### 1-T

#### Our interpretation is that the resolution should determine the division of affirmative and negative ground.

#### Outer space means anything above Earth’s Karman line

**Dunnett 21** (Oliver Tristan, lecturer in geography at Queen’s University Belfast). Earth, Cosmos and Culture: Geographies of Outer Space in Britain, 1900–2020 (1st ed.). Routledge. 2021. <https://doi.org/10.4324/9780815356301> EE

In such ways, this book argues that Britain became a home to rich discourses of outer space, both feeding from and contributing to iconic achievements in space exploration, while also embracing the cosmos in imaginative and philosophical ways.2

**INSERT FOOTNOTE 2**

2 **This book primarily uses the term ‘outer space’ to describe the realm beyond the Earth’s atmosphere, conventionally accepted as beginning at the Kármán line of 100km above sea level**. Other terms such as ‘interplanetary space’, ‘interstellar space’, ‘cosmos’, and ‘the heavens’ are used in specific contexts.

**END FOOTNOTE 2**

Cognisant of this spatial context, a central aim is to demonstrate how contemporary geographical enquiry can provide specific and valuable perspectives from which to understand outer space. This is an argument that was initiated by Denis Cosgrove, and his critique of Alexander von Humboldt’s seminal work Cosmos helped to demonstrate geography’s special relevance to thinking about outer space.3 The key thematic areas which provide the interface for this book’s research, therefore, are the cultural, political and scientific understandings of outer space; the context of the United Kingdom since the start of the last century; and the geographical underpinnings of their relationship.

#### “Appropriation” means to take as property – prefer our definition since it’s contextual to space

**Leon 18** (Amanda M., Associate, Caplin & Drysdale, JD UVA Law) "Mining for Meaning: An Examination of the Legality of Property Rights in Space Resources." Virginia Law Review, vol. 104, no. 3, May 2018, p. 497-547. HeinOnline.

**Appropriation**. The term "appropriation" also remains ambiguous. **Webster's defines** the verb "**appropriate**" **as** "**to take to oneself in exclusion of others**; **to** claim or **use as by an exclusive or pre-eminent right**; as, let no man appropriate a common benefit."16 5 Similarly, **Black's** Law Dictionary **describes "appropriate" as an act "[t]o make a thing one's own; to make a thing the subject of property**; to exercise dominion over an object to the extent, and for the purpose, of making it subserve one's own proper use or pleasure."166 Oftentimes, **appropriation refers to the setting aside of government funds, the taking of land for public purposes, or a tort of wrongfully taking another's property as one's own**. The term appropriation is often used not only with respect to real property but also with water. According to U.S. case law, a person completes an appropriation of water by diversion of the water and an application of the water to beneficial use.167 This **common use** of the term "appropriation" with respect to water **illustrates** two key points: (1) **the term applies to natural resources-e.g., water or minerals-not just real property**, **and** (2) **mining space resources and putting them to beneficial use**-e.g., selling or manufacturing the mined resources **could reasonably be interpreted as an "appropriation" of outer space**. While **the ordinary meaning of "appropriation"** reasonably **includes the taking of natural resources as well as land**, whether the drafters and parties to the OST envisioned such a broad meaning of the term remains difficult to determine with any certainty. **The prohibition against appropriation "by any other means" supports such a reading**, though**, by expanding the prohibition to other types not explicitly described**.168

As illustrated by this analysis, considerable ambiguity remains after this ordinary-meaning analysis and thus, the question of Treaty obligations and property rights remains unresolved. In order to resolve these ambiguities, an analysis of preparatory materials, historical context, and state practice follows.

2. Preparatory Materials

A review of meeting reports of the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee regarding the Treaty reveals little to clear up the ambiguities of Articles I and II of the OST. In fact, the reports indicate that, despite several negotiating states expressing concern about the lack of clarity with respect to the meaning of "use" and the scope of the non-appropriation principle, no meaningful discussion occurred and no consensus was reached.16 9 Some commentators still conclude that the preparatory work does in fact confirm the drafters' intent for "use" to include exploitation. 170 These commentators do admit, however, that discussions of the term "exploitation" supporting their conclusion focused on remote sensing and communications satellites rather than on resource extraction.17 1 Further skepticism about such an intent for "use" to include "exploitation" also arises given the uncertainty amongst negotiating states about the meaning of these terms. A mere few months before the Treaty opened for signature in January 1967, negotiators were still asking questions about the meaning of "use" during the last few Legal Sub-Committee meetings. For example, in July 1966, the representative of France inquired: "Did the latter term ["use"] imply use for exploration purposes, such as the launching of satellites, or did it mean use in the sense of exploitation, which would involve far more complex issues?" 172 The representative noted that while some activities such as extraction of minerals were difficult to imagine presently, "[i]t was important for all States, and not only those engaged in space exploration, to know exactly what was meant by the term 'use.'173 In the same meeting, the representative from the USSR offered an interesting response to the question posed by the representative of France:

[A]dequate clarification was to be found in article II of the USSR draft, which specified that outer space and celestial bodies should not be subject to national appropriation by means of use or occupation, or by any other means. In other words no human activity on the moon or any other celestial body could be taken as justification for national appropriation. 174

This response implies that Article II acts as a qualification on Article I's broad provision for free exploration and use of outer space by all. Activity such as resource extraction would be viewed as national appropriation and such activity cannot be justified given Article II's prohibition, not even by falling within the ordinary meaning of "use." Despite this clarification, uncertainty appears to have remained, as lingering concerns were communicated in subsequent meetings by several other states, including Australia, Austria, and France."' Nevertheless, the committee put the Treaty in front of the General Assembly two months later without final resolution of the ambiguities regarding property rights arising from Articles I and II176 The preparatory materials ultimately fail to fully clarify the ambiguities of the meanings of "use" and "appropriation." The statement of the representative of the Soviet Union, one of the two main drafting parties, does, however, help push back on the interpretation of some academics that the nonappropriation principle fails to overcome the presumption of freedom of use.7

**3. Historical Context**

**Two interrelated, major historical events cannot be ignored when considering the meaning of the OST: (1) the Cold War and (2) the Space Race**. The success of Sputnik I in 1957 showed space travel and exploration no longer to be a dream, but a reality.7 While exciting, this news also brought fear in light of the world's fragile balance of power and tensions between the United States and the Soviet Union. 17 9 What if the Soviet Union managed to launch a nuclear weapon into space? What if the United States greedily claimed the Moon as the fifty-first state? To many, the combination of the Cold War and Space Race made the late 1950s and the 1960s a perilous time.so **When viewed as a response to this perilous era, the OST begins to look much more like a nuclear arms treaty and an attempt to ease Cold War tensions than a treaty concerned with the issue of property rights in space**."' **The Treaty's emphasis on "peaceful purposes" supports this contextual interpretation**. 1 82

On the one hand, as many suggest, this context leads to the conclusion that the vague nonappropriation principle of Article II does not prevent private property rights in space resources and the presumption of broad "use" prevails.1 83 Private property rights were simply not a concern of the Treaty drafters and therefore, the Treaty does not address-nor prohibit-such claims. On the other hand, **the context surrounding the treaty's drafting does not necessarily lead to this conclusion**. In fact, **the emphasis on "peaceful purposes" and reducing international tension might instead suggest a stricter reading of Articles I and II**. **If things were so unstable** and tense **on Earth, the drafters may have instead intended Article II as a qualification on the general right to explore and use outer space in Article I, recognizing the simple fact that disputes over property, both land and minerals, have sparked some of history's bloodiest conflicts.**

