# 1NC Round 5

### 1NC – T

#### I don’t disclose my framework shell to prevent prepping it out and reading an abusive aff – you don’t disclose your 1AR counter interps / answers either –

#### Contact me if you have questions

## Case

### 1NC - Statephobia

#### Refusing the state is a concession to neoliberal rationalities that seek to drain the state of its vitalism and relevance—your radical resistance to authority is just more grist for the ideological mill of neoliberalism

Villadsen and Dean 2012 (Kaspar and Mitchell, Associate Professor of Sociology at Copenhagen Business School and Research Professo or Sociology at Newcastle University, “State-Phobia, Civil Society, and a Certain Vitalism”, *Constellations* 19.3)

Governmentality, in short, is an analysis of the state and not something that lies beyond it. It shows the conditions of experience of the “state” as that which confronts an external domain – civil society – to which it must grant a measure of free action in order for government to function. It grows out of a diagnosis of the present as one in which the state has come to be regarded as essentially despotic, the source of evil in the world, and as a repressive force that deforms our subjectivity, from the inside as much as the outside, limiting our potentiality in the world. For Foucault, this is a view shared not only by the ultra-left that seeks a violent overthrow of the state, but also by variants of neoliberalism in the twentieth century. This view is rooted in the anti-state eschatology of the nineteenth century, which has the notion of civil society at its core.¶ In Foucault’s context, to reject a theory of the state was to reject a Marxist theory of the state and to take note of anti-institutional movements in both liberal democracies and those opposed to state socialism. Today, any rejection of analyses conducted in statist terms takes place in a changed context: in the context of the repeated mantra of “governance” theorists who speak of a shift from government to governance and of a “hollowing out the state”; against the backdrop of conceptions of globalization that claim that global flows of trade, finance, information, and culture have undone the “container” of the national state39; and in the presence of political analyses that claim that struggles directed toward the state have been displaced by grassroots movements conducting sub-, micro-, and transversal politics underneath, across, and above the territorial state. In short, to reject a theory of the state in favor of an analysis of local struggles in the 1970s marked a break with a prevailing left intellectual problematic and an attempt to open up the discussion of government and state. In our own time, to dissolve the concept of the state has the opposite effect: it merely reinforces what has become a kind of anti-political orthodoxy that has rendered the left a meaningless term. This dissolution easily makes an accession to political agendas fatally shaped by the militant intellectual and political “thought collective” of which Foucault was an early analyst – to neoliberalism.40

#### State-phobia reifies the political ontology of neoliberalism

Oksala 2011 (Johanna, Senior Feminist Researcher at University of Helsinki, *Constellations* 18.3, “Violence and Neoliberal Governmentality”)

