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#### The aff reproduces neoliberal forms by equating individual forms of resistance with politics which is a discrete sphere of activity geared toward changing the social order anchored in laws and institutions.

Adolph Reed 13, professor of political science at the University of Pennsylvania and a member of the interim national council of the Labor Party. Django Unchained, or, The Help: How “Cultural Politics” Is Worse Than No Politics at All, and Why, http://nonsite.org/feature/django-unchained-or-the-help-how-cultural-politics-is-worse-than-no-politics-at-all-and-why

In addition to knee-jerk anti-statism, the objection that the slaves freed themselves, as it shows up in favorable comparison of Django Unchained to Lincoln, stems from a racial pietism that issued from the unholy union of cultural studies and black studies in the university. More than twenty years of “resistance” studies that find again and again, at this point ritualistically, that oppressed people have and express agency have contributed to undermining the idea of politics as a discrete sphere of activity directed toward the outward-looking project of affecting the social order, most effectively through creating, challenging or redefining institutions that anchor collective action with the objective of developing and wielding power. Instead, the notion has been largely evacuated of specific content at all. “Politics” can refer to whatever one wants it to; all that’s required is an act of will in making a claim. The fact that there has been no serious left presence with any political capacity in this country for at least a generation has exacerbated this problem. In the absence of dynamic movements that cohere around affirmative visions for making the society better, on the order of, say, Franklin Roosevelt’s 1944 “Second Bill of Rights,” and that organize and agitate around programs instrumental to pursuit of such visions, what remains is the fossil record of past movements—the still photo legacies of their public events, postures, and outcomes. Over time, the idea that a “left” is defined by commitment to a vision of social transformation and substantive program for realizing it has receded from cultural memory. Being on the left has become instead a posture, an identity, utterly disconnected from any specific practical commitments. Thus star Maggie Gyllenhaal and director Daniel Barnz defended themselves against complaints about their complicity in the hideously anti-union propaganda film Won’t Back Down by adducing their identities as progressives. Gyllenhaal insisted that the movie couldn’t be anti-union because “There’s no world in which I would ever, EVER make an anti-union movie. My parents are left of Trotsky.”15 Barnz took a similar tack: “I’m a liberal Democrat, very pro-union, a member of two unions. I marched with my union a couple of years ago when we were on strike.”16 And Kathryn Bigelow similarly has countered criticism that her Zero Dark Thirty justifies torture and American militarism more broadly by invoking her identity as “a lifelong pacifist.”17 Being a progressive is now more a matter of how one thinks about oneself than what one stands for or does in the world. The best that can be said for that perspective is that it registers acquiescence in defeat. It amounts to an effort to salvage an idea of a left by reformulating it as a sensibility within neoliberalism rather than a challenge to it. Gyllenhaal, Barnz, and Bigelow exemplify the power of ideology as a mechanism that **harmonizes the principles one likes to believe one holds with what advances one’s material interests;** they also attest to the fact that the transmutation of leftism into pure self-image exponentially increases the potential power of that function of ideology. Upton Sinclair’s quip—“It is difficult to get a man to understand something when his salary depends upon his not understanding it”—takes on all the more force when applied not merely to actions or interpretations of an external world but to devoutly savored self-perception as well. That left political imagination now operates unself-consciously within the practical ontology of neoliberalism is also the most important lesson to be drawn from progressives’ discussion of Django Unchained and, especially, the move to compare it with Lincoln. Jon Wiener, writing in The Nation, renders the following comparisons: “In Spielberg’s film, the leading black female character is a humble seamstress in the White House whose eyes fill with tears of gratitude when Congress votes to abolish slavery. In Tarantino’s film, the leading female character (Kerry Washington) is a defiant slave who has been branded on the face as a punishment for running away, and is forced—by Leonardo DiCaprio—to work as a prostitute. In Spielberg’s film, old white men make history, and black people thank them for giving them their freedom. In Tarantino’s, a black gunslinger goes after the white slavemaster with homicidal vengeance.”18 Never mind that, for what it’s worth, Kerry Washington’s character, as she actually appears in the film, is mainly a cipher, a simpering damsel in distress more reminiscent of Fay Wray in the original King Kong than heroines of the blaxploitation era’s eponymous vehicles Coffy or Foxy Brown. More problematically, Wiener’s juxtapositions reproduce the elevation of private, voluntarist action as a politics—somehow more truly true or authentic, or at least more appealing emotionally—**over the machinations of government and institutional actors. That is a default presumption of the identitarian/culturalist left and is also** a cornerstone of neoliberalism’s practical ontology.In an essay on Lincoln published a month earlier, Wiener identifies as the central failing of the film its dedication “to the proposition that Lincoln freed the slaves” and concludes, after considerable meandering and nit-picking ambivalence that brings the term pettifoggery to mind, “slavery died as a result of the actions of former slaves.”19 This either/or construct is both historically false and wrong-headed, and it is especially surprising that a professional historian like Wiener embraces it. The claim that slaves’ actions were responsible for the death of slavery is not only inaccurate; it is a pointless and counterproductive misrepresentation. What purpose is served by denying the significance of the four years of war and actions of the national government of the United States in ending slavery? Besides, it was indeed the Thirteenth Amendment that abolished slavery. Slaves’ mass departure from plantations was self-emancipation, by definition. Their doing so weakened the southern economy and undermined the secessionists’ capacity to fight, and the related infusion of black troops into the Union army provided a tremendous lift both on the battlefield and for northern morale. How does noting that proximity of Union troops greatly emboldened that self-emancipation diminish the import of their actions? But it was nonetheless the Thirteenth Amendment that finally outlawed slavery once and for all in the United States and provided a legal basis for preempting efforts to reinstate it in effect. Moreover, for all the debate concerning Lincoln’s motives, the sincerity of his commitment to emancipation, and his personal views of blacks, and notwithstanding its technical limits with respect to enforceability, the Emancipation Proclamation emboldened black people, slave and free, and encouraged all slavery’s opponents. And, as Wiener notes himself, the proclamation tied the war explicitly to the elimination of slavery as a system. Firefly, or The Road to Serfdom So why is a tale about a manumitted slave/homicidal black gunslinger more palatable to a contemporary leftoid sensibility than either a similarly cartoonish one about black maids and their white employers or one that thematizes Lincoln’s effort to push the Thirteenth Amendment through the House of Representatives? The answer is, to quote the saccharine 1970s ballad, “Feelings, nothing more than feelings.” Wiener’s juxtapositions reflect the political common sense that gives pride of place to demonstrations of respect for the “voices” of the oppressed and recognition of their suffering, agency, and accomplishments. That common sense informs the proposition that providing inspiration has social or political significance. But it equally shapes the generic human-interest “message” of films like The Help that represent injustice as an issue of human relations—the alchemy that promises to reconcile social justice and capitalist class power as a win/win for everyone by means of attitude adjustments and deepened mutual understanding. That common sense underwrites the tendency to reduce the past to a storehouse of encouraging post-it messages for the present. It must, because the presumption that the crucial stakes of political action concern recognition and respect for the oppressed’s voices is a presentist view, and mining the past to reinforce it requires anachronism. The large struggles against slavery and Jim Crow were directed toward altering structured patterns of social relations **anchored in law and state power**, but stories of that sort are **incompatible with both global marketing imperatives and the ideological predilections of neoliberalism and its identitarian loyal opposition**. One can only shudder at the prospect of how Gillo Pontecorvo’s 1966 film, The Battle of Algiers, or Costa-Gavras’s State of Siege (1972) would be remade today. (Guy Ritchie’s and Madonna’s execrable 2002 remake of Lina Wertmüller’s 1974 film Swept Away may provide a clue; their abomination completely erases the original film’s complex class and political content and replaces it with a banal—aka “universal”—story of an encounter between an older woman and a younger man, while at the same time meticulously, almost eerily, reproducing, scene by scene, the visual structure of Wertmüller’s film.) Particularly as those messages strive for “universality” as well as inspiration, their least common denominator tends toward the generic story of individual triumph over adversity. But the imagery of the individual overcoming odds to achieve fame, success, or recognition also maps onto the fantasy of limitless upward mobility for enterprising and persistent individuals who persevere and remain true to their dreams. As such, it is neoliberalism’s version of an ideal of social justice, legitimizing both success and failure as products of individual character. When combined with a multiculturalist rhetoric of “difference” that reifies as autonomous cultures—in effect racializes—what are actually contingent modes of life reproduced by structural inequalities, this fantasy crowds inequality as a metric of injustice out of the picture entirely. This accounts for the popularity of reactionary dreck like Beasts of the Southern Wild among people who should know better. The denizens of the Bathtub actively, even militantly, choose their poverty and cherish it and should be respected and appreciated for doing so. But no one ever supposed that Leni Riefenstahl was on the left. The tale type of individual overcoming has become a script into which the great social struggles of the last century and a half have commonly been reformulated to fit the requirements of a wan, gestural multiculturalism. Those movements have been condensed into the personae of Great Men and Great Women—Booker T. Washington, W. E. B. Du Bois, Rosa Parks, Malcolm X, George Washington Carver, Martin Luther King, Jr., Harriet Tubman, Frederick Douglass, Ella Baker, Fannie Lou Hamer and others—who seem to have changed the society apparently by virtue of manifesting their own greatness. The different jacket photos adorning the 1982 and 1999 editions of Doug McAdam’s well known sociological study of the civil rights movement, Political Process and the Development of Black Insurgency, 1930-1970, exemplify the shift. The first edition’s cover was a photo of an anonymous group of marching protesters; the second edition featured the (staged) photo—made iconic by its use in an Apple advertising campaign—of a dignified Rosa Parks sitting alone on the front seat of a bus looking pensively out the window.20 Ironically, **the scholarly turn away from organizations and institutional processes to valorize instead the local and everyday dimensions of those movements may have exacerbated this tendency by encouraging a focus on previously unrecognized individual figures and celebrating their lives and “contributions.**” Rather than challenging the presumption that consequential social change is made by the will of extraordinary individuals, however, this scholarship in effect validates it by inflating the currency of Greatness so much that it can be found any and everywhere. Giving props to the unrecognized or underappreciated has become a feature particularly of that scholarship that defines scholarly production as a terrain of political action in itself and aspires to the function of the “public intellectual.” A perusal of the rosters of African American History Month and Martin Luther King, Jr. Day speakers at any random sample of colleges and universities attests to how closely this scholar/activist turn harmonizes with the reductionist individualism of prosperity religion and the varieties of latter-day mind cure through which much of the professional-managerial stratum of all races, genders, and sexual orientations, narrates its understandings of the world.

#### Stopping capital is necessary to avoid extinction

William Robinson 16, UC Santa Barbra sociology professor, 4-12-2016, “Sadistic Capitalism: Six Urgent Matters for Humanity in Global Crisis,” http://www.truth-out.org/opinion/item/35596-sadistic-capitalism-six-urgent-matters-for-humanity-in-global-crisis)