The Antarctic treaty experience evidences Cold War concern over potential resource rights disputes. Leading up to the finalization of the Antarctic Treaty of 1959,184 seven nations had already made official territorial claims over varying portions of the frozen landscape in hopes of laying claim to the plethora of resources thought to be located within the subsurface."' Although the Treaty itself did not directly address rights to mineral resources in the Antarctic,186 the treaty is interpreted to have frozen these claims in the interest of "[f]reedom of scientific investigation in Antarctica and cooperation toward that end.""' In a manner notably similar to the terms of Articles XI and XII of the OST, the Treaty promotes scientific exploration by encouraging information sharing of scientific program plans, personnel, and observations' and inspection of stations on a reciprocal basis.189 This Treaty along with several later treaties and protocols constitute the "Antarctic Treaty System," which as a whole manages the governance of Antarctica.1 9 0 In 1991, the Protocol on Environmental Protection to the Antarctic Treaty 91 ("Madrid Protocol") settled the question of property rights for the fifty years following the Protocol's entry into force. 192 The Madrid Protocol provides for "the comprehensive protection of the Antarctic environment ... [and] designate[s] Antarctica as a natural reserve, devoted to peace and science."193 Article 7 explicitly-and simplystates "[a]ny activity relating to mineral resources, other than scientific research, shall be prohibited."1 94 Though Article 25 allows for the creation of a binding legal regime to determine whether and under what conditions mineral resource activity be allowed, no such international legal regime has been created to date. 195 The ban on mineral resource exploitation may only be amended by unanimous consent of the parties. 19 6 The United States signed and ratified both the Antarctic Treaty of 1959 and the Madrid Protocol. 197

The freezing of territorial claims in the Antarctic 98 by the Antarctica Treaty of 1959199 illustrates the existence of true concern over potential resource dispute and conflict during the Cold War, in addition to the major concerns posed by nuclear weapons.2 00 The drafting states also recognized the potential for conflict over property in outer space and drew on the language of the Antarctic Treaty of 1959 to draft the OST.2 01 Given these driving concerns, Article II could be reasonably read as qualifying Article I's general rule. Under this reading, Article II serves the same qualifying purpose as Article IV regarding military and nuclear weapon use in space. Some might push back on this interpretation by claiming that the drafters could have used language such as that in the Madrid Protocol to explicitly prohibit mining in space. However, this argument is flawed. The Madrid Protocol was not written until well after both the original Antarctic Treaty of 1959 and the OST. Furthermore, the timing of the Madrid Protocol perhaps provides further evidence that resources in space are not to be harvested until a subsequent agreement regarding rights over them can be agreed upon internationally. While the historical context does leave some ambiguity as to whether the OST permits property rights over space resources, the Antarctic experience provides a compelling analogy and suggests that the OST does not allow for property rights in space resources.

4. State Practice

In its Frequently Asked Questions released about the SREU Act, the House Committee on Science, Space, and Technology forcefully asserted that the Act does not violate international law.20 2 in fact, according to the committee, the Act's provision of property rights "is affirmed by State practice and by the U.S. State Department in [c]ongressional testimony and written correspondence."2 03 Proponents of this view base their beliefs on several examples. One, "no serious objection" arose to the United States and the Soviet Union bringing samples of rocks and other materials from the Moon back by manned and robotic missions in the late 1960s, nor to Japan successfully collecting a small asteroid sample in 2010.204 Two, a practice of respecting ownership over such retrieved samples and a terrestrial market for such items exists, as illustrated by the fact that no one doubts that the American Museum of Natural History "owns" three asteroids found in Greenland by arctic explorer Robert E. Peary that are now part of the museum's Arthur Ross Hall of Meteorites. 205 Three, Congressmen also cite to a federal district court case, United States v. One Lucite Ball Containing Lunar Material,2 06 to illustrate state practice in favor of ownership over spaces resources. The case involved an Apollo lunar sample gifted to Honduras by the United States. The sample was stolen and sold to an individual in the United States.2 07 When caught during a sting operation intended to uncover illegal sales of imposter samples, the buyer was forced to forfeit the lunar sample after the court concluded the moon rocks had in fact been stolen, basing its decision in part on its recognition of Honduras having national property ownership over the sample. 208

These examples appear overwhelming, but they are not actually examples of activities of the same "form and content" that the SREU Act approves. 2 09 These examples all involve collection of samples in limited amounts and for scientific purposes, while the SREU Act approves large-scale collection and for commercial exploitation. The OST explicitly emphasizes a "freedom of scientific investigation in outer space," and the collection of scientific samples reasonably fall under this enumerated right. 2 10 Alternatively, the OST says nothing with respect to commercial exploitation, only discussing "benefits" of space in terms of sharing those benefits with all mankind.211 Furthermore, the American Museum of Natural History and Lucite Ball examples relied upon are misleading because they suggest that types of celestial artifacts found or gifted on Earth are subject to the same legal regime as resources mined or collected in space, which may not necessarily be true. The analogy of ownership over fish extracted from the high seas is also often cited in response to this pushback. Much like outer space, the high seas are open to all participants, yet the law of the seas still recognizes the right to title over fish extracted on the high seas by fishermen, who can then sell the fish.212 But again, this analogy has limited import because both the 1958 Geneva Convention on the High Seas and the United Nations Convention on the Law of the Sea ("UNCLOS") explicitly recognize the right to fish, while the OST grants no such right to exploit space resources. 2 1 3

Furthermore, state practice relevant to the question of property rights under the OST goes beyond these examples and analogies of ownership of resources taken from commons. State practice regarding property rights in general must be considered. For example, Professor Fabio Tronchetti disagrees with the oft-cited notion that state practice affirms the SREU Act.2 14 According to the professor, "under international law, property rights require a superior authority, a State, entitled to attribute and enforce them." 2 15 By granting property rights in the SREU Act, the United States impliedly claims that it has the authority to confer property rights over space resources-an authority traditionally reserved for the owner of a resource. This notion clashes with the nonappropriation principles of the OST. Though there is no consensus regarding whether the nonappropriation principle prohibits claims of sovereignty over resources, a strong consensus at least exists that the principle prohibits states from claiming sovereignty over real property in space.216 In some traditional systems of mineral ownership, however, ownership over resources ran with ownership over land.217 For example, under Roman law, property rights over subsurface minerals belonged to the landowner. 2 18 Thus, if the United States cannot have title in space lands under the nonappropriation principle, it cannot have title to the space resources in those lands either. Without title to the resources, the United States cannot bestow such title to its citizens under traditional international property law; by claiming that it can bestow such title, the United States is abrogating Article II of the OST. One could also argue that the in situ resources the Act grants rights in are actually still part of the celestial bodies; thus, the resources are real property prior to their removal, and are off limits under the Treaty.2 19 Given the limited import of the cited examples of state practice (limited quantity and scientific versus large-scale and commercial), the traditional practice of property rights being conferred from a sovereign to a citizen become incredibly compelling and suggest the SREU Act may abrogate the United States' treaty obligations.

A final piece of evidence, however, again inserts ambiguity into the interpretation: the sweeping rejection of the Moon Agreement and its limitations on property rights by the international community discussed supra Part JJJ.A.2. On the one hand, the rejection may imply that the international community approved of property rights. On the other hand, however, there were other reasons for the sweeping rejection. For example, Professors Francis Lyall and Paul B. Larsen claim the "main area of controversy"2 2 0 actually surrounded the Agreement's proclamation of the Moon and celestial bodies and their natural resources as the "common heritage of mankind" in Article 11.1,221 rather than the Agreement's general property-right provisions. Many believed the invocation of the "common heritage of mankind" language would impart actual obligations upon parties to share extracted resources, whereas the "province of all mankind" and "for the benefit and interest of all" language of the OST did not.222 As with ordinary meaning, preparatory materials, and historical context, state practice leaves some ambiguities and state interpretations should also be considered.