Many commentators now see the year 1979 when Foucault delivered his lecture series at the Colle`ge de France on neoliberal governmentality as the inauguration of the formal period of the dominance of neoliberal economic policy in Europe and the United States.8 Almost 30 years after its expanding application, Foucault’s topic and his insights appear farsighted, almost prophetic. His point in spending so long on the analysis of the history of neoliberalism was to show how it formed “his actuality.”9 He was concerned about the “state phobia” prevalent in the social critiques of his day. Similar to his aim in The History of Sexuality, vol. 1, which was to show that the fervent mission to liberate our repressed sexuality was fundamentally misguided, he was again trying to show how the most popular forms of social and political critique were in fact attacking the wrong enemy: “What is presently at issue in our reality. . .is not so much the growth of the state. . .but much more its reduction.”10 His problem was not the unlimited growth of the state, its omnipotence or its continuous and unified expansion. The risk was not that the unlimited expansion of the welfare state or the administrative apparatus on which it rested would inevitably lead to a totalitarian state like the Nazi or Stalinist state: “All those who share in the great state phobia should know that they are following the direction of the wind and that in fact, for years and years, an effective reduction of the state has been on the way.”11¶ Foucault criticised not only the tendency to demonise the state in political thought – to see it as the simple enemy and the root of all political problems – but also the attempts to theorise its essence: “The state is not a universal nor in itself an autonomous source of power. . .the state is nothing else but the mobile effect of a regime of multiple governmentalities.”12 The idea of governmentality thus radically historicises the state and dissolves its fixed identity into a multiplicity of institutions, procedures, analyses and reflection, calculations, and tactics: “The state is a practice. . .inseparable from the set of practices by which the state actually became a way of governing, a way of doing things.13¶ What makes his philosophical interpretation of neoliberalism interesting and original in my view is his critical analysis of it, not as an ideology or a political doctrine, but as a specific, rationally reflected and coordinated way of governing: a form of governmental rationality or governmentality.14 Neoliberalism and the state cannot be understood as simply antithetical to each other when they are understood to combine in the form of a rationally coordinated set of governmental practices.¶ Hence, in signalling the reduction of the state Foucault did not claim that neoliberalism leads to a lack of actual government. Regarding political violence, this means that the rise of neoliberalism does not automatically amount to the reduction of state-violence. By approaching neoliberalism as a governmental rationality, Foucault attempted to show that neoliberal governmental intervention was no less dense, frequent, active, and continuous than any other system of governmental rationality. Only the domains and methods of governmental intervention were new.¶ Political critics of neoliberalism often argue that at the heart of the model is the idea that the job of government is not to govern, because it must subcontract the task to the more efficient and generally superior private sector. The political scientist Michel Wolfe, for example, has formulated this idea by comparing neoliberals trying to govern to vegetarian chefs trying to prepare a world-class boeuf bourguignon: if you believe that what you are called to do is wrong, you are unlikely to do it very well.15 Foucault’s analysis of neoliberalism as a form of governmental rationality questions this idea. The theoretical strength of his approach is that it construes neoliberalism not as lack of government, but as a specific governmental form and doctrine. It is a “governmental regime” that is directed towards specific objectives and regulates itself through continuous reflection.¶ Foucault’s lectures analyse in detail the historical shift from classical liberalism to neolib- eralism in order to highlight this. His aim is to identify the difference between them in order to grasp neoliberalism “in its singularity.”16 His usage of “neoliberalism” is non-standard from the current point of view because he traces its earliest form to 1930s Germany. The initial German form was represented by the proponents of the Freiburg School of economists such as Walter Eucken and Wilhelm Ro ̈pke, also called “Ordoliberals” after to the journal Ordo. It was strongly linked to the critique of Nazism and, after the War, to post-war reconstruction. The later, American form was the neoliberalism of the Chicago School, which was derived from the former but was in some respects more radical.17¶ For Foucault, neoliberalism was not just the revival of classical liberalism after a period of socialist dominance, but involved a fundamental shift within liberalism itself: on the level of political ontology, neoliberalism effected a move away from naturalism. 18 It did not only introduce some refinements to the liberal economic doctrine, but more importantly, it introduced a new political ontology: it was a form of anti-naturalism. Ordoliberals completely rethought the relations between economy and politics and, consequently, the whole of the liberal art of government.

#### And complete rejection of institutional logic crushes politics—vote NEG to invest in macro political solutions to counter neoliberalistic federal government policies

Kimberle **Crenshaw 88,** Law @ UCLA, “RACE, REFORM, AND RETRENCHMENT: TRANSFORMATION AND LEGITIMATION IN ANTIDISCRIMINATION LAW”, 101 Harv. L. Rev. 1331, lexis

