. 422

The economic power of large business can also translate into great political power. 423 Empirical research found that big business exercises disproportionate influence over the political system. 424 John Browne, the former CEO of oil and gas giant BP, explained the nexus between economic power and political power. In an interview with The Wall Street Journal in 2003, he described how BP's size gives it political power:

We do get the seat at the table because of our scope and scale. Whether we are the second or the third largest (oil) company is of very little import, but we're certainly up there and we operate in places which are important to the United States government, and the United States government is important to us... . We have large numbers of employees in the United States. That's very important in a political system. And they are highly concentrated. So we have a very significant presence in Texas, Illinois, Alaska, California. These are important because our employees are voters. 425

Economic power extends beyond influence over politicians, regulators, and other public officials. Comcast and Google illustrate this hegemonic power. These giants use their power and wealth to shape the terms of debate through financial support for academics and non-profit organizations, including organizations with otherwise progressive reputations. 426 In their funding of academics and think tanks, these companies are representative of large-scale capital, rather than outliers. Large businesses outside telecommunications and technology also use their wealth and power to manipulate the parameters of public discussion, 427 including by attempting to discipline critical voices. 428

Current legal standards fail to provide a check on the prerogatives of large businesses and do not even protect consumers from the burden of monopoly and oligopoly. Antitrust legal standards, such as the rule of reason and the analytically comparable Horizontal Merger Guidelines, impose onerous burdens on plaintiffs challenging anticompetitive conduct and call for complicated, speculative inquiries into whether a business practice or merger led to or will likely lead to consumer harm in the near term. 429 These standards ensure plaintiffs rarely win and help protect monopolistic and oligopolistic domination of markets. 430 Largely quantitative analysis, likely defective even for the consumer welfare standard, 431 cannot do justice to the qualitative manifestations of business power identified in the legislative histories of the Sherman, Clayton, and FTC Acts. 432 These standards cannot protect the open markets or the American political system from private business power. And these standards, by elevating complexity over simplicity, favor well-heeled interests who can afford to retain the most expensive lawyers and consultants - the monopolies and oligopolies themselves. 433

To limit the power of large corporations, Congress, the antitrust agencies, and the courts must embrace clear rules and presumptions and reject the prevailing rule of reason approach. The Supreme Court once recognized the importance of rules in antitrust law and the unworkability of complicated standards. 434 For antitrust enforcement to be effective and efficient, per se rules and presumptions of illegality must become the default in antitrust law. 435 At present, rules are the norm only for price fixing and similar forms of horizontal collusion. 436 Per se rules or presumptions of illegality should govern a range of conduct that threatens structurally competitive markets. Conduct that carries this competitive threat includes horizontal and vertical mergers in concentrated markets and predatory pricing, exclusive dealing, and tying by monopolists and near-monopolists. Under these presumptions, certain firm conduct would be illegal unless the business could present credible business justifications.

#### Legal solutions rupture the intelligibility of settler colonialism and creates meaningful progress and reinterpretation of the liberal rights they criticize – politicizing state-corporate relations avoids cooption.