5. State Interpretations

Much like the preparatory materials discussed supra Part IV.A.1, subsequent state interpretation of the OST fails to fully address the question of the legality of property rights in space resources. On the one hand, the Senate Committee on Foreign Relations found that the drafters intended Articles I, II, and III of the Treaty to be general in nature when reviewing the Treaty,223 which perhaps suggests Article II's nonappropriation principle does not qualify Article I's general right to use or act as an exception. Yet, the committee also found the Treaty to be in response to the "potential for international competition and conflict in outer space." 2 24 To the committee, Articles I, II, and III stressed the importance of free scientific investigation, guaranteed free access to all areas of celestial bodies, and prohibited claims of sovereignty.225 Not only would property rights in natural resources potentially ignite and exacerbate conflict in space, but they also seemed somewhat incompatible with scientific investigation, free access, and the prohibition on sovereignty. During its hearing on the Treaty, the Senate Committee on Foreign Relations focused a majority of its discussion of Article I on whether or not the language "province of all mankind" imparted strict obligations, while devoting little to no time to the issue of the meaning of "use." 22 6 Former Justice Arthur Goldberg, then U.S. ambassador to the United Nations, did note the goal of the article was to "cnot subject space to exclusive appropriation by any particular power." 227 Nevertheless, this statement fails to resolve whether natural resources may be exploited, as such exploitation could be carried out in an inclusive manner.

The committee's review of Article II consumes only eight lines of the hearing transcript, merely adding that the Article is complementary to Article I and that space cannot be claimed for the country (likely referring to land rather than resources).2 28 A different exchange between Ambassador Goldberg, Senator Lausche, and the Chairman leaves further ambiguity regarding the use of natural resources in space: Mr. Goldberg: We wanted to establish our right to explore and use outer space. Senator Lausche: Yes. That is, any one of the signatory nations shall have the right to the use of whatever might be found in one of the space bodies. Mr. Goldberg: No, no. It doesn't mean that. It means that they shall be free on their own to explore outer space. The Chairman: Or to use it. Mr. Goldberg: To use it. The Chairman: But not on an exclusive basis. Mr. Goldberg: Everyone is free.229

At first, Ambassador Goldberg appears to have refuted the notion that a signatory could simply "use" anything found in one of the space bodies, such as a mineral, implying Senator Lausche's example exceeded the scope of Article I. He then went on to emphasize exploratory activities. But then, Ambassador Goldberg backtracked and reasserted the right to use without clarifying his initial qualification.

This sense of ambiguity remains today despite Congress signing off on the SREU Act. While sponsors of the bill and statements from resource extraction companies emphasized the broad scope of the right to "use" outer space and state practice in support of the legality of 230 property rights, several expert witnesses expressed genuine concern that obligations under the Treaty remain unclear and require additional analysis.231

B. Compatibility

Employing the treaty interpretation tools of ordinary meaning, preparatory materials, historical context, state practice, and state interpretation offers many possible understandings of the obligations imparted by Articles I and II of the OST. For example, while the ordinary meaning of "use" could reasonably include the exploitation of materials, the meeting summaries of the Fifth Session of the U.N. Committee on the Peaceful Uses of Outer Space Legal Sub-Committee make clear that no consensus was ever reached regarding whether "use" includes large-scale exploitation of space resources, let alone fee-simple ownership and the ability to sell commercially. State practice dealing with extraterrestrial samples also sheds little light on the confusion, as the examples cited all deal instead with scientific samples of limited quantity. The international community's rejection of the Moon Agreement also fails to bring clarity. While on the one hand the rejection could be read as a rejection of the idea that the OST prohibits private property rights, it could also be read as a rejection of the common heritage of mankind doctrine. Finally, the prospect of privateventure space mining and extraterrestrial resource extraction remained far off and futuristic at the time of the Treaty's negotiation, making drawing legal conclusions about the legality of these revolutionary activities extremely difficult.

**Overall**, however, **the Treaty's structure and its purposes** (**preserving peace and avoiding international conflict in outer space**) **ultimately indicate that private property rights in space resources are prohibited by Article II's non-appropriation principle**, **at least until future international delegation determines otherwise** (**like in the Antarctic**). **The Treaty's structure confirms this interpretation**. **Article I lays down a general rule for activity in space**. **Subsequent** **articles** of the Treaty **then lay out more specific requirements of and qualifications** to this general rule. Much like Article IV restricts the use of nuclear weapons in space, **Article II restricts the use of space in ways that might result in potentially controversial property claims**. **Historically, claims to mineral rights have resulted in just as contentious conflict as those over sovereign lands**. **Treaty efforts to avoid conflicts in Antarctica and the high seas reflect similar sentiments**. **The Soviet Union's representative even hinted at this structural relationship between Articles I and II during Treaty S1 232 negotiations.**22 **In light of the imminent need to ease Cold War tensions**, **the potential for conflict over property, and the final structure of the Treaty, this Note concludes that the large-scale extraction of space resources is incompatible with the non-appropriation principle of Article II of the OST**.23 3 As a result, the United States' provision of property rights to its citizens to possess, own, transport, use, and sell space and asteroid resources extracted through the SREU Act contravenes its international obligations established by the OST.

#### Private entity = majority nonstate

**Warners 20** (Bill, JD Candidate, May 2021, at UIC John Marshall Law School) "Patents 254 Miles up: Jurisdictional Issues Onboard the International Space Station." UIC Review of Intellectual Property Law, vol. 19, no. 4, 2020, p. 365-380. HeinOnline.

To satisfy these three necessary requirements for a new patent regime, the ISS IGA must add an additional clause ("Clause 7") in Article 21 specifically establishing a patent regime for private nonstate third parties onboard the ISS. First, Clause 7 would define **the term "private entity" as an individual, organization, or business which is primarily privately owned and/or managed by nonstate affiliates**. Specifically defining the term "private entity" prevents confusion as to what entities qualify under the agreement and the difference between "public" and "private."99 This definition would also support the connection of Clause 1 in Article 21 to "Article 2 of the Convention Establishing the World Intellectual Property Organization." 100 A succinct definition also alleviates international concerns that the changes to the ISS IGA pushes out Partner State influence. 101 Some in the international community may still point out that Clause 7 still pushes towards a trend of outer space privatization. However, this argument fails to consider that private entities in outer space have operated in space almostas comprehensively as national organizations. 102

#### Violation: they defend the resolution’s implementation through metaphor and disads don’t link

Text

Description automatically generated

#### Vote neg for predictable limits—post-facto topic adjustment structurally favors the aff by manipulating the balance of prep which is anchored around the resolution as a stasis point. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus ever 2 months, which means their arguments are presumptively false because they haven’t been subject to well-researched scrutiny

#### 2 impacts:

#### First is fairness—debate is fundamentally a game which requires both sides to have a relatively equal shot at winning and is necessary for any benefit to the activity. That outweighs:

#### A] decision-making: every argument concedes to the validity of fairness i.e. that the judge will make a fair decision based on the arguments presented. This means if they win fairness bad vote neg on presumption because you have no obligation to fairly evaluate their arguments.

#### B] probability: voting aff can’t solve any of their impacts but it can solve ours. All the ballot does is tell tab who won which can’t stop any violence but can resolve the fairness imbalance in this particular debate.