Questioning the Transformative View: Some Doubts About Trashing The Critics' product is of limited utility to Blacks in its present form. The implications for Blacks of trashing liberal legal ideology are troubling, even though it may be proper to assail belief structures that obscure liberating possibilities. Trashing legal ideology seems to tell us repeatedly what has already been established -- that legal discourse is unstable and relatively indeterminate. Furthermore, trashing offers **no idea of how to avoid the negative consequences of engaging in reformist discourse** or how to work around such consequences. Even if we imagine the wrong world when we think in terms of legal discourse, **we must nevertheless exist in a present world** where legal protection has at times been a blessing -- albeit a mixed one. The fundamental problem is that, although Critics criticize law because it functions to legitimate existing institutional arrangements, it is precisely this legitimating function that has made law **receptive to** certain demands in this area. The Critical emphasis on deconstruction as the vehicle for liberation leads to the conclusion that engaging in legal discourse should be avoided because it reinforces not only the discourse itself but also the society and the world that it embodies. Yet Critics offer little beyond this observation. Their focus on delegitimating rights rhetoric seems to suggest that, once rights rhetoric has been discarded, there exists a more productive strategy for change, one which does not reinforce existing patterns of domination. Unfortunately, **no such strategy has yet been articulated**, and it is difficult to imagine that racial minorities will ever be able to discover one. As Frances Fox Piven and Richard Cloward point out in their [\*1367] excellent account of the civil rights movement, popular struggles are a reflection of institutionally determined logic and a challenge to that logic. 137 **People can only demand change in ways that reflect the logic of the institutions that they are challenging**. 138 Demands for change that do not reflect the institutional logic -- that is, demands that do not engage and subsequently reinforce the dominant ideology -- will probably be **ineffective**. 139 The possibility for ideological change is created through the very process of legitimation, which is triggered by crisis. Powerless people can sometimes trigger such a crisis by challenging an institution internally, that is, by using its own logic against it. 140 Such crisis occurs when powerless people force open and politicize a contradiction between the dominant ideology and their reality. The political consequences [\*1368] of maintaining the contradictions may sometimes force an adjustment -- an attempt to close the gap or to make things appear fair. 141 Yet, because the adjustment is triggered by the political consequences of the contradiction, circumstances will be adjusted only to the extent necessary to close the apparent contradiction. This approach to understanding legitimation and change is applicable to the civil rights movement. Because Blacks were challenging their exclusion from political society, the only claims that were likely to achieve recognition were those that reflected American society's institutional logic: legal rights ideology. Articulating their formal demands through legal rights ideology, civil rights protestors exposed a series of contradictions -- the most important being the promised privileges of American citizenship and the practice of absolute racial subordination. Rather than using the contradictions to suggest that American citizenship was itself illegitimate or false, civil rights protestors proceeded as if American citizenship were real, and demanded to exercise the “rights” that citizenship entailed. By seeking to restructure reality to reflect American mythology, Blacks relied upon and ultimately benefited from politically inspired efforts to resolve the contradictions by granting formal rights. Although it is the need to maintain legitimacy that presents powerless groups with the opportunity to wrest concessions from the dominant order, it is the very accomplishment of legitimacy that forecloses greater possibilities. In sum, the potential for change is both created and limited by legitimation.

### ROB

#### The Role of the ballot is to evaluate the material consequences of the aff and neg world. Prefer:

#### A] Fairness—Arbitrary self-serving frameworks moot the 1NC and destroy our possibility of engaging with the affirmative.

#### B] Clash—Debate is about process of iterative testing through specific points of contestation. This turns the Aff—critical thinking skills through an unrestrained framework is necessary for any revolutionary strategy.

C] Only our ROB is evaluative and allows discussions about the effects of various forms of violence – their ROB excludes indigenous violence

#### D] Recognition alone fails – must be paired with solutions or they get co-opted and ignored – turns case

### Substance

#### Vote neg on presumption —

#### A) They have no intrinsic benefit to reading their aff within debate and thus no reason to affirm their strategy.

#### B) Movements don’t spill up – competition means you ally yourself with people who vote for you and alienate those who are forced to debate you ensuring the failure of the movement.

#### C) The 1AC’s regurgitation of knowledge proves they’re not a departure from the status quo, but they get coopted by academia.

#### Only grant them the amount of offense they prove they solve – they can’t even define the World Computer or what it is, and if informatics is bad tthey link they conceded their goal is to desiminate info for planning

#### They are surrounded by tech – this round is supported via informatics, computers and tech meaning they fail – they are dependant on tech and placing their dependcy on tech at the core of their movements which means they always fail

#### Debate is a binary – win/loss means its impossible to escape and their methods consistently fail – their own participation co-opts their involvement just like the state will

#### They get coopted and crushed by the state.

King, 16—has been active in campaigning for refugee rights and against border controls for over a decade, has taught at the University of Nottingham and worked as a caseworker with the British Refugee Council (Natasha, *No Borders: The Politics of Immigration Control and Resistance* pg 39-42, dml)