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In this article, my aim is to consider the use of law as a political strategy of rupture in colonial and post - colonial nation states. The question of whether and how to use law in order to transform and potentially shatter an existing political - legal order is one that continues t o plague legal advocates in a variety of places, from Australia, to India, to Canada to Israel/Palestine. For example, the struggle for the recognition of indigenous rights in the context of colonial settler regimes has often produced pyrrhic victories. 21 T he question of indigenous sovereignty is ultimately quashed, and aboriginal rights are paradoxically recognised as an interest that derives from the prior occupation of the land by aboriginal communities but is at the same time parasitic on underlying Crow n sovereignty; an interest that can be justifiably limited in the interests of settlement. 22 Thus, the primary and inescapable question remains: how does one utilise the law without re - inscribing the very colonial legal order that one is attempting to break down? 23 I argue that this is an inescapable dilemma; as critical race theorists and indigenous scholars have shown, to not avail ourselves of the law in an effort to ameliorate social ills, and to promote and protect the rights of oppressed minorities is to essentially abrogate one’s political responsibilities. Moreover, the reality of political struggle (particularly of the anti - colonial variety) is that it is of a diffuse and varied nature, engaging multiple different tactics in order to achieve its ends.¶ The notion of the ruptural defence emerges from the work of Jacques Vergès, a French advocate and subject of a film by Barbet Schroder entitled Terror’s Advocate . The film is as much a portrait of Vergès ’ life as it is a series of vignettes of armed anti - colonial and anti - imperial struggle during the decades between the late 1940s and the 1980s. I should say at the beginning that I do not perceive Vergès as a heroic figure or defender of the oppressed; we can see from his later decisions to defend Klaus Barbie, for instance, that his desire to reveal the violence wrought by European imperial powers was pursued at any cost. But in tracing the development of what Vergès called the ruptural defence, the film takes us to the heart of the inescapable paradoxes and contradictions involved in using law as a means of political resistance in colonial and post - colonial contexts. I want to explore the strategy of rupture as developed by Vergès but also in a broader se nse, to consider whether there is in this defence strategy that arose in colonial, criminal law contexts, something that is generalisable, something that can be drawn out to form a notion of legal rupture more generally.¶ To begin then, an exploration of Vergès’ ‘rupture defence’, or rendered more eloquently, a strategy of rupture. At the beginning of the film, Vergès comments on his strategy for the trial of Djamila Bouhired, a member of the FLN, who was tried in a military court for planting a bomb in a cafe in Algiers in 1956. Vergès states the following in relation to the trial:¶ The problem wasn’t to play for sympathy as left - wing lawyers advised us to do, from the murderous fools who judged us, but to taunt them, to provoke incidents that would reac h people in Paris, London, Brussels and Cairo...¶ The refusal to play for sympathy from those empowered to uphold the law in a colonial legal order hints at the much more profound refusal that lies at the basis of the strategy of rupture, which we see unf old throughout the film. In refusing to accept the characterisation of Djamila’s acts as criminal acts, Vergès challenges the very legal categories that were used to criminalise, condemn and punish anti - colonial resistance. The refusal to make the defendan ts’ actions cognisable to and intelligible within the colonial legal framework breaks the capacity of the judges to adjudicate in at least two senses. First, their moral authority is radically undermined by an outright rejection of the legal terms of refer ence and categories which they are appointed to uphold. The legal strategy of rupture is a politics of refusal that calls into question the justiciability of the purported crime by challenging the moral and political jurisdiction of the colonial legal order itself.¶ Second, the refusal of the legal categorisation of the FLN acts of resistance as criminal brought into light the contradictions inherent in the official French position and the reality of the Algerian context. This was not, as the official line would have it, simply a case of French criminal law being applied to French nationals. The repeated assertion that the defendants were independent Algerian actors fighting against colonial brutality, coupled with repeated revelations of the use of torture on political prisoners made it impossible for the contradictions to be “rationally contained” within the normal operations of criminal law. The revelation and denunciation of torture in the courtroom not to prevent statements or admissions from being admis sable as evidence (as such violations would normally be used) but to challenge the legitimacy of the imposition of a colonial legal order on the Algerian people made the normal operation of criminal law procedure virtually impossible . 24 And it is in this ma king impossible of the operation of the legal order that the power of the strategy of rupture lies. ¶ In refusing to render his clients’ actions intelligible to a colonial (and later imperial) legal framework, Vergès makes visible the obvious hypocrisy of the colonial legal order that attempts to punish resistance that employs violence, in the same spatial temporal boundaries where the brute violence of colonial rule saturates everyday life. In doing so, this is a strategy that challenges the monopoly of le gitimate violence the state holds. Vergès aims to render visible the false distinction between common crimes and political crimes, or more broadly, the separation of law and politics. 25 The ruptural defence seeks to subvert the order and structure of the tr ial by re - defining the relation between accuser and accused. This illumination of the hypocrisy of the colonial state questions the authority of its judiciary to adjudicate. But more than this, his strategy is ruptural in two senses that are fundamental to the operation of the law in the colonial settler and post - colonial contexts. The first is that the space of opposition within the legal confrontation is reconfigured. The second, and related point, is that the strictures of a legal politics of recognition are shattered.¶ In relation to the first point, a space of opposition is, in the view of Fanon, missing in certain senses, in the colonial context. A space of opposition in which a genuinely mutual struggle between coloniser and colonised can occur is de nied by spatial and legal - political strategies of containment and segregation. While these strategies also exhibit great degre es of plasticity 26 , the control over such mobility remains to a great degree in the hands of the colonial occupier. The legal strat egy of rupture creates a space of political opposition in the courtroom that cannot be absorbed or appropriated by the legal order. In Christodoulidis’ view, this lack of co - option is the crux of the strategy of rupture.¶ This strategy of rupture also poin ts to a path that challenges the limits of a politics of recognition, often one of the key legal and political strategies utilised by indigenous and racial minority communities in their struggles for justice. Claims for recognition in a juridical frame ine vitably involve a variety of onto - epistemological closures. 27 Whether because of the impossible and irreconciliable relation between the need for universal norms and laws and the specificities of the particular claims that come before the law, or because of the need to fit one’s claims within legal - political categories that are already intelligible within the legal order, legal recognition has been critiqued, particularly in regards to colonial settler societies, on the basis that it only allows identities, legal claims, ways of being that are always - already proper to the existing juridical order to be recognised by the law. In the Canadian context, for instance, many scholars have elucidated the ways in which the legal doctrine of aboriginal title to land im ports Anglo - American concepts of ownership into the heart of its definition; and moreover, defines aboriginality on the basis of a fixed, static concept of cultural difference. The strategy of rupture elides the violence of recognition by challenging the legitimacy of the colonial legal order itself.¶ In an article discussing Vergès’ strategy of rupture, Emilios Christodoulidis takes up a question posed to Vergès by Foucault shortly after the publication of Vergès’ book, De La Stratégie Judiciare, as to wh ether the defence of rupture in the context of criminal law trials in the colony could be generalised more widely, or whether it was “not in fact caught up in a specific historical conjuncture.” 28 In exploring how the strategy of rupture could inform practices and theory outside of the courtroom, Christodoulidis characterises the strategy of rupture as one mode of immanent critique. As individuals and communities subjected to the force of law, the law itself becomes the object of critique, the object that ne eds to be taken apart in order to expose its violence. To quote from Christodoulidis:¶ Immanent critique aims to generate within these institutional frameworks contradictions that are inevitable (they can neither be displaced nor ignored), compelling (they necessitate action) and transformative in that (unlike internal critique) the overcoming of the contradiction does not restore, but transcends, the ‘disturbed’ framework within which it arose. It pushes it to go beyond its confines and in the process, fam ously in Marx’s words, ‘enables the world to clarify its consciousness in waking it from its dream about itself’. 29¶ Christodoulidis explores how the strategy of rupture can be utilised as an intellectual resource for critical legal theory and more broadl y, as a point of departure for political strategies that could cause a crisis for globalised capital. Strategies of rupture are particularly crucial when considering a system, he notes, that has been so successful at appropriating, ingesting and making its own, political aspirations (such as freedom, to take one example) that have also been used to disrupt its most violent and exploitative tendencies. Here Christodoulidis departs from the question of colonialism to focus on the operation of capitalism in po st - war European states. It is also this bifurcation that I want to question, and rather than a distinction between colonialism and capitalism, to consider how the colonial (as a set of economic and political relations that rely on ideologies of racial diff erence, and civilisational discourses that emerged during the period of European colonialism) is continually re - written and re - instantiated through a globalised capitalism. As I elaborate in the discussion of the Salwa Judum judgment below, it is the combi nation of violent state repression of political dissent that finds its origins (in the legal form it takes) during the colonial era, and capitalist development imperatives that implicate local and global mining corporations in the dispossession of tribal p eoples that constitutes the legal - political conflict at issue.¶ After the Trial: From Defence to Judgment¶ In response to a question from Jean Lapeyrie (a member o f the Action Committee for Prison - Justice) during a discussion of De La Stratégie Judiciare published as the Preface to the second edition, Vergès remarks that there are actually effective judges, but that they are effective when forgetting the essence of what it is to be a judge. 31 The strategy of rupture is a tactic utilised to subvert the order and structure of a trial; to re - define the very terms upon which the trial is premised. On this view, the judge, charged with the obligation to uphold the rule o f law is of course by definition not able to do anything but sustain an unjust political order.¶ In the film Terror’s Advocate , one is left to wonder about the specificities of the judicial responses to the strategy deployed by Vergès. (Djamila Bouhired , for instance, was sentenced to death, but as a result of a worldwide media campaign was released from prison in 1962). While I would argue that the judicial response is clearly not what is at stake in the ruptural defence, I want to consider the potentia lity of the judgment to be ruptural in the sense articulat ed by Christodoulidis, discussed above. Exposing a law to its own contradictions and violence, revealing the ways in which a law or policy contradicts and violates rights to basic political freedoms , has clear political - legal effects and consequences. Is it possible for members of the judiciary to expose contradictions in the legal order itself, thereby transforming it? Would the redefinition, for instance, of constitutional provisions guaranteeing r ights that come into conflict with capitalist development imperatives constitute such a rupture? In my view, the re - definition of the limitations on the guarantees of individual and group freedom that are inevitably and invariably utilised to justify state repression of rights in favour of capitalist development imperatives, security, or colonial settlement have the potential to contribute to the re - creation of political orders that could be more just and democratic.¶ We may be reluctant to ever claim a ju dgment as ruptural out of fear that it would contaminate the radical nature of this form of immanent critique. Is to describe a judgment as ruptural to belie the impossibility of justice, the aporia that confronts every moment of judicial decision - making? I want to suggest that it is impossible to maintain such a pure position in relation to law, particularly given its capacity (analogous to that of capital itself) for reinvention. Thus, I want to explore the potential for judges to subvert state violence e ngendered by particular forms of political and economic dispossession, through the act of judgment. In my view, basic rights protected by constitutional guarantees (as in the Indian case) have been so compromised in the interests of big business and develo pment imperatives, that re - defining rights to equality, dignity and security of person, and subverting the interests of the state - corporate nexus is potentially ruptural, in the sense of causing a crisis for discrete tentacles of global capitalism.¶ At th is juncture, we may want to explicitly account for the specific differences between criminal defence cases and Vergès‘ basic tactic, which is to challenge the very jurisdiction of the court to adjudicate, to define the act of resistance as a criminal one, and constitutional challenges to the violation of rights in cases such as Salwa Judum . While one tactic seeks to render the illegitimacy of the colonial state bare in its confrontation with anti - colonial resistance, the other is a tactic used to re - define the terms upon which political dissent and resistance take place within the constitutional bounds of the post - colonial state. These two strategies appear to be each other’s opposite; one challenges the legitimacy of the state itself through refusing the ju risdiction of the court to criminalise freedom fighters, while the other calls on the judiciary to hold the state to account for criminalising and violating the rights of its citizens to engage in political acts of dissent and resistance**.** However, the common thread that situates these strategies within a singular political framework is the fundamental challenge they pose to the state’s monopoly over defining the terms upon which anti - colonialand anti - capitalist political action takes place. ¶ Here I will turn to consider a post - colonial context in which the colonial is continually being re - written, juridically speaking, in light of neo - liberal economic imperatives unleashed from the late 1980s onwards. A recent judgment of the Indian Supreme Court provide s an opportunity to consider a moment in which capitalist development imperatives and the exploitation of tribal peoples by the state of Chattisgarh are put on trial by a group of three plaintiffs. The judgment provides, amongst other things, an opportunit y to consider the strategy of the plaintiffs and also the judicial response. As I argue below, this judgment presents an instance of rupture precisely because the fundamental freedoms of the people of Chattisgarh are redefined by the Court in such a way as to challenge and condemn the capitalist development imperatives that have put their lives and livelihoods at risk.¶ Salwa Judum¶ The Indian Supreme Court rendered judgment in the case of Nandini Sundar and others v the State of Chhattisgarh on July 5th, 2011. In this case, Sundar, a professor of Sociology at the Delhi University, along with Ramachandra Guha, an eminent Indian historian, and Mr. E.A.S. Sarma, former Secretary to Government of India and former Commissioner, Tribal Welfare, Government of And hra Pradesh, petitioned the Supreme Court of India alleging, inter alia , that widespread violations of human rights were occurring in the State of Chattisgarh, on account of the ongoing Naxalite/Maoist insurgency and the counter - insurgency activities of th e State government and the Union of India (or the national government). More specifically, the petitioners alleged that the State was in violation of Articles 14 and 21 of the Indian Constitution. Article 14 guarantees equality before the law of each citiz en and freedom from discrimination on the basis of race, religion, caste, sex or place of birth. Article 21 of the Constitution guarantees the protection of life and personal liberty.¶ While a comprehensive overview of the Naxalbari movement is beyond the scope of this article, I provide a very brief description of the movement here, by way of explaining the political and legal background of the judgment. The Naxalites are revolutionary communists (Maoists) who split from the Communist Party of India short ly after independence. The movement includes a social base comprised of “landless, small peasants with marginal landholdings,” and adivasis. 