In these mean streets of globalized capitalism in crisis, it has become profitable to turn poverty and inequality into a tourist attraction. The South African Emoya Luxury Hotel and Spa company has made a glamorized spectacle of it. The resort recently advertised an opportunity for tourists to stay "in our unique Shanty Town ... and experience traditional township living within a safe private game reserve environment." A cluster of simulated shanties outside of Bloemfontein that the company has constructed "is ideal for team building, braais, bachelors [parties], theme parties and an experience of a lifetime," read the ad. The luxury accommodations, made to appear from the outside as shacks, featured paraffin lamps, candles, a battery-operated radio, an outside toilet, a drum and fireplace for cooking, as well as under-floor heating, air conditioning and wireless internet access. A well-dressed, young white couple is pictured embracing in a field with the corrugated tin shanties in the background. The only thing missing in this fantasy world of sanitized space and glamorized poverty was the people themselves living in poverty. The "luxury shanty town" in South Africa is a fitting metaphor for global capitalism as a whole. Faced with a stagnant global economy, elites have managed to turn war, structural violence and inequality into opportunities for capital, pleasure and entertainment. It is hard not to conclude that unchecked capitalism has become what I term "sadistic capitalism," in which the suffering and deprivation generated by capitalism become a source of aesthetic pleasure, leisure and entertainment for others. I recently had the opportunity to travel through several countries in Latin America, the Middle East, North Africa, East Asia and throughout North America. I was on sabbatical to research what the global crisis looks like on the ground around the world. Everywhere I went, social polarization and political tensions have reached explosive dimensions. Where is the crisis headed, what are the possible outcomes and what does it tell us about global capitalism and resistance? This crisis is not like earlier structural crises of world capitalism, such as in the 1930s or 1970s. This one is fast becoming systemic. The crisis of humanity shares aspects of earlier structural crises of world capitalism, but there are six novel, interrelated dimensions to the current moment that I highlight here, in broad strokes, as the "big picture" context in which countries and peoples around the world are experiencing a descent into chaos and uncertainty. 1) The level of global social polarization and inequality is unprecedented in the face of out-of-control, over-accumulated capital. In January 2016, the development agency Oxfam published a follow-up to its report on global inequality that had been released the previous year. According to the new report, now just 62 billionaires -- down from 80 identified by the agency in its January 2015 report -- control as much wealth as one half of the world's population, and the top 1% owns more wealth than the other 99% combined. Beyond the transnational capitalist class and the upper echelons of the global power bloc, the richest 20 percent of humanity owns some 95 percent of the world's wealth, while the bottom 80 percent has to make do with just 5 percent. This 20-80 divide of global society into haves and the have-nots is the new global social apartheid. It is evident not just between rich and poor countries, but within each country, North and South, with the rise of new affluent high-consumption sectors alongside the downward mobility, "precariatization," destabilization and expulsion of majorities. Escalating inequalities fuel capitalism's chronic problem of over-accumulation: The transnational capitalist class cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to stagnation in the world economy. The signs of an impending depression are everywhere. The front page of the February 20 issue of The Economist read, "The World Economy: Out of Ammo?" Extreme levels of social polarization present a challenge to dominant groups. They strive to purchase the loyalty of that 20 percent, while at the same time dividing the 80 percent, co-opting some into a hegemonic bloc and repressing the rest. Alongside the spread of frightening new systems of social control and repression is heightened dissemination through the culture industries and corporate marketing strategies that depoliticize through consumerist fantasies and the manipulation of desire. As "Trumpism" in the United States so well illustrates, another strategy of co-optation is the manipulation of fear and insecurity among the downwardly mobile so that social anxiety is channeled toward scapegoated communities. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Scapegoated communities are under siege, such as the Rohingya in Myanmar, the Muslim minority in India, the Kurds in Turkey, southern African immigrants in South Africa, and Syrian and Iraqi refugees and other immigrants in Europe. As with its 20th century predecessor, 21st century fascism hinges on such manipulation of social anxiety at a time of acute capitalist crisis. Extreme inequality requires extreme violence and repression that lend to projects of 21st century fascism. 2) The system is fast reaching the ecological limits to its reproduction. We have reached several tipping points in what environmental scientists refer to as nine crucial "planetary boundaries." We have already exceeded these boundaries in three areas -- climate change, the nitrogen cycle and diversity loss. There have been five previous mass extinctions in earth's history. While all these were due to natural causes, for the first time ever, human conduct is intersecting with and fundamentally altering the earth system. We have entered what Paul Crutzen, the Dutch environmental scientist and Nobel Prize winner, termed the Anthropocene -- a new age in which humans have transformed up to half of the world's surface. We are altering the composition of the atmosphere and acidifying the oceans at a rate that undermines the conditions for life. The ecological dimensions of global crisis cannot be understated. "We are deciding, without quite meaning to, which evolutionary pathways will remain open and which will forever be closed," observes Elizabeth Kolbert in her best seller, The Sixth Extinction. "No other creature has ever managed this ... The Sixth Extinction will continue to determine the course of life long after everything people have written and painted and built has been ground into dust." Capitalism cannot be held solely responsible. The human-nature contradiction has deep roots in civilization itself. The ancient Sumerian empires, for example, collapsed after the population over-salinated their crop soil. The Mayan city-state network collapsed about AD 900 due to deforestation. And the former Soviet Union wrecked havoc on the environment. However, given capital's implacable impulse to accumulate profit and its accelerated commodification of nature, it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system. "Green capitalism" appears as an oxymoron, as sadistic capitalism's attempt to turn the ecological crisis into a profit-making opportunity, along with the conversion of poverty into a tourist attraction. 3) The sheer magnitude of the means of violence is unprecedented, as is the concentrated control over the means of global communications and the production and circulation of knowledge, symbols and images. We have seen the spread of frightening new systems of social control and repression that have brought us into the panoptical surveillance society and the age of thought control. This real-life Orwellian world is in a sense more perturbing than that described by George Orwell in his iconic novel 1984. In that fictional world, people were compelled to give their obedience to the state ("Big Brother") in exchange for a quiet existence with guarantees of employment, housing and other social necessities. Now, however, the corporate and political powers that be force obedience even as the means of survival are denied to the vast majority. Global apartheid involves the creation of "green zones" that are cordoned off in each locale around the world where elites are insulated through new systems of spatial reorganization, social control and policing. "Green zone" refers to the nearly impenetrable area in central Baghdad that US occupation forces established in the wake of the 2003 invasion of Iraq. The command center of the occupation and select Iraqi elite inside that green zone were protected from the violence and chaos that engulfed the country. Urban areas around the world are now green zoned through gentrification, gated communities, surveillance systems, and state and private violence. Inside the world's green zones, privileged strata avail themselves of privatized social services, consumption and entertainment. They can work and communicate through internet and satellite sealed off under the protection of armies of soldiers, police and private security forces. Green zoning takes on distinct forms in each locality. In Palestine, I witnessed such zoning in the form of Israeli military checkpoints, Jewish settler-only roads and the apartheid wall. In Mexico City, the most exclusive residential areas in the upscale Santa Fe District are accessible only by helicopter and private gated roads. In Johannesburg, a surreal drive through the exclusive Sandton City area reveals rows of mansions that appear as military compounds, with private armed towers and electrical and barbed-wire fences. In Cairo, I toured satellite cities ringing the impoverished center and inner suburbs where the country's elite could live out their aspirations and fantasies. They sport gated residential complexes with spotless green lawns, private leisure and shopping centers and English-language international schools under the protection of military checkpoints and private security police. In other cities, green zoning is subtler but no less effective. In Los Angeles, where I live, the freeway system now has an express lane reserved for those that can pay an exorbitant toll. On this lane, the privileged speed by, while the rest remain one lane over, stuck in the city's notorious bumper-to-bumper traffic -- or even worse, in notoriously underfunded and underdeveloped public transportation, where it may take half a day to get to and from work. There is no barrier separating this express lane from the others. However, a near-invisible closed surveillance system monitors every movement. If a vehicle without authorization shifts into the exclusive lane, it is instantly recorded by this surveillance system and a heavy fine is imposed on the driver, under threat of impoundment, while freeway police patrols are ubiquitous. Outside of the global green zones, warfare and police containment have become normalized and sanitized for those not directly at the receiving end of armed aggression. "Militainment" -- portraying and even glamorizing war and violence as entertaining spectacles through Hollywood films and television police shows, computer games and corporate "news" channels -- may be the epitome of sadistic capitalism. It desensitizes, bringing about complacency and indifference. In between the green zones and outright warfare are prison industrial complexes, immigrant and refugee repression and control systems, the criminalization of outcast communities and capitalist schooling. The omnipresent media and cultural apparatuses of the corporate economy, in particular, aim to colonize the mind -- to undermine the ability to think critically and outside the dominant worldview. A neofascist culture emerges through militarism, extreme masculinization, racism and racist mobilizations against scapegoats. 4) We are reaching limits to the extensive expansion of capitalism. Capitalism is like riding a bicycle: When you stop pedaling the bicycle, you fall over. If the capitalist system stops expanding outward, it enters crisis and faces collapse. In each earlier structural crisis, the system went through a new round of extensive expansion -- from waves of colonial conquest in earlier centuries, to the integration in the late 20th and early 21st centuries of the former socialist countries, China, India and other areas that had been marginally outside the system. There are no longer any new territories to integrate into world capitalism. Meanwhile, the privatization of education, health care, utilities, basic services and public land are turning those spaces in global society that were outside of capital's control into "spaces of capital." Even poverty has been turned into a commodity. What is there left to commodify? Where can the system now expand? With the limits to expansion comes a turn toward militarized accumulation -- making wars of endless destruction and reconstruction and expanding the militarization of social and political institutions so as to continue to generate new opportunities for accumulation in the face of stagnation. 5) There is the rise of a vast surplus population inhabiting a "planet of slums," alienated from the productive economy, thrown into the margins and subject to these sophisticated systems of social control and destruction. Global capitalism has no direct use for surplus humanity. But indirectly, it holds wages down everywhere and makes new systems of 21st century slavery possible. These systems include prison labor, the forced recruitment of miners at gunpoint by warlords contracted by global corporations to dig up valuable minerals in the Congo, sweatshops and exploited immigrant communities (including the rising tide of immigrant female caregivers for affluent populations). Furthermore, the global working class is experiencing accelerated "precariatization." The "new precariat" refers to the proletariat that faces capital under today's unstable and precarious labor relations -- informalization, casualization, part-time, temp, immigrant and contract labor. As communities are uprooted everywhere, there is a rising reserve army of immigrant labor. The global working class is becoming divided into citizen and immigrant workers. The latter are particularly attractive to transnational capital, as the lack of citizenship rights makes them particularly vulnerable, and therefore, exploitable. The challenge for dominant groups is how to contain the real and potential rebellion of surplus humanity, the immigrant workforce and the precariat. How can they contain the explosive contradictions of this system? The 21st century megacities become the battlegrounds between mass resistance movements and the new systems of mass repression. Some populations in these cities (and also in abandoned countryside) are at risk of genocide, such as those in Gaza, zones in Somalia and Congo, and swaths of Iraq and Syria. 6) There is a disjuncture between a globalizing economy and a nation-state-based system of political authority. Transnational state apparatuses are incipient and do not wield enough power and authority to organize and stabilize the system, much less to impose regulations on runaway transnational capital. In the wake of the 2008 financial collapse, for instance, the governments of the G-8 and G-20 were unable to impose transnational regulation on the global financial system, despite a series of emergency summits to discuss such regulation. Elites historically have attempted to resolve the problems of over-accumulation by state policies that can regulate the anarchy of the market. However, in recent decades, transnational capital has broken free from the constraints imposed by the nation-state. The more "enlightened" elite representatives of the transnational capitalist class are now clamoring for transnational mechanisms of regulation that would allow the global ruling class to reign in the anarchy of the system in the interests of saving global capitalism from itself and from radical challenges from below. At the same time, the division of the world into some 200 competing nation-states is not the most propitious of circumstances for the global working class. Victories in popular struggles from below in any one country or region can (and often do) become diverted and even undone by the structural power of transnational capital and the direct political and military domination that this structural power affords the dominant groups. In Greece, for instance, the leftist Syriza party came to power in 2015 on the heels of militant worker struggles and a mass uprising. But the party abandoned its radical program as a result of the enormous pressure exerted on it from the European Central Bank and private international creditors. The Systemic Critique of Global Capitalism A growing number of transnational elites themselves now recognize that any resolution to the global crisis must involve redistribution downward of income. However, in the viewpoint of those from below, a neo-Keynesian redistribution within the prevailing corporate power structure is not enough. What is required is a redistribution of power downward and transformation toward a system in which social need trumps private profit. A global rebellion against the transnational capitalist class has spread since the financial collapse of 2008. Wherever one looks, there is popular, grassroots and leftist struggle, and the rise of new cultures of resistance: the Arab Spring; the resurgence of leftist politics in Greece, Spain and elsewhere in Europe; the tenacious resistance of Mexican social movements following the Ayotzinapa massacre of 2014; the favela uprising in Brazil against the government's World Cup and Olympic expulsion policies; the student strikes in Chile; the remarkable surge in the Chinese workers' movement; the shack dwellers and other poor people's campaigns in South Africa; Occupy Wall Street, the immigrant rights movement, Black Lives Matter, fast food workers' struggle and the mobilization around the Bernie Sanders presidential campaign in the United States. This global revolt is spread unevenly and faces many challenges. A number of these struggles, moreover, have suffered setbacks, such as the Greek working-class movement and, tragically, the Arab Spring. What type of a transformation is viable, and how do we achieve it? How we interpret the global crisis is itself a matter of vital importance as politics polarize worldwide between a neofascist and a popular response. The systemic critique of global capitalism must strive to influence, from this vantage point, the discourse and practice of movements for a more just distribution of wealth and power. Our survival may depend on it.

#### The alternative is a politics of organizing around the common experience of life shaped by political economy. This starting point creates a mode of solidarity that doesn’t just add categories and stirs but creates an inclusive class identity via struggle that transforms participants.

Leo Panitch 18, York University Canada Research Chair in Comparative Political Economy, From the Streets to the State: Changing The World By Taking Power, pg 26-28

What accounts for the impasse of the left by the late twentieth century? Over the last four decades one of the central tropes of intellectual discourse, epitomized by the popularity of Laclau and Mouffe’s Hegemony and Socialist Strategy, criticizes the strategic mistake of excessively emphasizing class identity and consciousness. Even Geoff Eley’s (2002) monumental historical study, quoted above, which demonstrates how effective socialist labor movements were as advocates for democratic reform, also stresses “the insufficiencies of socialist advocacy,” not least pertaining to gender and race, in terms of “all the ways socialism’s dominance of the Left marginalized issues not easily assimilable to the class-political precepts so fundamental to the socialist vision” (10). Yet the left’s current conundrum in the face of the new right also brings to light the insufficiencies of the politics of identity, which has not only filled the void of class politics in recent decades but has often played a significant role in shunting class aside. Adolph Reed Jr. (1999) has perhaps most powerfully made the case for “a politics focused on bringing people together” around the common experience of everyday life shaped and constrained by political economy—for example, finding, keeping or advancing in a job with a living wage, keeping or attaining access to decent healthcare, securing decent, affordable housing. . . . Such concerns and the objective of collectively crafting a vehicle to address them is a politics that proceeds from what we have in common. . . . To the extent that differences are real and meaningful, the best way to negotiate them is from a foundation of shared purpose and practical solidarity based on a pragmatic understanding of the old principle that an injury to one is an injury to all. This is not simply a politics that attempts to build on a base in the working class; it is a politics that in the process can fashion a broadly inclusive class identity. (xxvii–xxviii) The failure to absorb this strategic insight, which might entail severe costs even for liberal democracy, is becoming ever clearer amidst the reactionary electoral appeal of a new right to working class voters. Nevertheless, this chapter shall argue that it also has much to do with the longstanding problems with the practice of democracy inside the institutions of the labor movement and the political parties with which they were intertwined. It has become far too commonplace to address these problems by criticizing the “ontological” mistake of those theorists who advance a class-oriented politics. This is a kind of idealism which attributes far too much historical impact to theoretical texts. It avoids serious inquiry into what determined the actual historical practices of working class parties and unions as democratic institutions. It thereby fails to uncover what really accounts for their limited contribution to the development of workers’ democratic capacities so as to carry the struggle for democracy beyond the electoral arena to the workplace, to the corporations and banks that dominate the economy, and perhaps most important to the democratization of the institutions of the state.

### 1NC

#### Framework

#### The role of the ballot is to determine the efficacy of a topical proposal relative to the status quo or a competing option.

#### Anticompetitive’ behavior are business practices that restrict competition without providing lower cost or higher quality goods and services

OECD 3 – OECD Glossary of Statistical Terms, from the Glossary of Industrial Organisation Economics and Competition Law, compiled by R. S. Khemani and D. M. Shapiro, commissioned by the Directorate for Financial, Fiscal and Enterprise Affairs, OECD, 1993, https://stats.oecd.org/glossary/detail.asp?ID=3145

Definition:

Anticompetitive practices refer to a wide range of business practices in which a firm or group of firms may engage in order to restrict inter-firm competition to maintain or increase their relative market position and profits without necessarily providing goods and services at a lower cost or of higher quality.

#### ‘Expanding the scope’ must increase the area covered by antitrust law

Cesar A. Noble 17, Judge on the Connecticut Superior Court, Hartford Judicial District, 777 Residential, LLC v. Metro. Dist. Comm'n, 2017 Conn. Super. LEXIS 4178, \*4-5 (Conn. Super. Ct. August 1, 2017), 8/1/2017, Lexis

The defendant relies upon §7-249 as authority for the supplemental assessment. The statute provides that "[b]enefits to buildings or structures constructed or expanded after the initial assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the initial assessment." The parties dispute whether the conversion of the property constitutes a construction or expansion of buildings or structures granting authority to the defendant to levy a supplemental assessment. The plaintiff argues that because the conversion did not constitute an expansion, that is, an increase in the volume or physical area of a building the defendant had no authority under §7-249 for the supplemental assessment. 5 In the view of the plaintiff it is significant that the conversion did not increase the physical footprint or interior square footage of the property in any way including by a vertical [\*5] enlargement. Absent such an increase, asserts the plaintiff, there can be no construction or expansion of any building or structure. The defendant assert that the construction of the 285 new residential units constitute new structures within the plain meaning of §7-249. The court agrees with the defendant.

[FOOTNOTE]

5 The plaintiff relies upon the definition of the word "expand" found in Merriam-Webster's Collegiate Dictionary (10th ed. 2002) of "to open up; to increase the extent, number, volume, or scope of."

#### Violation---the affirmative doesn’t defend prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws.

#### The impact is clash---debates about scholarship in a vacuum are myopic and breed reactionary generics---they allow the aff to cement their infinite prep advantage, because all the aff has to do is find evidence supporting an ideological orientation towards the world---this crushes clash because all of our prepared negative strategies are based on praxis, and by not defending a clear actor and mechanism we lose 90% of negative ground, and the aff still retains traditional competition standards like perms to make being neg impossible---clash is an intrinsic good and it’s vital to the overall practice of debate. Every debater is here for different reasons, but they trace back to the pedagogical uniqueness of the space. An open topic prevents iteration through shallow debates, unpredictable advocacies, and lack of testing.

### 1NC

#### Ballot K

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

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

My concern with this movement centers around an issue that Sloop and Ono seem to take as a given, namely, the role of the critic. On one hand, calling for the systematic investigation of existing marginalized discourses is a natural extension both of critical rhetoric (see McKerrow 1989, 1991) and of the general ideological turn in criticism (see Wander 1983). On the other hand, the ease of transition from criticism in the service of resistance to criticism of resistance may obscure the need to address some fundamental issues regarding the general function of rhetorical criticism in an uncertain and contentious world. Beyond licensing the critic to engage in political struggle, Sloop and Ono advocate the pursuit of covert resistant discourses.

Such a move not only stretches our understanding of rhetoric and criticism, but also alters significantly the relationship between critic and out- law. Critical interrogation of dominant discursive practices in the service of political/cultural reform is supplanted in favor of positioning covert out- law communities as objects of investigation. Invited to seek out subversive discourses, the critic is positioned as the active agent of change and the out-law discourse becomes merely instrumental. Rather than academic criticism acting in service of everyday acts of resistance, everyday acts of resistance are put into the service of academic criticism.

Rhetorical resistance

That we are "caught within conflicting logics of justice that are culturally struggled over" (Sloop and Ono 1997, 50) and that rhetoric is employed in these struggles seems an uncontroversial statement. Despite the theoretical miasma surrounding judgment, Sloop and Ono accurately note, the material process of rendering judgments (and of disputing the logics of litigation) continues in the world of actually practiced discourse. In the materially contested world, rhetoric is utilized both by those seeking to secure the grounds of dominant judgment and by those seeking to undermine or supplant dominant cultural logics with some out-law notion of justice.

The distinction between these two cultural groups, "in-law" and out- law, however, deserves some consideration prior to any discussion of the role of the critic as implied in the out-law discourse project. The discourse of the dominant or those within the bounds of superordinate logics of litigation is reminiscent of Michel De Certeau's (1984) strategic discourse. For De Certeau, strategies are utilized by those who have authority by virtue of their proper position. Strategies exploit the institutionally guaranteed background consensus by which power relations (and litigations) are maintained and advanced. In contrast, tactics are utilized by those having no proper place of authority within the discursive economy who must seek opportunities whereby the discourse of the dominant might be undermined and contested. To extend Sloop and Ono's definition, out-law discourses are those that can (and, by their analysis, do) take advantage of situations (e.g., race riots) to disrupt the regularity of dominant cultural groups.