#### Second—small schools disad: under-resourced are most adversely effected by a massive, unpredictable caselist which worsens structural disparities

#### There’s a topical version: just defend the aff with implementation, with the internal link that technology is bad

### 2-Cap K

#### The 1AC operates on a register of individual creation that becomes a cover for economic exploitation at the level of subjectivity

Gräbner and Wood 10 (Cornelia – Lecturer of European Languages and Cultures at Lancester University, and David – Researcher at the Institute for Aesthetic Research of the National Autonomous University of Mexico, “Poetics of Resistance: Introduction,” Cosmos & History 6(2):2-19, accessed 2-5-15 //Bosley)

The title of this special issue, poetics of Resistance, is also the name of a network of scholars and cultural producers. The network was founded in 2007 with the purpose of developing new analytical approaches for an understanding of the relationship between creativity, culture, and political resistance, in the context of neoliberal globalization, and from a perspective of committed scholarship. The founding members of the network felt that global neoliberal politics had created a situation in which the relationship between these three categories—creativity, the impact of neoliberalism, a committed position—became increasingly difficult to translate into practices of committed research and cultural production. This difficulty seemed to derive from a variety of reasons. one was that the term ‘cultural resistance’ seemed to hold rhetorical rather than analytical or descriptive power. In his introduction to the Cultural Resistance Reader, stephen Duncombe unravels some of the diverse meanings that the term can take on. he suggests that we think of cultural resistance in terms of ‘scales of resistance’, which he equates with ‘political engagement’. Duncombe suggests the existence of three scale measures: political self-consciousness, the social unit engaged in cultural resistance, and the results of cultural resistance.2 While Duncombe’s model of scales can be a productive approach if one wishes to analyse a great variety of practices in light of their resistant function(s), it does raise the question of which cultural practices are not at least potentially acts of political resistance, and what descriptive power the term ‘resistance’ still holds if it can be equally applied to shopping and to anti-consumerist culture jamming, for example. as Duncombe himself points out, the concept ‘culture’ is partially the source of such an excess of meaning:3 here i’m referring to culture as a thing, there as a set of norms, behaviors and ways to make sense of the world, and in still other places, i’m describing culture as a process. … The term ‘cultural resistance’ is no firmer. in the following pages i use it to describe culture that is used, consciously or unconsciously, effectively or not, to resist and/or change the dominant political, economic and/or social structure. but cultural resistance, too, can mean many things and take on many forms. Combining ‘resistance’ with ‘poetics’ limits the scope of the practices under discussion. ‘poetics’—as distinct from ‘culture’—encourages a focus on individual creativity rather than on the wider category of cultural practices. Those are still discussed; however, in the contexts discussed here this is usually done in relation to poetic practices. The register of individuality and subjectivity that is linked with the term poetics, and the evocation of collectivity and community through the term resistance, places the practices and works under discussion in a tension between these categories. it encourages an analytical approach that considers the relationship between the work of art, the subjectivities of its creator(s) and of its recipients, and the social movements or political ideologies with which it is linked. The place of the work of art in the tension field between the subjective and the collective, and the relationality that the existence of this tension field necessarily entails, has emerged as one of the most important foci of the work of members of the network. The term ‘resistance’, in the way it is used by the network, needs further explanation. We use it with specific reference to neoliberalism, as one recent form of capitalism, while also maintaining an interest in practices of creative resistance to pre-neoliberal regimes of capital. This focus was chosen to facilitate the response to a very particular situation which is characterized by the implementation of a specific set of ideologically based policies while, at the same time, the existence of the ideological dimension is disavowed by policy makers. as eagleton points out, proponents of conservatism (we may apply this more concretely to neoliberalism) are wary of acknowledging its own ideological status, since ‘to dub their own beliefs ideological would be to risk turning them into objects of contestation’.4 neoliberalism thus pretends to be pragmatic rather than ideological; interested in policy rather than ideology. This pretence is made easier by neoliberalism having originally emerged as an economic theory. David harvey writes:5 neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. … but beyond these tasks the state should not venture. This ‘theory of political economic practices’ does, however, have ideological underpinnings which are crucially important to an understanding of neoliberalism’s impact on the arts, and also on scholarship. Those ideological underpinnings have become ever more obvious as the economic theory proves to be flawed, inadequate, and destructive. since the crisis of 2008, it has become ever more necessary for neoliberalism’s proponents to maintain the appearance of its overall coherence and effectiveness. ideology is indispensable for this. Other actors—not politicians—have to step in and provide the justification for the continuity of neoliberal politics. This justification draws on the previous ‘construction of consent’, as harvey calls it, and this draws increasingly on the pretension that ‘there is no alternative’. Culture in the widest sense plays a part in translating the ideological points outlined by harvey into more generalized assumptions, discursive figures, and commonly held beliefs. Thus, neoliberalism creates imaginaries that can then inform the creative imagination or that, conversely, are projected through works of art without this necessarily being the intention of the artist. The potentially complicit functions of art and scholarship and their co-optation, are important areas of interest of the members of the network. at the same time—and this interest is more prominently represented in the articles collected in this issue—the members of the network explore how works of art can effectively resist the imposition of neoliberal ideology and the absorption of art by neoliberal politics, either by creating alternative imaginaries or by contributing to and interacting with political projects that stand in opposition to the neoliberal model. This sometimes implies seeking spaces of artistic praxis ‘outside’ neoliberalism, but frequently involves entering into discursive, and sometimes financial, negotiation with neoliberallyinformed social, cultural and educational structures. for those of us working in higher education, as we will see below, such negotiation is an everyday reality. ConCepTualizinG ResisTanCe The decision to focus specifically on neoliberalism, and on poetics rather than culture, requires a re-conceptualization of resistance and, with reference to scholarship, a re- thinking of the critical approaches to the relationship between creativity and resistance. a brief discussion of influential theoretical works on poetry as a practice of resistance highlights why it is difficult to use these approaches to understand the work of art in times of neoliberalism. John beverley and Marc zimmerman’s analysis of poetry in the Central american revolutions was able to draw on a revolutionary and ideological practice that informed literature; barbara harlow in Resistance Literature establishes a connection between resistance in literature and anti-colonial liberation struggles; and Carolyn forché in Against Forgetting argues that the act of witnessing as an act of resistance against enforced oblivion translates into an act of political resistance. however, the insidious and gradual insertion of a supposedly non-ideological neoliberal imaginary into cultural imaginaries is not as easily identifiable as an act of oppression or persecution. The neoliberal imaginary does not explicitly endorse or justify violence, and therefore is more complex to resist or to contest. hardt and negri’s concepts of the global state of war and the global state of exception capture this elastic presence of violence and oppression. 6 The conceptualization of resistance is tied in with two further complexities: the place of the work of art in relation to resistance struggles, and the effectiveness of resistant works of art. both points are addressed in most essays in this issue, though authors come to different resolutions. The bearers of resistance struggles in the political sphere are some governments—for instance, those that form part of the bolivarian alternative for the americas (alba)—and a great variety of social movements. The emergence of new social movements as bearers of resistance struggles has opened up the question about the place of art and culture in relation to these movements. hardt and negri’s approach has been influential in this respect, and it is also exemplary of an approach with which members of the network struggle. in Empire, hardt and negri argue for an approach to culture that emphasizes its economic power:7 The various analyses of ‘new social movements’ have done a great service in insisting on the political importance of cultural movements against narrowly economic perspectives that minimize their significance. These analyses, however, are extremely limited themselves because … they perpetuate narrow understandings of the economic and the cultural. Most important, they fail to recognize the profound economic power of the cultural movements, or really the increasing indistinguishability of economic and cultural phenomena. on the one hand, capitalist relations were expanding to subsume all aspects of social production and reproduction, the entire realm of life; and on the other hand, cultural relations were redefining the production processes and economic structures of value. A regime of production, and above all a regime of the production of subjectivity, was being destroyed and another invented by the enormous accumulation of struggles.