32 Bhatia notes that in the state of Bihar, many people join the movement in order to pursue short - term goals, such as better education, food and housing, and employment, with revolution a distant concept if not altogether foreign to more immediate objectives of radical change. 33 Regardless of whether revolution is the immediate or long - term objective of members of the N axalite movement, it is clear that along with economic and social rights lies the desire for freedom from violence and fear in a political context described by some as semi - feudal. One young Naxalite described the hangover of feudal attitudes towards lowe r castes by stating “the landlord’s moustache has got burnt but the twirl still remains.” 34¶ With a powerful and unrelenting presence in tribal areas, arguably amongst the most impoverished parts of the country, Naxalites have engaged in nonviolent and dir ect armed action against state and national governments intent on pursuing capitalist modes of development at the expense of the poor, throughout nine different states in India. Specifically, the Naxals have focused on land rights, minimum wages for labour ers, common property resources and housing rights. 35 The strategy of armed resistance has met with criticism across the political spectrum 36 , and it is difficult to gauge the level of support for the Naxalites amongst left and progressive communities in Indi a. However, the ascription by India’s Prime Minister Manmohan Singh to the Naxals as the “singlest greatest threat to India’s national security” 37 was the precursor to a vicious campaign of repression called Operation Greenhunt that has attracted criticism by political progressives.¶ This is the background to the petition brought by Sunder, Guha and Sarma. The petition alleged, inter - alia, the widespread violation of human rights of people of Dantewada District and neighboring areas in Chattisgarh. Specifica lly, the petitioners alleged that the State of Chattisgargh was supporting the activities of an armed vigilante group called ‘Salwa Judum’ (‘Purification Hunt’ in the Gondi language). The State was actively promoting the Salwa Judum through the appointment of Special Police Officers. The government of Chattisgargh, along with the Union of India government, was alleged to have employed thousands of ‘special police officers’ as a part of their counter - insurgency strategies. The SPOs, a category that finds its origins in colonial policing legislation 38 , are members of the tribal communities, and are often minors. The SPOs, as the Court notes, are armed by the State and given little or no training, to fight the battles against the Naxalites. At the time the Court passed down its judgment, 6500 tribal youth have been conscripted into the Salwa Judum (para 44). He writes that the “wholesale militarisation of the movement since the 1990s has culminated in a vanguard war trapped in an expanding culture of counterinsur gency.” 3¶ The State of Chattisgargh recruits SPOs (also known as Koya Commandos) under the provisions of the Chattisgargh Police Act 2007. Under this Act, the SPOs, as the Court notes, “enjoy the ‘same powers, privileges and perform same duties as coordinate constabulary and subordinate of the Chattisgargh Police.” 40 The Union Government of India sets the limit of the number of SPOs that each state can appoint for the purposes of reimbursement of an honorarium under the Security Rated Expenditure Scheme. The State argued on its behalf that the SPOs receive two months of training covering such things as the use of arms, community policing, UAC and Yoga training, and the use of scientific and forensic aids in policing. 41 The Union Government argued that the SPOs “have played a useful role in the collection of intelligence, protection of local inhabitants and ensuring security of property in d isturbed areas.” 42 Despite these attempts at a defence, the Court found in favour of the petitioners.¶ The Court contrasts the provisions of the 2007 Act that provide for the conditions under which the Superintendant of Police may appoint “any person” as an SPO with the parallel provisions in the British era legislation. They find that the 2007 Act, unlike its predecessor, fails to delimit the circumstances under which such appointments can be made. The circumstances however, do include “terrorist/extremist” incidents, and the Court thus finds that the SPOs are “intended to be appointed with the responsibilities of engaging in counter - insurgency activities.” 43 The Court agrees with the allegations of the petitioners, that thousands of tribal youth are being ap pointed by both the State and Union governments to engage in armed conflict with the Naxalites, and that this placing the lives of tribal youth in “grave danger.” 44 Given that youth being conscripted have very low levels of education and are often illiterat e, and that they themselves have likely been the victims of state and Naxal violence, the Court found that they could not “under any conditions of reasonableness” assume that the youth are exercising the requisite degree of free will and volition in relati on to their comprehension of the conditions of counter - insurgency and the consequences of their actions, and thus, were not viewed by the court as freely deciding to join the police force as SPOs. 45 After a very thorough analysis of the conditions under whi ch tribal youths become SPOs and the use and abuse of the SPOs by the State, the Court found the State of Chattisgarh to be in violation of Articles 14 and 21 of the Constitution by appointing tribal youth as SPOs engaged in counter - insurgency.¶ The Court ’s findings in relation to the SPOs are remarkable insofar as they account for the socio - economic conditions and lived realities of the tribal youth. In their judgment, however, they go much further than engaging a contextualised and nuanced approach to the interpretation of the rights to equality, life and personal liberty. They enquire into the causes of Naxalite violence, and in doing so, hold capitalist development imperatives to account; the constitutional rights of tribals and others dispossessed of t heir lands and livelihoods are being violated in the interests of capital. Drawing on academic work critical of globalisation, the Court quotes the following:¶ ‘[T]he persistence of “Naxalism ”, the Maoist revolutionary politics, in India after over six decades of parliamentary politics is a visible paradox in a democratic “socialist” India.... India has come into the twenty - first century with a decade of departure from the Nehruvian socialism to a free - market, rapidly globalizing economy, which has created new dynamics (and pockets) of deprivation along with economic growth. Thus the same set of issues, particularly those related to land, continue to fuel protest politics, violent agitator pol itics, as well as armed rebellion....’ 46¶ The Court recognises that the capitalist development imperatives of the state are the cause of the armed resistance when they state that the problem lies not with the people of Chattisgarh, nor those who question th e conditions under which the conflict has been produced, but “[t]he problem rests in the amoral political economy that the State endorses, and the resultant revolutionary politics that it unnecessarily spawns.” 47 Quoting from a report written by an expert g roup appointed by the Planning Commission of India, the Court takes note of the “irreparable damage” caused to marginalised communities by the development paradigm adopted by the national governmen t since independence . 48 The economic development pursued has “inevitably caused the displacement” of these communities and “reduced them to a sub - human existence”. 49 The Expert Group also noted their surprise at the refusal of the State to recognise the reasons for the political dissent expressed by the Naxalites, a nd the disruption of law and order. The Court adopts this observation, and notes that:¶ Rather than heeding such advice [to address the dehumanisation wreaked by capitalist development policies], which echoes the wisdom of our Constitution, what we have wi tnessed in the instant proceedings have been repeated assertions of inevitability [sic] of muscular and violent statecraft. 50¶ Following this remarkable assertion of Constitutional values that are opposed to the state violence used to repress political dis sent, the Court accounts for the violence rendered by capitalist development imperatives:¶ The culture of unrestrained selfishness and greed spawned by modern neo - liberal economic ideology, and the false promises of ever increasing spirals of consumption l eading to economic growth that will lift everyone, under - gird this socially, politically and economically unsustainable set of circumstances in India in general, and Chattisgarh in particular.” 51¶ The exploitation of natural resources violate principles t hat are “fundamental to governance” and this violation eviscerates the promise of equality before the law, and dignit y of life (Article 21) . 52 Capitalist development imperatives and neo - liberalism “necessarily tarnish” and “violate in a primordial sense” Ar ticles 14 and 21 of th e Indian Constitution . 53 The Court thus positions the rights to equality and dignity in opposition to capitalist development imperatives, and most significantly, do not find that the violation can be justifiably limited. Economic polic ies that violate the spirit of the Constitution, and run counter to the “primary task of the state” which is to provide security for all of its citizens “without violating human dignity” cause levels of social unrest that ultimately amount to an “abdicatio n of constitutional r esponsibilities” . 54 In their finding that neo - liberal ideology amongst other economic policies are the root causes of the social unrest and Naxal militancy, the Court re - values the constitutional and human rights of its citizens and as serts a radically different vision of the role of the state in promoting and protecting democracy. Based on the spirit of the Constitution as enacted at the time of independence, the Court clearly puts forth a view that the conditions for democracy begin w ith state protection and enhancement of human dignity and equality, education, and freedom from violence, rights and values that are contrary to the capitalist economic policies embraced by the State of Chattisgarh.¶ Constitutional rights claims, whether we are looking at state of the art constitutions in Canada, South Africa or elsewhere, do not often go beyond a liberal conception of rights. And indeed, utilising human rights as a means of provoking political ruptures (as opposed to ameliorating existin g conditions) surely seems like a rather bankrupt endeavor, in light of how rights to freedom and liberty have been effectively co - opted by market imperatives. 55 The ISC judgment thus seems all the more compelling, in its condemnation of developmental terro rism, and capitalist greed. The judgment finds in favour of the petitioners. In doing so, they explicitly critique the capitalist model of development that has impoverished so many millions of people. They express the view that people do not rise up in arm ed insurgency against the state without cause, and find the failure of the State to affirmatively fulfill its obligation to protect the life and liberty of the SPOs is a breach and violation of the Constitution. They find, significantly, that the very econ omic policies pursued by the government, coupled with the treatment of tribals as nothing more than cannon fodder in the war against the Naxalites, have dehumanised those most vulnerable t o poverty. The Court adopts the words of Joseph Conrad in their cond emnation of the impoverishment and exploitation of the tribals by both the state and union governments. Drawing parallels with Conrad’s characterisation of the colonial exploitation of the Congo in the late 19th and early 20th centuries, the Court relates the “vilest scramble for loot that ever disfigured the history of human conscience” to the “scouring of the earth by the unquenchable thirst for natural resources by imperialist powers”. 56¶ The Court also alludes to the virulent auto - immune reaction that e xists like a germ, waiting to explode, amongst the tribal youths. With no established mechanism for getting the arms back from the tribal youths, the Court predicts the possibility of these youths becoming “roving groups of armed men endangering the societ y, and the people in those areas as a third front.” They write that it “entirely conceivable that those youngsters refuse to return the arms Consequently, we would then have a large number of armed youngsters, running scared for their lives, and in violati on of the law. It is entirely conceivable that they would then turn against the State, or at least defend themselves using those firearms, against the security forces themselves; for their livelihoo d, and subsistence...” 57¶ In finding the government respons ible for the socio - economic conditions that have led to revolutionary activity, and in condemning their brutal and inhumane use of tribal youth in the armed struggle against the Naxalites, (caused, in the view of the Court, by policies of privatisation tha t leave the state ideologically and actually incapable of dealing with the social unrest) the Court engages in an immanent critique of the political ideology and legal policies of the government. In critiquing the violence of capitalist development imperat ives pursued by the state, and the inhumane violence utilised by the state to counter its natural consequences (armed unrest), the Court re - invests concepts of liberty, life, and equality with political meaning that goes beyond their usual liberal interpel lations. The concept of security is reinterpreted with the interests of the poor in mind, the market logic of efficiency condemned as a guiding principle and objective of government policy.¶ Conclusion¶ Outside of a criminal or military law context, a strategy of rupture might involve an exposure of the contradictions that inhere in colonial, capitalist legal orders that eviscerate the potentiality that rights hold to enable ind ividuals to live lives free of fear, violence and exploitation. In considering how this rupture might occur through the act of judgment, it may be through challenging the authority of the state to engage its citizens in ways that violate political and ethi cal norms of freedom. In the judgment analysed here, the Court seizes the power to define the constitutional norms and crucially, the meaning of the rights to life, personal liberty and security. They engage an act of radical re - definition of democratic ri ghts with the lived conditions of the poorest communities at the forefront of their analysis.¶ In this judgment the Indian Supreme Court redefines the imperatives of security as a State obligation to its citizens, to “secure for our citizens conditions of social, economic, and political justice for a ll who live in India...” . 58 Without this, the Court notes that the State will not have achieved human dignity for its citizens. This, for the court, is an essential truth, and “policies which cause vast disaffectio n amongst the poor” not only exist in opposition to this truth but are also “necessarily destructive of national unity and integration” . 59 The Court thus identifies Indian democracy as what is at stake in the revaluing and reinterpretation of rights to life and security of the person.¶ In directing their analysis at the ways in which neo - liberal capitalism as a political and economic rationality “has launched a frontal assault on the fundaments of liberal democracy, displacing its basic principles of consti tutionalism, legal equality, political and civil liberty, political autonomy, and universal inclusion with market criteria...”, 60 the ISC attempts to recuperate the deracinated vision of democracy that Indian corporateers and government ministers appear to ha ve in mind. Surely, in a time when even the most basic conditions for a democracy that attends to the political, social and economic needs of the common, those with basic common needs of education, freedom of association and movement, freedom from deprivat ion and dispossession, are absent, charting such legal terrain opens a space for political rupture.¶ In considering whether legal judgments can be ruptural in the sense elucidated by Christodoulidis, and reflecting on Sundar et al , it is clear that an ind ependent judiciary does have the power to disturb the monopoly of violence exercised by the government, and to transcend this disturbed framework by offering a radically different interpretation of security and freedom. Security as the insurance of egoism reflects a Benthamite definition of law’s raison d’être as nothing other than the security of private property. The law exists in order to provide security for the property - owning classes, security for their actual wealth and also feelings of security; the law provides freedom from the fear of loss. In moving far from Benthamite concerns with the protection of private property, the Court redefines security, a concept fundamental to law’s being, and more particularly, a concept too often used and abused in t he interests of private corpora tions . ¶ Although this use of the law does not refuse the authority of the court in the way that Vergès’ strategy of rupture did in the colonial - criminal law context, it most certainly redefines the ambit of what is an intel ligible rights claim. By bringing the socio - economic conditions of the adivasis and tribal peoples to the forefront of their interpretations of the rights at issue , the Court opens the space for a legal consciousness that can no longer remain caught up in a fantasy about it’s own effectiveness in actually protecting the rights of the poorest and most vulnerable. This movement by the Indian Supreme Court charts an av enue that holds promise for the anti - colonial struggles of legal advocates elsewhere.