The ongoing struggle between strategically instituted cultural dominants and the "out-law always lurk[ing] in the distance" (66) is acknowledged, even celebrated, by Sloop and Ono. What their acknowledgment fails to provide, however, is a clear need for critical intervention. Indeed, quite the reverse is presented: It is the critic (particularly the left-leaning critic) who needs out-law discourse. While the struggles over justice, equality, and freedom have gone on, the left-leaning critics are those who have theoretically excluded themselves from the disputes. The study of out-law dis- courses, then, provides a means to reinvigorate the intellectual and re-institute (academic) leftist thinking into popular political struggles (53-54). Thus, Sloop and Ono's project incorporates three types of rhetoric: the rhetoric of the in-law, presumably the traditional object of critical attention; the rhetoric of the out-law, the study of which may transform our understanding of judgment as well as reinvigorate leftist democratic critiques; and the rhetoric of the critics who, having lost their political po- tency, can exploit the discourse of the out-law to promote ideological struggles. It is to this critical rhetoric that I now turn.

Resistance criticism

Sloop and Ono (1997) clearly state the relationship they envision between the rhetorical critic and out-law discourse: "Ultimately, we will argue that the role of critical rhetoricians is to produce 'materialist conceptions of judgment,' using out-law judgments to disrupt dominant logics of judgment" (54; emphasis added). Here the critic seeks out vernacular discourse (60), focuses on the methods and values embodied in these communities (62), listens to and evaluates the out-law community (62-63), and chooses appropriate discourses for the purpose of disrupting dominant practices (63). Essentially, it is the critic who seeks out marginalized discourses and returns them to the center for the purpose of provoking dominant cultural groups (63).

Despite acknowledging the efficacy of out-law discourses, Sloop and Ono assume that the critiques generated and presented by the out-law community have only minimal effect. The irony, and indeed arrogance, of this assumption is evident when they claim: "There are cases, however, when, without the prompting of academic critics, out-law discourses serve local purposes at times and at others resonate within dominant discourses, disrupting sedimented ways of thinking, transforming dominant forms of judgment" (60; emphasis added). Sloop and Ono seem to suggest that such locally generated critiques are the exception, whereas the political efficacy of the academic critic is the rule. This seems an odd claim, given that the justification for their out-law discourse project is the lack of politically viable academic critique and the perceived potency of out-law conceptions of judgment. Their suggestion that out-law communities are in need of the academic critic contradicts not only the already disruptive nature of existing out-law discourses (the grounds for using out-law discourse), but also the impotence of contemporary critical discourse (the warrant for studying out-law discourse).

By this I do not mean that the critiques and theories generated by academically instituted intellectuals have not been incorporated into subversive discourses. Just as out-law discourses inevitably mount critiques of dominant logics, so, too, the perspectives on rhetoric and criticism generated by academics are used in resistance movements. Feminist critiques of patriarchy, queer theories of homophobia, postcolonial interrogations of race have found their way into the service of resistant groups. The key distinction I wish to make is that the existence of criticism (academic or self-generated) in resistance does not necessitate Sloop and Ono's move to a criticism of resistance.

What Sloop and Ono fail to offer is an adequate argument for "taking public speaking out of the streets and studying it in the classroom, for treating it less as an expression of protest" (Wander 1983, 3) and more as an object for analysis and reproduction within the political economy of the academy. Philip Wander made a similar charge against Herbert Wicheln's early critical project, and this concern should remain at the forefront of any discussion aimed at expanding the scope and function of criticism. Sloop and Ono offer numerous directives for the critic without addressing whether the critic should be examining out-law discourses in the first place. While it is too early to suggest any definitive answer to the question of criticism of resistance, some preliminary arguments as to why critics should not pursue out-law discourses can be offered:

(1) Hidden out-law discourses may have good reasons to stay hidden. Sloop and Ono specifically instruct us that "the logic of the out-law must constantly be searched for, brought forth" (66) and used to disrupt dominant practices. But are we to believe that all out-law discourses are prepared to mount such a challenge to the dominant cultural logic? Or, indeed, that the members of out-law communities are prepared to be brought into the arena of public surveillance in the service of reconstituting logics of litigation? It seems highly unlikely that all divergent cultural groups have developed equally, or that all members of these groups share Sloop and Ono's "imperial impulse" (51) to promote their conceptions and practices of justice.

(2) Academic critical discourse is not transparent. Here I allude to the overall problem of translation (see Foucault 1994; Lyotard 1988; Lyotard and Thebaud 1985; Zabus 1995) as an extension of the previous concern. Critical discourse cannot become the medium of commensurability for divergent language games. Are we to believe that the "use" of out-law dis- course by critics to disrupt dominant practices can fail to do violence to these diverse/divergent logics? Are out-law discourses merely tools to be exploited and discarded in the pursuit of returning leftist academic dis- course to the center?

(3) Perhaps the academic translation of out-law discourse could be true to the internal logic of the out-law community. And, perhaps the re-presentation of out-law logic within the academic community will bestow a degree of legitimacy on the out-law community. Nonetheless, the effect of legitimizing out-law discourse is unknown and potentially destructive. In an effort to siphon the political energy of out-law discourse into academic practice, we may ultimately destroy the dissatisfaction that serves as a cathexis for these out-law discourses. It seems possible that academic recognition might take the place of struggle for material opportunities (see Fraser 1997). But, will academic legitimation create any material changes in the conditions of out-law communities? I mean to suggest, not that it is better to allow the out-law community to suffer for its cause, but rather that incorporating the struggle into an (admittedly) impotent academic critique does not offer a prima facie alternative.

(4) Criticism of resistance denies the practical and theoretical importance of opportunity. Returning to De Certeau's notion of tactics, the crucial element of these discursive moves is their use of opportunity to disrupt the proper authority of the dominant. The kairos of intervention provides the key to undermining "in-law" discourses. But when is the "right moment in time" for the academic reproduction of out-law discourse? Mapping the points of resistance (ala Foucault and Biesecker) entails interrogating "in-law" discourses for their incongruities and contradictions, not turning the academic gaze upon those communities waiting for an opportunity. Out-laws do not lurk in the forefront (66), hoping to be exposed by academic critics; they wait for the right moment for their disruption. Rhetoricians can provide rhetorical instructions for seeking opportunities and for exploiting these opportunities (literally making the culturally weaker argument the stronger), but this does not justify interrogating (intervening in) the cultural logics of the marginalized.

The concerns raised here are not designed to dismiss Sloop and Ono's provocative essay. The divergent critical logic they outline deserves careful consideration within the critical community, and it is my hope that the concerns I raise may help to further problematize the relationship between

resistance and rhetorical criticism.

Rhetorical criticism

As I have suggested, my purpose is to use the provocative nature of Sloop and Ono's project to extend disputes regarding the ends of rhetorical criticism. Diverging perspectives on the ends of criticism have been categorized by Barbara Warnick (1992) as falling along four general lines: artist, analyst, audience, and advocate. Leah Ceccarelli (1997) discerns similar categories around the aesthetic, epistemic, and political ends of rhetorical criticism.

The out-law discourse project presents clear ties to the notion of critic as advocate. For Sloop and Ono, the critic is an interested party, discerning (and at times disputing) the underlying values and forces contained within a discourse. Additionally, however, the out-law discourse critic is an analyst focusing on the hidden, aberrant texts of the out-law and "rendering] an incoherent or esoteric text comprehensible" (Warnick 1992, 233). Now, I am not suggesting that a critic must serve only one function or that the roles of advocate and analyst are mutually exclusive; rather, these entanglings of power (political ends) and knowledge (epistemic ends) are inevitable. My concern is that we not neglect the complexity of these entanglements. Turning covert out-law discourses into objects of our analyses runs the risk of subjecting them both to the gaze of the dominant and to the power relations of the academy. As the works of Michel Foucault (especially 1979, 1980) aptly illustrate, practices presented as extending such noble goals as emancipation and humanity may endow institutions of confinement and objectification. Any justification for studying out-law dis- course because doing so may extend our political usefulness in the pursuit of emancipatory goals must not obscure the already existing power relations authorizing such studies. Our attempts to extend our domains of knowledge and expertise (authority) must not be pursued unreflexively.

### Case

#### Rage is insufficient---it’s purely oppositional---AND, can’t transform the reason that rage exists. This locks both their politics AND pedagogy in endless cycles of anger. Breaking this loop requires building an ethic of finding and exploiting small openings like the plan.

Robert Hattam & Michalinos Zembylas 10, Robert, School of Education, University of South Australia, and Michalinos, School of Education, Open University of Cyprus, What’s anger got to do with it? Towards a post-indignation pedagogy for communities in conflict, Social Identities Vol. 16, No. 1, January 2010, 2340

All of these views, especially when read in their more extensive presentations, provide reasonings that unsettle the rather too easy claims for indignation politics/pedagogy. Seneca understands anger as ‘the most hideous and frenzied of emotions’. For Buddhism, anger is understood as a delusion arising out of our misapprehension of a separate, independent, self; literally we accept our alienation as an existential fact and then get angry when the world doesn’t reflect our wishes. Whilst Butler proposes a thought experiment in which we might ponder our relations with others through our existential vulnerability; a condition that brings into focus our global interdependence. These views provide a way to think past the two extremes posed by Thurman, and to contemplate the possibility of thinking past anger, as the dominating emotion in political and pedagogical work in communities struggling with conflict. If Critchley (2007) is right to assert that anger is the first political emotion, then we want to argue, borrowing from various lineages that we do not have to conceive of politics and pedagogy as forever stuck in anger. These views provide ways to think about how we might escape the reiteration of anger leading to never-ending cycles of violence preventing too many communities from moving out of conflict. When one considers the extensive implications of the naturalization of anger in terms of perpetuating economies of violence and suffering, the challenge of denaturalizing indignation seems impossible. How can indignation be transcended in a viable and skilful way without denying or ignoring its power? In particular, navigating the difficult spaces of indignation in the context of conflict-ridden communities is a daunting task. However, one comes to a crossroads where the break with past discourses of anger is inevitable. Some of the discourses outlined earlier present alterative routes that certainly undermine oppositions between ‘our’ moral indignation versus ‘their’ unjust acts; such dubious categories of inclusion and exclusion become overly simplistic in a world that is increasingly complex. To illustrate the possibilities that are available in this alternative route of post-indignation (as described also by Thurman earlier in the paper), we want to highlight a provocative ‘site’ in which a post-indignation politics and pedagogy can be built: that is, Gilroy’s notion of conviviality. In this particular site, there are worthwhile opportunities for performing what may be called an ethics and politics of small openings; that is, possibilities for cultivating individual and collective political consciousness and criticality against fixed and reified categorizations of the past. While our argument questions any politics based on notions of liberation (e.g. from economies of anger) as a source of personal/political transformation, neither should it be interpreted as a utopian politics. Education needs pedagogies that account for the processes of affective struggles in community building as well as the building of local coalitions based on commonalities, without perpetuating past categories (Zembylas, 2007b). In his book Postcolonial Melancholia (published in the UK as After Empire: Melancholia or Convivial Culture?), Gilroy (2004) explores the current theoretical tensions and possibilities around the term ‘multiculturalism’. As a way out of the debilitating effects of multiculturalism and the fixed classifications of race, culture, identity and ethnicity, Gilroy proposes the term conviviality to describe ‘the process of cohabitation and interaction that have made multiculture an ordinary feature of social life in Britain’s urban areas and in postcolonial cities elsewhere’ (2004, p. xv). Conviviality, he explains, is a social pattern in which different groups dwell in close proximity, but where their racial, linguistic and religious particularities do not add up to discontinuities or insurmountable communication problems. Conviviality acknowledges diversity without cementing it; that is, conflict is not banished, yet conviviality is shown to equip people with means of managing conflict without becoming fearful and hostile e.g. people live on an everyday basis in ways that render race insignificant and inessential. Conviviality, however, does not signify the absence of racism; instead, it can convey the idea that the means of overcoming racism have evolved. Racism still exists but now it can be analyzed differently. Building on Frantz Fanon’s (1980) work, Gilroy analyzes ‘race’ as a relationship and racism as a discourse with metaphysical capacities. So far, racial discourses of the past were dependent upon fixed racial classifications and ordering. However, conviviality as an imaginary complicates these classifications, including the structured categories of community, difference, and identity, and requires a critical distance from the usual attachments to such categorizations. In fact, to achieve conditions of enabling conviviality, these categorizations must be relinquished and thus accept the risky landscape of movement and becoming. Instead of remaining stuck to the political ontology of race, notes Gilroy, convivial cultures discover that the things that divide or unite them are much more profound: taste, lifestyle, leisure preferences. By making racial differences appear ordinary and banal, Gilroy wants to show that convivial interaction enriches our lives and enhances our solidarities and democracies so that they stop operating in segregated forms. By extending this thought to include a problematization of the economies of indignation, conviviality inspires us to operate in post-indignation forms of living that, even if they are not entirely free of anger, might be better equipped to deal with the implications of indignation as matters of ethics and politics, away from narcissistic accounts grounded on angry claims and denials. Gilroy helps us address the ethics and politics of indignation in conflict-ridden communities, without falling into the traps of remaining attached to an endless economy of anger. His vision of ‘planetary humanism’ constitutes a powerful critique of dominant categorizations that cannot escape from the past. Arguably, conviviality is insufficient to prevent lapsing back to such categorizations or moving us beyond indignation and bringing an end to racism and nationalism to return to the earlier examples of Australia and Cyprus. Conviviality as an imaginary for life in Australia and Cyprus enables an engagement with the question of how to relate to the other while thinking past anger and indignation. Gilroy suggests that ‘multicultural ethics and politics could be premised upon an agonistic, planetary humanism capable of comprehending the universality of our elemental vulnerability to the wrongs we visit upon each other’ (2004, p. 4). This move recognizes the ambivalence of indignation in conflict-ridden communities, that is, the sense of moral indignation for being treated unjustly by the other, but also the feeling of shame at recalling one’s own horrible acts against the other. Such ethics and politics of conviviality does not work against the ambivalence of anger, but works within it and articulates a critical discourse from which to launch a renewal; that is, a restructuring of affective space in such a way that post-indignation makes possible new affective connections with others. Re-claiming forgotten connections with others involves acts of compassion, self-criticality and resistance to the status quo. As each community is trapped in its egotistic mentalities, conviviality interrupts the endless cycle of selfishness and makes visible the suffering of others as well, just as Butler (2004) argues (see also, Metz, 1972; 1980; 1999). Seneca, Buddhism and Butler provide us conceptual resources for unsettling our attachment to being angry but we also need other resources that can explicate a positive project on the other side of anger. Conviviality, we think, provides a frame for such a project and requires much more theoretical and empirical research. Conclusion A conceptualization of the pedagogical possibilities that are created in view of the issues analyzed here enables new directions for a radical re-interpretation of indignation. This re-interpretation happens in terms of the affective connections and spaces that are enabled through critical tools such as conviviality. In part, these pedagogical possibilities arise from the ambivalence and open-endedness that accompanies conviviality and its connections to alterative discourses that promote a transcendence of anger. These ideas do not settle the ambivalence of indignation in any comfortable way, and do not seek the settlement of all tensions around an all encompassing perspective. But through a consideration of these ideas, we attempt to revisit some of the affective implications of indignation in conflict-ridden communities. Dominant anger discourses perpetuate the cycle of indignation; however, some of the classical and contemporary political thought that we have revisited reframes anger and creates alternative affective landscapes that might be truly transformative. In this paper we have aimed to unsettle the too-easy acceptance of anger as the political emotion, especially in communities in conflict that are saturated with indignation. Our reading of our own contexts indicates that anger is historically constituted and naturalized which often means that communities are quite literally stuck in anger through a fusion of reification with re-iteration. As educators committed to social justice then, the challenge is working out how we might think past anger in ways that do not fall into the two extremes suggested by Thurman: a resignation to anger or a resignation from anger.We think that contemporary theories of critical pedagogy have also been stuck in anger and actually might contribute to the perpetuation of a cycle of indignation: anger with no end. There are examples of discourses that provide a middle way and in this paper we could only provide sketches of such perspectives. For us, these discourses provide an imaginary for an alternative framing for critical pedagogy, one that focuses on the problem of how we might learn to live together in societies of ever increasing cultural complexity and trauma. Taking this problem seriously requires enacting pedagogies of conviviality.