#### Capitalism causes war, violence, environmental destruction and extinction

Robinson 14(William I., Prof. of Sociology, Global and International Studies, and Latin American Studies, @ UC-Santa Barbara, “Global Capitalism: Crisis of Humanity and the Specter of 21st Century Fascism” The World Financial Review)

Cyclical, Structural, and Systemic Crises Most commentators on the contemporary crisis refer to the “Great Recession” of 2008 and its aftermath. Yet the causal origins of global crisis are to be found in over-accumulation and also in contradictions of state power, or in what Marxists call the internal contradictions of the capitalist system. Moreover, because the system is now global, crisis in any one place tends to represent crisis for the system as a whole. The system cannot expand because the marginalisation of a significant portion of humanity from direct productive participation, the downward pressure on wages and popular consumption worldwide, and the polarisation of income, has reduced the ability of the world market to absorb world output. At the same time, given the particular configuration of social and class forces and the correlation of these forces worldwide, national states are hard-pressed to regulate transnational circuits of accumulation and offset the explosive contradictions built into the system. Is this crisis cyclical, structural, or systemic? Cyclical crises are recurrent to capitalism about once every 10 years and involve recessions that act as self-correcting mechanisms without any major restructuring of the system. The recessions of the early 1980s, the early 1990s, and of 2001 were cyclical crises. In contrast, the 2008 crisis signaled the slide into a structural crisis*. Structural crises* reflect deeper contra- dictions that can only be resolved by a major restructuring of the system. The structural crisis of the 1970s was resolved through capitalist globalisation. Prior to that, the structural crisis of the 1930s was resolved through the creation of a new model of redistributive capitalism, and prior to that the struc- tural crisis of the 1870s resulted in the development of corpo- rate capitalism. A systemic crisis involves the replacement of a system by an entirely new system or by an outright collapse. A structural crisis opens up the possibility for a systemic crisis. But if it actually snowballs into a systemic crisis – in this case, if it gives way either to capitalism being superseded or to a breakdown of global civilisation – is not predetermined and depends entirely on the response of social and political forces to the crisis and on historical contingencies that are not easy to forecast. This is an historic moment of extreme uncertainty, in which collective responses from distinct social and class forces to the crisis are in great flux. Hence my concept of global crisis is broader than financial. There are multiple and mutually constitutive dimensions – economic, social, political, cultural, ideological and ecological, not to mention the existential crisis of our consciousness, values and very being. There is a crisis of social polarisation, that is, of *social reproduction.* The system cannot meet the needs or assure the survival of millions of people, perhaps a majority of humanity. There are crises of state legitimacy and political authority, or of *hegemony* and *domination.* National states face spiraling crises of legitimacy as they fail to meet the social grievances of local working and popular classes experiencing downward mobility, unemployment, heightened insecurity and greater hardships. The legitimacy of the system has increasingly been called into question by millions, perhaps even billions, of people around the world, and is facing expanded counter-hegemonic challenges. Global elites have been unable counter this erosion of the system’s authority in the face of worldwide pressures for a global moral economy. And a canopy that envelops all these dimensions is a crisis of sustainability rooted in an ecological holocaust that has already begun, expressed in climate change and the impending collapse of centralised agricultural systems in several regions of the world, among other indicators. By a crisis of humanityI mean a crisis that is approaching systemic proportions, threatening the ability of billions of people to survive, and raising the specter of a collapse of world civilisation and degeneration into a new “Dark Ages.”2 This crisis of humanity shares a number of aspects with earlier structural crises but there are also several features unique to the present: 1. The system is fast reaching the ecological limits of its reproduction. Global capitalism now couples human and natural history in such a way as to threaten to bring about what would be the sixth mass extinction in the known history of life on earth.3 This mass extinction would be caused not by a natural catastrophe such as a meteor impact or by evolutionary changes such as the end of an ice age but by purposive human activity. According to leading environmental scientists there are nine “planetary boundaries” crucial to maintaining an earth system environment in which humans can exist, four of which are experiencing at this time the onset of irreversible environmental degradation and three of which (climate change, the nitrogen cycle, and biodiversity loss) are at “tipping points,” meaning that these processes have already crossed their planetary boundaries. 2. The magnitude of the means of violence and social control is unprecedented, as is the concentration of the means of global communication and symbolic production and circulation in the hands of a very few powerful groups. Computerised wars, drones, bunker-buster bombs, star wars, and so forth, have changed the face of warfare. Warfare has become normalised and sanitised for those not directly at the receiving end of armed aggression. At the same time we have arrived at the panoptical surveillance society and the age of thought control by those who control global flows of communication, images and symbolic production. The world of Edward Snowden is the world of George Orwell; *1984 has arrived;*  3. Capitalism is reaching apparent limits to its extensive expansion. There are no longer any new territories of significance that can be integrated into world capitalism, de-ruralisation is now well advanced, and the commodification of the countryside and of pre- and non-capitalist spaces has intensified, that is, converted in hot-house fashion into spaces of capital, so that *intensive* expansion is reaching depths never before seen. Capitalism must continually expand or collapse. How or where will it now expand? 4. There is the rise of a vast surplus population inhabiting a “planet of slums,”4 alienated from the productive economy, thrown into the margins, and subject to sophisticated systems of social control and to destruction - to a mortal cycle of dispossession-exploitation-exclusion. This includes prison-industrial and immigrant-detention complexes, omnipresent policing, militarised gentrification, and so on; 5. There is a disjuncture between a globalising economy and a nation-state based system of political authority. Transnational state apparatuses are incipient and have not been able to play the role of what social scientists refer to as a “hegemon,” or a leading nation-state that has enough power and authority to organise and stabilise the system. The spread of weapons of mass destruction and the unprecedented militarisation of social life and conflict across the globe makes it hard to imagine that the system can come under any stable political authority that assures its reproduction. Global Police State How have social and political forces worldwide responded to crisis? The crisis has resulted in a rapid political polarisation in global society. Both right and left-wing forces are ascendant. Three responses seem to be in dispute. One is what we could call “reformism from above.” This elite reformism is aimed at stabilising the system, at saving the system from itself and from more radical re- sponses from below. Nonetheless, in the years following the 2008 collapse of the global financial system it seems these reformers are unable (or unwilling) to prevail over the power of transnational financial capital. A second response is popular, grassroots and leftist resistance from below. As social and political conflict escalates around the world there appears to be a mounting global revolt. While such resistance appears insurgent in the wake of 2008 it is spread very unevenly across countries and regions and facing many problems and challenges. Yet another response is that I term *21st century fascism*.5 The ultra-right is an insurgent force in many countries. In broad strokes, this project seeks to fuse reactionary political power with transnational capital and to organise a mass base among historically privileged sectors of the global working class – such as white workers in the North and middle layers in the South – that are now experiencing heightened insecurity and the specter of downward mobility. It involves militarism, extreme masculinisation, homophobia, racism and racist mobilisations, including the search for scapegoats, such as immigrant workers and, in the West, Muslims. Twenty-first century fascism evokes mystifying ideologies, often involving race/culture supremacy and xenophobia, embracing an idealised and mythical past. Neo-fascist culture normalises and glamorises warfare and social violence, indeed, generates a fascination with domination that is portrayed even as heroic.

#### The alternative is to affirm the form of the party—against the subjective atomization of contemporary politics, only a vertical form of organization aimed at transformation of constituted structures of power can actualize change.