#### Using the tools of the state is an effective strategy – their demand for methodological purity is myopic

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(Simon, “Politics, power and the state: a Marxist response to postanarchism,” Journal of Political Ideologies)

The fourth and final criticism of classical anarchism that postanarchism makes is that it has a naive view of politics: conflating politics with the state, it believes that politics itself can be abolished. For postanarchists, **this is mistaken**: politics is both **necessary and interminable**: necessary because even anarchists must have some level of political organization and strategizing, however minimal; interminable because there is no ‘natural’ social order, but only contingent and inherently political articulations of the social. This critique of classical anarchism’s naive understanding of politics is to a large extent anticipated by Marxism. Indeed, for classical Marxists this was the key disagreement: when Marx, Engels and Lenin attacked anarchists it was not so much for their faulty approach to the party or revolution but, much more broadly, **for their attitude towards politics.** For Marxists, the anarchist abstention from politics is ill-advised,hypocritical andultimately impossible. The classical anarchists believed that all forms of political action would necessarily entail compromise with the state and so could lead only to dictatorship or social-democratic reformism.74 As such, they ruled out all forms of political action: not merely the use of the state as a ‘dictatorship of the proletariat’, but also standing for or voting in government elections, lobbying the state for improved conditions (e.g. a shorter working day), and the formation of political parties. As the Russian anarchist Alexander Berkman put it: ‘so-called political “action” is, so far as the cause of the workers and of true progress is concerned, worse than inaction’.75 For Marxists, the anarchist rejection of political action is at once confused and naive. By dogmatically proscribing political action, anarchism **denies the oppressed classes the** most effective means of carrying out their struggle.76 Contrary to anarchist claims, political action does not entail acceptance of the status quo:‘It is said’, writes Engels in response to anarchist demands for political abstention, ‘that every political act implies recognition of the status quo. But when this status quo gives us the means of protesting against it, then to make use of these means is not to recognise the status quo’.77 To deny the working class the use of political action on the grounds that such action recognizes the state is, according to Marx, as foolish as claiming that a strike in the name of higher wages is illegitimate because it ‘recognises’ the wage system.78 In order to challenge the status quo, one must necessarily engage with it: to claim that all political action reinforces the dominant order is to slip into abstraction and to fail to discriminate between different types of political action.

## 2NC

### Case

#### Even if they are correct that we should not engage with the state, engagement in antitrust research is key to external advocacy – organizations already must fight back against corporate power when they refuse state engagement.

Greer and Rice 21 – Jeremie Greer and Solana Rice are Co-founders and Co-executives of Liberation in a Generation, a national movement-support organization working to build the power of people of color to transform the economy.

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 18-26, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

Though we believe that grassroots leaders of color have the experience and expertise necessary to challenge monopoly power, the question remains: Why should they lead this fight? Grassroots leaders of color are already engaged in high-stakes battles with the forces of corporate power on fundamental issues, including environmental justice, worker justice, housing justice, prison and police abolition, and voter and democratic justice. We believe that these efforts can be bolstered if anti-monopoly policy development and advocacy were incorporated into these existing efforts but then followed the lead of organizers. For example, the primary opponents of prison and police abolition are private prison monopolies, such as GEO Group and CoreCivic, which profit from the arrest and incarceration of Black and brown people. Opponents of the Green New Deal include energy monopolies BP and ExxonMobile, whose profits are derived from polluting Black and brown communities. Finally, opponents of the Homes Guarantee, 10 and its call for creating 12 million units of social housing outside of the for-profit housing market, include big banks that profit from the commodification of affordable and low-income housing. Challenging these opponents by diminishing their monopoly power could prove to be a powerful weapon in the fight to dismantle unchecked corporate power and its real-life economic impact on people of color.

#### **And environmental regulation proves that engagement with the state can tangibly improve the lives of natives without being subject to corporate capture**

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(Eve, Environmental Law and Native American Law, Annu. Rev. Law Soc. Sci. 2010. 6:359–86)

Examples of relatively successful cooperation between the EPA and native communities are that of the Confederated Tribes of the Umatilla Indian Reservation in northeastern Oregon, the Bad River Band of the Lake Superior Tribe of the Chippewa Indians in northwestern Wisconsin, the Pala Band of Mission Indians in northern San Diego county, the Mole Lake Band of Chippewa in Wisconsin (Nesper 2010), and the St. Regis Mohawk Tribe in northern New York State. Significantly, all five tribes own successful Indian casino enterprises and hotels. With respect to the latter, over the past decade the St. Regis Mohawk Tribe has made good use of the EPA’s commitment to respect its sovereign state status and deal with its vast environmental problems. These problems stem from the 1950s when General Motors and Alcoa built large production plants next to the Mohawk reservation that produced thousands of tons of hazardous waste that bled into the St. Lawrence River, upstream from the tribe. In the 1970s and 1980s, the tribe began to see illness among its members, particularly young people attending a school situated yards from General Motor’s property. One member of the tribe, Katsi Cook, invited pathologist Ward Stone to come to the reservation and collect samples. Stone found alarming levels of toxins in the fat of local animals such as frogs and ducks, as well as in the breast milk of Indian women. The tribe became proactive. It hired lawyers, developed an environmental division within its government, and began working with the EPA to initiate air and water quality programs. According to the Mohawk’s environmental health education specialist Lawrence Swamp, the tribe was driven by necessity to create one of the most advanced tribal environmental programs in the country. Achieving TAS status, the St. Regis Mohawk Tribe can now set its own water and air quality standards on its reservation, forcing adjacent industries to comply with those standards. Notes Swamp (1996): A key element in the Environment Division’s success is its negotiating strategy and relations with other agencies. The relationship between the Tribe and EPA was a little rocky at the beginning because the EPA did not recognize the need to work with the Tribe on a governmentto-government basis....Through persistent pressure and tough negotiations, the Tribe was able to muscle its way into the negotiation process as a legitimate partner. The importance of Indian gaming enterprise should not be downplayed in any conversation about TAS status for tribal governments. Profits from gaming have given some tribes the financial resources to create environmental divisions within their governments, consult with scientists and other experts, and mount legal action for TAS status. Notably, of the 46 federally recognized tribes who have achieved TAS status under the EPA Clean Water Act between 1992–2009, 41 tribes run casinos, a few are in the process of building casinos, and the Hualapai Indian Tribe used to run a bingo hall but has now diversified its investments into a vacation destination overlooking the Grand Canyon.4 The exception to this connection between gaming and tribal environmental control is the Hopi Tribe, which has managed to establish cultural museums and stores that attract tourist dollars. Although all of the 46 tribes represent varying degrees of success in addressing the wide range of environmental problems facing their communities, it is essential to remember that most tribes in the United States do not have equivalent financial resources and face an uphill battle to get basic needs met such as access to clean water and proper sewerage treatment. As scholars have noted, “Tribal governments have begun to lift their communities out of poverty and economic desperation, but this is an enormous task that will take many generations to accomplish” (Harvard Project 2008, p. 1920). The capacity of tribes to resist and/or cooperate with governmental agencies is undermined by a long history of colonial oppression of native peoples coupled with the circulation of stereotypical images and conceptions of Native Americans in mainstream society. These images and preconceptions often prevent open dialogue and create hurdles in the building of relationships between native and non-native parties based on mutual respect. Unfortunately, the St. Regis Mohawk Tribe’s experience of having to “muscle its way into the negotiation process” is not unique. Despite the EPA’s commitment to involving native communities in environmental programs and policymaking, political cooperation does not come easily. Each tribe raises a unique set of circumstances and must be dealt with on a case-bycase basis. Furthermore, there is much distrust of and resistance to federal agents by tribal communities for obvious historical reasons. Genocide and ecocide taint Indian and non-Indian relations (Grinde & Johansen 1995, LaDuke 1999, Jaimes et al. 1999, Churchill 1993). Distrust is exacerbated by the ways tribes are forced to present themselves as authentically native and culturally distinct from white society in order to gain access to political and legal forums (Dombrowski 2001, p. 13). Once granted access to these forums, however, native peoples must then speak according to dominant forms of legal and scientific discourse in order to be taken seriously by industries, policy makers, courts, and the EPA (Espeland 1994, Buchanan 2009, Martello & Jasanoff 2004, Nadasdy 2003, Deloria 1995). As noted by sociolegal scholars, land and water conflicts are often “no less than fundamental epistemological conflicts” (Sefiha & Lauderdale 2008, p. 508). Managing long-standing stereotypes about native peoples poses yet another difficulty to overcoming resistance and seeking cooperation between Indian and non-Indian communities, at least from the perspective of tribal governments (Barta 1997, Jahoda 1999, Mihesuah 1996, Churchill 2001, Huhndorf 2001). These stereotypes include the strongly held notion that native peoples are passive and without agency, and if not passive, then certainly not smart enough or organized enough to oppose industries such as General Motors. Another prevailing stereotype that hampers cooperation between Indian and non-Indian groups is the widespread belief that all native peoples love nature. From the time of earliest colonization, and reinforced by environmental movements in the late-nineteenth and twentieth centuries (see above), Indians have been romanticized in mainstream society as living in spiritual harmony with the natural world (Bordewich 1997, Krech 2000, Harkin & Lewis 2007). This stereotype precludes non-Indians from appreciating that tribal lands are a vital economic resource for native people, thus impeding Indians from developing their reservation lands for economic profit if they so desire (Abramson & Theodossopoulus 2001). If tribes indicate an interest in leasing land to mining companies, building casinos, or accommodating a nuclear waste storage facility on reservation land, local community and environmental groups have typically condemned them for being “greedy,” “hypocritical,” and ultimately not “authentic” Indians (Darian-Smith 2003; Lewis 2007; Nadasdy 2005, p. 318). As Lewis (1995, p. 439) has observed, the constraints of racial stereotypes have “unintentionally denied Native Americans their humanity, culture, history, and most importantly, their modernity.” Only through increased conversation between Indian and non-Indian groups may stereotypes be broken down and opportunities opened up for sincere collaboration. We have some such examples. To defend their treaty rights to participate in traditional hunting of walleyed pike from the lakes of Wisconsin and Minnesota, the Ojibwe and their non-Indian supporters created a new composite coalition to effectively combat the white supremacists that opposed them. In part, the coalition’s success can be attributed to its creation of new racial identities for both natives and their white allies, allowing people who had previously been divided along essentialized racist lines to come together as a collective (Lipsitz 2007, Nesper 2002, Whaley & Bresette 1994). Other instances of cooperation are emerging between tribes. For example, intertribal natural resource management agencies such as the Great Lakes Indian Fish and Wildlife Commission, the Columbia River Inter-Tribal Fish Commission, and the Northwest Indian Fishing Commission have developed to handle fishing rights in Wisconsin, Washington, Oregon, and Michigan. In various ways, these commissions seek to bring together tribes and states for the purpose of environmental management. According to the Web site of the Northwest Indian Fishing Commission (http://www.nwifc.org/about-us): The role of the NWIFC is to assist member tribes in their role as natural resources comanagers. The commission provides direct services to tribes in areas such as biometrics, fish health and salmon management to achieve an economy of scale that makes more efficient use of limited federal funding. The NWIFC also provides a forum for tribes to address shared natural resources management issues and enables the tribes to speak with a unified voice in Washington, D.C. The EPA seems to appreciate the transformative potential of cooperation and toward this end provides advice, maps, and links to a range of agencies about how best to work effectively with tribal governments, as well as brokering tribe-to-tribe communication by sharing knowledge and other resources.5 This facilitating of dialogue reflects more widespread attitudes within environmental justice circles that recognize a need to empower local communities through coalition politics, particularly in the face of global warming and other transborder and multi-jurisdictional environmental issues (Grossman 2001; Martello & Jasanoff 2004, p. 4; Pellow & Brulle 2005; Gunningham 2008). Empowering local communities, as the environmental justice movement urges, demands greater recognition of indigenous sovereignty. Historically, however, the concept of native sovereignty has been problematic in the United States. The argument that tribes are in some way equivalent to sovereign nations—nations within nations—has caused constant legal and political tension (Wilkinson 1987, Deloria 1998, Wilkins & Lomawaima 2002). Chief Justice John Marshall’s trilogy of Indian cases in the 1820s and 1830s held that tribes are not foreign states as envisaged under the U.S. Constitution, but rather are domestic dependent nations in a state of pupilage. In short, a tribe’s relation to the United States resembles that of a ward to his guardian ( Johnson v. M’Intosh 1823). The degree to which a tribal government is deemed a ward of the state has shifted over the decades, and ambiguities and inconsistencies with respect to the concept of tribal sovereignty plague Indian and non-Indian relations to this day (Wilkins 2008, p. 244). Nonetheless, despite general confusion in federal and state Indian law over the meaning of native sovereignty, there do appear to be recognizable trends in judicial interpretation (Wiessner 2008). Typically, U.S. courts interpret the concept of native sovereignty to accord with the institutional and economic interests of the state, or of the industries that the state supports, to the detriment of tribal interests. These interpretations stress that tribes do not hold inherent sovereign power and are only qualified to exercise any form of selfgovernment because, by virtue of their status as wards, that right has been delegated to them by the United States (Tweedy 2009). As Biolsi (2005, p. 243) notes, the court’s idea of tribal sovereignty is “limited, in fact, to the point that it does not make logical sense to many Indian people, is not really sovereignty at all from their point of view, and can only be understood as bespeaking a profoundly racist view of Indians on the part of Congress, the courts, and white people in general.” Against trends of U.S. judicial interpretation that seek to limit the concept of inherent native sovereignty, federal environmental regulations have provided a mechanism for some tribes to reassert their sovereign authority “by effectively creating a presumption in favor of tribal jurisdiction” (Tweedy 2005, 2009). As mentioned above, the EPA’s Indian Policy was introduced in the 1980s when the federal government and American society in general dismissed native peoples as out of sight and mind on distant reservations. No one anticipated the enormous shift in fortune among a few tribes as a result of the development of Indian gaming enterprises. These enterprises granted tribes the ability to participate in mainstream political activities for the first time (Darian-Smith 2003, Champagne 2004). They provided, among other things, the economic resources to mount formal applications under the EPA to be granted state status and the authority to regulate environmental standards on reservation lands. As the legal scholar Grijalva (2008, p. xi) has noted: The Agency [EPA] has repeatedly exercised its substantial authority under the modern environmental laws to link Congress’ preference for local program implementation with federal Indian law’s doctrine of retained tribal sovereignty in a legal and administrative framework effectively offering tribes a coequal seat at the table. The seat comes with an unparalleled opportunity for translating tribal environmental value judgments into federally enforceable requirements constraining Indian and non-Indian polluters inside and outside Indian country. It offers a genuine chance for tribes to protect and preserve the health and welfare of their citizens, the quality of Indian country environment, and most importantly, their land-based Indigenous culture. Over the years, EPA’s policy of recognizing indigenous sovereignty has caused increasing tension between native and non-native communities. One example of conflict is that experienced by the Pala Band of Mission Indians in northern San Diego County, which received state-like status from the EPA in 2008. This status means the tribe must be notified when a project that may cause air pollution is proposed within 50 miles of the reservation. Whether the status can prevent the building of the Gregory Canyon landfill, planned to be built just west of the reservation, and against which the tribe has objected for over a decade, is not certain. In any case, according to Doug Elmets, a spokesperson for the Pala Band, the importance of the EPA’s determination is that “[i]t’s as much a recognition of the status of the tribe as it is their ability to comment on air quality issues that would affect members” (Pfingsten 2008). Public objections to the Pala Band’s new state-like designation were considerable. In the words of one blogger, “So a project within 50 miles, impacting upwards of 650 people, must be reviewed by the tribe. What about the impacts tribal expansion has on upwards of 6.5 million people? We have a right to know what’s up their sleeves. This is a runaway train!” The Pala Band’s experience of local antagonism is not unique. The Pala Band is one of many tribes that have been the focus of public ire and political attack in recent years. The rise of Indian gaming and the increased recognition of tribal sovereignty that has accompanied it have generated a backlash against so-called rich Indians who, it is argued, now receive special rights (Dudas 2008, 2005; GoldbergHiller & Milner 2003). This backlash against empowered native communities represents a new twist in the growing recognition of Indian sovereignty through environmental law avenues. The long-standing stereotype of Indians as stewards of the environment prevents many non-Indians from appreciating that native peoples are full citizens and should be able to exercise their property rights in the same way that non-Indians exercise theirs. This includes the right of tribes to log or mine reservation lands as a source of income or, in the case of the Skull Valley Band of Goshute Indians in Utah, to build a nuclear waste dump (Lewis 2007). Indian sovereignty means that tribes should have ultimate control over their reservation land, be it either to protect it or to use it, as a tribe sees fit. It also means that tribes have the right to practice their own notion of environmentalism that may or may not accord with Western paradigms (Nadasdy 2005). It seems that mainstream American society is still grappling with the idea of modern Indians and may not yet be prepared to accommodate the full implications of indigenous sovereignty, particularly as it emerges within the context of U.S. environmental law and regulation. The inadvertent yet increasing recognition of indigenous sovereignty within U.S. domestic law echoes more explicit developments in international law. Since the 1970s, efforts have been made to unite native peoples around the world and establish pan-native social movements to further the recognition of indigenous sovereignty. Toward this goal, forums such as the International Indian Treaty Council (1974), World Council of Indigenous Peoples (1975), UN Working Group on Indigenous Populations (1985), and the UN Permanent Forum on Indigenous Issues (2002) have been established. Many of these groups played a role in the International Labor Organization (ILO) Convention Concerning Indigenous and Tribal Peoples of 1989. The ILO treaty has now been ratified by almost all Latin American countries and ensures that the rights of native groups over legal status, lands, and environment are at the center of many states’ political concerns (Fischer 2009; Warren & Jackson 2002; Royster & Blumm 2007, pp. 517–604). In 2007, the ratification of the UN Declaration on the Rights of Indigenous Peoples focused additional world attention on indigenous sovereignty and native rights to their lands and territories (Xanthaki 2007; Wiessner 2008; Charters et al. 2010; Allen & Xanthaki 2010). Among the many issues identified in the declaration, indigenous peoples’ rights to the preservation, conservation, and development of their environment were prominent. The declaration represents, in the words of UN Special Rapporteur S. James Anaya, an important contribution to international customary law by presenting “an authoritative common understanding, at the global level, of the minimum content of the rights of indigenous peoples” (cited in Wiessner 2008, p. 1162). Significantly, 143 countries signed the UN Declaration with only four refusing: the United States, Canada, Australia, and New Zealand (Australia subsequently reversed its decision). Despite these notable state exceptions, the 20 years of work culminating in the 2007 declaration have invigorated new thoughts about indigenous-state relations and new political theories that take into account competing and overlapping legal jurisdictions at international and national levels (Barker 2005, Ivison et al. 2008, Champagne 2005, Weissner 1999, Anaya & Williams 2001, Anaya 2004, Hall & Fenelon 2009). The degree to which the United States will be receptive to the concept of indigenous sovereignty as it is promoted through international law remains to be seen. What is reasonably sure, however, is that as concerns over climate change and global warming intensify, U.S. environmental law will increasingly have to navigate and accommodate international environmental legal developments. And these international legal developments are increasingly addressing, among other things, indigenous peoples’ rights over land. The cumulative and compounding pressures from international and domestic environmental laws that elevate the stature of indigenous authority suggest that the United States, whether it welcomes it or not, will be forced to confront non-Western values and perspectives with respect to the preservation, conservation, and sustainability of natural resources. One result may be that the United States can no longer treat the environment as something to be conquered and a resource to be economically exploited. In the future, U.S. environmental law, which has conventionally viewed the environment as a “universal, objective reality” separate from society and human experience (Kapoor 2001, p. 270), may have to embrace alternative epistemological viewpoints and sets of ecological priorities. To put it another way, U.S. environmental law may be on trajectory whereby it becomes, if only in part, decolonized.