#### Failure to produce a workable agenda means the ALT accomplishes nothing but violent totalitarianism---embrace pragmatic reform.

Celeste M. Condit 15. Communication studies Distinguished Research Professor @ UGA. 01/02/2015. “Multi-Layered Trajectories for Academic Contributions to Social Change.” Quarterly Journal of Speech, vol. 101, no. 1, pp. 258–270.

The theories of social change that dominated American Communication Studies at the close of the twentieth century echoed those of the Western humanities. These theories spurred extensive thought about the performances of individual identity and the relationship of identity to mass media and culture, and they probably had some laudable influence on the broader culture. They are, however, inadequate to the evolving contexts I have described. One can sum up the most widely circulating theories of social change among “critical social theorists” of the twentieth century in the following, admittedly simplified, statement: There is an (evil) Totality (fill in the blank with one or more: patriarchy, whites, the West, the U.S., neo-liberalism, global capitalism) that must be overturned by a Radical Revolution. We don't know the shape of what will come after the Revolution, but The Evil is a construction of the Totality, so anything that comes after will be better. All you need is … (fill in the blank: Love, Courage, Violence, etc.). For an example, read Slavoj Žižek's attack on the evil Totality (“capitalism,”5 pp. 41/49), which requires the “excess” of violence named as “courage”6 (pp. 75, 78, 79), via “a leap”7 (p. 81), to eliminate “democracy” for a yet-to-be-imagined “new collectivity” (p. 85).8 The resilience of this social theory identifies it as a rhetorical attractor; a predispositional symbolic set that readily transmits emotive potency. To appropriate Kenneth Burke's terms, the bio-symbolics of human political relationships readily create a “grammar” and “rhetoric” in the form of a unified enemy that can be imagined as defeated in a singular battle, after which, things in “our” tribe may be harmonious. To identify this fantasy theme in this way is to suggest that it may not merely be the product of “Western” or “capitalist” imaginations, but rather that it arises from an intersection of the structural characteristics of language systems and the nature of human biologies (which readily adopt both tribal social cooperation and inter-tribal competition). Because neither biology nor symbolics are deterministic systems, this fantasy theme is avoidable, even if it is powerfully attractive. Because both biology and symbolics are material, however, specific kinds of work are necessary in order to avoid the lure of that predisposition. This point is crucial, because it invalidates the twentieth century (idealist) approaches to social change, which envisioned a single (violent) leap away from the social as sufficient to create and maintain better worlds. Thus, when Žižek and others urge us to “Act” with violence to destroy the current Reality, without a vision of an alternative, on the grounds that the links between actions and consequences are never certain, we can call his appeal both a failure of imagination and a failure of reality. As for reality, we have dozens of revolutions as models, and the historical record indicates quite clearly that they generally lead not to harmonious cooperation (what I call “AnarchoNiceness” to gently mock the romanticism of Hardt and Negri) but instead to the production of totalitarian states and/or violent factional strife. A materialist constructivist epistemology accounts for this by predicting that it is not possible for symbol-using animals to exist in a symbolic void. All symbolic movement has a trajectory, and if you have not imagined a potentially realizable alternative for that trajectory to take, then what people will leap into is biological predispositions—the first iteration of which is the rule of the strongest primate. Indeed, this is what experience with revolutions has shown to be the most probable outcome of a revolution that is merely against an Evil. The failure of imagination in such rhetorics thereby reveals itself to be critical, so it is worth pondering sources of that failure. The rhetoric of “the kill” in social theory in the past half century has repeatedly reduced to the leap into a void because the symbolized alternative that the context of the twentieth century otherwise predispositionally offers is to the binary opposite of capitalism, i.e., communism. That rhetorical option, however, has been foreclosed by the historical discrediting of the readily imagined forms of communism (e.g., Žižek9). The hard work to invent better alternatives is not as dramatically enticing as the story of the kill: such labor is piecemeal, intellectually difficult, requires multi-disciplinary understandings, and perhaps requires more creativity than the typical academic theorist can muster. In the absence of a viable alternative, the appeals to Radical Revolution seem to have been sustained by the emotional zing of the kill, in many cases amped up by the appeal of autonomy and manliness (Žižek uses the former term and deploys the ethos of the latter). But if one does not provide a viable vision that offers a reasonable chance of leaving most people better off than they are now, then Fox News has a better offering (you'll be free and you'll get rich!). A revolution posited as a void cannot succeed as a horizon of history, other than as constant local scale violent actions, perhaps connected by shifting networks we call “terrorists.” This analysis of the geo-political situation, of the onto-epistemological character of language, and of the limitations of the dominant horizon of social change indicates that the focal project for progressive Left Academics should now include the hard labor to produce alternative visions that appear materially feasible.

#### The aff’s politics of transition emphasizes the chaotic and the new at the expense of strategies that appear stale and well-trodded, like state-centric advocacy and conservative-feeling institutional engagement --- rejecting all of these as respectability politics or fascist desires for authority ultimates cedes political terrain to libertarian strategies that seek to wither away the state and its protections for the most vulnerable, especially trans people

Nikita Dhawan 15, University of Innsbruck political science professor, “Homonationalism and state-phobia: The post-colonial predicament of queering modernities, publication forthcoming, available via Academia.edu, 65

As Foucault himself warns state-phobia is deeply inscribed in liberal and neo-liberal ideas of civil society. The wickedness of the state is juxtaposed against the inherent goodness of civil society, so that the aim is the ‘whithering away of the state’. This anti-state-centric approach to political power locates radical politics in extra-state space of innovation. This is why Puar and others reject pragmatic politics of same-sex marriage or anti-discrimination legislations. In contrast they support civil society campaigns like pink-watching that increasingly deploy the strategy of surveillance for shaming states into good behavior. Even as one critiques the harnessing of gender and sexuality by neo-liberal capitalism, the rejection of all feminist- queer politics oriented towards the state as part of a biopolitical agenda is disingenuous state-phobic rhetoric.

Postcolonial-queer-feminists are caught in an ambivalent, double-bind vis-à-vis the state: On the one hand, the state has historically been the source of violence and repression through the criminalization and pathologization of non-normative sexual practices. And yet, queer strategies seek to instrumentalize the state to promote sexual justice. Even as the state is known to perpetuate heteronormative ideologies, which are founding myths of nations, the hope is that the state can function as a site of redress of gender and sexual inequality. Despite the problematic track-record with regard to sexual politics of all nation-states, whether European or non-European, it is dangerous to disregard the immense political implications of state-phobic positions, which are increasingly popular in radical discourses in the West.

As the recent re-criminalization of homosexuality in Uganda, India and Nigeria demonstrate, negotiations with state are indispensable and imperative for emancipatory queer politics in the global South. This is not a plea for statism; rather, one must be aware of the dangers of the replacement of state with non-state actors as motors of justice. Against this background, the recent anti-statist stance within postcolonial queer scholarship is alarming, as it ignores the importance of the state for those citizens who do not have access to transnational counterpublic spheres to address their grievances.

Decolonization, whether in USA, Israel or India, cannot be achieved merely through a strategy of shaming the state. Rather in the Gramscian- Spivakian sense, it is imperative to enable vulnerable disenfranchised individuals and groups to access the state (Dhawan 2013). Accordingly, instead of a for or against position vis-à-vis the state, the more challenging question is how to reconfigure the state, given that its institutions and policies are the mobile effect of a regime of multiple governmentalities. Thus the challenge is how to pursue a non-statephobic queer politics that at the same time neither rationalizes the biopolitical state project nor makes the queer bodies governable. In postcolonial contexts, the state is like a pharmakon, namely, both poison and medicine. Postcolonial queer politics must explore strategies of converting poison into counterpoison (Spivak 2007: 71).

Herein the ambivalent function of the state must be addressed. As Pharmakon, the inherent condradictions must be engaged with: Violence and justice, ideology and emancipation, law and discipline. If, following Foucault, the state has no stable essence, then it is marked by undecidability or doubleness. The sole focus on the negative aspects of the Pharmakon, namely the destructive and repressive traits, neutralizes and ignores the enabling and empowering aspects. Thus postcolonial-queer-feminist politics must transform poison into remedy and formulate critique of the state beyond state-phobia. A challenging task, but anything else would be too risky!

#### The AFF’s a performance of defeatist radicalism. In lieu of strategic focus on gaining political power the AFF devolves into exaggerating the importance of their project that doesn’t do anything. This form of analysis is substitutes analyzing the material world for shoehorning everything into poor ideological explanations.

Adolph Reed 01, Pennsylvania political science professor, Class Notes: Posing as Politics and Other Thoughts on the American Scene, ix-xi.

One strain of those activists who found themselves cut off from ready access to any broader audience or dialogue were left talking to no one but one another. Their isolation was reinforced by a largely honorable rejection of pressures to abjure radicalism. Practical expressions of that rejection, however, were often naively catechistic and misguided strategically. Radicalism’s proceeding marginalization heightened fears that attempts to compensate would slide into an opportunistic betrayal of fundamental radical commitments. Those fears set in motion a dynamic of intensifying ideological vigilance and purification. As a consequence, many who took that route succumbed to the temptation to retreat into arcane debates, ever further removed from issues and concerns that resonate with the lives of people outside the self-conscious left. They produced a pattern of left discourse that centers on fitting aspects of contemporary social relations into one or another pre-scripted narrative of global revolution or noble resistance. Thus a current of activist radicalism dribbled off into scholastic, albeit bizarrely intense (and often intensely bizarre), debates over what “ stage” of capitalism or imperialism the current moment represented, to what extent which populations in the United States or elsewhere enacted generic assigned to them in a given potted narrative, or which mundane political actions or events indicated impending revolutionary ferment or proper revolutionary consciousness. The more isolated this radicalism became, the more insular and idiosyncratic became its language and critiques. The more it was removed from connection to palpable constituencies or membership outside the ranks of the already faithful, the less constrained it was by pragmatic or strategic thinking. The more solipsistic it became, the less capable it was of distnguishing matters of principle, strategy and tactics, and the less dependent theoretical arguments were on any test of practical efficacy. And throughout this spiral a flamboyant and self-righteous rhetoric combined with interpretations of current events and popular behavior— without regard to the expressed understandings and objectives of those who enact such events and behaviors— as proxy evidence for radicals’ pet theories, a combination that has worked to paper over the reality of marginalization. Characterizing a rent strike, say, or a group of neighbors’ challenge to an eviction as, in effect, a rejection of capitalist imperatives in the provision of housing, or representing a protest against an instance of police brutality as the equivalent of a demand for self determination camouflages radicals’ inability to win adherents for their programs. Such representations accommodate marginalization through a form of denial. Redefining such political expressions as deeply, intrinsically, substantively, or implicitly radical enables a sleight-of-hand that imputes support for the radicals’ broader programs by association, without the test of persuasion. This is what underlies sectarian newspapers’ penchant for running photographs of members displaying signs with radical slogans at union picket lines or other sorts of more broadly based demonstrations and rallies. Moreover, because this politics is propelled by illusion and a Humpty Dumpty-like use of language, it can wildly inflate the meaning of the most modest or conventional actions or events without reservation. It also has built-in mechanisms for avoiding critical self-reflection on practice and acknowledgement of failure. I recall from my graduate school years a particularly outrageous illustration of the lengths to which this kind of reasoning can go to invert reality. In the immediate aftermath of Pinochet’s brutal coup against Salvador Allende’s government in Chile, a colleague of mine pronounced the coup “progressive” because it had taught the Chilean left the futility of the electoral option. To the objections that the left was being liquidated even as he spoke, he responded that it was possible to “kill the individuals but not the tendency.” Substituting fanciful taxonomy for strategic analysis and assessment (for example, portraying the Million Man March as a general strike) also made it possible to tag along with whatever motion appears to have some visibility or popular support. Worse, precisely because its operative logic (“ has a similar effect as = might as well be = is” ) generates protean capacities for projecting its illusions onto the behavior of others, this politics can rationalize quite disreputable and opportunistic associations, simply by defining them formalistically as something loftier. After all, anything can mean anything if you get to stipulate the conditions of meaning without constraint by the mundane facts of an external world, such as the perceptions and objectives of others. In recent years one of the clearest instances of this tendency on the national stage has been so many leftists’ persistence in tailing after Jesse Jackson’s political charade and minimizing or justifying his dubious, often obviously and crudely self-serving, programmatic twists and turns. For many this commitment has extended even to accepting the preposterous formula that defines the character of media and official attention to Jackson’s person— the rhetoric, resonant with the presumptions of an absolutist Sovereign, centered on whether he has been treated with “ respect” — as identical with recognition of progressive interests. In some cases, to be sure, this will to believe stems from political romanticism and naivete, racial patriotism or guilty racial liberalism. In many others, however, it rests on doomed hope that association with Jackson will confer popular legitimacy or otherwise provide access to a popular constituency. That association and the desperate hope undergirding it are poignant evidence of the legacy of defeat.

#### Undoing squo power relations requires analyzing and attacking power structures through pragmatic struggle---normative appeals alone are ineffective.

Naomi Zack 17. Professor of philosophy at the University of Oregon. 02/2017. “Ideal, Nonideal, and Empirical Theories of Social Justice: The Need for Applicative Justice in Addressing Injustice.” The Oxford Handbook of Philosophy and Race, Oxford University Press.