Dean and Mertz ‘16 (Jodi and Chuck, Donald R. Harter ’39 Professor of Humanities and Social Sciences @ Hobart and William Smith Colleges and Host at This is Hell!, “The JFRP: For a New Communist Party,” aNtiDoTe Zine 1/23/16, <https://antidotezine.com/2016/01/23/for-a-new-communist-party/>)

CM: Great to have you on the show.¶ Let’s start with Occupy. What, to you, explains the impact that the Tea Party had on Republicans, relative to the impact that Occupy seems to have had on the Democratic Party? All of the sudden there were “Tea Party Republicans.” There weren’t “Occupy Democrats.”¶ JD: That’s a good point. The Tea Party took the Republican Party as its target. They decided that their goal was going to be to influence the political system by getting people elected and basically by trying to take over part of government. That’s why they were able to have good effects. They didn’t regard the mainstream political process as something irrelevant to their concerns. They thought of it as something to seize.¶ The problem with many—but not all—leftists in the US is that they think the political process is so corrupted that we have to completely refuse it, and leave it altogether. The Tea Party decided to act as an organized militant force, and too much of the US left (we saw this in the wake of Occupy) has thought that to be “militant” means to refuse and disperse and become fragmented.¶ CM: So what explains the left turning its back on the collective action of a political party? It would seem like a political party would fit into what the left would historically want: an apparatus that can organize collective action.¶ JD: There are multiple things. First, the fear of success: the left has learned from the excesses of the twentieth century. Where Communist and socialist parties “succeeded,” there was violence and purges and repression. One reason the left has turned its back is because of this historical experience of state socialism. And we have taken that to mean that we should not ever have a state. I think that’s the wrong answer. That we—as the left—made a mistake with some regimes does not have to mean that we can never learn.¶ Another reason that the left has turned its back on the party form has been the important criticism of twentieth century parties that have been too white, too masculine, potentially homophobic; parties that have operated in intensely hierarchical fashion. Those criticisms are real. But rather than saying we can’t have a party form because that’s just what a party does, why not make a party that is not repressive and does not exclude or diminish people on the basis of sex, race, or sexuality?¶ So we’ve got at least two historical problems that have made people very reluctant to use the party. I also think that, whether or not you mark it as 1968 or 1989, the left’s embrace of cultural individualism and the free flow of personal experimentation has made it critical of discipline and critical of collectivity. But I think that’s just a capitalist sellout. Saying everybody should just “do their own thing” is just going in the direction of the dominant culture. That is actually not a left position at all.¶ CM: So does identity politics undermine collectivism? And did that end up leading to fragmentation and a weakening of the left? Because there are a lot of people we’ve had on the show—and one person in particular, Thomas Frank—who say that there is no left in the United States.¶ JD: First I want to say that I disagree with the claim that there is no left. In fact, I think that “the left” is that group that keeps denying its own existence. We’re always saying that we’re the ones who don’t exist. But the right thinks that we exist. That’s what is so fantastic, actually. Did you see the New York Post screaming that Bernie Sanders is really a communist? Great! They’re really still afraid of communists! And it’s people on the left who say, “Oh, no, we’re not here at all!”¶ The left denies its own existence and it denies its own collectivity. Now, is identity politics to blame? Maybe it’s better to say that identity politics has been a symptom of the pressure of capitalism. Capitalism has operated in the US by exacerbating racial differences. That has to be addressed on the left, and the left has been addressing that. But we haven’t been addressing it in a way that recognizes how racism operates to support capitalism. Instead, we’ve made it too much about identity rather than as an element in building collective solidarity.¶ I’m trying to find a way around this to express that identity politics has been important but it’s reached its limits. Identity politics can’t go any further insofar as it denies the impact of capitalism. An identity politics that just rests on itself is nothing but liberalism. Like all of the sudden everything will be better if black people and white people are equally exploited? What if black people and white people say, “No, we don’t want to live in a society based on exploitation?”¶ CM: You were saying that the left denies its own collectivity. Is that only in the US? Is that unique to the US culture of the left?¶ JD: That’s a really important question, and I’m not sure. Traveling in Europe, I see two different things. On the one hand I see a broad left discussion that is, in part, mediated through social media and is pretty generational—people in their twenties and thirties or younger—and that there’s a general feeling about the problem of collectivity, the problem of building something with cohesion, and a temptation to just emphasize multiplicity. You see this everywhere. Everybody worries about this, as far as what I’ve seen.¶ On the other hand, there are countries whose political culture has embraced parties much more, and fights politically through parties. Like Greece, for example—and we’ve seen the ups and downs with Syriza over the last two years. And Spain also. Because they have a parliamentary system where small parties can actually get in the mix and have a political effect—in ways that our two-party system excludes—the European context allows for more enthusiasm for the party as a form for politics.¶ But there’s still a lot of disagreement on the far left about whether or not the party form is useful, and shouldn’t we in fact retreat and have multiple actions and artistic events—you know, the whole alter-globalization framework. That’s still alive in a lot of places. CM: You mentioned the structure of the US electoral system doesn’t allow for a political party to necessarily be the solution for a group like Occupy. Is that one of the reasons that activists dismiss the party structure as something that could help move their agenda forward?¶ JD: We can think about the Black Panther Party as a neat example in the US context: A party which was operating not primarily to win elections but to galvanize social power. That’s an interesting way of thinking about what else parties can do in the US.¶ Or we can think about parties in terms of local elections. Socialist Alternative has been doing really neat work all over the country, organizing around local elections with people running as socialist candidates not within a mainstream party. I think that even as we come up against the limits of a two-party system, we can also begin to think better about local and regional elections.¶ The left really likes that old saw: “Think Globally, Act Locally.” And then it rejects parties—even though political parties are, historically, forms that do that, that actually scale, that operate on multiple levels as organizations.¶ That we have a two-party system makes sense as an excuse why people haven’t used left parties very well in the US, but that doesn’t have to be the case.¶ And one more thing: there is a ton of sectarianism in the far left parties that exist. Many still fight battles that go back to the twenties, thirties, forties, fifties, and haven’t let that go. That has to change. We don’t need that kind of sectarian purity right now.¶ CM: You ask the question, “How do we move from the inert mass to organized activists?” You mention how you were at Occupy Wall Street; you write about being there on 15 October 2011 as the massive crowd filled New York’s Times Square. And you mention this one young speaker, and he addresses the crowd; they’re deciding if they should move on to Washington Square Park or not, because they need to go somewhere where there are better facilities. You then quote the speaker saying, “We can take this park. We can take this park tonight. We can also take this park another night. Not everyone may be ready tonight. Each person has to make their own autonomous decision. No one can decide for you. You have to decide for yourself. Everyone is an autonomous individual.”¶ Did that kind of individualism kill Occupy Wall Street from the start?¶ JD: Yeah, I think so. A lot of times I blame the rhetorics of consensus and horizontalism, but both of those are rooted in an individualism that says politics must begin with each individual, their interests, their experience, their positions, and so on. As collectivity forms—which is not easy when everyone’s beginning from their individual position—what starts to happen is that people start looking for how their exact experiences and interests are not being recognized.¶ I think that the left has given in too much to this assumption that politics begins with an individual. That’s a liberal assumption. Leftists, historically, begin with the assumption that politics begins in groups. And for the left in the nineteenth and twentieth centuries, the operative group is class. Class is what determines where our political interests come from.