#### Even if correct that those reforms in the state will always fail, its crucial to learn the function and process of the state to craft effective modes of resistance

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(Levi, “War Machines and Military Logistics: Some Cards on the Table,” September 15, <https://larvalsubjects.wordpress.com/2012/09/15/war-machines-and-military-logistics-some-cards-on-the-table/>)

We need answers to these questions **to intervene effectively**. We can call them questions of “military logistics”. We are, after all, constructing war machines to combat these intolerable conditions. Military logistics asks two questions: first, it asks what things the opposing force, the opposing war machine captured by the state apparatus, relies on in order to deploy its war machine: supply lines, communications networks, people willing to fight, propaganda or ideology, people believing in the cause, etc. Military logistics maps all of these things. Second, military logistics asks **how to best** deploy its own resources **in fighting that state war machine**. In what way should we deploy our war machine to defeat war machines like racism, sexism, capitalism, neoliberalism, etc? **What are the things upon which these state based war machines are based,** what are the privileged nodes within these state based war machines that allows them to function? These nodes are the things upon which we want our nomadic war machines to intervene. If we are to be effective in producing change we better know what the supply lines are so that we might make them our target.

What I’ve heard in these discussions is a complete indifference to military logistics. It’s as if people like to **wave their hands and say “this is horrible and unjust!”** a**nd believe that hand waving is a politically efficacious act**. Yeah, you’re right, it is horrible but saying so doesn’t go very far and changing it. It’s also as if people are horrified when anyone discusses anything besides how horribly unjust everything is. Confronted with an analysis why the social functions in the horrible way, the next response is to say “you’re justifying that system and saying it’s a-okay!” **This misses the point that the entire point is to** map the “supply lines”of the opposing war machine **so you can** strategically intervene **in them to destroy them and create alternative forms of life**. You see, we already took for granted your analysis of how horrible things are. You’re preaching to the choir. We wanted to get to work determining how to change that and believed for that we needed good maps of the opposing state based war machine so we can decide how to intervene.

We then look at your actual practices and see that your sole strategy seems to be ideological critique or debunking. Your idea seems to be that if you just prove that other people’s beliefs are incoherent, they’ll change and things will be different. But **we’ve noticed a couple things about your strategy:** 1) there have been a number of bang-on critiques of state based war machines, **without things changing too much**, and 2) we’ve noticed that we might even persuade others that labor under these ideologies that their position is incoherent, ye**t they still adhere to it as if the grounds of their ideology didn’t matter much.** This leads us to suspect that **there are** other causal factors **that undergird these social assemblages** **and cause them to endure is they do**. We thought to ourselves, there are two reasons that an ideological critique can be successful and still fail to produce change: a) the problem can be one of “distribution”. The critique is right but fails to reach the people who need to hear it and even if they did receive the message they couldn’t receive it because it’s expressed in the foreign language of “academese” which they’ve never been substantially exposed to (academics seem to enjoy only speaking to other academics even as they say their aim is to change the world). Or b) there are other causal factors involved in why social worlds take the form they do that are not of the discursive, propositional, or semiotic order. My view is that it is a combination of both.

I don’t deny that ideology is one component of why societies take the form they do and why people tolerate intolerable conditions. **I merely deny that this is the** only causal factor. I don’t reject your political aims, but merely wonder how to get there. Meanwhile, you guys behave like a war machine that believes it’s sufficient to drop pamphlets out of an airplane debunking the ideological reasons that persuade the opposing force’s soldiers to fight this war on behalf of the state apparatus, **forgetting supply lines, that** **there are other soldiers behind them with guns to their back**, **that they have obligations to their fellows**, that they have families to feed or debt to pay off, etc. When I point out these other things it’s not to reject your political aims, **but to say that perhaps these are also** good things to intervene in **if we wish to change the world**. In other words, **I’m objecting to your tendency to use a hammer to solve all problems and to see all things as a nail** (discursive problems), ignoring the role that material nonhuman entities play in the form that social assemblages take.

This is the basic idea behind what I’ve called “terraism”. Terraism has three components: 1) “Cartography” or the mapping of assemblages to understand why they take the form they take and why they endure. This includes the mapping of both semiotic and material components of social assemblages. 2) “Deconstruction” Deconstruction is a practice. It includes both traditional modes of discursive deconstruction (Derridean deconstruction, post-structuralist feminist critique, Foucaultian genealogy, Cultural Marxist critique, etc), but also far more literal deconstruction in the sense of intervening in material or thingly orders upon which social assemblages are reliant. **It is not simply beliefs, signs, and ideologies that cause oppressive social orders** to endure or persist, but also material arrangements upon which people depend to live as they do**. Part of changing a social order thus necessarily involves** intervening in those material networks to undermine their ability to maintain their relations or feedback mechanisms that allow them to perpetuate certain dependencies for people. Finally, 3) there is “Terraformation”. Terraformation is the hardest thing of all, as it requires the activist to be something more than a critic, something more than someone who simply denounces how bad things are, someone more than someone who simply sneers, producing instead other material and semiotic arrangements rendering new forms of life and social relation possible. Terraformation consists in building alternative forms of life. **None of this, however, is possible** without good mapping of the terrain **so as to know what to deconstruct and what resources are available for building new worlds**. Sure, I care about ontology for political reasons because I believe this world sucks and is profoundly unjust. But rather than waving my hands and cursing because of how unjust and horrible it is so as to feel superior to all those about me who don’t agree, rather than playing the part of the beautiful soul who refuses to get his hands dirty, I think we need good maps so we can blow up the right bridges, power lines, and communications networks, and so we can engage in effective terraformation.

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#### Extinction is a categorically distinct phenomenon that outweighs other considerations

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8. Global ethics must respond to mass extinction. In late 2014, the Worldwide Fund for Nature reported a startling statistic: according to their global study, 52% of species had gone extinct between 1970 and 2010.60 This is not news: for three decades, conservation biologists have been warning of a ‘sixth mass extinction’, which, by definition, could eliminate more than three quarters of currently existing life forms in just a few centuries.61 In other words, it could threaten the practical possibility of the survival of earthly life. Mass extinction is not simply extinction (or death) writ large: **it is a qualitatively different phenomena that demands its own ethical categories.** It cannot be grasped by aggregating species extinctions, let alone the deaths of individual organisms. Not only does it erase diverse, irreplaceable life forms, their **unique histories** and **open-ended possibilities**, but it **threatens the ontological conditions of Earthly life**.

IR is one of few disciplines that is explicitly devoted to the pursuit of survival, yet it has almost nothing to say in the face of a possible mass extinction event.62 It utterly lacks the conceptual and ethical frameworks necessary to foster diverse, meaningful responses to this phenomenon. As mentioned above, Cold-War era concepts such as ‘nuclear winter’ and ‘omnicide’ gesture towards harms massive in their scale and moral horror. However, they are asymptotic: they imagine nightmares of a severely denuded planet, yet they do not contemplate the **comprehensive negation** that a mass extinction event entails. In contemporary IR discourses, where it appears at all, extinction is treated as a problem of scientific management and biopolitical control aimed at securing existing human lifestyles.63 Once again, this approach fails to recognise the reality of extinction, which is a **matter of being and nonbeing**, not one of life and death processes.

Confronting the enormity of a possible mass extinction event requires a total overhaul of human perceptions of what is at stake in the disruption of the conditions of Earthly life. The question of what is ‘lost’ in extinction has, since the inception of the concept of ‘conservation’, been addressed in terms of financial cost and economic liabilities.64 Beyond reducing life to forms to capital, currencies and financial instruments, the dominant neoliberal political economy of conservation imposes a homogenising, Western secular worldview on a planetary phenomenon. Yet the **enormity, complexity, and scale** of mass extinction is so huge that humans need to **draw on every possible resource in order to find ways of responding**. This means that they need to mobilise multiple worldviews and lifeways – including those emerging from indigenous and marginalised cosmologies. Above all, it is crucial and urgent to realise that extinction is a **matter of global ethics**. It is not simply an issue of management or security, or even of particular visions of the good life. Instead, it is about staking a claim as to the goodness of life itself. If it does not fit within the existing parameters of global ethics, then it is these boundaries that need to change.