Ideals of justice may do little toward the correction of injustice in real life. The influence of John Rawls’s A Theory of Justice has led some philosophers of race to focus on “nonideal theory” as a way to bring conditions in unjust societies closer to conditions of justice described by ideal theory. However, a more direct approach to injustice may be needed to address unfair public policy and existing conditions for minorities in racist societies. Applicative justice describes the applications of principles of justice that are now “good enough” for whites to nonwhites (based on prior comparisons of how whites and nonwhites are treated). Social information just dribbles in, bit by bit, and we simply get used to it. A single story about a person really hits home at once, but the grinding injustices of daily life are endured. It is easy to ignore them and we do. Judith Shklar, The Faces of Injustice (Shklar 1990, 110) IDEAL theory about justice extends from Plato’s Republic to John Rawls’s A Theory of Justice, including many careers devoted to analyses and criticism about such texts in political philosophy. Rawls offers a picture of the basic institutional structures of a just society, on the premise that in order to correct injustice, we must first know what justice is. According to Rawls, while “partial compliance theory” studies the principles that govern how we are to deal with injustice, full compliance theory, or ideal theory, studies the institutional principles of justice in a stable society where citizens obey the law. Rawls began A Theory of Justice with the claim: “The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems” (Rawls 1971, 8). Rawls’s ideal theory is too abstract to correct injustice or provide justice for victims of injustice in reality, because it is based on a thought experiment and the assumption of a “well-ordered” society in which there already is compliance with law (Zack 2016, 1–64). What people care about in reality concerning justice is not what ideal justice is or would be, but how immediate injustice can be corrected. Injustice is always specific in concrete events that are recognizable as certain types, for example, theft, murder, or police racial profiling. Injustice can be corrected by punishing those responsible for it in specific cases and instituting social changes that prevent or reduce future occurrences of the same type. Rawlsian nonideal theories of justice, constructed for societies where people do not comply with just laws, rely on ideal theory as a standard for just institutional structures. The main question driving nonideal theory is how to construct a model or picture of justice that will result in the future correction or avoidance of present injustices. John Simmons quotes John Rawls from Law of Peoples, on this matter. Nonideal theory asks how this long-term goal might be achieved, or worked toward, usually in gradual steps. It looks for courses of action that are morally permissible and politically possible as well as likely to be effective [LOP p. 89]. (Simmons 2010, 7) However, injured or indignant parties may not care about the long-term goal of justice that could lead to balance or compensation for their situations. Not only are what P. F. Strawson (1962) called “reactive attitudes,” such as moral indignation, blame, and a desire for deserved punishment, strong in their focus on injustice, but the best theory of justice in the world does not tell us what to do about the injustices we are faced with in the here and now, especially “the more pressing problems” of race-related injustices. Such questions cannot be answered with reference to ideal theory or some application of ideal or nonideal theory to their concrete situations, because the a priori nature of both of these does not provide a fit with specific contingencies—ideal and nonideal theories do not generate practical bridge principles. As theories, they posit ideal entities, but without the apparatus of scientific theories which provides connections to observable entities or events. (Moulines 1985). The correction of injustice or injustice theory requires a philosophical foundation for itself. Models of justice have often been naïvely utopian throughout the history of philosophy, because they are based on an assumption of automatic total compliance, as though the right words or pictures by themselves have the power to transform reality, or as though agreement with those right words or pictures will automatically result in action that will automatically make the world instantiate those words or pictures. When they are not fantastically and ineffectively utopian in this way, such models have been used to justify the already-existing dominance of some groups over others. (A prime example is John Locke’s Second Treatise of Government, written decades before 1688 Glorious Revolution, to express the interests of the new rising class of landed gentry, which were eventually fulfilled by a Protestant king on the throne and a strong representative parliament after that revolution [Laslett 1988].) Models of justice have legitimately served to inspire law in modern societies with government constitutions and national and local law. But, sometimes, as in US founding documents, although universal and absolute justice is proclaimed, subsequent events make it clear that this language was intended to legitimize just treatment for members of selected groups only, that is, white male property owners, at first. As a result of just law and its selective application, over time, there comes to be justice for an expanding group, but still not everyone in society. However, what is written, together with descriptions of real justice for some, can be a powerful lever for obtaining justice for at least some of the excluded. To understand how that works, it is necessary to develop an approach to justice that begins with injustice, in real situations where there is already some degree of justice in a larger whole. The extension of existing practices of justice to members of new groups is applicative justice, a concept with substantial historical and intellectual precedent, although not by that name. In what follows, more will be said about the idea of applicative justice and then its history will be considered. Voting rights and housing rights are examples of candidates for applicative justice in our time. Finally, content in the form of narrative may be motivational for social change. The Idea of Applicative Justice Applicative justice is an approach to justice with the goal of making the unjust treatment of some comparable to those who already receive just treatment. Applicative justice takes a comparative approach, for example, comparing how young black males are treated by police officers in contemporary US society, to how young white males are treated (Jones 2013; Zack 2013, 2015). Applicative justice rests on a pragmatic approach to social ills, which includes the premise, based on Arthur Bentley’s 1908 insights in The Process of Government, that government is much more than the apparatus of state and written laws and court decisions. Government is an extended, dynamic process, an ongoing contention among interest groups in society. This full-bodied, empirical and pragmatic view of government process entails, for example, that we consider as parts of the same political mix/phenomenon/raw material all of the foregoing: the Fourth and Fourteenth Amendments, the 1960s Civil Rights Legislation, doctrines of probable cause, the disproportionate incarceration of African Americans, racial profiling, and police homicide with impunity. Thus, Rawls’s insistence that “the rights secured by justice are not subject to political bargaining or to the calculus of social interests” (Rawls 1971, 4), should be understood as “the rights secured by justice should not be subject to political bargaining or to the calculus of social interests.” In reality, “the rights secured by justice” are constantly subject to political bargaining and the living calculus of social interests. One consequence of this empirical perspective is that moral outrage, critiques of white supremacy, or analyses of white privilege, along with other forms of blame, cannot be assumed to have the power to change anything, by themselves. By contrast, changing relationships between police officers and their local communities, or changing the rules of engagement when police stop or attempt to stop suspects, might on this view have some causal power (Ayres and Markovits 2014). It is important to realize that such changes in practice would not be specific applications of a theory of justice, but ways of changing social reality into a different political mix. However, a better theory of justice, even a more racially egalitarian one and even a theory of applicative justice that was widely accepted, would still be no more than a change in what Bentley calls “political content.” Any theory of justice or any set of just laws is compatible with widespread racially unequal and unjust practice. And the converse also holds. Unjust laws or laws with gaps for unjust practice are compatible with just practice. Thus, applicative justice is pragmatic in taking the whole political mix/ phenomenon/raw material as its subject for a specific injustice. Unlike ideal or nonideal justice theory, the applicative justice approach brooks little faith that reality can be changed by a special conceptual space or mode of critical moral discourse that is undertaken apart from reality. Reality cannot be changed by normative pronouncements, by or on behalf of the oppressed, but only by shifts in existing interests of groups of real people. To base hopes for change on normative content alone may ~~paralyze~~ [eliminate] the means for taking action that could result in change, because such content proceeds as though matters of justice were only matters of argument. Those who have opposed social racial justice have understood this well enough, because instead of mainly arguing against new just law over the twentieth century, they have taken action to block progress. Race and Justice Consideration of race and injustice together, within political philosophy, focuses on the need for specific groups to not be treated unjustly. For a group to be treated justly, a large number of its members need to be treated justly. But for a group to be treated unjustly, it is sufficient if a smaller number or lower proportion than required to meet the standard of just treatment be treated unjustly. One reason for this asymmetry is that just treatment is easily normalized within communities, whereas unjust treatment of only a few is disruptive and considered abnormal among other members of the group to which victims belong (although not necessarily by members of groups who are generally treated justly). The unjust treatment of a small number ripples from their friends and relations to other members of the same group, who realize that they are subject to similar unjust treatment from their membership in that group alone. More broadly, if the group treated justly and the group treated unjustly belong to the same larger collective, such as whites and blacks in the United States, then the unjust treatment of even a very small number of that total collective of residents or citizens should be disruptive to the whole collective, given promulgated principles of “justice for all.” But that does not always happen, at least not in ways that result in real change. Apathy and self-absorption of those not treated unjustly is part of the reason, although another significant part is that the group treated justly already knows that the national collective rhetoric of justice is intended to apply primarily to them. It is that kind of disparate treatment, which does not disrupt everyone, even though it should, which calls for a theory of applicative justice, on the abstract level where people call for justice. But applicative justice is not only an abstract theory. Applicative justice requires comparisons of group treatment. If minorities are treated unjustly, a description of that injustice does not require an ideal or nonideal theory or model of justice, but simply a comparison with how the majority is treated. (The term “minorities” refers to those disadvantaged or oppressed, because sometimes minorities are greater in number than “majorities,” e.g., blacks under apartheid in South Africa, American slaves in some Southern states, or black Americans in some twenty-first-century cities.) The principles and mechanics of justice that work well enough for most white Americans need to be applied to nonwhite Americans. For rhetorical purposes, it might be evocative to talk about black lives or black rights, but strictly speaking the subject is a racial framework that is color-blind in an important part of law—constitutional amendments and federal legislation—but not in reality. This gap between written law and social reality can be viewed as hypocrisy, racial bias, or white supremacy, only if one assumes that written law is an accurate description of, or blueprint for, social reality. But a perspective that takes in the whole process of government reveals that the gap and what is permissible within it, are parts of the same whole process. The contrast between blueprints and maps is important to consider. Political philosophers often proceed as though their writings about justice are blueprints, when they should instead begin by constructing maps. Present politics or a political party in power may present obstacles and challenges to applicative justice in any specific case. Those who aim for applicative justice must struggle against such obstacles and challenges, as well as the ignorance, prejudice, and ill will of large parts of voting publics under democratic government, and in addition, media misrepresentations, business interests in a status quo, and lack of understanding of oppression by those who are treated unjustly. For example, the injustice in the disproportionately large number of African Americans in the US criminal justice system has been supported by law-and-order politics, the War on Drugs, belief in racial gender myths (e.g., the larger-than-life black rapist), explicit racism, media sensationalism of crime committed by black men, profits made by for-profit prison corporations, and embrace of self-destructive subcultures by some black men who become incarcerated. At the same time, as an efficient cause or precipitating factor, ongoing racial profiling by police helps feed the system with new suspects, about 90 percent of whom plead guilty in preference to the risks and costs of a trial (Kerby 2013; Rakoff et al. 2014). Intergenerational poverty, unemployment, and undereducation contain people within this system, and the high rates of nonwhites in the prison population are used as official justification for racial profiling (Zack 2015, chap 2). Thus, the complexity of causes and background factors associated with the disproportionate number of African American male prison inmates can be understood through a number of approaches. The normative approach of applicative justice would be to address those causes or factors, distinctly and individually, through specific changes in concrete practice, as well as changes in law, as relevant.

#### Investigating legal intervention into sectors of the economy opens the toolbox for reconfiguring the broader economic system.

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"To most public interest-minded law students and lawyers, practicing transactional law isn't an obvious path to saving the world . . . [But] now transactional lawyers are needed, en masse, to aid in an epic reinvention of our economic system." -- Janelle Orsi 1

An emerging cohort of lawyers are working to transform the dominant economy from one that centers on self-interest, greed, and profit maximization to an economy that centers the needs of people and the planet. These lawyers work in private practice, at legal service organizations, as in-house counsels, clinical professors, and pro-bono volunteers. Their work includes corporate structuring, contract drafting, real estate deals, regulatory advising, and law reform projects, among other things. Their clients are individuals, organizations, small businesses, social enterprises, cooperatives, worker self-directed nonprofits, community land trusts, time banks, and other collective experiments that seek to build alternative mechanisms for both economic justice and social liberation. 2 This is the "solidarity economy" movement, a growing movement building a new economic system rooted in economic democracy, social solidarity, and environmental sustainability. 3

At the heart of this new economic system are five unifying principles: (1) solidarity, (2) equity in all dimensions (race, gender, ability, etc.), (3) pluralism, (4) participatory democracy, and (5) sustainability. 4 The movement's ultimate vision is twofold, first to grow these values and practices through grassroots initiatives, and second to link these solidarity economy activities in a network of mutual support, transforming the current dominant global economy into a just, democratic, and sustainable economic system. 5 To that end, the core principles are embedded in the organizational and business structures, governance, financing, and the ways in which solidarity economy enterprises and organizations build their supply chains and partnerships. As a result, solidarity economy lawyers, lawyers that work with solidarity economy clients, often work at the cutting edge of corporate law, securities regulations, employment law, licensing, and intellectual property. However, in some cases the current legal regime is ill suited for these new types of enterprise. So, while solidarity economy practitioners are reimagining the economy and means of economic exchange, solidarity economy lawyers are attempting to reimagine the law to reflect the needs of their clients.

This essay explores solidarity economy lawyering as an emergent field of practice in the United States. After a short explanation of solidarity economy theory and practice, the essay explores the way in which transactional representation of solidarity economy enterprise clients is different from traditional business and nonprofit representation. The essay goes on to argue that transactional lawyers have a particular role to play in 1) advocating for corporate, regulatory, and contract law reform to better suit the needs of grassroots solidarity economy enterprises, 2) creatively redeploying legal techniques and practices relating to risk management, organizational form, and the allocation of property rights to further the purpose of internalizing social and ecological values into the heart of [\*26] economic exchange, otherwise known as 'radical transactionalism', and 3) "scaling up" the solidarity economy through the linkage of solidarity economy organizations and enterprises. These contributions are instrumental to the long and short-term success of the solidarity economy movement. The essay concludes with some thoughts on how solidarity economy lawyers can be most effective.

I. What is Solidarity Economy?

The solidarity economy (SE) 6 is a set of theories and practices that promote equitable, solidaristic, democratic, ecological, and sustainable development with an ultimate vision of 1) growing these values and practices through grassroots initiatives, and 2) linking these solidarity economy activities in a network of mutual support, such that they transform the current dominant global economy into a just, democratic, and sustainable economic system. 7 Many communities, across the United States and across the globe, are engaging in SE activities through grassroots economic initiatives such as: alternative currencies; community-run resource libraries; participatory budgeting; worker, consumer, and producer cooperatives; community land trusts; intentional communities; community development credit unions; community supported agriculture programs; open source free software initiatives and others. 8 Not only do SE initiatives and enterprises currently exist in every sector of the dominant economy, but they also are prevalent in informal diverse economies.9 \*\*\*FOOTNOTE BEGINS\*\*\* See, e.g., J.K. GIBSON-GRAHAM, A POSTCAPITALIST POLITICS 69 (2006) ("[W]hat is usually regarded as the "economy" -- wage labor, market exchange of commodities, and capitalist enterprise -- comprises but a small subset of the activities by which we produce, exchange, and distribute value." Diverse economies refers to a theoretical framework that accounts for all of the alternative means of economic activity.); J.K. GIBSON-GRAHAM, THE END OF CAPITALISM (AS WE KNEW IT): A FEMINIST CRITIQUE OF POLITICAL ECONOMY 4 (1996); Brian Burke & Boone Shear, Introduction: Engaged Scholarship for Non-capitalist Political Ecologies, 21 J. POL. ECON. 127 (2014); Janelle Cornwell, Worker Co-operatives and Spaces of Possibility: An Investigation of Subject Space at Collective Copies, 44 ANTIPODE 725, 739 (2012); J.K. Gibson-Graham, Diverse Economies: Performative Practices for 'Other Worlds', 32 PROGRESS HUM. GEOGRAPHY 613, 623-24 (2008). \*\*\*FOOTNOTE ENDS\*\*\* As a political project, solidarity economy proposes a transformational shift of [\*27] the relationships between the market, the state, and people, centering the needs of people and the environment over the needs of private interests and capital. 10 In doing so, SE seeks to be the "next system," replacing neoliberal capitalism by building and connecting networks of grassroots economic initiatives and practices that embody the five core principles of SE: solidarity, sustainability, equity in all dimensions (race, gender, ability, etc.), participatory democracy, and pluralism. 11

Solidarity economy is not a static concept or blueprint for a new economy. It is an ever-evolving movement that grows from existing and emergent practices, guided by the theoretical principles. 12 In other words, the theory and the practice of SE are circular through an ongoing praxis of "debate, experience research, organizing and reflection." 13 This continuous iterative evolution of SE allows for new forms of organization and experiments of exchange that best serve the material needs of its practitioners. 14 Solidarity economy broadly defines the economy as all of the ways in which people, communities, and organizations meet their material needs. 15 Therefore, solidarity economy can be thought of as "a dynamic process of economic organizing in which organizations, communities, and social movements work to identify, strengthen, and create democratic and liberatory means of meeting their needs." 16 Figure 1 illustrates some of the current kinds of initiatives that make up the solidarity economy. 17

[\*28] Figure 1. Ethan Miller, Defining Solidarity Economy: Key Concepts and Issues.

While many communities and cultures have longed practiced solidarity and cooperation to provide for the material needs of its members, 18 solidarity economy theory in the United States is relatively new. The U.S. solidarity economy movement emerged in 2007, although solidarity economy practices have existed since early in the twentieth century. 19 As in other parts of the world, the solidarity economy movement in the United States directly grew out of failures of the dominant economy, neoliberal and austerity policies, and the impending economic downturn of 2008. In many ways, the economic downtown, spurred by the collapse of the mortgage securities market and subprime loans catastrophe, shook not only the U.S. economy but also main-street's general trust in the invisible hand of the market and integrity of the financial industry. It was in the early days of the economic downtown, that communities and organizations took the first steps to nationally coordinate the U.S. solidarity economy movement. In 2007, at the U.S. Social Forum, a number of SE practitioners and organizations convened, discussed emerging practices, and strategized the future of the SE movement in the U.S. 20 Subsequently, there [\*29] have been numerous meetings to discuss the theory and future of the movement. 21 Over the last decade, the solidarity economy in the United States has grown significantly. 22 By one conservative estimate, there were more than 700 solidarity-economy businesses in 2016. 23

Moreover, the solidarity economy movement is in many ways a movement of movements, as many current movements are incorporating solidarity economy strategies into their organizing work. For example, the Movement for Black Lives Policy Platform advocates for the support of cooperative development and social economy networks as a tenet of economic justice. 24 Furthermore, a number of solidarity-economy initiatives have sprung out of local organizing efforts affiliated with the Black Lives Matter movement. 25 The indigenous rights and environmental justice movements are pushing for the creation of public banks in the wake of the Standing Rock protests. 26 Immigrant-rights advocates are incubating worker cooperatives to ensure immigrant workers can take ownership of their labor and have a say in their working conditions. 27 These efforts and other SE initiatives need legal support to thrive and flourish.