But to what extent are these experiments in autonomy ever entirely autonomous? In response to Richard Day’s book on the newest social movements, Richard Thompson argues that it’s unrealistic to talk about creating wholly autonomous social structures because ‘[t]he second they’re consequential is the second they’ll be noticed [by the state]. At that point, it becomes impossible to break the cycle of antagonism by will alone. They will come after us’ (Thompson n.d., emphasis added). In other words, experiments in autonomy are rarely (if ever) entirely free from a relation to the state, or from state antagonism, and we are rarely able to ignore that antagonism. We may antagonize the state, but we are forced also to respond to the state, as a form of self-defence. This has happened time and time again, from the steady illegalization of squatting in Europe, and the tightening of laws around private property, to the infiltration by the CIA of the Black Panther movement, to the struggle between the Zapatistas and the Mexican state. We see this in the struggle for the freedom of movement when, continuing with the examples above, the EU employs Frontex special missions on the Turkish/Greek borders, or when the living spaces of people without papers are raided or destroyed. Whether people have been forced to, or they have seen it as the best strategy, the history of struggles for liberation has been one that included demands on the state. Often this has taken the form of engagement in a politics of rights and/or recognition. From the movement of the Sans Papiers in France, to ‘a Day without Migrants’ in the USA; from campaigns that fight against the detention and deportation of people without papers, to struggles against police violence, resistance through forms of visible collective action have been central to struggles against the border. In most cases such struggles have made demands on the state, particularly through seeking recognition as a group, and through making claims to rights. But to what extent are demands for rights and/or recognition part of a no borders politics? Demands for rights and recognition have played a big part in the struggle for the freedom of movement. Yet there has been a long history of criticism over the politics of citizenship. Rights claims, for example, have been seen as essentially reinforcing the role of the state as the benefactor and grantor of rights, and reinforcing the notion that rights represent entitlements applicable to those who fit certain descriptions of being a human (cf. Arendt 1973 [1951]; Barbagallo and Beuret 2008; Bojadžijev and Karakayali 2010; Elam 1994). From this perspective, demands for rights and representation amount to disputes over the allocation of equality and therefore can only ever achieve a redistribution of that equality, rather than undermining the idea that equality is somehow qualified in the first place. As Imogen Tyler says, ‘[c]itizenship is a famously exclusionary concept, and its exclusionary force is there by design. The exclusions of citizenship are immanent to its logic, and not at all accidental. Citizenship is meant to produce successful and unsuccessful subjects. Citizenship, in other words, is “designed to fail”’ (Tyler, quoted in Nyers 2015: 31). Similar variations of this critique have appeared in the autonomy of migration debate. Representation can also be thought of as a bordering technology that seeks to pacify and discipline expressions of autonomy (or attempts at escape) (Papadopoulos et al. 2008). In other words, the politics of citizenship is problematic because it only ever brings people into the state. ‘Of course migrants become stronger when they become visible by obtaining rights, but the demands of migrants and the dynamics of migration cannot be exhausted in the quest for visibility and rights’ (ibid.: 219). I have a lot of sympathy with these arguments, and because of them am extremely suspicious of a politics of citizenship. But when it comes to actual practices of struggle against the border, a resolute stand against such strategies seems naïve, and insulting to those who have taken part. Migrant-led struggles have often been claims for rights, and ultimately I don’t want to dismiss such practices because they are philosophically problematic. In fact, sometimes to appeal to rights or recognition is the only available strategy in situations of extreme vulnerability, where people’s options are highly limited. Recognizing that we are in relations of power right now means also recognizing that our situation is imperfect and that we have to struggle in our (imperfect) reality. Youssef, a long-time activist for the freedom of movement in Greece, himself of North African descent, talked about the need for pragmatism in tactics; that sometimes we must engage with the state in order to bring about greater freedoms now. ‘Today, in Creta, in Chania, they will catch five people. How can I take them from the jail? I have something in the police station, OK. I have to talk with them today. OK? But tomorrow I can fuck him. He’s not my friend. He’s not my comrade. OK. We are talking today. Tomorrow we are fucking’ (interview, Youssef). His statement reflects how many practices that refuse the border often come out of necessity. In other words they’re rarely part of some intentional or ‘noble’ act to become a rights-bearer, say, and more often pragmatic decisions based on the need to alleviate immediate situations of oppression. A no borders politics seeks to go beyond claims to representation and rights that ultimately stand to reinforce the state. But claims to representation and rights can sometimes do this too. Building on Foucault’s idea that power can be both positive and empowering or negative and dominating, Biddy Martin and Chandra Mohanty suggest that fighting oppression involves seeing power in a way that refuses totalizing visions of it and can therefore account for the possibility of resistance, as in creating something new, within existing power relations (Martin and Mohanty 2003: 104). Suggesting that representation only ever brings people into power therefore means rejecting a vast range of moments when the oppressed have voiced their refusal to be reduced to non-beings outside of politics (Sharma 2009: 475). In other words, resistance is not only or always a reaction to the constraining effects of dominating power, but can also express power as something positive and liberating. From the Black Panthers to the Sans Papiers, demands for representation, when carried out by minority groups for themselves, can challenge the role of dominant power over that group and create new, emancipated subjectivities (Goldberg 1996; Malik 1996). Depending on who it is that acts, then, in some cases demands for recognition/rights can be a radical and transformative political act (Nyers 2015. See also Butler and Spivak 2007; Isin 2008; Nyers and Rygiel 2012). As Nandita Sharma suggests, in response to Papadopoulos et al.’s book Escape Routes, we must recognise that making life and fashioning our subjectivities are intimately intertwined and making ‘new social bodies’ … is not the same as bringing people back into power through identity politics (or identity policing). It is important to recognise that there are significant qualitative differences between subjectivities. There are those that Papadopoulos et al. rightly discuss as bringing us directly back into power – and which account for most of the subjectivities that people hold today (‘race’, ‘nation’, ‘heterosexual’, ‘homosexual’, ‘native’ and so on) – but there are also those that are born of practices of escape. (Sharma 2009: 473, emphasis in original)