9. An Earth-worldly politics. Humans are worldly – that is, we are fundamentally worldforming and embedded in multiple worlds that traverse the Earth. However, the Earth is not ‘our’ world, as the grand theories of IR, and some accounts of the Anthropocene have it – an object and possession to be appropriated, circumnavigated, instrumentalised and englobed.65 Rather, it is a complex of worlds that we share, co-constitute, create, destroy and inhabit with countless other life forms and beings.

The formation of the Anthropocene reflects a particular type of worlding, one in which the Earth is treated as raw material for the creation of a world tailored to human needs. Heidegger famously framed ‘earth’ and ‘world’ as two countervailing, conflicting forces that constrain and shape one another. We contend that existing political, economic and social conditions have pushed human worlding so far to one extreme that it has become almost entirely detached from the conditions of the Earth. Planet Politics calls, instead, for a mode of worlding that is responsive to, and grounded in, the Earth. One of these ways of being Earth-worldly is to embrace the condition of being entangled. We can interpret this term in the way that Heidegger66 did, as the condition of being mired in everyday human concerns, worries, and anxiety, to prolong existence. But, in contrast, we can and should reframe it as authors like Karen Barad67 and Donna Haraway68 have done. To them and many others, ‘entanglement’ is a radical, indeed fundamental condition of being-with, or, as Jean-Luc Nancy puts it, ‘being singular plural’.69 This means that no being is truly autonomous or separate, whether at the scale of international politics or of quantum physics. World itself is singular plural: what humans tend to refer to as ‘the’ world is actually a multiplicity of worlds at various scales that intersect, overlap, conflict, emerge as they surge across the Earth. World emerges from the poetics of existence, the collision of energy and matter, the tumult of agencies, the fusion and diffusion of bonds.

Worlds erupt from, and consist in, the intersection of **diverse forms of being** – material and intangible, organic and inorganic, ‘living’ and ‘nonliving’. Because of the tumultuousness of the Earth with which they are entangled, ‘**worlds’ are not static, rigid or permanent. They are permeable and fluid**. They can be **created**, **modified** – and, of course, destroyed. Concepts of violence, harm and (in)security that focus only on humans ignore at their peril the destruction and severance of worlds,70 **which undermines the conditions of plurality that enables life on Earth to thrive.**

#### New method LINK argument—The aff’s rejection of the specific details of political engagement in favor of genelogical questioning is not radical but continues the prevailing mode of leftist cynicism that eviscerates our ability to construct alternatives to political domination

Burgum 15 (Samuel, PhD candidate in Sociology at the University of Warwick and has been conducting research with Occupy London since 2012, “The branding of the left: between spectacle and passivity in an era of cynicism,” Journal for Cultural Research, Volume 19, Issue 3)

Rather than the Situationist spectacle, then, I argue that the reason those on the left are rendered post-politically impotent to bring about change is not because we are deceived, but because we enact apathy despite ourselves. In other words, the relationship between the resistive subject and ideology is not one of false consciousness, but one of cynicism: we are not misdirected by shallow spectacles, but instead somehow distracted by our cynical belief that we are being “distracted”. In this section, I begin by outlining the concept of cynicism as it has been theorised by Peter Sloterdijk and Slavoj Žižek. This then leads us to an analysis of the cynical position adopted by Brand’s critics, which I argue actually demonstrates more political problems on the part of the left than those suggested by Brand himself.¶ For Sloterdijk, cynicism is an attitude that emerges right at the centre of the enlightenment project, where, in contrast to a modernist illumination of truth, “a twilight arises, a deep ambivalence” (1987, p. 22). Rather than the promised heightened consciousness of science that would allow us to see the hidden essential truths behind appearances, the very conception of truth as unconcealedness (aletheia)3 instead creates a widespread mistrust and suspicion of every appearance. Subsequently, “a new form of realism bursts forth, a form that is driven by the fear of becoming deceived or overpowered … everything that appears to us could be a deceptive manoeuvre of an overpowering evil enemy” (Sloterdijk, 1987, p. 330). The surface becomes suspect and the subject therefore retreats from all appearances: judging them to be spectacles that are seeking to oppress through falsity. The result is cynicism.¶ Subsequently, this leads Sloterdijk to his well-known paradoxical definition of cynicism as “enlightened false consciousness” which he describes as a “modernized, unhappy consciousness on which enlightenment has laboured both successfully and in vain … it has learned its lessons in enlightenment, but it has not, probably was not able to, put them into practice” (1987, p. 5). In other words, in the search for a higher consciousness behind appearances, the subject is paradoxically “duped” by their very suspicion of being duped. Furthermore, because the subject thinks they “know” that appearances are just a mask, they disbelieve the truth when it does appear. Like the story of the Emperor’s New Clothes, they fancy themselves to know what is right in front of their eyes (that the emperor is nude and vulnerable) yet they choose “not to know” and don’t act upon it (they still act as if the emperor is all-powerful). As such,¶ cynical reason is no longer naïve, but is a paradox of enlightened false consciousness: one knows the falsehood very well, one is well aware of a particular hidden interest hidden behind the ideological universality, but still one does not renounce it. (Žižek, 1989, p. 23)¶ The audience to the parade of power can see that the emperor is not divine – just a fragile human body like the rest of us – yet they cynically choose not to know and objectively retain his aura. They congratulate themselves on “knowing” that Brand is a trivial spectacle, yet they choose to remain apathetic towards his calls for action.¶ As such, the dismissive reaction to Brand reveals a regressive interpassive tendency of the left to subjectively treat ourselves as “enlightened” to authentic politics and yet objectively render ourselves passive. In a kind of defence mechanism, the left believes that it¶ can avoid becoming the dupe of the latest fashion or advertising trend by treating everything as a matter of fashion and advertising, reassuring ourselves as we flip through television channels or browse through the shopping mall that at least we know what’s really going on. (Stanley, 2007, p. 399)¶ The critics disbelieve Brand, distrusting his motives and seeing him as inauthentic, yet they continue to “believe” objectively in their own marginalisation. As such, the cynical left believe they are dismissing shallow spectacle in the direction of a stronger authentic radicalism, yet what their “doing believes” is the maintenance of their apathetic position. More precisely, it maintains the attitudes of left melancholy and anti-populism.¶ The problem of “left melancholy” points towards the forever-delayed search for authenticity on the part of a cynical left that is in mourning. Coined by Walter Benjamin (1998), the concept points towards “the revolutionary who is, finally, attached more to a particular political analysis or ideal – even to the failure of that ideal – than to seizing possibilities for radical change in the present” (Brown, 1999, p. 19). Suffering from a history of defeat and embarrassment, the left persist in a narcissistic identification with failure, fetishising the “good old days” and remaining faithful to lost causes. As Benjamin himself points out, the cynical kernel of this attitude is clear, as “melancholy betrays the world for the sake of knowledge … but in its tenacious self-absorption it embraces dead objects in its consumption in order to redeem them” (1998, p. 157). In other words, the sentiment is a deliberate self-sabotage that takes place even before politics proper has a chance to begin or “the paradox of an intention to mourn that precedes and anticipates the loss of the object” (Žižek, 2001, p. 146).¶ This then leads us to the second problem of leftist cynicism: anti-populism. As a result of melancholia, the left has developed the bad habit of prejudging all instances of popular radical expression (such as Brand’s) as necessarily flawed. However, to return to Dean again, she points out that this aversion to being popular and successful is a defining feature of a contemporary left, who prefer to adopt an “authentic” underdog position in advance than take risks towards political power. As she argues, “we” on the left see “ourselves” as “always morally correct but never politically responsible” (Dean, 2009, p. 6) prepositioned as righteous victims and proud political losers from the outset. What this cynicism towards instances of popular radicalism ultimately means, therefore, is that any concern for authenticity is ultimately a regressive one, a defence mechanism for a left that “as long as it sees itself as defeated victims, can refrain from having to admit is short on ideas” (Dean, 2009, p. 5). Such an attitude means never risking potential failure and residing in the safety of marginal righteousness.¶ It is the contention here, therefore, that both melancholia and anti-populism can be seen in the cynical reaction to Brand’s radicalism. Somewhat ironically, Brand (2013) even recognised these problems himself when he wrote in his *New Statesman* piece that¶ the right seeks converts while the left seeks traitors … this moral superiority that is peculiar to the left is a great impediment towards momentum … for an ideology that is defined by inclusiveness, socialism has become in practice quite exclusive.¶ Automatically, then, the left denounce Brand and self-proclaimed “radical left-wing thinkers and organisers” bitterly complain how he is getting so much attention for the arguments they have been making for years (for example, Park & Nastasia, 2013). The left maintain distance and label Brand trivial, yet such a distance only renders these critiques even more marginal and prevents them from becoming popular, effective or counter-hegemonic.¶ As Žižek has pointed out, the political issue of cynicism is “not that people ‘do not know what they want’ but rather that cynical resignation prevents them from acting upon it, with the result that a weird gap opens up between what people think and how they act”, adding that “today’s post-political silent majority is not stupid, but it is cynical and resigned” (2011, p. 390). In terms of Brand, this blanket cynical melancholy is typical of the left’s distrust of anything popular, rendering them “like the last men” whose “immediate reaction to idealism is mocking cynicism” (Winlow & Hall, 2012, p. 13). Proponents of a radical alternative immediately adopt caution with the effect of forever delaying change, holding out for that real and authentic (unbranded) struggle and therefore denying it indefinitely.

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#### Ghosts DA to perm—Their geneology overdetermines the future by the past, leading to an endless repetition of past violence and an inability to construct new futures that operate outside of and opposed to the historical archive

O’Riley 7

Michael F. O’Riley, Associate Professor at Colorado College, “Postcolonial Haunting: Anxiety, Affect, and the Situated

Encounter.” Postcolonial Text. Vol. 3, No. 4. 2007.

Homi Bhabha’s conception of the time-lag mentioned above represents perhaps the most concerted attempt to utilize the idea and the aesthetics of haunting as a way of rethinking notions of cultural heritage. While many critics have identified problems in Bhabha’s conception of hybridity as a form of postcolonial agency, I would like to draw attention very briefly to the haunting temporality found in Bhabha’s increasing attempts throughout his career to rethink “the geopolitics of the historical present” through the memory of colonial experience (Copjec 210).6 To be sure, haunting presents problems similar to those of agency and history identified in Bhabha’s conception of hybridity, yet it is important to underline its relationship in Bhabha’s work to a conception of cultural memory and intervention, since the haunting form of memory proposed by Bhabha is so widespread in postcolonial theory and culture.

Much of Bhabha’s theory of haunting can be traced to his engagement with what he calls “scenes” of oppression described in the work of Frantz Fanon. The opening scene of Fanon’s Black Skins, White Masks, describing how a Negro is subjected to racist terms, serves as a recurring scene in Bhabha’s work from which he devises the notion of a haunting colonial temporality, what he identifies as, “the belatedness of the black man” (Location 236). Bhabha argues that Fanon’s repetition of the scene/seen of oppression serves as a haunting point of identification through which the colonial past and its scenes of oppression are reiterated and projected into modernity as a means of questioning “the ontology of man” (238). This destruction of ontology, creates a hauntology, according to Bhabha, that revises the very dynamics of the black man’s subjection and of the white man’s supremacy.

According to Bhabha, the belated temporality of colonial history and its repressed subjects, which finds formerly displaced colonial subjects and histories reclaiming places and voices in the contemporary context, is an essentially disruptive force. As a disruptive temporality, the “[t]ime lag keeps alive the meaning of the past” (254); it provides an alternative way of understanding what constitutes time, and therefore cultural heritage, and “fractures the time of modernity” (252). According to Bhabha, within this fracture, the colonial past returns to hybridize the present, creating “a signifying time for the inscription of cultural incommensurability where differences cannot be sublated or totalized” (177). Bhabha thus draws upon the “memorial map” of “Slavery, War, Holocaust, migration, diaspora” as histories which might counter contemporary experiences of transnational culture that homogenize and create inequalities (“Anxious” 203). The colonial past is “repeated” or “projected” through in the present (Location, 254), and therefore disrupts “the continuum of history,” those monumental scripts of cultural heritage (Location 257). Although Bhabha’s view of this return of the colonial past is designed as a disruptive intervention, it “flashes up” because it already inhabits modernity, is very much a part of its heritage (Location 257). The timelag, then, is a form of cultural memory that unconsciously haunts the present.

Bhabha’s time-lag transforms the colonial into a mythical experience that is always lingering as it “keeps alive the meaning of the past” even as it emerges to disrupt the present. The most important question here is how a projected haunting of the colonial past in the form of a colonial unconscious, always already present, might effectively counter new and evolved contexts of what Bhabha identifies as “transnational” forms of “destitution” (“Anxious” 203). While Bhabha claims that the “anxious,” “affective power”—the haunting nature—of the projection of occluded colonial histories provides a disruptive force, it is difficult to imagine how the memory of colonial conflict might counter those forms of neo-colonial oppression that have evolved so as to be frequently invisible or so transnational that they are intangible (222).7 Moreover, although Bhabha is attentive to the ways the haunting of the time lag unites different ethnic and diasporic groups through a “temporality of repetition that constitutes those signs by which marginalized or insurgent subjects create a collective agency,” he doesn’t consider how diverse and conflicting colonial memories projected into the metropolis or ex-colony might simply engender a repetition of cultural tensions (199).8 The hauntings of colonial history, especially when evocative of national loss, might simply fuel nationalist sentiment and cultural and ethnic conflict, as well as a sense of affiliation to a former nation in the case of diasporic individuals, particularly when the souvenir of colonial oppression installs a sense of victimization. Further, such repetitious reminders of the oppressive nature of colonial culture can create a sense of culpability that impedes those who might otherwise attempt to transform oppressive conditions. Rather than creating awareness of contemporary conditions of inequality, such a haunting can produce a retrospective gaze that tends to archive instances of colonial injustice, transforming them into colonial sites of memory.9 Such notions of Western culpability and formerly colonized victimization often restrict and simplify potentially productive formations of postcolonial community.

Using language and themes similar to those of Bhabha, Iain Chambers focuses on the hauntings of colonial history that might interrupt or give rise to a questioning of contemporary forms of oppression while ultimately overlooking contemporary contexts suggestive of evolved forms of colonial-era inequality. Chambers turns to postcolonial France and its legacy of Arab immigration to illustrate the concept of the hauntings of colonial history without reflecting on the cultural, economic, or political conditions of French colonialism and immigration. Suggesting a supernatural experience that exceeds understanding, Chambers argues that “[w]hat comes out of the [colonial] past bears more than any individual can contain or explain” (65). For Chambers, the colonial inheritance and its “temporal interruption” produce an anxiety that suggests the limits of Western being and temporality (65). In a postcolonial version of Baudelerian flânerie in Paris and its Arab immigrant neighborhood of Barbès, the cosmopolitan intersection of the Gare du Nord and Gare de Londres with their high-speed Eurostar trains that cross the English Channel in under three hours, Chambers argues how the haunting encounter with the vestiges of colonial history forces a rethinking of Western time.