II. Transactional Lawyering in the Solidarity Economy Movement

At its core, transactional lawyering is about the structuring of organizational and individual relationships within the parameters of the law. Transactional lawyers structure businesses, negotiate and draft contracts, and advise clients on relevant laws and [\*30] regulations. 28 These skills are imperative to the long-term success of the solidarity economy movement. SE enterprises, like traditional enterprises, retain lawyers to advise on entity formation and governance, draft relevant agreements and contracts, and counsel on applicable regulations. However, SE initiatives are markedly different from traditional enterprises in three major ways: 1) the motivations of the enterprise are guided by the five SE principles and not the maximization of profit, 2) the relationships within the enterprise are often blurred and overlapping, and 3) the means of exchange are varied and diverse. 29 It's important that lawyers understand and explore these differences as there are implications on the law and legal practice.

For example, imagine a group of seven women seek out a lawyer to start a catering and prepared-food business. The women decided that they want to be equal partners, share in profits and put up the same value of start-up capital. Easy enough. This is a scenario that most experienced transactional lawyers would be able to address. However, imagine for a second that the women go on to say 1) all of the women will work and contribute to the day-to-day decisions based on democratic consensus, 2) two of the women are applying for asylum and do not have work authorization, 3) the business will provide free meals to those that are food insecure in their community, 4) a number of the capital contributions will be in the form of sweat equity, and 5) the business intends to compensate the lawyer not in dollars, but in future meals prepared by the business. '

Each additional piece of information would have an impact not only on the laws implicated but also how the lawyer might approach the case. To begin, in the spirit of consensus building, the lawyer might ensure that all seven women could attend and participate in any future client meetings. This particular business, a worker cooperative, would require a deeper analysis of entity formation and applicable regulations to help meet the client's goals. 30 Cooperative law varies greatly from state to state and the lawyer would need to think through the relevant state and federal regulations that might classify the worker-owners as either an employee or an owner of the business. 31 The lawyer would carefully have to research and analyze the relevant immigration and employment regulations to ensure that all members can participate and will be classified as owners for the purpose of federal work authorization laws. 32 The implications of such classifications can mean the difference between success and failure of the business, as well as the protection of its members. 33 Given that the business' purpose is in-part charitable, and inpart wealth building (for-profit), the lawyer would want to identify the best combination of benefits and structures, as well as carefully draft governance agreements. 34 As such, the lawyer would need to do additional fact investigation and have a better understanding of [\*31] the client's goals and priorities to provide effective counseling on entity formation. 35 In addition to considering the various entity options, the lawyer would need to explore the issue of sweat equity contributions by the worker-owners. The Fair Labor Standards Act (FLSA), 36 or other relevant state laws, might potentially prevent the worker-owners from investing sweat equity without receiving immediate compensation. The lawyer's compensation is also an issue, as the lawyer would need to research relevant regulations for the proposed barter arrangement. 37 What language would go into an engagement letter if the attorney agreed to represent the business in exchange for a future promise of food? Would the prepared meals be taxable income for the lawyer? Would the lawyer get to try the food first? All important questions that would need to be addressed before moving forward with representation of the client.

This is just one cursory example of how a solidarity economy business client might be different from a traditional business. Yet, it demonstrates the new type of legal practice that is emerging to adequately serve solidarity economy clients. SE lawyers must have a broad understanding of the full range of legal structures. Otherwise the tendency may be to propose those structures with which they are most familiar, leaving other potential options unexplored. Other substantive areas of law include securities law, employment law, tax law, intellectual property, contact law, and commercial law. Still, SE practice can implicate a wide range of legal issues far beyond these traditional bodies of business law. In the example above, the lawyer would need to research immigration law, Good Samaritan food statutes, and barter exchange taxation regulations to adequately serve the client. This is not uncommon. SE clients are rethinking and remaking the means of economic exchange. 38 This will continue to require transactional SE lawyers to expand their substantive areas of practice. Further, many solidarity economy initiatives are connected to or a part of social movements. 39 Such connections are likely to have an impact on the legal support required. In the long term, SE lawyers may need to regularly consult and collaborate with attorneys in a range of practice areas and be nimble in responding to the needs of their clients.

Beyond the technical skills and expertise of transactional practice, SE lawyering also requires what has been referred to as the right "culture fit" or the "touch." 40 This can best be explained as the willingness of a lawyer to embrace the imaginations and experimentations of clients, and subsequently put the law in service to those ends. 41 Both in legal education and mainstream practice, the minimization of risks is emphasized as the lawyer's primary concern. 42 While important, a fixation on risks in SE practice often will not best serve the goals of the clients.

[\*32] There are many gray areas of law related to SE practice. 43 It's the lawyer's job to assess, analyze, and provide the most viable options for achieving the client's goals, recognizing that the law is not always clear. 44 Specifically, in a SE lawyering practice, it's necessary for the lawyer to demonstrate creative capacity, a deep understanding of the client's perspective and goals, and a commitment to the shared values of the solidarity economy movement. 45 Recognizing that the attorney-client relationship is more than just a mere transaction, effective solidarity-economy lawyers build authentic and solidaristic relationships with their clients. 46 Relationship building is a primary way in which SE lawyers can demonstrate a shared commitment to SE values and principles. As SE lawyers grow in their experience and practice, they come to rely on their acquired knowledge, while continuing to embrace the innovative goals of SE initiatives. 47 Furthermore, as is the case with all effective lawyering, SE lawyers will need to commit themselves to understanding the context in which their clients are operating, including the movements that clients may ground themselves in. Currently, lawyers across the country are engaged in SE lawyering. 48

A growing cadre of lawyers are representing SE organizations at legal service organizations, community economic development law clinics, law firms, and in solo practice. 49 For example, the Sustainable Economies Law Center (SELC), a 501(c)3 organization, is an institutional pioneer in solidarity economy lawyering. 50 SELC has provided legal services to hundreds of solidarity economy enterprises through their Resilient Communities Legal Cafes, 51 direct representation, and legal resources on their website, including materials on cooperative law, grassroots financing, community renewable energy law, food enterprises, and alternative forms of exchange or money. 52 Beyond providing legal support to SE enterprises, SELC is an example of a solidarity economy legal service organization. 53 The organization functions as a worker self-directed nonprofit, a hybrid governance model in which a nonprofit organization adopts governance characteristics of a worker cooperative. 54 Worker self-directed nonprofits empower their workers to collectively make decisions on behalf of the organization. 55 While these nonprofits still have a governing board of directors, the board concedes significant decision-making authority to the employees or members. 56 This particular model of nonprofit governance embodies the SE principle of participatory democracy. 57 Moreover, [\*33] in furtherance of solidarity and equity principles, all SELC employees, legal and non-legal, receive the same salary, 58 and the organization provides services on a sliding scale. 59

While SELC is often cited as "the" solidarity economy legal service organization," 60 a number of legal service organizations specialize in SE lawyering. A few are worth mentioning in an attempt to build awareness for law students and interested lawyers. Baltimore Activating Solidarity Economies, for example, has provided support to a number of SE initiatives in Baltimore, Maryland, including a mapping project of the local solidarity economy. 61 Likewise, the Urban Cooperative Legal Center based in Newark, New Jersey, provides legal support to start-up coops and organizes community events to discuss cooperative development. 62 Additionally, the Urban Justice Center's Community Development Project works with a number of New York City cooperatives and SE initiatives. 63 In the same vein, the Center for Community Based 2 Enterprise (C2BE) in Detroit, Michigan, not only provides cooperative legal support but also integrates cultural organizing to scale the local Detroit solidarity economy. 64 Law for Black Lives has also provided and facilitated legal support to a number of SE campaigns. 65 Finally, organizations like the Working World and the ICA Group have lawyers on staff that regularly engage SE legal practice. 66

Similarly, a number of transactional and community economic development (CED) law school clinics around the country provide legal support to SE enterprises. For the past two years, the clinic that I direct at John Marshall Law School-Chicago has used solidarity economy theory as a framework for case selection, prioritizing those clients that exemplify the five principles of SE (equity, sustainability, participatory democracy, solidarity, and pluralism). Currently, most of our clients are worker cooperatives and cooperative incubators. Recognizing the local emerging solidarity economy and gap in legal services [\*34] in Chicago, the clinic at John Marshall Law School is currently being rebranded from the Business Enterprise Law Clinic to the Community Enterprise and Solidarity Economy Clinic. Other clinics to highlight with a SE practice are Vermont Law School's New Economy Law Center, 67 Harvard Law School's Community Enterprise Project, 68 Hofstra Law's Community and Economic Development Clinic, 69 New York Law School's Nonprofit and Small Business Clinic, 70 University of Baltimore School of Law's Community Development Clinic, 71 University of Michigan Community and Economic Development Clinic, 72 American University Washington College of Law's Community and Economic Development Law Clinic, 73 and CUNY Law School's Community and Economic Development Clinic. 74 There are also a number of law firms engaged in SE practice including the Tuttle Law Group, 75 Dorsey & Whitney LLP, 76 Gilmore Khandhar LLC, 77 the Law Office of Elizabeth Carter, 78 and Sarah Kaplan Law Office 79 to name a few. Lawyers at these institutions and others are exploring new organizational forms and governance structures, engaging in law reform projects, and structuring relationships between SE enterprises. 80

III. SE Lawyers are Reimagining the Law

Law reform is a particular point of intervention in which lawyers can add value to the SE movement. In examining the fullness of the solidarity economy movement, there are complex and innovative initiatives that require the exploration of "gray areas" of the law, law reform projects, and the creative redeployment of transactional practice, referred [\*35] to as 'radical transactionalism.' 81 Unlike traditional businesses, SE enterprises do not fit neatly within established laws. The current statutory framework is largely designed to regulate adverse self-interests of economic actors in the mainstream economy, like the employer/employee, landlord/tenant, and producer/consumer relationship. 82 As such, our laws often fail to account for the diverse economic arrangements and overlapping, solidaristic nature of relationships within the solidarity economy. Continuing with the example of a worker cooperative, there are numerous state and federal laws that regulate the employer-employee relationship. 83 Most of these statutes assume that there are two separate and distinct parties, the employer and the employee, that have separate and adverse interests. However, in worker cooperative enterprises, worker-owners are effectively both employees and employers. This leaves significant ambiguity as to whether worker-owners will be classified as an employee under any given regulation or if an employee relationship exists within a worker cooperative business.

In the course of their work, lawyers are well positioned to identify the insufficiencies of the law to address the needs of SE clients. In understanding the confines of the legal framework, lawyers can propose and participate in law reform campaigns that better accommodate the innovation of the SE movement. For example, SELC has been instrumental in a number of policy reform campaigns in California, 84 most recently helping to secure the California Worker Cooperative Act. 85 The statute provides important visibility to California worker cooperatives, and also provides some clarification on the employee classification of worker-owners. 86 The law also confers additional benefits on worker cooperative businesses, including important securities exemptions and limiting the power of "community investors". 87

Often law reform efforts are guided by SE organizational coalitions. Lawyers can play an important role within these coalitions. Specifically:

[\*36] 1. SE lawyers can serve as legal translators of the status quo and produce popular education resources on the current state of the law. 88

2. SE lawyers can identify which aspects of the law are barriers for the long-term success of the SE movement.

3. SE lawyers can draw upon their experiences in practice to craft legislation that's responsive to the wider SE movement.

4. SE lawyers can work with government staffers to draft legislation.

5. SE lawyers can provide legal alerts and continuing legal education programs to educate lawyers on updates to the law.

In each of these roles, lawyers can add value and support to the larger SE movement. While SE lawyers are currently doing this work, many more are needed to support local and state law reform efforts.

Beyond law reform, lawyers are also, more daringly, radically reimagining the laws of economic activity. "Radical transactionalism" is the creative redeployment of transactional legal techniques and practices to reimagine and reconfigure the legal building blocks of the economy based upon social and ecological values. 89 One such example is the reimagining of intellectual property law and copyright licensing that gave way to the creation of the Creative Commons license. 90 The Creative Commons license, established in 2001, "provides free, easy-to-use copyright licenses to make a simple and standardized way to give the public permission to share and use creative works." 91 Created by law professor Lawrence Lessig, Creative Commons is a relatively new innovation that legally allows individuals to share "knowledge and creativity to build a more equitable, accessible, and innovative world." 92 In the larger scheme of our hegemonic legal underpinnings, this example only begins to scratch the surface of what is possible. Imagine if a group of 1000 SE lawyers, based in communities, actively and collectively began to reimagine the "rules of our economic road." What would it look like to infuse the principles of equity, sustainability, solidarity, and participatory democracy into contract law, employment law, property law, and the laws of business organizations? The result would be nothing less than a transformation of the current social economic system. Developing and popularizing alternative rules based upon transformative principles can be the beginning of a more just future. 93

[\*37] The difference between law reform and radical transactionalism is akin to the difference between reformist reforms and transformational re-imaginings. 94 In the case of law reform, the given policy proposal starts from the status quo and often deals in rigid legal frameworks, as well as the assumptions and ideological underpinnings of the current system. Radical transactionalism as applied to SE lawyering, begins with the principles and values of solidarity economy theory. From there the lawyer deconstructs and re-envisions the legal building blocks of economic activity. This kind of political project and radical reimagining, again, speaks to the creative capacity necessary for effective solidarity economy lawyering.

IV. SE Lawyers are Positioned to Scale the Solidarity Economy

SE lawyers can also add value to the solidarity economy movement by linking and structuring relationships between solidarity economy enterprises. As local communities continue to innovate diverse SE initiatives, the larger part of SE theory and practice is linking these various grass-root organizations in international networks of exchange to build out a just global economy. In other words, the full ambition of the solidarity economy movement is a "pluralistic conglomeration of worldwide economic activities that share a set of core values." 95 To achieve this goal, the solidarity economy rejects the traditional concept of "scale" and focuses on the meaningful linkage and integration of SE initiatives into larger solidaristic networks. 96 "Scaling-up" the solidarity economy includes the structuring of supply chains and the provision of services between SE enterprises, but also extends to activities of mutual aid and support like collective skill-sharing and workshops, policy advocacy, financing, joint ventures, and the development of solidarity markets. 97 All of these activities serve to move an even-larger share economic activity out of the dominant capitalist sector and strengthen the growing global solidarity economy.

SE lawyers are poised to aid in this important work of scaling-up the solidarity economy. Lawyers are well situated to identify potential scaling opportunities and structure relationships between solidarity economy initiatives. Being few and far between, SE lawyers tend to work with a number of SE enterprises in their specific locales. As a result, SE lawyers can be instrumental in mapping the local solidarity economy, identifying the needs and offerings of existing SE enterprises, and structuring business relationships between SE initiatives by drafting agreements. For example, in 2018, the Business Enterprise Law Clinic at John Marshall Law School- Chicago was commissioned by the Illinois Worker Cooperative Alliance to complete a policy report that included mapping the local worker cooperative ecosystem. 98 Law students in the clinic researched, identified, and interviewed existing worker cooperative businesses, some of which were current or previous clients. 99 The clinic is also participating in a local coalition building effort, Chicagoland Cooperative Ecosystem Coalition (CCEC), that aims to facilitate opportunities for cooperation among cooperatives and supporting technical assistance [\*38] providers. 100 Another example is the work of SE lawyers with the Baltimore Roundtable for Economic Democracy (BRED). BRED is a network table of Maryland-based worker cooperatives established in 2016. 101 BRED provides non-exploited financing and technical assistance support to further the local Baltimore solidarity economy. 102 The organization also provides popular education and workshops on cooperative development to the larger Baltimore community. 103 Solidarity economy lawyers in Baltimore have been an integral part of the BRED initiative, 104 and contributed to mapping project of the Baltimore solidarity economy. 105 These examples highlight some of the ways in which lawyers are currently scaling the SE movement.