#### Public replaces private 🡪 means any risk of harms fail their defense of the resolution doesn’t solve anything

#### They don’t solve capitalism 🡪 it doesn’t spill over to change AND its not inevitable – their ev just says it leads to growing inequalities BUT its raised the barrier decreasing the level of poverty

#### And

#### Capitalism is inevitable—reforms, not revolution, are the only option

**Wilson, 2000** – Editor and Publisher of Illinois Academe – 2000 (John K. Wilson, “How the Left can Win Arguments and Influence People” p. 15- 16)

Capitalism is far too ingrained in American life to eliminate. If you go into the most impoverished areas of America, you will find that the people who live there are not seeking government control over factories or even more social welfare programs; they're hoping, usually in vain, for a fair chance to share in the capitalist wealth. The poor do not pray for socialism-they strive to be a part of the capitalist system. They want jobs, they want to start businesses, and they want to make money and be successful. What's wrong with America is not capitalism as a system but capitalism as a religion. We worship the accumulation of wealth and treat the horrible inequality between rich and poor as if it were an act of God. Worst of all, we allow the government to exacerbate the financial divide by favoring the wealthy: go anywhere in America, and compare a rich suburb with a poor town-the city services, schools, parks, and practically everything else will be better financed in the place populated by rich people. The aim is not to overthrow capitalism but to overhaul it. Give it a social-justice tune-up, make it more efficient, get the economic engine to hit on all cylinders for everybody, and stop putting out so many environmentally hazardous substances. To some people, this goal means selling out leftist ideals for the sake of capitalism. But the right thrives on having an ineffective opposition. The Revolutionary Communist Party helps stabilize the "free market" capitalist system by making it seem as if the only alternative to free-market capitalism is a return to Stalinism. Prospective activists for change are instead channeled into pointless discussions about the revolutionary potential of the proletariat. Instead of working to persuade people to accept progressive ideas, the far left talks to itself (which may be a blessing, given the way it communicates) and tries to sell copies of the Socialist Worker to an uninterested public.

#### Don’t grant try or die – if we win no spillover they are a distraction of efforts in a echo chamber that doesn’t spill over

### 1NC – Bryant

#### Lack of targeted goals retrenches harms.

Bryant 12 — Levi R. Bryant, Professor of Philosophy at Collin College, holds a Ph.D. in Philosophy from Loyola University in Chicago, 2012 (“Underpants Gnomes: A Critique of the Academic Left,” *Larval Subjects*—Levi R. Bryant’s philosophy blog, November 11th, Available Online at http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/, Accessed 02-21-2014)