Referring to an Arab scribe with a portable desk, wrapped in a djellaba and wearing a turban, Chambers claims that he can “register a trace, not merely of another world largely hidden from my eyes and understanding, but rather the trace of a language and history that seeks a response, and a responsibility in mine…his presence both interrupts and reconfigures my history, translating the closure of my ‘identity’ into an aperture in which I meet an other who is in the world yet irreducible to my will” (206). Acknowledging the limits of anthropological discourse and the exoticism of the Western gaze intent on reconfirming its own subjectivity, Chambers claims that this encounter embodies a limit for Occidental consciousness: In this ambiguous space in which historical transit betrays and befuddles the desired transparency of translation, I register the historically positioned limits of my voice, of my claims on the world. The Arab scribe as referent of my discourse both unfolds towards me and away from me, is both object of my narrative and a subject in a world that is never simply mine. He is witness not merely to the power of my gaze, desirous of egotistical confirmation, but also to the interval that emerges between us as subjects and that renders my language locatable and limited. (206)

In this situated encounter, reminiscent of a Heideggerian unfolding of being and otherness, that evokes “the unhomely,” Chambers focuses on a form of postcolonial “anxiety” that comes from the haunting encounter, the return of the colonial repressed in the form of the Freudian unheimlich (207): “For in the horror of the unhomely pulses the dread for the dispersal of Western humankind: the dread of a rationality confronted with what exceeds and slips its grasp. To be claimed by what exceeds immediate understanding is to run the risk of ultimately having little to say” (196). Aside from the Western appropriation of this encounter, much to Chambers’s claim to the contrary, this scene provides an example of how the anxiety of colonial haunting is frequently constructed and then imposed upon otherwise expected situations in the “worldly state”’ of postcolonial displacement and diaspora (207). Indeed, it is difficult to see precisely what is “interruptive” in this normal encounter.10

What is most telling about this scene is what remains as background description, truly haunting the situated encounter itself. Chambers never mentions the relationship between this encounter and the forms of globalization and high-speed technology represented by the trains of France’s new Gare de Londres. Might this postcolonial encounter actually interrupt the transnational capitalism and high-speed displacement represented by the scene’s backdrop? What is the nature of the relationship between the Arab scribe and such forms of globalization as he waits, as Chambers tells us, for illiterate clients—presumably immigrants from the Maghreb and elsewhere—to pay him a meager sum to write letters in Arabic? What is the relationship between the French colonial legacy, the representation of a new high-speed economy suggested by the train, and this scene of haunting? The turn to a haunting colonial encounter neglects how globalized forms of oppression might or might not be resisted by the specters of colonialism.11 Most importantly, for our purposes, this scene demonstrates how colonial history in putatively critical contexts is frequently figured as a haunting that ultimately diverts attention away from contemporary realities that beg our attention. The problem here is not so much what many Marxist critics have denounced as a focus on hybridity, ambivalence, and contingency in postcolonial theory to the detriment of a critical appraisal of globalization, but rather a fetishism of colonial history that presumes it capable of addressing postcolonial encounters of inequality today. An obsessive focus on colonial history is particularly risky when tense colonial memories continue to circulate both within and between former colonizing and colonized country. Nevertheless, it suffices to say that a wholesale rejection of colonial memory as a means of thinking resistance to globalization is as dangerous a proposition as a fascination with it.

#### The aff’s politics ahistoricizes the social transformations made possible by commitment to revolutionary politics --- accusations of past failures are used to minimize class struggle

Use of historical analogies/examples like slavery and Jim Crow proves that things can get better and also worse; but defaulting to these examples obscures the mechanisms of neoliberalism and its grinding drive toward inequality—e.g., housing disparities

The history of radical black politics demonstrates the importance of foregrounding labor-based struggles even as racial

Reed, professor of political science at the University of Pennsylvania, ‘17

(Adolph, “The Origins of Neoliberal Antiracism” In *Rethinking Revolution: Socialist Register 2017*, ed. Leo Panitch and Greg Albo, NYU Press)

Whatever it may have been at earlier historical moments, antiracism as a contemporary politics is not necessarily aligned with projects of broad social transformation animated by the egalitarian vision that prompted the twentieth century’s iconic revolutions. Rather, antiracist politics in the United States and elsewhere in the West and much of Latin America can be, and often enough has been, an antagonistic alternative to such projects of broad transformation. That is, notwithstanding a persistent inclination among leftists to consider it a discourse at least in dialogue with the left, antiracism is as likely now to be an ideological and practical programme that fits more comfortably within neoliberalism than with a socialist left. In the United States especially, but increasingly in Western Europe and Canada also, antiracism and other political tendencies based on ascriptive identities – that is, those expressing what one supposedly is rather than what one does2 – commonly reject Marxist and other socialist politics as insufficiently attentive, if not inimical, to the special position and needs of racial or other ascriptively defined populations understood to be oppressed in ways that are not causally or most consequentially rooted in capitalist political economy. In fact, these tendencies commonly object to the universalizing perspectives associated with socialism and Marxism in particular as Eurocentric (or phallocentric, or heteronormative) homogenization that denies the specificity of ascriptive groups’ distinctive perspectives, grievances and demands. To the extent the political orientation from which antiracist and other identity-based tendencies proceed is more ‘groupist’ than broadly solidaristic, the vision of a just society around which they cohere can be more in line with liberal interest-group pluralism than with a left that relates its lineage or marks its affinities to the broad tradition that generated the revolutionary movements of the last century. Eric Hobsbawm pointed to this tension in the mid-1990s indicating that, while the left naturally has supported movements advocating for the rights of stigmatized groups, identity groups ‘are not committed to the Left as such, but only to get support for their cause wherever they can’.3 Openness to this kind of politics stems partly, as Hobsbawm points out, from the left reflex to support the cause of the oppressed. The victories won in the second half of the twentieth century against ideologies and regimes of ascriptive hierarchy, chiefly those grounded on narratives of race and gender, made leftists, and labour, all the more conscious of past failings with respect to inattentiveness to, acceptance or even overt embrace of ascriptive inegalitarianism. The generation of leftists who emerged in the 1960s came of age with the militant anti-colonial movements and national liberation struggles in what was then known as the Third World, the civil rights struggle in the United States, and anti-apartheid struggles in South Africa, as well as the resurgent women’s movement. That generation was also likely to be self-critical regarding what were perceived as failings and limitations – some would say ossification, even debasement or perversion – of the dominant practical models of socialism in Eastern Europe and elsewhere on the capitalist periphery. The New Left generation’s inclination to criticize ‘really existing socialism’ extended also to the orthodox Marxist parties in the West, which were easily enough seen as out of touch with the new spirit of insurgency coming from youth, minority groups in advanced capitalist societies, and Third World movements of national liberation. In the US, many displayed similar scepticism toward the trade union movement, which in the eyes of many radicals had settled into a narrow, self-interested class collaborationism. This is a familiar story to Socialist Register readers, and one I summarize very schematically. In addition to Hobsbawm’s account mentioned above, Leo Panitch and the late Ellen Meiksins Wood have discussed these developments more extensively, especially the impact of the intellectual left’s movement both into the academy and away from an intellectual and epistemic commitment to class struggle.4 Several features of that moment are pertinent for making sense of the subsequent development of antiracist politics in itself and the left’s embrace of it. Disillusionment with democratic centralism and sclerotic bureaucratism fed a skeptical attitude toward organizational and intellectual discipline, as well as toward commitment to specific visions and programmes of social transformation. Those tendencies became exacerbated over the 1980s and 1990s as left activity retreated increasingly into universities. In that climate, as more and more of the left came to be defined by moral stance rather than strategic politics and practical programme, self-criticism and atonement regarding racism and sexism on the part of labour and the left in the past, and bearing witness against injustice in the present, loomed steadily larger as an element of left political discourse, especially in the US. And then, with rote repetition of ever more deeply embedded commonsense knowledge, the narrative of labour’s and the left’s past failings with respect to racial and gender inequalities was increasingly shed of nuance, to the point that in recent decades it has become a truism in some activist circles that failure to challenge ascriptive inequalities, or even active reproduction of them, has been a definitive characteristic of the working-class-based left and trade unions, and is substantially responsible for the decline of either or both.5 Commitment to the accusatory narrative can underwrite extraordinary historical misrepresentation, for example, Eugene Debs’s statement that socialism has ‘nothing special to offer the Negro’ is taken as evidence of his indifference to racial inequality – when his intent was exactly the opposite.6 A left that had by and large given up the goal of radical social transformation and the objective of pursuing political power for the purpose of realizing that goal became less distinct from liberalism. Such a left, as Russell Jacoby notes, ‘ineluctably retreats to smaller ideas, seeking to expand the options within the existing society’.7 Militant embrace of the discourses of identity politics, most notably antiracism, has helped to sustain an appearance that the left is not in retreat but remains on the cutting edge of transformational politics. That is because of the prominence of a view that construes ‘oppressions’ rooted in race and gender, etc., as both foundational to American society – or the West – and so deeply embedded that most whites/men are in denial about their power. From that perspective the civil rights movement’s legislative victories in the 1960s were superficial and could not address the deep-structural sources of racism and sexism, which are effectively ontological and therefore beyond the reach of normal political or social intervention. Thus the struggle against these sources of inequality is always insurgent because their power never diminishes.

CONTEMPORARY ANTIRACISM’S AHISTORICAL CHARACTER Representing racism as a transhistorical phenomenon, sometimes character- ized as a ‘national disease’ or ‘original sin’, underwrites a claim that it continues to shape life chances for blacks and other nonwhites as it did in earlier periods when, as W. E. B. Du Bois put it, ‘the walls of race were clear and straight; when the world consisted of mutually exclusive races; and even though the exact edges might be blurred there was no question of exact definition and understanding of the meaning of the word’, that is, when notions of racial hierarchy were hegemonic and were open and explicit principles of social and political organization.8 That view, to the extent that it understands racism as transcending patterns of historically specific social relations, presumes primordial understandings of race/racism as a phenomenon shared by both postwar racial liberalism and the earlier racial determinism it challenged. This is, moreover, a political problem as well as an intellectual one. The politics crafted in this antiracist framework has a rearguard character that is expressed in its proponents’ tendency to rely on evocation of past racist practices – law professor Michelle Alexander’s book The New Jim Crow is one prominent illustration9 – to mobilize outrage about injustices in the present. The argument by means of historical analogy, i.e., that current injustices that may seem to derive most directly from different, more complex sources are more significantly understood as like latter-day instances of racist practices in the past, rests on the trope that the current outrages demonstrate the deep continuity of racism as a force and at least suggests the inadequacy of the victories of the civil rights struggle. Yet that trope is also in effect an acknowledgment that big victories on that front have indeed been won. Otherwise there would be no basis for assuming that the comparison would have rhetorical force. Condemnation of an act or practice by comparing it to slavery or Jim Crow could provoke the desired effect only if we can assume consensus that slavery and Jim Crow were bad things. Moreover, sustaining the conviction that racism remains most significantly causal of contemporary patterns of inequality requires terminological gymnastics which enable positing racism – ‘institutional’, ‘structural’, even ‘post-racial’ – as, at least by default, the causal explanation for inequalities that appear statistically as racial disparity and are lived as such in day-to-day life. In fact, historical analogy typically stands in lieu of empirical argument to explain why we should automatically see contemporary disparities as evidence of the unspecified workings of a generic racism rather than as products of current and concrete political-economic processes that are very much ‘presentist’ elements of the regime of steadily intensifying regressive redistribution, the mechanisms, that is, that constitute the telos of neoliberalism. Assertion of the centrality of racist ideas and practices among labour and the left is similarly ahistorical both as a representation of the past and in its implications of continuity in the present. It is more allegory or fable than historical account. Presumptions, stances, and practices that now would be clearly recognized and negatively sanctioned as racist certainly were common enough in the Marxist left and the labour movement in the nineteenth and early twentieth centuries. The appropriate basis of comparison – if one wants to make the sort of moral assessment that many critics of those institutions intend – would, however, not be early twenty-first century sensibilities, but whether racism and sexism were more prominent within unions and left politics than within other contemporaneous institutions. Frankly, from an historicist perspective this sort of exercise in moralistic calculation seems rather puerile, but, because antiracist criticisms of the left in the present depend so heavily on claims regarding the past, it is necessary to address them. Toward that end an important first step is recognizing that what race means and does not, how it has operated as a politically and ideologically potent category, as well as its meanings and significance, have evolved over time and context. The period of revolutionary ferment out of which the Bolshevik revolution emerged coincided with the historical moment when the race idea was at or approaching its apogee in the history of the world, before or since. At the beginning of the twentieth century race science identified between three and sixty-three ‘basic’ races in the world, including between three and six, or even thirty-six, in Europe alone.10 That ambiguity was the inevitable result of efforts to establish precise characteristics of a nonexistent phenomenon: ‘races’ simply do not exist as natural populations. Race theorists assumed that their efforts at taxonomic specification failed because generations of population movement and mixing had diluted original, ‘pure’ racial types; so they looked for racial essences beneath national or linguistic affiliations. This conviction in turn supported the manifestly unscientific approach of positing a priori ideal types and attempting to classify existing populations ‘racially’ by comparing the frequencies of geographical distribution of physical characteristics imputed to the ideal racial types constructed in the race scientists’ taxonomies.11 Marxists and other leftists were more likely to dissent from hegemonic racialism than others, but race-thinking permeated political and intellectual discourse and everyday common sense. It was reproduced among progressives, Fabians and many socialist reformers, as well as conservatives, in dominant notions of evolution as progress. Teleological presumptions about fixed stages of cultural and social evolution and the comparative method in Victorian anthropology that considered contemporary ‘primitives’ as living versions of ancestral Europeans reinforced the tendency – convenient for proponents of colonial expansion – to rank populations hierarchically on the basis of natural limits and capacities ascribed to them. And even many revolutionaries believed that colonial domination was justified because ‘backward’ peoples needed periods of tutelage to prepare them for the modern world. Many English race scientists were convinced that the indigenous working class was racially different from the aristocracy. Just as some socialists opposed imperialist expansionism on egalitarian grounds, others opposed it on racial grounds, expressing fear of degeneration through contact with racially inferior populations.12 Often class struggle was fought at least partly on the terrain of racialist ideology. In the latter half of the nineteenth century fights in the American West over importation of Chinese labour and Japanese immigration also centred around racialist ideologies. Railroad operators and other importers of Chinese labour imagined and openly asserted that those workers’ distinctive racial characteristics made them more tractable and able to live on less than white Americans; opponents, including the California labour movement, argued that those very racial characteristics would degrade American labour and that Chinese were racially ‘unassimilable’. But it was the employer class, not the workers likely to be displaced or impoverished, who established the debate on racial terms. Post-bellum southern planters imported Chinese to the Mississippi Delta region to compete with black sharecroppers out of the same racialist presumptions of greater tractability, as did later importers of Sicilian labour to Louisiana sugarcane and cotton fields.13 Large-scale industrial production in the late nineteenth and early twentieth centuries depended on mass labour immigration mainly from the eastern and southern fringes of Europe. The innovations of race science – that is, of racialist folk ideology transformed into an academic profession – promised to assist employers’ needs for rational labour force management and were present in the foundation of the fields of industrial relations and industrial psychology. Hugo Münsterberg, a founding luminary of industrial psychology, included ‘race psychological diagnosis’ as an element in assessment of employees’ capabilities, although he stressed that racial or national temperaments are averages and considerable individual variation exists within groups. He argued that assessment, therefore, should be leavened with consideration of individuals’ characteristics and that the influence of ‘group psychology’ would be significant ‘only if the employment not of a single person, but of a large number, is in question, as it is most probable that the average character will show itself in a sufficient degree as soon as many members of the group are involved.’14 As scholarship on race science and its kissing cousin, eugenics, has shown, research that sets out to find evidence of racial difference will find it, whether or not it exists. Thus race science produced increasingly refined taxonomies of racial groups, and the apparent specificity of race theorists’ just-so stories about differential racial capacities provided rationales for immigration restriction, sterilization, segregation and other regimes of inequality and subordination, including genocide. It also generated practical applications to assist employers in assigning workers to jobs for which they were racially suited. A ‘racial adaptability’ chart used by a Pittsburgh company in the 1920s mapped thirty-six different racial groups’ capacities for twenty-two distinct jobs, eight different atmospheric conditions, jobs requiring speed or precision, and day or night shift work.15 Of course, all this was bogus, nothing more than narrow upper-class prejudices parading about as science. It was convincing only if one shared the folk narratives of essential hierarchy that the research assumed from the outset. But the race theories did not have to be true to be effective. They had only to be used as if they were true to produce the material effects that gave the ideology an authenticating verisimilitude. Poles became steel workers in Pittsburgh, Baltimore, Buffalo, Chicago, and Gary, not for any natural aptitude or affinity but because employers and labour recruiters sorted them into work in steel mills.