¶ I try to do everything I can in the book to dismantle the assumption that politics, particularly left politics, should begin with the individual. Instead I want people thinking about how the individual is a fiction, and a really oppressive fiction at that. And one that’s actually, conveniently, falling apart.¶ CM: You write about Occupy Wall Street having been an opening but having had no continuing momentum. You mention that the party could add that needed momentum. That’s one of the things that parties can do. The structure of the party can continue momentum and keep the opening alive.¶ When you say that a party could be a solution for a movement like Occupy, you don’t mean the Democratic Party, do you?¶ JD: I’ve got a lot of layers on this question. My first answer is that no, I really mean the Communist Party. My friends call this “Jodi’s Fantasy Revolutionary Party” as a joke, because the kind of Communist Party I take as my model may not be real, or may have only existed for a year and a half in Brooklyn in the thirties. And I don’t mean the real-existing Communist Party in the US now, which still exists and basically endorses Democrats.¶ My idea is to think in terms of how we can imagine the Communist Party again as a force—what it could be like if all of our left activist groups and small sectarian parties decided to come together in a new radical left party.¶ So no, I don’t envision the Democratic Party as being that. That’s not at all what I have in mind. I’m thinking of a radical left party to which elections are incidental. Elections might be means for organizing, but the goal isn’t just being elected. The goal is overthrowing capitalism. The goal is being able to build a communist society as capitalism crumbles.¶ Second, it could be the case—as a matter of tactics on the ground in particular contexts—that working for a Democratic candidate might be useful. It could be the case that trying to take over a local Democratic committee in order to get communist/socialist/radical left candidates elected could also be useful. But I don’t see the goal as taking over the Democratic Party. That’s way too limited a goal, and it’s a goal that presupposes the continuation of the system we have, rather than its overthrow.¶ CM: But how difficult would it be for a Communist Party to emerge free of its past associations with the Soviet Union? Can we even use the word “communist” or is it impossibly taboo?¶ JD: We have to recognize that the right is still scared of communism. That means the term is still powerful. That means it still has the ability to instill fear in its enemies. I think that’s an argument for keeping the word “communism.”¶ It’s also amazing that close to half of Iowa participants in the caucuses say that they are socialist. Four or five years ago, people were saying socialism is dead in the US. No one could even say the word. So I actually think holding on to the word “communism” is useful not only because our enemies are worried about communism, but also because it helps make the socialists seem really, really mainstream, and that’s good. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what America should have at a bare minimum.¶ One last thing about the history of communism: every political ideology that has infused a state form has done awful things. For the most part, if people like the ideology, they either let the awful things slide, or they use the ideology to criticize the awful things that the state does. We can do the same thing with communism. It’s helpful to recognize that the countries we understand to have been ruled by Communist Parties were never really communist—they didn’t even claim to have achieved communism themselves. We can say that state socialism made these mistakes, and in so doing was betraying communist ideals.¶ I don’t think we need to abandon these terms or come up with new ones. I think we need to use the power that they have. And people recognize this, which is what makes it exciting.¶ CM: You write, “Some contemporary crowd observers claim the crowd for democracy. They see in the amassing of thousands a democratic insistence, a demand to be heard and included. In the context of communicative capitalism, however, the crowd exceeds democracy.¶ “In the 21st century, dominant nation-states exercise power as democracies. They bomb and invade as democracies, ‘for democracy’s sake.’ International political bodies legitimize themselves as democratic, as do the contradictory and tangled media practices of communicative capitalism. When crowds amass in opposition, they pose themselves against democratic practices, systems, and bodies. To claim the crowd for democracy fails to register this change in the political setting of the crowd.”¶ So are crowds today, the protesters today, opposed to democracy? Or are they opposed to the current state of, let’s say, representative democracy?¶ JD: Let’s think about our basic environment. By “our,” now, I mean basically English-speaking people who use the internet and are listening to the radio and live in societies like the United States. In our environment, what we hear is that we live in democracy. We hear this all the time. We hear that the network media makes democratic exchange possible, that a free press is democracy, that we’ve got elections and that’s democracy.¶ When crowds amass in this setting, if they are just at a football game, it’s not a political statement. Even at a march (fully permitted) that’s registering opposition to the invasion of Iraq, for example, or concern about the climate—all of those things are within the general environment of “democracy,” and they don’t oppose the system. They don’t register as opposition to the system. They’re just saying that we want our view on this or that issue to count.¶ But the way that crowds have been amassing over the last four or five years—Occupy Wall Street is one example, but the Red Square debt movement in Canada is another; some of the more militant strikes of nurses and teachers are too—has been to say, “Look, the process that we have that’s been called democratic? It is not. We want to change that.”¶ It’s not that we are anti-democratic. It’s that democracy is too limiting a term to register our opposition. We want something more. We want actual equality. Democracy is too limiting. The reason it’s too limiting is we live in a context that understands itself as “democratic.” So democracy as a political claim, in my language, can’t “register the gap that the crowd is inscribing.” It can’t register real division or opposition. Democracy is just more of what we have.¶ CM: We are so dependent. We use social media so much, we use Facebook so much, we use so many of these avenues of what you call communicative capitalism so much. How can we oppose or reject this system without hurting ourselves and our ability to communicate our message to each other? Can we just go on strike? Can we become the owners of the means of communicative production?¶ JD: One of the ways that Marxism historically has understood the political problems faced by workers is our total entrapment and embeddedness in the capitalist system. What makes a strike so courageous is that workers are shooting themselves in the foot. They’re not earning their wage for a time, as a way to put pressure on the capitalist owner of the workplace.¶ What does that mean under communicative capitalism? Does it mean that we have to shoot ourselves in the foot by completely extracting ourselves from all of the instruments of communication? Or does it mean that we change our attitude towards communication? Or does it mean that we develop our own means of communication?¶ There’s a whole range here. I’m not a Luddite. I don’t think the way we’re going to bring down capitalism is by quitting Facebook. I think that’s a little bit absurd. I think what makes more sense is to think of how we could use the tools we have to bring down the master’s house. We can consolidate our message together. We can get a better sense of how many we are. We can develop common modes of thinking. We can distribute organizing materials for the revolutionary party.¶ I don’t think that an extractive approach to our situation in communicative media is the right one. I think it’s got to be more tactical. How do we use the tools we have, and how do we find ways to seize the means of communication? This would mean the collectivization of Google, Facebook, Amazon, and using those apparatuses. But that would probably have to be day two of the revolution.¶ CM: Jodi, I’ve got one last question for you, and it’s the Question from Hell, the question we might hate to ask, you might hate to answer, or our audience is going to hate the response.¶ How much did the narrative that Occupy created, of the 99% and the 1%, undermine a of collectivity? Because it doesn’t include everyone…¶ JD: Division is crucial. Collectivity is never everyone. What this narrative did was produce the divided collectivity that we need. It’s great to undermine the ~~stupid~~ myth of American unity, “The country has to pull together” and all that crap. It’s fantastic that Occupy Wall Street asserted collectivity through division. This is class conflict. This says there is not a unified society. Collectivity is the collectivity of us against them. It produced the proper collectivity: an antagonistic one.