I must be in a mood today–half irritated, half amused–because I find myself ranting. Of course, that’s not entirely unusual. So this afternoon I came across a post by a friend quoting something discussing the environmental movement that pushed all the right button. As the post read, For mainstream environmentalism– conservationism, green consumerism, and resource management –humans are conceptually separated out of nature and mythically placed in privileged positions of authority and control over ecological communities and their nonhuman constituents. What emerges is the fiction of a marketplace of ‘raw materials’ and ‘resources’ through which human-centered wants, constructed as needs, might be satisfied. The mainstream narratives are replete with such metaphors [carbon trading!]. Natural complexity,, mutuality, and diversity are rendered virtually meaningless given discursive parameters that reduce nature to discrete units of exchange measuring extractive capacities. Jeff Shantz, “Green Syndicalism” While finding elements this description perplexing– I can’t say that I see many environmentalists treating nature and culture as distinct or suggesting that we’re sovereigns of nature –I do agree that we conceive much of our relationship to the natural world in economic terms (not a surprise that capitalism is today a universal). This, however, is not what bothers me about this passage. What I wonder is just what we’re supposed to do even if all of this is true? What, given existing conditions, are we to do if all of this is right? At least green consumerism, conservation, resource management, and things like carbon trading are engaging in activities that are making real differences. From this passage–and maybe the entire text would disabuse me of this conclusion–it sounds like we are to reject all of these interventions because they remain tied to a capitalist model of production that the author (and myself) find abhorrent. The idea seems to be that if we endorse these things we are tainting our hands and would therefore do well to reject them altogether. The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities. Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: [YouTube video omitted] The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: [YouTube video omitted] Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? (Question Mark) Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. **I would love, just for a moment, to hear a** radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her **plan** for waste disposal? **And** most importantly, **how** would **(to)** she **navigate the school board, the state legislature, the federal government,** and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary–it is–but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

### 1NC — Lobel

#### Extralegal movements collapse and are coopeted — cedes the political and increases material violence.

**Lobel 7** Orly Lobel, PhD Harvard Law School, professor of Law at the University of San Diego with a focus in public law and regulation. Prior to joining USD, she served as a fellow at the Harvard University Center for Ethics and the Professions, the Kennedy School of Government, and the Weatherhead Center for International Affairs. “The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics.” Harvard Law Review. February 1st 2007. https://harvardlawreview.org/2007/02/the-paradox-of-extralegal-activism-critical-legal-consciousness-and-transformative-politics/ || OES-SW