CONCLUSION

In conclusion, solidarity-economy lawyering is an emerging practice for transactional lawyers. Skilled transactional lawyers are needed to provide direct representation to the increasing number of SE enterprises. If attorneys are to be effective in the endeavor of SE lawyering, they will need to use new creative approaches and utilize every tool in the transactional lawyering toolbox. Specifically, SE lawyers need to have a broad knowledge business law concepts, including the full range of legal entities, commercial law, tax, employment law, intellectual property law, and securities. Beyond a working knowledge of the substantive areas of law, effective SE lawyers will need to embrace the imaginations and experimentations of SE clients, and put the law in service of their clients' visions. This requires creative capacity and the willingness to explore and advise SE clients on "gray areas" of the law. Navigating this kind of practice also necessitates a meaningful understanding of the client's context and goals.

#### Particular endorsements of state action don’t reify power – they should be judged on their contingent effectiveness

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(Simon Choat, “Marxism and anarchism in an age of neoliberal crisis,” 2/15/16, http://eprints.kingston.ac.uk/32233/1/Choat-S-3223-AAM.pdf)

Notwithstanding this strategic plurality within Marxism, it is anyway questionable whether a particular form of organisation can be defined as intrinsically progressive. Given that both the US army and its enemies such as al-Qaeda, for example, are increasingly adopting polycentric, networked forms (albeit in combination with traditional vertical hierarchies), it is clear that such forms do not always produce a radical politics. Ultimately, **what really distinguishes emancipatory from reactionary groups are not their strategies or organisational arrangements but the goals that they pursue** (Hardt and Negri 2006: 54-62, 93, 218). **The risk of anarchism’s preoccupation with prefigurative politics is that is** ~~fetishises~~ **[prioritizes]tactical purity at the expense of political analysis and aims.** Above all, **the anarchist critique** of Marxist strategies **is premised on an overly simplistic understanding of the relationship between theory and practice**. Anarchists have attempted to attribute Marxism’s supposed antidemocratic tactics to its theoretical claims, but there can never be any straightforward connection between theoretical arguments and organisational or strategic practices. The links between theory and practice are complex and subtle and it is dangerous to read back from the practical failures of a movement in order to criticise a set of concepts and theories. **To claim, for example, that Stalinism can be explained by mistakes in Marx’s methodology, or even that the former throws doubt on the latter, is to risk the idealist and ultimately untenable argument** **that political or economic failures are produced by incorrect or adequate theory**. **Historical events can never simply disprove or discredit any ideological position, because ideas are always developed and applied within a variety of social and historical contexts**. **The gulag does not result from something that Marx wrote, but from a complex web of material causes**. **Anarchists in particular should be especially wary of attempting to discredit Marxism in this way, because practical experiments in anarchism have so seldom been successful**: if we are to judge an ideology or movement by its operation ‘in practice’, then anarchism does not fare much better than Marxism (Choat 2013: 337-8). It may be that Leninist tactics have not achieved a classless and stateless society, but so far neither have anarchist tactics: **anarchists may have cleaner hands** than Marxists, **but that is only because anarchists have had their hands on so little**. The anarchist critique of Marxist organisational forms is unconvincing, then, because it does not acknowledge the diversity of Marxist approaches and it tends towards a theoreticism that sees a linear, causal, and continuous line from theory to practice. Nonetheless, there are significant differences of strategy between anarchism and Marxism: it is just that these are less to do with organisation as such, and are much more broadly to do with differing attitudes toward politics and the state. Although some (though by no means all) anarchists have supported formal political organisations, with rules, membership criteria, and even internal discipline (Schmidt and van der Walt 2009: 247-263), **they have traditionally rejected any engagement with the state** – **whether it be voting**, **demanding legal rights or protections**, forming political parties, **or attempting the revolutionary seizure of government** – **on the basis that such engagement can only end up replicating the oppressive hierarchies that they are fighting**: either it will lead to new forms of dictatorship and bureaucracy (such as developed in the Soviet Union); **or it will lead to parliamentary reformism** and hence merely reinforce existing structures and relations of power. **If Marxists support** (**qualified**) **engagement with the state and even the formation of political parties, however, it is not because they think that centralised hierarchies are desirable or inevitable, but because they begin from a different understanding of politics**. They argue that **the anarchist abstention from state politics denies us the most effective means of political action**: **we disempower ourselves** rather than the state **when we refuse to engage with it**. **Making demands on the state does not necessarily entail an endorsement of the state, any more than the demands that are made by employees during a strike are an endorsement of the employer or of the system of wage-labour** (Marx 1988). **Anarchists themselves have at least implicitly recognised the efficacy of political engagement by occasionally supporting the policies of certain governments and even participating in elections** (Engels 1988; Franks 2012: 216). More than this, **abstention from state politics is not a genuine option**: **whether we like it or not, we are all** already involved in state politics**,** because we are all always already submitted to state power**, control, and oppression**. **Anarchists are concerned that participation in conventional politics will lead to parliamentary reformism. But this concern is itself ultimately premised on a tacit acceptance of the liberal-parliamentary understanding of politics: to claim that we can safely repudiate state politics simply by refusing ever to enter a polling booth is to assume that ‘the state’ stops at the door of Parliament**. Marxists, in contrast, have argued that the state apparatus includes educational institutions, the media, churches, the family, and so on (e.g. Althusser 1971): **simply in going about our daily lives we are all therefore implicated in state politics**. **Given our necessary involvement within politics, the question is not whether we engage with it, but how we do so**; even libertarian Marxists like Holloway argue that **engagement with the state is inevitable** (Holloway 2005: 40**). In contrast, the** anarchist recommendation of disengagement from the state risks a politics of withdrawal and isolation. There are two related reasons why under our current conditions in particular the Marxist willingness to engage in state politics is preferable to an anarchist position. The first is the dominance of neoliberalism today. Given the strength of neoliberalism since the crisis that it created, there is a strong case for a certain pragmatism in our response**. A danger of the prefigurative politics favoured by anarchists is that it dogmatically dictates an a priori exclusion of certain forms of political action**. For Marxists, **on the other hand, political strategies must be decided according to particular conditions and within a certain context. In a context in which private companies are increasingly undertaking tasks previously performed by the state, the active defence of state services and institutions can be viewed as a radical position to adopt**: **defending welfare provision, public pensions, universal healthcare, and free higher education should be seen not as a reformist compromise** **with the existing order but as safeguarding the gains of class struggle against capitalist processes of accumulation by dispossession. This leads to the second reason for doubting the refusal of state politics as a viable tactic under current conditions, which concerns the specific role of the state under neoliberalism**. **The anti-state politics of anarchism may have made sense during eras in which the state could plausibly be presented as the main threat to freedom and equality: during the period of nation-building and imperialistic expansion in the mid- to late-19th century**, of the rise of fascism in the early-20th century, or even of the development of welfare capitalism after WWII. **But it has far less purchase in an era in which neoliberalism**, as both the official ideology and a form of everyday common sense, **is anti-statist.** Put simply, **the attack on state power too easily echoes the rhetoric of neoliberalism itself** (Taylor 2013: 735). **When government actors themselves are explicitly endorsing the retreat of the state**, **then anarchist attacks on state power have** **limited efficacy** **either as a tactical call to arms or as a convincing analysis of our present conjuncture**. In practice, of course, it is true that neoliberalism has not dissolved state power. But nor has the relation between state and capital remained the same under neoliberalism, such that our analyses, strategies, or rhetoric need not alter. The nature of this relationship between state and capital will be examined in the next section.

#### You should assume the Aff does very little unless they have a way to relate and utilize elite politics—empirics are Neg and topical proposals can bridge this gap.

Han and Barnett-Loro 18 [Hahrie Han, Department of Political Science, University of California, Santa Barbara. Carina Barnett-Loro, Climate Advocacy Lab, San Francisco. To Support a Stronger Climate Movement, Focus Research on Building Collective Power. December 19, 2018. https://www.frontiersin.org/articles/10.3389/fcomm.2018.00055/full]

Building public will to address the climate crisis requires more than shifting climate change opinion or engaging more people in activism (Raile et al., 2014). By many measures, the climate movement today is stronger than ever: more people taking actions, more financial resources, and deeper concern. Nonetheless, despite increasingly widespread popular demand for sensible climate solutions (Leiserowitz et al., 2017; Hestres and Nisbet, 2018) and broad organizational infrastructure to support climate activism across most Westernized democracies (Brulle, 2014), public will that translates into the political power needed to effect meaningful change has been elusive (McAdam, 2017). Even the 2014 and 2017 People's Climate Marches that drew hundreds of thousands to the streets, demonstrations in support of the Paris Climate Accords, and large-scale acts of civil disobedience in opposition to the Keystone XL and Dakota Access pipelines have resulted in only short-lived campaign victories. Nearly 10 years after the failure to pass comprehensive climate and clean energy legislation at the federal level, experts largely agree there is “little hope” existing policies are sufficient to address the scale of the crisis (Keohane and Victor, 2011).

How can research help bridge the gap not only between opinion and action, but also between action and power? Many articles in this special edition examine the question of the conditions that make it more likely individuals will take action around climate issues. Indeed, the gap between opinion and action is well-known (Kahan and Carpenter, 2017), and burgeoning research in many fields of social science seeks to bridge it (Rickard et al., 2016; Doherty and Webler, 2016; Feldman and Hart, 2018). One of us works for the Climate Advocacy Lab, which supports field experimentation through direct funding and in-kind research assistance to build our collective understanding of the most effective strategies for moving people into action.

There is less attention, however, to the question of how those actions might translate into political influence. The challenge is this: in most cases, the null assumption is that activism becomes power at scale: that collective action is merely the sum of its parts, and the more people who take action, the more likely a movement is to achieve its goals. All things being equal, it is true that more is better (Madestam et al., 2013). Additional research, however, shows that for our stickiest social problems (like climate change), simply having more activists, money, or other resources is not sufficient to create and sustain the kind of large-scale change needed (Baumgartner et al., 2009; Canes-Wrone, 2015). Instead, we need a social movement that translates our actions into power. Social movements are a set of “actors and organizations seeking to alter power deficits and to effect transformations through the state by mobilizing regular citizens for sustained political action” (Amenta et al., 2010). Instead of focusing only on resources, movements focus on power. Instead of focusing only on individual action, they focus on collective action. To become a source of power, collective action must be transformative.

How, then, do we build the kind of movements that generate the collective action necessary to shift existing power dynamics? For scholars, what research can help advocates understand how to translate individual actions into the powerful, and transformative collective action necessary to create change? To examine this question, we co-hosted a conference that brought social scientists together with climate advocates in the United States. At this convening, movement leaders argued that to better support building a robust climate movement, research should move beyond traditional public opinion, communications, messaging, and activism studies toward a greater focus on the strategic leadership and collective contexts that translate opinion and action into political power. This paper thus offers a framework, described in Table 1, for synthesizing existing research on movement-building and highlighting the places where additional research is needed. We hope this framework can help focus more future research on the collective, relational contexts and strategic leadership choices necessary to generate collective action that translates into power. In describing the framework, we draw on Slater and Gleason's (2012) typology to show what we know and do not know about supporting movement actors seeking to make more impactful choices.

Assessing the State of Research on Climate Movement Building

How do movement leaders translate supportive public opinion and grassroots activism into political influence? Answering this question rests on first understanding a few key points about social movements. First, movements operate in an environment of uncertainty. For the climate movement, everything from oil spills to hurricanes, domestic elections to international treaties, legal decisions, and market forces can affect the terrain they must navigate. Movement leaders cannot directly control many of these things. Second, policy change is not power. A given policy change will not automatically effect change in the world consistent with movement interests (Hacker, 2004). Moreover, policies can be easily overturned, as exemplified by the transition from Obama to Trump, and immediate rollback of key policies including the Clean Power Plan, restrictions on drilling and mining on public lands, and coal ash protections. To create lasting power, movements need broad constituencies that persist through the ups and downs and whims of different administrations. Third, there is no direct line from activism to power, because power is a dynamic relationship between movements and their targets. To wield power, movements use their resources to act on the interests of political decision-makers (Hansen, 1991). In fact, some research suggests the advocacy group resources most predictive of large-scale policy change are relationships with decision-makers—more so than lobbying money, campaign contributions, or the number of grassroots members (Baumgartner et al., 2009). Some argue that the climate movement's failure to build and sustain the kind of constituency that would pressure decision-makers contributed to the failure of cap-and-trade legislation in 2010 (Skocpol, 2013).

Given these three factors—persistent uncertainty, the need to focus on power not policy, and the complex interests of movement targets—what are the questions movement leaders need to answer to build a more effective climate movement? We argue that most research has focused either on documenting trends in the political environment in which movements work or on questions of how the movement can focus on building more of its resources (such as more supportive public opinion or more activists). Those questions are important. Particularly in today's uncertain, dynamic political environment, however, we also need research on strategy: how do movements create the leadership capacities and organizational (or “meso-level”) conditions needed to navigate uncertain political situations and shifting relationships, and thus translate resources to power?

Organizations that have successfully wielded power in other issue areas can be instructive in showing why understanding strategic leadership and meso-level, collective contexts matters. Consider the gun debate in the United States. Polls show strong public support for stricter regulation of guns, advocates like Michael Bloomberg have poured hundreds of millions of dollars into the fight, and protests have brought millions of people into the streets for gun control. Nonetheless, the National Rifle Association (NRA) has been more effective in translating its activists and resources into political power. Why? First, leaders within the NRA undertook an intentional campaign to build an ardent constituency of gun owners that was willing to stand together, again and again, through ups and downs of any political fight, to support gun rights. As recently as the early 1970s, the NRA supported sensible gun regulations. Beginning in the 1970s, however, a group of hardline conservatives took control of leadership of the organization (Melzer, 2009). To build constituency, they used three key tactics: widespread benefits provided to gun owners from the national organization, strong appeals to identity, and a complex latticework of interpersonal relationships sustained at the local level (LaCombe, forthcoming). Second, leaders strategically leveraged this constituency to negotiate relationships with the Republican Party. The recurrent ability of leaders to deliver support from this constituency for policymakers became the basis through which the NRA built high-level relationships with elected officials and the Republican Party, thus cementing its hold over gun policy in the United States. By linking base-building with elite politics, the NRA transformed the political dynamics around gun rights.

## 2NC

#### It's an ineffective strategy

Robert Hattam & Michalinos Zembylas 10, Robert, School of Education, University of South Australia, and Michalinos, School of Education, Open University of Cyprus, What’s anger got to do with it? Towards a post-indignation pedagogy for communities in conflict, Social Identities Vol. 16, No. 1, January 2010, 2340

We want to make three points in response to our discussion of the naturalization of anger in conflicting communities and the implications for critical pedagogies. Firstly, the angry claims and denials among conflicting communities are historically constituted. This idea implies that the aims for critical pedagogies (e.g. anti-racist and anti-nationalist pedagogies) must include understanding anger in the context of its genealogy, and that emotions (i.e. anger) are neither universal nor necessarily substitutable (Barbalet, 1998; Lutz & Abu-Lughod, 1990). Indignation, then and particularly moral indignation that is abundant in conflicting communities should not claim some kind of universality or naturalization because the meanings shared by each community are bounded within specific historical contexts. Second, communities of conflict are often stuck in anger through a fusion of reification with re-iteration. In other words, the re-iteration (Butler, 1993) of angry claims and denials between communities in conflict, gradually reifies anger as something natural to the prevailing affective economy of conflict. The pedagogical challenge is to unsettle the reification and reiteration of anger. Third, to perceive anger as naturalized is to assume that there is no way out of it. In that way, the cycle of indignation is perpetuated. Clearly, we do not argue for silence or repression of anger. We are well aware that it is oppressed groups who have been historically encouraged to repress their anger (Spelman, 1989). After all, it is the dominant that requires the silence of the oppressed. But having acknowledged that anger is the first political emotion, is it possible to think past anger? What conceptual resources are available that might enable us ‘to ‘‘move’’ from anger to a different bodily world’ (Ahmed, 2004, p. 175).

#### Imperfect norms are flexible, malleable, and can work towards different theorizations of power

Mari **Ruti 17**. Professor of Critical Theory at the University of Toronto. March 2017. “The Ethics of Opting Out: Queer Theory's Defiant Subjects.” Columbia University Press, pg. 152-155.