case

#### Their speculative fiction via techno-orientalism is ultimately a resilience project that strips away agency in favor of capitulation to neoliberalism and deradicalizes future resistance.

**Evans and Reid 14** [Brad Evans, professor of international relations at the University of Lapland, Finland and Julian Reid, senior lecturer in international relations at the University of Bristol, *Resilient Life*, 2014, p. 102-4]

The significance of linking self-worth and achievement to the ‘social norm’ cannot be underestimated as it allows us to illustrate the differences between the learning processes of resilience as compared to a properly critical pedagogy which would encourage children to question the fundamental tenets of power and inequality in the world. **Strategies of** resilience when applied to children take the form of training exercises which enable them to deal with the localized effects of their vulnerability and the forms of attachments and dependencies they have created which amplify the problems. The examples of youths falling into membership of inner-city gangs become a prime example of a vulnerable child that has fallen through the cracks. Countering this is the idea of ‘educational resilience**’**, defined as the ‘heightened likelihood of success in school and other life accomplishments despite environmental adversities brought about by early traits, conditions, and experiences’.20 But how exactly do we measure success? Is the educationally resilient the vulnerable subject who goes on to fulfill their neoliberal potential, or is it the subject who goes to war with the system that seeks to render them resilient as such? Resilience, as we have learned, is more a code for social compliance than a political ambition to transform the very sources of inequality and injustices experienced by marginalized populations. We find this in early educational theories where resilience is again conflated with strategies of resistance such that the resilient child, individualistically conceived, pathologically outlives its conditions of impoverishment to exhibit social achievement in ways that are altogether in tune with the normal functioning of society.21 Indeed, more than simply learning to cope in conditions of impoverishment and vulnerability, as Steven Condly succinctly puts it in an approving review of the prevailing mainstream educational approaches, the doctrine of resilience offers new ways to assess qualities, competences and capabilities, as ‘resilient children tend to possess an above average intelligence and have a temperament that endears them to others and that also does not allow them to succumb to self-pity’.22 What of course qualifies as ‘self-pity’ in another setting could easily be read as a conscious attempt to challenge that which is beyond the control or individual responsibility of the particular subject. Sheila Martineau is attuned to this and writes of the political dangers of resilience in education with considerable foresight: ‘Though resilience conveyed anomalous childhood behaviour in the context of traumatic events in the 1970s, it has become detached from the traumatic context … dangerously, resilience has become constructed as a social norm modelled on the behavioural norms and expectations of the dominant society’.23 Resilience, in other words, becomes a normalized standard for mapping out (ab)normal behaviours such that the very terms of success are loaded with moral claims to a specific maturity, wherein the maturity itself is qualified through one’s ability to connect to the liberal order of things and partake in the world such that to resist means, without contraction, that one successfully learns to conform. Or to put it in more critical terms, since the ‘solution’ is to teach children to overcome ‘obstacles’ to personal development without ultimately challenging wider relations of power, the resilient child (which, although said to include all children, overwhelmingly concentrates on those from poorer, culturally and racially distinct backgrounds) encounters policies which, instead of ‘treating the individual’, end up by virtue of its logic ‘blaming the victim’.24 Disadvantage as such becomes once again the means to author new forms of discrimination that plays the vulnerable card to remove any political claims that things could be otherwise. Today we can situate these earlier demands for resilience within the strategic context of what Henry Giroux calls the ‘war on youth’. Indicative of **the neoliberal** assault on the education **system** more generally, Giroux maintains that youth has become a privileged object for power in a way that seeks to strip away any sense of critical awareness and political agency at the earliest possible stages of intellectual development. As he wr**it**es, since ‘neoliberalism is also a pedagogical project designed to create particular subjects, desires, and values defined largely by market considerations’, questions of ‘destiny’ become ‘linked to a market-driven logic in which freedom is stripped down to freedom from government regulation, freedom to consume, and freedom to say anything one wants, regardless of how racist or toxic the consequences might be’.25 This has a profound bearing upon education policy as ‘Critical thought and human agency are rendered impotent as neoliberal rationality substitutes emotional and personal vocabularies for political ones in formulating solutions to political problems’**.**26 Hence, within this ‘depoliticized discourse, youths are told that there is no dream of the collective, no viable social bonds, only the actions of autonomous individuals who can count only on their own resources and who bear sole responsibility for the effects of larger systemic political and economic problems’. Whilst education therefore should have a pedagogical commitment to the globally oppressed, what takes its place is a substitution for education that produces vulnerable consumers whose very training renders the political impossible**.**

#### Orientation fails

**Smith 19** (Shawn Nicholas Smith has a Doctorate in Philosophy from the University of Texas, Austin. “BLACK ECONOMIC EMPOWERMENT: BOOKER T. WASHINGTON AND RHETORICAL INTERVENTION IN MARKETS”. May 2019)

The Federal Reserve and the monetary policy surrounding it demonstrate how private interest is an integral part of the U.S. economy, monetary policy, and government. For this reason, **it is imprudent to suggest that neoliberalism**, the takeover of public modes of operation with privatization, **is a new phenomenon.** Rather, the very logic of European capitalist governments carries within it the incipient prioritized monetary motive. The market motive, when prioritized, bends the fabric of society toward the pursuit of profit and away from the common good.86 As I have shown in this chapter, the European capitalist state began thwarting opportunities for a common humanity prior to the Trans-Atlantic Slave Trade first with the enslavement of Europeans, then Africans. As such, the marriage of the public and the private did not begin in 1970, but instead has its origins in the fifth century with the fall of the Western Holy Roman Empire.87 To mistake this fact is also to mislabel the necessary actions of neoliberal resistance in the current era. Giroux is wrong: **modern resistance movements like Occupy and The Battle in Seattle did little to jeopardize the neoliberal scene**.88 In fact, the very problems of neoliberal state society have hastened, not slowed, in the last two decades.89 **When we misidentify the root problem of the neoliberal scene, we mischaracterize traditional protest and resistance as viable solutions** to the neoliberal conundrum and omit other useful strategies, particularly those that involve the very markets we wish to resist. Conclusion The above history I have provided is long and deep. This **history highlights both the limitations of contemporary neoliberal criticism and represents a pragmatic rhetorical tradition defined by an evolutionary model of ideation.** Deep within the unfolding of time from the Middle Ages to the present, we have seen how Europe was seduced by a capitalist psychosis following from a basic Orientation of Markets. Importantly, we have also seen how the perversion of capital is not merely a symptom of the state but is instead an offspring of the state as modern governments, infected with the habits of desperate feudal merchants, became the first corporations. Every orientation comes with it a certain training that teaches us how and what tools to select in order to deal with our challenges. **In some ways, orientation is the source of our problems** and solutions. That is, problems and their solutions are made possible when we view experience from a unique ontological and epistemological standpoint. As Burke writes, One’s ideas of relationship obviously have a great deal to do with the selection of means under such circumstances. Savages could make fires by considering dry wood and friction as appropriate linkages in the process of fire-making.”90 **Orientations can cause us to make inefficient connections between events and therefore draw ineffective conclusions** as in the tribe person who, believing the missionary wore the rain coat to bring rain instead of shield against rain, asked the missionary to wear the rain coat to protect against drought. This demonstrates a “faulty selection of means due to a faulty theory of causal relationships.”91 Similarly, the Orientation of Markets transforms humans into agents of markets. Rather than maintain money and markets as abstractions designed to serve human needs, the Orientation of Markets and the subsequent capitalist psychosis configures humans in market terms. They can either be owner or owned by markets, or sometimes both at the same time, but there is seldom room to be anything else. Such a psychosis, the corresponding social structure that follows from an Orientation of Markets has been the mainstay of society for over 1000 years. Race helped to jumpstart capitalism and continues to be a site for the investigation of the transformation of capital. So, **what is the way out and forward**? **The central escape from a corporate governmentality** and ascendant logic **of** race and **capital requires various forms of pragmatic force.** As James Baldwin writes, Black folks must use any available means of persuasion in order to turn the tides of oppression. Indeed, for Baldwin, troubling the pious linkages surrounding Black folks are the key in transforming national, international and governmental consciousness. Interrupting the pious association of the terms “Europe” and “Civilization,” Baldwin imagines nationhood and governmentality absent a Euro-centric logic: This is because White Americans have supposed ‘Europe’ and ‘civilization’ to be synonyms which they are not –and have been distrustful of other standards and other sources of vitality, especially those produced in America itself…What it comes to is that if we, who can scarcely be considered a White nation, persist in thinking of ourselves as one, we condemn ourselves with the truly White nations, to sterility and decay, whereas if we could accept ourselves as we are, we might bring new life to the Western achievements and transform them. The price of this transformation is the unconditional freedom of the Negro.92