RACIALIST IDEOLOGY’S MATERIAL FOUNDATIONS As a significant social force, racialist ideology has always been anchored to material imperatives, in both domestic and international domains. It became commonsense truth to the extent that it connected with the perspectives and interests of powerful elites. Like all ideologies of ascriptive difference, it would pre-empt debate over evolving programmes of exploitation and domination by reading them into nature. While the discourse of white supremacy certainly has had no shortage of sincere adherents, it became hegemonic over the second half of the nineteenth century because it comported well with upper-class prejudices and capitalists’ economic programmes. That is how, as the Pittsburgh racial adaptability chart illustrates, it became the conceptual frame of reference within which other groups and strata came to understand their social position, articulate their own interests and thus constitute themselves practically as groups. In the US for instance, in the late 1830s and 1840s, in a context of rising abolitionist sentiment and the democratization of public discourse associated with the spread of universal (white male) suffrage, white supremacist ideology undergirded and propelled a shift in defences of slavery. Previously, pro-slavery arguments centred on defending the institution as a ‘necessary evil’, an unpleasant and even morally dubious requirement of the plantation- based economic order of the southern states. One antebellum planter put the matter succinctly: ‘For what purpose does the master hold the servant? Is it not that by his labor, he, the master, may accumulate wealth?’16 In the changing political climate, the rhetorical centre of gravity of defences of slavery shifted to an argument that the institution was indeed a positive good for all involved, including the enslaved. This moment coincided with the formation of the embryo of what by the end of the century would become race science. As the sectional crisis sharpened in the late 1840s and early 1850s, propagation of white supremacist ideology – both rhetorically and institutionally, through carrots and sticks – became important as a basis for accommodating non-slaveholding southern whites to the possibility of secession. Appeals to racial solidarity provided a narrative of political cohesion and negatively sanctioned dissent. To be clear, indicating that it had a material foundation is not to suggest that embrace of white supremacy was ‘purely’ instrumental, even among proto-race scientists and pro-slavery ideologues. An important feature of ideologies of ascriptive difference is that they hopelessly cloud the distinction between principled belief and pursuit of self-interest. Josiah C. Nott and George R. Gliddon, the authors of Types of Mankind, one of the most prominent texts of mid-nineteenth century race theory, both no doubt believed sincerely that the races they identified were equivalent to separate species and that blacks were naturally fit for enslavement. They were also, respectively, a wealthy slave-owning Alabama physician and an English Egyptologist who also wrote on the cotton economy in Egypt.17 A striking testament to the harmonizing power of ideology is the appearance of an antebellum field of slave medicine, devoted to identification and treatment of conditions peculiar to blacks. Among those was drapetomania, a ‘disease of the mind’ that afflicted slaves with an irrational inclination to ‘run away from service’. Samuel A. Cartwright, the slave-owning Louisiana physician who discovered and reported the malady in the early 1850s, when ‘positive good’ arguments had become dominant among slavery’s defenders, was convinced that he had identified a genuine medical condition, preposterously transparent as it seems to a twenty-first century sensibility.18 White supremacist ideology, and the racialism in which it was embedded, operated similarly, of course, in relation to European and American colonialism in the late nineteenth century. Pioneer sociologist Edward A. Ross in 1901 laid out an especially clear account that links scientific race theory, rooted in the neo-Lamarckian evolutionism common in the early social sciences, and an argument for imperialism and colonization as inexorable imperatives of the ‘vigorous’ races.19 In an illustration of the complex ways that hegemonic racialism could work, Ross had been fired from the Stanford University faculty the year before for having run afoul of Jane Lathrop Stanford, widow of Leland Stanford of the Union Pacific railroad and domineering force on the University’s board of trustees. Ross had earned Mrs Stanford’s ire for two particular transgressions: he militantly advocated, in league with trade unions, intensified enforcement of Chinese exclusion on racial grounds (Union Pacific was a principal proponent of importing Chinese labour, also on racial grounds); and he advocated with equal militancy public ownership of utilities.20 Rudyard Kipling, a literal product of British imperialism, extolled ‘The White Man’s Burden’, which – in a gush of enthusiasm at the US’s recent acquisitions from the Spanish- Cuban-American War – he urged Americans to take up. I am agnostic with respect to how earnestly Kipling held the brew of condescension dressed as altruism projected in his infamous contention. We can say with certitude, though, that he understood that there was much more to colonialism than altruistic tutelage. In response to Kipling, one of the most emphatic racists of the day in American politics, Democratic US Senator from South Carolina Benjamin R. ‘Pitchfork Ben’ Tillman, denounced imperialist expansionism on racial grounds, stressing concerns that sustained contact with inferior populations would lead to white racial degeneration.21 By the turn of the twentieth century racialist ideology had become a global frame of reference through which arguments about colonialism and economic and political hierarchy were commonly conducted. Therefore, it should not be surprising that opposition to those hierarchies would be expressed, at least initially, in that same language. An oft-cited instance of that perception is W. E. B. Du Bois’s 1903 observation that ‘the problem of the Twentieth Century is the problem of the colour line’, which he went on to specify as ‘the re lation of the darker and lighter races of men in Asia and Africa and the islands of the sea’.22 In the US, mass disfranchisement of blacks and imposition of strictly codified white supremacist apartheid in nearly all the South made the colour line particularly salient as a bulwark against egalitarian political interests. This is consistent with how ascriptive ideologies naturalize contingent material relations of inequality by making them invisible within narratives of fixed hierarchy. The racialized discourse of tutelage, persistence of the presumptions of the Victorian comparative method, and direct and overt racialized domination all reinforced a similar understanding of the driving impetus of colonialism. It was reasonable for egalitarian opponents to assume either that racialist ideology was the proximate source of the inequality and exploitation, or that combating that ideology was a necessary precondition for attacking the inequality. It is noteworthy that both in the US and in much of the fin-de-siècle colonial world, as Du Bois’s colour line apothegm illustrates, the first tentative expressions of modern political assertiveness from the dominated populations were formulated within the paradigm of tutelage of the underdeveloped. The nascent professional and functionary classes in the colonies and the American South, the ‘new men’, as Judith Stein describes them, began to yield a stratum who pursued advocacy for subordinate populations alongside managerial authority over, and organized guidance of, their progress toward self-government. In the US that stratum of racial advocates, often describing themselves as ‘race men’ and ‘race women’, attained civic voice in the context of mass disfranchisement and shared a commitment to the large ideal of ‘racial uplift’.23 This established a recognized social role and occupational niche for the race or ethnic group leader as a sort of freelance broker or ethnic-group entrepreneur. Booker T. Washington and Du Bois were prominent voices of this stratum. Both in the US and colonial territories this politics of group advocacy often rested on racialist presumptions about the subordinate populations’ general backwardness and the stewardship role the group’s more cultivated and advanced members should play in leading the masses out of their benighted state. This was a petition politics that addressed governing elites as its principal audience because it understood them to be the only source of e ective political agency. That meant as well that the mission of group uplift was defined within parameters set by the ruling class. By the 1930s racialist ideology was increasingly under attack on biological, anthropological, and political fronts, in part as an expression of the left’s social momentum, which helped to buttress and disseminate egalitarian ideas and sensibilities. In that environment, the Great Migration from the Jim Crow South to big cities in the North and Midwest encouraged popular mass politics among black Americans, particularly as black workers were incorporated into the new industrial unionism. Mass organization as a political form as well as trade unionism also spread through much of the colonial world. In both settings, insurgent politics understandably joined opposition to racism with opposition to exploitation, as defences of those hierarchical regimes still depended on racialist arguments and would continue to do so for several decades. But the cultural and ideological victory of egalitarianism over racialism that consolidated in post-Second World War intellectual life came with a very large asterisk. What was largely defeated was the historically specific strict bio-determinist discourse of race that had prevailed as common sense between the last decades of the nineteenth century and the first quarter of the twentieth. Walter Benn Michaels and Werner Sollors have shown that the retreat from race to culture in theories of social di erence that began in the 1920s was in some ways more an exchange of one metaphor of essential di erence for another than a rejection of the notion of essential group di erence. As historian of anthropology George Stocking, Jr points out, from its origins in the early twentieth century the modern culture idea never fully escaped race theory’s presumptions.24 In the postwar years, culture increasingly supplanted race in discourses legitimating inequality, particularly regarding exploitation of colonized societies and racial minorities in the US. In its taxonomy of ‘stages of development’, modernization theory in the academic study of comparative political development merely rehearsed hoary racialist accounts, such as that by E. A. Ross cited above, and the logic of the Victorian comparative method, while dressing them in a later generation’s scientistic raiment. Robert Vitalis has shown recently how the academic field and political practice of international politics in the US remained rooted in substantively racialist paradigms well into the 1960s.25 And the State Department’s and other national elites’ concerns about the impact that domestic civil rights agitation could have on US imperial designs in former colonial territories led to a concern with damage control that generated, on the one hand, censorship of news broadcast abroad and intense monitoring and policing of domestic activists’ overseas engagements and, on the other, liberal Cold Warriors’ pressure on the domestic front in support of some versions of the movement’s aims.26 AMBIGUITIES OF RACE AND CLASS IN POSTWAR INSURGENCIES Anti-colonial and national liberation movements also paid attention and to some extent drew inspiration from the postwar black American insurgency and vice versa. At least through the 1950s, movements on both planes of insurgency mobilized in general terms on a popular front basis. In both spheres – economic position and racial or national category – each signified the other. In the black American case, the postwar insurgency, which had germinated since the mid-1930s, incubated by industrial unionism and socialist agitation, was propelled partly by a tension between what Preston Smith characterizes as racial democratic (i.e., committed to radical equality of opportunity within American capitalism) and social democratic tendencies and programmes.27 Occasionally, the ultimate contradiction between those tendencies would erupt as open conflict around specific initiatives. However, in quotidian experience racial discrimination and subordination and economic exploitation and degradation seemed, and on one level were, elements in a singular system of oppression. For leftists in both loci of insurgency, pursuit of redistribution along racial and class lines each seemed to be a necessary condition for successful pursuit of the other, if they were not treated as indistinguishable. By the end of the Second World War, even very conventional black liberals and moderates were emphatic that continued growth of industrial unionism and expansion of public social wage policies were indispensable for black Americans’ advancement toward equality.28 For many, including activists, the social-democratic and racial-democratic imperatives were so tightly melded that, even on those occasions when tension between them erupted into explicit conflict in relation to specific initiatives, the sources of conflict typically were interpreted as deriving from individual, idiosyncratic differences rather than more portentous ideological contradiction. A downside of the popular front style of politics, which was very successful through the major legislative victories of the mid-1960s, was that it proceeded from an abstract commitment to the interests of the race as a whole as a governing norm for political judgment, which was by definition murky and facilitated evasion of those sharp, potentially zero-sum disagreements over political vision that would surface in strategic or even tactical debates. This murkiness left many popular front black radicals ill- prepared for a critical moment in the mid-1960s when the submerged class contradiction sharpened in debate over ways forward after the legislative victories against segregation. THE CLASS CONTRADICTION That tension in black politics was at its core a class contradiction; racial democracy is the social ideal of the aspiring professional-managerial and business strata. Failure, inability or reluctance to address class dynamics in black politics as such, while understandable in the context of dynamic racial popular front insurgency as a strategic desideratum or even simple oversight, nonetheless has had consequences for subsequent understandings of the relation of race and politics and assertions of the scope of authentically black political interests that eventually undermined possibilities for sustaining a working-class agenda in black politics. Antagonistic reactions from both antiracist activists and political elites to Senator Bernie Sanders’s campaign for the 2016 Democratic presidential nomination, on a platform inspired by social democracy, threw into bold relief the extent to which what is now generally recognized as black politics is fundamentally a professional- managerial class programme that constitutes the left-wing of neoliberalism. This politics actively invokes the cultural authority of earlier moments of black insurgency, shorn of their working-class programmatic character, and spectres of the racial order it opposed, to align with a neoliberal ideal of social justice – parity in the distribution of capitalism’s costs and benefits among recognized ascriptive categories – as the boundary of the politically thinkable, even among a nominal left. This odd state of affairs is the product of several developments in postwar American politics, beginning with the impact of the business counterattack on labour in the years after the war and the aggressive anti-communism of the late 1940s and 1950s, and including the terms on which the victories of the mid-1960s were consolidated institutionally within black politics and the country at large. And, perhaps counter-intuitively, identification with Third World anti-colonial and national liberation movements in the 1960s and 1970s played a significant role in rendering invisible the class dynamics that shaped the thrust and impact of post-segregation black politics. The decade after the end of the Second World War was a key moment in helping form the trajectory that has culminated in contemporary antiracist politics in the US. Two linked pressures, one suppressive and the other affirmative, shifted the balance in black popular front radicalism sharply in favour of the racial-democratic tendency. The reactionary anti- communist offensive of those years, as was its domestic intent, stigmatized and suppressed expressions of socialist or anti-capitalist politics or critique. Its effects on accelerating purges of the left from the labour movement are well known. Leah N. Gordon and Risa Golubo have examined its impact on the strategic orientation of black politics and racial advocacy.29 Crucially, aggressive, putschist anti-communism and its ‘loyalty’ apparatus drove a retreat from political-economic interpretations of the bases of racial inequality and toward an individualist, psychologistic perspective focused on racism as prejudice, bigotry, or intolerance. On the affirmative side of the ledger, that new racial liberalism divorced from political economy encouraged a litigation strategy of challenging the codified apartheid in the South as violating the guarantees of equal protection against discriminatory state action provided by the Fourteenth Amendment of the Constitution. By the mid-1940s the federal courts had shown that that direction could produce positive results for litigants, and that potential opening impelled a focus on the segregationist southern order and its infringements on the civil rights of blacks as a class of individuals. Of course, segregation violated the Fourteenth Amendment no more in 1954, when the US Supreme Court found state-sponsored racially segregated education unconstitutional by definition, than it had in 1896, when the Court’s ruling in Plessy v. Ferguson upheld codified segregation in the ‘separate but equal’ doctrine. Moreover, black activists had fought against the segregationist regime with whatever means available since before Plessy had established it as legitimate. What had changed was the political and cultural centre of gravity with regard to racial inequality and discrimination. To be sure, the social-democratic tendency in black politics did not disappear. It remained an important engine of popular political action through the 1960s. The fabled 1963 March on Washington was organized principally by labour leader A. Philip Randolph’s Negro American Labor Council, and was officially called the March on Washington for Jobs and Freedom, organized and carried out with considerable trade union support. The impetus for the protest in Memphis at which Martin Luther King, Jr was assassinated was a sanitation workers’ strike that was an outcropping of a regional organizing campaign of the American Federation of State, County, and Municipal Employees (AFSCME). Labour and class-related issues were central to much of the militant action that made up the high period of southern civil rights activism from the 1940s through the 1960s, as well as a two-decade long struggle – mainly outside the South, where ruling-class dominance was too complete – for local, state, and federal Fair Employment Practices legislation. This would extend beyond anti-discrimination efforts to authorize public intervention in labour markets to pursue full employment, which had been a central goal of black political agitation – and the black-labour-left alliance in which it was embedded – since the war years. Even in the South, however, as the Memphis case illustrates, labour and class issues were often as not high on the movement’s agenda. Even such proceduralist liberal staples of the anti-segregation struggle as restoration of voting rights were linked in the minds of activists and rank-and-file movement supporters to working-class and labour objectives. NATIONAL LIBERATION, BLACK POWER AND CLASS POLITICS As Cold War liberalism and postwar racial liberalism converged, activists increasingly tended to link the civil rights agenda to the Cold War international agenda, especially regarding the decolonizing Third World, characterizing southern segregationists as out of step with world opinion and harmful to national security. Thus, at the same time as politically attentive black Americans drew inspiration from and inspired decolonization and national liberation movements abroad, many also found it at least instrumentally useful to identify their domestic struggles with US international aspirations. Not many perceived that there was a possible contradiction between those positions. Black Americans’ identification with anti-colonial struggles rested on an almost unavoidable and a ectively powerful sense of common, or at least comparable condition. I recall, on first seeing the film soon after its release, finding the ‘Battle of Algiers’ immensely resonant; it seemed that I had lived some of it as a child and adolescent in New Orleans and other American cities. But that general identification was also in important ways superficial and naïve, and it would eventually become implicated in the critical defeat of the social-democratic tendency in black politics in the late 1960s and 1970s. Black American Third Worldism was more nationalist than revolutionary. Going back to Du Bois’s apothegm about the colour line – and it is much less known that he essentially recanted it by the early 1950s, specifically describing race as an ‘excuse’ in class war30 – black identification with colonized populations stemmed partly from an idealized racial nationalism that presumed white supremacist constructions of the stakes of western imperialism. Du Bois’s 1928 novel Dark Princess is a romance based on the premise of a global rising of united peoples of colour.31 In the 1930s and even into the war, many black Americans cheered on Japanese imperialism as a non-white challenge to white supremacy.32 The roots of the characterization of black Americans’ position as an instance of ‘domestic colonialism’ in the early 1960s lay in an e ort not merely to elevate the black insurgency’s power and significance through association with Third World struggles, but also to advocate a model of national liberation as a programme and approach for black politics in the US.33 Third Worldism was in general more a rhetorical phenomenon than a substantively programmatic one. Marxist revolutionaries on the capitalist periphery embraced it as an aspiration. Mao propounded a ‘three worlds’ theory, and Cuba still maintains the Organización de Solidaridad con los Pueblos de Asia, África, y América Latina (OSPAAL). Left governments in Venezuela and elsewhere have drawn on imagery at least evocative of Third Worldism and Non-Alignment in their e orts to organize regional and supra-regional (typically based on common export commodities) economic and political blocs. The Alianza Bolivariana para los Pueblos de Nuestra América (ALBA), with member states in South America, Central America, and the Caribbean, is arguably the most extensive and successful of those e orts. For the most part, however, the history of Third Worldism and the Non-Aligned Movement as predicated on the goal of global alliance of ‘peoples of colour’ – anti-imperialist or otherwise – has been very much oversold.34 Moreover, the view that non-whiteness provides a basis for transnational political alliance simply rehearses the mystification that colonialism had been driven fundamentally by white supremacist ideology. As Fanon observed early in the period of decolonization, that mystification, in identifying racial transfer of formal authority as the essence of national liberation, also obscured the extent to which imperialism was always first and foremost a class project, of which colonialism buttressed by racialist fables was only one historically specific form. In any event, as anti-colonial and national liberation struggles intensified in the 1960s against the backdrop of the escalating Indochina War, Western leftists, almost as a reflex, generally supported those insurgent movements and defended them against inegalitarian critics and imperialist state power; doing so was consistent with the left’s egalitarian and democratic values. Many of those movements contained different ideological and class tendencies, a complexity often obscured by their populist rhetoric, which posited claims to represent the authentic ‘people’. How class dynamics played out in national liberation movements that succeeded in winning independence and official self-determination is well known. Even several of those movements that embraced socialism and attempted to link the national liberation struggle to a popular class politics – e.g., the FLN in Algeria, the African National Congress in South Africa and those that came to power in the former Portuguese colonies in Africa – were ultimately incorporated into the logic of capitalist globalization in ways that articulated with domestic class contradictions.35 In the US, escalation of the war on Vietnam encouraged greater attentiveness in the left to imperialist interventionism, and over that decade armed national liberation or revolutionary struggles intensified in much of the former colonial world and Latin America. At the same time the Black Power nationalist embrace of the domestic colonial analogy and the discourse of national liberation gave a radical halo to what was, militant rhetorical flourishes aside, programmatically an ethnic politics fully incorporable with the pluralist interest-group system. Notwithstanding the sincere convictions of adherents, Black Power was, consistent with ethnic politics in general, very much a class-based affair, harnessing an abstract and symbolic racial populism to an agenda that centred concretely on advancing the interests and aspirations of new political and entrepreneurial strata which emerged from the victories of the civil rights movement and demographic racial transition in American cities.36 In relation to a history of racial exclusion, it was reasonable and appropriate that many leftists supported what was substantively a programme for inclusion on a racial-democratic model. And the rhetorical militancy and racial-populist symbolism associated with Black Power, including the tropes of national liberation, reinforced the sense that it was a radical or revolutionary tendency that leftists should support. For more than half a century that view of Black Power has obscured the significance of the mid-1960s debate in black politics over the movement’s direction in the wake of the legislative victories. On one side, a working- class and labour-based black radicalism, propounded principally by A. Philip Randolph and his associate and longtime civil rights activist Bayard Rustin, argued that the struggle for black equality faced new, larger challenges opened by the defeat of Jim Crow that required building a different sort of movement centred on the familiar black-liberal-labour-left alliance. In questioning whether ‘civil rights movement’ even remained an accurate description, Rustin argued, in a widely read essay published a year before Stokely Carmichael introduced the Black Power slogan to the world, that the next phase of the struggle called for expanding the movement’s vision ‘beyond race relations to economic relations’. He argued that it could not succeed ‘in the absence of radical programs for full employment, abolition of slums, the reconstruction of our educational system, new definitions of work and leisure. Adding up the cost of such programs, we can only conclude that we are talking about a refashioning of our political economy.’ For that reason, he contended: ‘The future of the Negro struggle depends on whether the contradictions of this society can be resolved by a coalition of progressive forces which becomes the effective political majority in the United States. I speak of the coalition which staged the March on Washington, passed the Civil Rights Act, and laid the basis for the Johnson landslide – Negroes, trade unionists, liberals, and religious groups.’37 This was an unambiguous assertion of the social-democratic tendency in black politics, which Randolph and Rustin followed up with introduction of a ‘Freedom Budget’ that laid out an agenda for realizing a full-employment economy and its benefits for the society as a whole, noting that black Americans’ circumstances would be improved disproportionately if the Budget were implemented.38 For a variety of structural and idiosyncratic reasons, their call did not gain social traction.39 Contributing to its defeat was that the racial-democratic tendency aligned more comfortably with new institutional opportunities made available by the Voting Rights Act, racial transition in cities, anti-discrimination enforcement and the War on Poverty, all of which constituted a class-based racial redistribution that comported with the material aspirations of the emerging, post-segregation black professional-managerial class.40 Incipient Black Power racial populism obscured the class character of those developments. Particularly ironic, in light of the subsequent development of black politics, is that many radicals successfully deployed racial populism, reinforced by allusions to anti-colonial and national liberation struggles, to portray the social-democratic approach advocated by Randolph and Rustin as a conservative ‘integrationist’ call for subordination to white interests. Because black radicals never had the political capacity to challenge for state power or a broad and deep popular base, the movement’s class tensions seldom surfaced in political debate. By the mid-1960s the racial-democratic tendency’s cultural force and institutional clout – including its incorporation within postwar liberalism – had made its commitment to racial redistribution practically hegemonic as the standard of justice and equality for black Americans. In retrospect, that moment marked the birth of antiracism as a claim to a discrete politics. The ambiguity and murkiness in black popular front radicalism regarding intra-racial class dynamics undercut the ability of social-democratic advocates to mount appropriate critical responses. For the most part, such advocates also fell back on a discourse of racial authenticity and objections that the strategies and objectives of the emerging political class did not properly represent the interests of the ‘community’ or the ‘people’. The conceptual limitations imposed by that fetishized racial populism testified to and reinforced professional-managerial class hegemony in black politics. Partly from ideological purblindness, partly from material imperatives, the expressions of political radicalism that purported to dissent from the consolidating new black class politics – openly idealist cultural nationalism, a new, anti-imperialist Pan-Africanism, and a potted Marxism-Leninism – defined their radicalism through withdrawal from mundane political dynamics and embrace of one or another flavour of millenarian revolutionary catechism.41 Some black radicals, particularly in the 1970s moment of the largely Maoist New Communist movement in the US, strove to meld their fundamentally nationalist discourse of national liberation with a Marxist anti-imperialism. The Black Panther Party had been an early expression of this inclination.42 However, that turn retained the crucial assumptions of national liberation discourse, especially the most significant one – the nationalist premise that posits the group as an authentically communitarian and singular ‘people’ united against external oppression, and represents the character of class struggle within the population (e.g., black Americans) as that ‘people’ arrayed against inauthentic ‘misleaders’ or a co-opted, comprador element. That view originated in the ‘domestic colonialism’ analogy that emerged from some radicals’ early 1960s identification with Third World insurgencies. The great irony of this apparently radical tendency is that the communitarian populism on which it rested worked mainly to obscure class dynamics within black politics. It is a marker of retreat from programmatic commitment to social transformation that many who consider themselves on the left accept the stance that racial politics is more radical or inclusive than class politics and that pursuit of socialism is suspect on identitarian grounds. Ascriptive identity becomes the primary basis for political commitment, and solidarity on the basis of who we are trumps solidarity on the basis of what we believe only when the left no longer has a transformative vision around which to cohere as a basis for political judgment. Antiracism does not have an affirmative agenda, a fact that complements a left that by and large has little clarity of social vision itself. Antiracist politics mimes radicalism with posture and performative evocation of earlier insurgent politics like Black Power radicalism in the US and the national liberation movements of the 1960s and 1970s, but with complete erasure of the class and political-economic tensions in which those movements were immersed. CONCLUSION Positing a singular black community or racial political aspiration has had long- reaching effects on black politics, and leftist scholarship on black Americans, that have facilitated accommodation to neoliberal imperatives often while intending quite the opposite. Proliferation of a literature that presumes a singular ‘black freedom movement’, ‘black liberation movement’ or even a ‘long civil rights movement’ divests black Americans’ political activity of its tensions and structural contradictions. The effect is to de-historicize examination of black politics. Politically, this tendency has obscured thirty years or more of steadily lowered expectations for what can be gained from political action. This was exemplified clearly during the 2016 campaign for the Democratic presidential nomination when in South Carolina, longtime Georgia Congressman and former civil rights movement icon John Lewis and his fellow black Congressman James Clyburn from South Carolina denounced the Sanders campaign’s proposal for free public higher education as irresponsible because it sent the bad message that people should expect free things – that is, decommodified public goods and services – from government. ‘Nothing is free in America’, Lewis snarled.43 Left-neoliberal exuberance surrounding the Democratic National Convention’s official nomination of Hillary Clinton as its presidential candidate made undeniably clear that antiracism and other identitarian expressions are more than simply compatible with neoliberalism but are most meaningfully active components of its ideological reproduction. Dara Lind, writing in vox.com, exulted that ‘a commitment to diversity has become the [Democratic] party’s unifying principle’, and Jeet Heer gushed in The New Republic that ‘the Democratic Party opened their arms to Republicans – without compromising their liberal values’.44 Identity and social liberalism in this happy vision will completely override the Democrats’ enduring class loyalties, and contradictions. There are two final ironies to note regarding the left embrace of antiracist politics. First, all politics in a class society is class politics. Antiracism is not exempt from that reality. What its proponents will not admit is that it is a class politics but not a working-class politics. Second, representing race as a primordial identity also elevates it as a social force above the dynamics of the reproduction of capitalist social relations; in that sense, antiracist politics of the contemporary sort proceeds from the same primordialist view of race as did fin-de-siècle race theorists. And that is also a case of argument by historical analogy coming home to roost.