For many queer theorists, rights-based models of justice—models that rely on a set of normative ideals—are merely an insidious form of biopolitical control, a means of further constraining us even as they profess to protect us. Undoubtedly this is sometimes true. And it is also true that rights-based models of justice cannot solve structural problems such as sexism, racism, homophobia, or poverty and that their practical application consequently often falls short of the ideals they profess. But this does not mean that I am prepared to simply just throw out the ideals in question, for I do not believe that the system’s inability to live up to its ideals automatically means that the ideals themselves are intrinsically corrupt. The ideal of formal equality under the law may frequently be violated in practice. But the demise of this ideal would arguably have even more drastically oppressive consequences. Nor is it the case that normative ethics is inextricably tied to the Enlightenment subject of abstract reason. As feminist philosophers such as Amy Allen (2008), Seyla Benhabib (2006, 2011), and Nancy Fraser (2010, 2013) have illustrated, it is entirely possible to envision a set of a priori norms that are historically constituted—rather than metaphysically grounded— and that therefore remain open to continuous modification. Indeed, many of the norms that we, collectively speaking, live by have been conjured into existence through relatively recent processes of negotiation. Though there is no doubt that such negotiations always exclude certain individuals and populations—and though there is consequently no doubt that we need to stay vigilantly attentive to the constitutive exclusions of our normative systems—the alternative of discarding all attempts to improve these systems by, say, rendering them more inclusive or more consistent in their application would hardly be a productive course of action. In this particular instance, Butlerian negotiation with power seems like a better option than Lacanian–Edelmanian and Foucauldian–Hufferian antinormativity. I would in fact go so far as to say that queer antinormativity can only survive to the degree that it operates against the backdrop of basic rights. As deficient as these rights are, as insincere as the foundations of contemporary liberal democracy may be, their absence would obliterate the political space within which queer antinormativity can operate. In this sense, antinormativity presupposes the persistence of “liberal” values even when it engages in a vehement critique of (neo)liberalism; ironically, as I already mentioned in chapter 1, the antinormative critic can only flourish to the extent that she can implicitly “count on” the practical (boringly prudent) liberal to keep defending the very rights that she shuns. In this context, it seems fitting to raise the possibility that queer antinormativity, like queer performativity, might in some ways play right into the hands of neoliberal capitalism. Is it not the case that capitalism, like antinormativity, despises limits? Does it not thrive in the absence of constraints? After all, the self-absorbed neoliberal individual who is used to an endless array of existential possibilities and who does not like limitations on her freedom—including her freedom to choose her hair color, breakfast cereal, video game, and mode of exercise—may be perfectly happy with the idea that she should not be beholden to norms that might restrict her in some way. From this perspective, a priori norms could be argued to war against the neoliberal capitalist ethos of unmitigated choice, perhaps even decentering the neoliberal subject (and its projects of self-actualization) by introducing within its being “alien” elements (norms) that it experiences as constraining. As a result, queer theory’s categorical rejection of a priori norms can come across as a bit too convenient, as a symptom of the very neoliberal system that this theory condemns. In addition, though collective norms that trump the wishes of the individual can be tyrannical, so can a radical antinormativity that veers into anything-goes relativism and that consequently fails to distinguish between just and unjust actions. Though there is no doubt that there are norms that are simply just oppressive—such as heteropatriarchal norms of gender and sexuality—there are others that may be the most effective way to counter the abuses of power. Yet other norms can cut both ways. For example, Benhabib (2011) points out in the contexts of global human rights discourses that even though such discourses can be—and have frequently been—used to advance Western economic and political interests across the world, they can also be—and have sometimes been—used to protect non-Western populations from precisely these interests (for instance, by placing restrictions on the exploitation of labor in free-trade zones). That so many individuals and political groups around the globe are demanding basic human rights may on some level signify the triumph of Western imperialism; but on another level, it is an indication that there is something appealing about the prospect of such rights (my assumption being that people outside the Western world are not mere passive dupes of Western values, that they are perfectly capable of deciding which political goals they want to support). Likewise, even though rights discourses within Western societies can promote the socioeconomic agendas of the powerful, they can under certain circumstances be used to shield the less powerful against such agendas. The fact that rights-based justice fails as often as it succeeds does not mean that it never succeeds, that it accomplishes nothing.

#### Alternatives to the law bring more inequality and abuse.

Jerold S. Auerbach 83, Professor of History at Wellesley, “Justice Without Law?”, 1983, p. 144-146

As cynicism about the legal system increases, so does enthusiasm for alternative dispute-settlement institutions. The search for alternatives accelerates, as Richard Abel has suggested, "when some fairly powerful interest is threatened by an increase in the number or magnitude of legal rights.\*'6 Alternatives are designed to provide a safety valve, to siphon discontent from courts. With the danger of political confrontation reduced, the ruling power of legal institutions is preserved, and the stability of the social system reinforced. Not incidentally, alternatives prevent the use of courts for redistributive purposes in the interest of equality, by consigning the rights of disadvantaged citizens to institutions with minimal power to enforce or protect them. It is, therefore, necessary to beware of the seductive appeal of alternative institutions. They may deflect energy from political organization by groups of people with common grievances; or discourage effective litigation strategies that could provide substantial benefits. They may, in the end, create a two-track justice system that dispenses informal "justice" to poor people with "small" claims and "minor" disputes, who cannot afford legal services, and who are denied access to courts. (Bar associations do not recommend that corporate law firms divert their clients to mediation, or that business deductions for legal expenses—a gigantic government subsidy for litigation—be eliminated.) Justice according to law will be reserved for the affluent, hardly a novel development in American history but one that needs little encouragement from the spread of alternative dispute-settlement institutions.¶ It is social context and political choice that determine whether courts, or alternative institutions, can render justice more or less accessible—and to whom. Both can be discretionary, arbitrary, domineering—and unjust. Law can symbolize justice, or conceal repression. It can reduce exploitation, or facilitate it. It can prohibit the abuse of power, or disguise abuse in procedural forms. It can promote equality, or sustain inequality. Despite the resiliency and power of law, it seems unable to eradicate the tension between legality and justice: even in a society of (legal) equals, some still remain more equal than others. But diversion from the legal system is likely to accentuate that inequality. Without legal power the imbalance between aggrieved individuals and corporations, or government agencies, cannot be redressed. In American society, as Laura Nader has observed, "disputing without the force of law ... [is| doomed to fail."7 Instructive examples document the deleterious effect of coerced informality (even if others demonstrate the creative possibilities of indigenous experimentation). Freed slaves after the Civil War and factory workers at the turn of the century, like inner-city poor people now, have all been assigned places in informal proceedings that offer substantially weaker safeguards than law can provide. Legal institutions may not provide equal justice under law, but in a society ruled by law it is their responsibility.¶ It is chimerical to believe that mediation or arbitration can now accomplish what law seems powerless to achieve. The American deification of individual rights requires an accessible legal system for their protection. Understandably, diminished faith in its capacities will encourage the yearning for alternatives. But the rhetoric of "community" and "justice" should not be permitted to conceal the deterioration of community life and the unraveling of substantive notions of justice that has accompanied its demise. There is every reason why the values that historically are associated with informal justice should remain compelling: especially the preference for trust, harmony, and reciprocity within a communal setting. These are not, however, the values that American society encourages or sustains; in their absence there is no effective alternative to legal institutions.¶ The quest for community may indeed be "timeless and universal."8 In this century, however, the communitarian search for justice without law has deteriorated beyond recognition into a stunted off-shoot of the legal system. The historical progression is clear: from community justice without formal legal institutions to the rule of law, all too often without justice. But injustice without law is an even worse possibility, which misguided enthusiasm for alternative dispute settlement now seems likely to encourage. Our legal culture too accurately expresses the individualistic and materialistic values that most Americans deeply cherish to inspire optimism about the imminent restoration of communitarian purpose. For law to be less conspicuous Americans would have to moderate their expansive freedom to compete, to acquire, and to possess, while simultaneously elevating shared responsibilities above individual rights. That is an unlikely prospect unless Americans become, in effect, un-American. Until then, the pursuit of justice without law does incalculable harm to the prospect of equal justice.

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#### refusing to confirm debate’s power to decide the legitimacy of performance solves

Dolar 6 – Dr. Mladen Dolar, Advising Researcher in Theory at the Jan Van Eyck Academie, Maastricht, and Professor at the Department of Philosophy, Faculty of Arts at the University of Ljubljana, PhD in Philosophy from the University of Ljubljana, A Voice and Nothing More, p. 176-179

But in her role as artist she is also the capricious prima donna; there is the whole comedy of her claims for her rights. She wants to be exempt from work, she requires special privileges, work allegedly harms her voice, she wants due honor to be paid to her services, she wants to be granted a place apart. She “does not want mere admiration, she wants to be admired exactly in the way she prescribes” (p. 362). But the people, despite their general esteem for her, do not want to hear about any of this, they are cold in their judgment—they respect her, but want her to remain one of them. So there is the whole charade of the artist who is not appreciated as she deserves, she does not get the laurels that she thinks belong to her, she puts up a preposterous act of genius not understood by her contemporaries. Out of protest she announces that she will cut down on her coloratura— this will teach them a lesson—and maybe she does, only nobody notices. She keeps coming up with all sorts of whims, she lets herself be begged, and only reluctantly gives in. There is the comedy of hurt narcissism, megalomania, an inflated ego, the high mission of the artist’s overblown vocation. So one day she indeed stops singing, firmly believing that there will be some huge scandal, but nobody gives a damn, everybody goes about their business as usual, without noticing a lack—that is, without noticing the lack of a lack, the absence of the gap.

Curious, how mistaken she is in her calculations, the clever creature, so mistaken that one might fancy she has made no calculations at all but is only being driven on by her destiny, which in our world cannot be anything but a sad one. Of her own accord she abandons her singing, of her own accord she destroys the power she has gained over people’s hearts. How could she ever have gained that power, since she knows so little about these hearts of ours? . . . Josephine’s road must go downhill. The time will soon come when her last notes sound and die into silence. She is a small episode in the eternal history of our people, and the people will get over the loss of her. . . . Perhaps we shall not miss so very much after all, while Josephine . . . will happily lose herself in the numberless throng of the heroes of our people, and soon, since we are no historians, will rise to the heights of redemption and be forgotten like all her brothers. (p. 376)

Despite her vanity and megalomania, people can easily do without her, she will be forgotten, no traces of her art will be left—this is not a people of archivists, and besides, there is no way one could store, collect, archivize her art, which consists purely in the gap.

So this is the second strategy: the strategy of art, of art as the non-exceptional exception, which can arise anywhere, at any moment, and is made of anything—of ready-made objects—as long as it can provide them with a gap, make them make a break. It is the art of the minimal difference. Yet the moment it makes its appearance, this difference is bungled by the very gesture which brought it about, the moment this gesture and this difference become instituted, the moment art turns into an institution to which a certain place is allotted and certain limits are drawn. Its power is at the same time its powerlessness, the very status of art veils what is at stake. Hence the whole farce of the egocentric megalomania and misunderstood genius which occupies the major part of the story. Josephine wants the impossible: she wants a place beyond the law, beyond equality—and equality is the essential feature of the mouse-folk, equality in tininess, in their miniature size (hence her claims to greatness are all the more comical). But at the same time she wants her status as exception to be legally sanctioned, symbolically recognized, properly glorified. She wants to be, like the sovereign, both inside and outside the law. She wants her uniqueness to be recognized as a special social role, and the moment art does this, it is done for. The very break it has introduced is reduced to just another social function; the break becomes the institution of the break, its place is circumscribed, and as an exception it can fit very well into the rule—that is, into the rule of law. As an artist who wants veneration and recognition she will be forgotten, relegated to the gallery of memory, that is, of oblivion. Her voice, which opens a crack in the seamless continuity of the law, is betrayed and destroyed by the very status of art, which reinserts it and closes the gap. At best it can be a tiny recess: “Piping is our people’s daily speech, only many a one pipes his whole life long and does not know it, where here piping is set free from the fetters of daily life and it sets us free too for a little while” (p. 370).

Just for a little while, but by setting us free, it only helps us to bear the rest all the better. The miniature size of the mouse is enough to open the gap, but once it is instituted and recognized, its importance shrinks to the size of the mouse, despite its delusions of grandeur. It is the voice tied to the mast, and the oarsmen, although they may hear it in the flash of a brief recess, will continue to be deaf. Thus we do not end up with Kafka’s version of Ulysses but are stuck with Ulysses tout court—or, rather, with the Adorno and Horkheimer version. Josephine’s sublime voice will finally be den Mäusen gepfiffen, as the German expression has it (and this German phrase may well be at the origin of the whole story), that is, piped to the mice, piped in vain to someone who cannot understand or appreciate it—not because of some mass obtuseness, but because of the nature of art itself. We could say: the art is her mousetrap. So the second strategy fails, it is ruined by its own success, and the transcendence that art promised turned out to be of such a nature that it could easily fit in as one part of the division of labor; the disruptive power of the gap turned out to accommodate the continuity all too well.

#### Nuanced testing optimizes praxis

Williams 15 – Douglas Williams, Third-Generation Organizer, BA in Political Science from the University of Minnesota at Morris, MPA from the University of Missouri Columbia, Doctoral Student in Political Science at Wayne State University, internally quoting Freddie DeBoer, Lecturer at Purdue University and PhD in Rhetoric and Composition from Purdue University and MA in English with a Concentration in Writing and Rhetoric from The University of Rhode Island, The South Lawn, <https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/> [language modified]

What conversation is there to be had around that? It is as if the mere existence of her identity inoculates her from any critique. How did we get here?

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Freddie DeBoer makes a great point in his piece on what he calls “critique drift“:

“This all largely descends from a related condition: many in the broad online left have adopted a norm where being an ally means that you never critique people who are presumed to be speaking from your side, and especially if they are seen as speaking from a position of greater oppression. I understand the need for solidarity, I understand the problem of undermining and derailing, and I recognize why people feel strongly that those who have traditionally been silenced should be given a position of privilege in our conversations. But critique drift demonstrates why a[n] [effective] ~~healthy~~, functioning political movement can’t forbid tactical criticism of those with whom you largely agree. Because critical vocabulary and political arguments are common intellectual property which gain or lose power based on their communal use, never criticizing those who misuse them ultimately ~~disarms~~ [undermines] the left. Refusing to say ‘this is a real thing, but you are not being fair or helpful in making that accusation right now’ alienates potential allies, contributes to the burgeoning backlash against social justice politics, and prevents us from making the most accurate, cogent critique possible.”

Look, I am Black. Also, sometimes, I can be wrong. Those two things are not mutually exclusive, and yet we have gotten to a point where any critique of tactics used by oppressed communities can result in being deemed “sexist/racist/insert oppression here-ist” and cast out of the Social Justice Magic Circle. And listen, maybe that is cool with some folks. Maybe the revolution that so many of these types speak about will simply consist of everyone spontaneously coming to consciousness and there will be no need for coalitions, give-and-take, or contact with people who do not know every word or phrase that these groups use as some sort of litmus test for the unwashed.

But for the rest of us who reside in a reality-based world, where every social interaction is not tailored for your idiosyncratic indignations, we know that casting folks out for the tiniest of offenses will lead to a Left that will forever be marginalized and ineffective. I have stated before that the kind of people who put out these lists and engage in the kind of identitarian caterwauling that has become rote copy on the Internet might actually want that, as a world where left-wing activism is made potent and transformative will be one where they cannot simply take comfort in their cocoon of self-righteousness. But damn them when I can turn on my computer and see one Black person after another being gunned down by police. Damn them when we have a president that can sit there with a straight face and speak the words of freedom and liberation while using the power at his disposal to deny those very concepts to others. And damn them when we can get thousands of words on Patricia Arquette drunk at a party or how it is privileged to not like the same musicians that they do, but we cannot seem to get any thoughts on how the biggest moment for communities of color since the 1960s is being squandered in a hail of intergenerational squabbling. And do not even get me started on people writing articles that malign long-standing activist organizations without a whiff of evidence that there has been any wrongdoing on their part.