The limits of the law as a means of effecting social change have been a key focus of legal thinkers over the past several decades. The aggregate impact of emerging schools of thought challenging the value of legal reform in producing social change has been the development of a contemporary critical legal consciousness — a conventional wisdom about the relative inefficacy of law.1 Critical claims go further than simply expressing disappointment in the capacity of the legal system to achieve the desired goals of a social movement. An argument that has become increasingly prevalent in legal scholarship states that the law often brings more harm than good to social movements that rely on legal strategies to advance their goals. The law entices groups to choose legal strategies to advance their social goals but ultimately proves to be a detrimental path. The negative effect is generally understood as “legal cooptation” — a process by which the focus on legal reform narrows the causes, deradicalizes the agenda, legitimizes ongoing injustices, and diverts energies away from more effective and transformative alternatives. Consequently, the argument proceeds, the turn to the law actually reinforces existing institutions and ideologies. As they engage with the law, social reform groups become absorbed by the system even as they struggle against it. When examining closely the dominant set of assumptions underlying recent critical scholarship, one must face the question: what is uniquely legal about cooptation? This Article considers the claims of legal cooptation as they have been developed vis-à-vis former periods of social activism — primarily the New Deal labor movement and the 1960s civil rights movement — in relation to recent scholarship that purports to provide alternatives to cooptive legal processes. It traces the impact of critical understandings of the law to three strands of contemporary “extralegal” schools of thought that operate under a critical legal consciousness. The Article argues that the limits of social change are not confined to legal reform, but in fact are as likely (if not more so) to occur in the realm of extralegal activism. Moreover, the very idea of opting out of the legal arena creates a false binary between social spheres that in reality permeate one another. Under the contemporary axiomatic skepticism about the law, analysts often bundle and collapse legal cooptation claims rather than differentiate among myriad, distinct sets of concerns. When claims about the failures of legal reform are unbundled, they provide a window into our assumptions about the possibilities and rhythms of change in general, not merely change via the path of the law. Accordingly, this Article asserts that contemporary critical legal consciousness has eclipsed the origins of critical theory, which situated various forms of social action — all of which potentially have cooptive as well as transformative effects — on more equal grounds. The inquiry begins by delineating three periods of social reform activism, their relationship to legal reform, and their successes and failures as perceived by legal scholars. Part II describes the first two periods, which have served contemporary thinkers as paradigmatic moments for analyzing the failures of legal reform and the negative consequences that followed the decline of social activism. The first period is the New Deal labor movement, which achieved statutory reordering of labor relations yet was ultimately criticized for creating a hostile environment for collective bargaining and for leading to the sharp decline of unionism. The second period is the civil rights movement of the 1950s and 1960s, which achieved widespread recognition for its legislative and judicial victories yet has been widely critiqued for its limited success in eliminating racial injustice. In both cases, cooptation analysis focuses not simply on the limits of the legal victories but also, and often primarily, on the pacification of the social movement and the decline of a reform vision, which resulted from the perceived successes of legislative and judicial victories. Pointing to these two “failed successes,” contemporary legal scholars express a now-axiomatic skepticism about law’s ability to produce social transformation. Drawing on the critical scholarship that has developed in relation to these two periods, Part II unpacks the arguments about legal cooptation, demonstrating that they are not monolithic but rather constitute distinct sets of claims, including concerns about resources and energy, framing and fragmentation, lawyering and professional- ism, crowding-out effects, institutional limitations, and the unsubstantiated legitimation of existing social arrangements. As a result of an emerging truism about the limitations of legal reform — captured by the reference to legalism as the “hollow hope”2 — contemporary critics warn against a reliance on law, courts, legal language, and lawyers in the struggles of social movements. Part III describes a third period, this one involving extralegal activism, as it is represented and celebrated in legal scholarship. In mapping the landscape of this “alternative scholarship,” three distinct types of extralegal strategies emerge: first, the redefinition of the purpose of the legal system as promoting secondary goals rather than primary ones; second, the move away from the legal arena to an extralegal sphere of action, often evoking the notion of civil society; and third, the expansion of the meanings of law and legality, building on earlier understandings of the legal pluralism school of thought. After exploring the underlying assumptions of each of these proposals with regard to the limits of law and the limits of change, this Article revisits the concept of cooptation within the broader range of possibilities for social struggle. Rather than dismissing concerns about legal cooptation, Part IV asserts that the emerging umbrella school of thought draws erroneous conclusions from critical understandings and presents false alternatives in the gamut of law and social change. A more accurate inquiry into the limits of change should cast doubt on the privileged role of extralegal activism that is trumpeted in contemporary writings. This Article demonstrates how extralegal activism proponents misrepresent alternative avenues of activism as solutions to cooptation concerns by overlooking the risks of cooptation present in extralegal activism. Consequently, a counter “myth of engagement” is reified by the rejection of the “myth of law.” Not only is the idea of avoiding legal strategies as a means of social change misdirected, but such a construction also conceals the ways in which the law continues to exist in the background of the envisioned alternatives. Thus, earlier critical insights about the ongoing importance of law in seemingly unregulated spheres are lost in the contemporary message. Further, the idea of opting out of the legal arena fails to recognize a reality of growing interpenetration and blurring of boundaries between private and public spheres, for-profit and nonprofit actors, and formal and informal institutions. Most importantly, a theory of avoidance contributes to a conservative rhetoric about the decline of the state,

the necessities of deregulation, and the inevitability of mounting inequalities. The Article reveals a contemporary false equation of formal legal reform avenues with a conservative status quo and of informal — that is, extralegal — avenues with transformative progress. The movement to extralegal activism has unwittingly aligned itself with concepts such as civil society revivalism, informality, and nongovernmental norm generation. All of these concepts are associated with decreasing commitments of the state, privatization, deregulation, and devolution of governmental authority in the social arena. All three brands of extralegal strategies reflect not only disillusionment with and disappointment in the legal system as a potential engine for social reform, but also imply path dependency with current economic realities and shifting commitments of the state in an era of globalization. Since the critique of legal cooptation asserts that legal reform, even when viewed as successful, is never radically transformative, it is equally crucial to ask what criteria are available for assessing the success of the suggested alternatives. As this Article argues, the risks of extralegal cooptation are similar to the risks of legal cooptation. However, the allure of an alternative model of progressive politics that would avoid the critical risks of cooptation has prevented its advocates from scrutinizing it in the same way that legal strategies are routinely questioned. Therefore, the new wave of extralegal politics risks entailing no more than a loser’s ex post self-mystification. Posing these challenges, Part V concludes that much of the contemporary alternative scholarship obscures the lines between description and prescription in the exploration and formulation of transformative politics.