# **BIG BIZ**

**“Money is the oxygen of capitalism and I wanna breathe more than any man alive.”**

**Since we admonish the independence, drive, cunning and vigor of the embodiment of capitalism Jordan Belfort, the resolution must be negated…**

**“Resolved: A just government ought to recognize an unconditional right of workers to strike.”**

## **VALUE**

#### First, the value of Corporate Autonomy, as forwarded by Stanford University in 2020 will be advocated

<https://plato.stanford.edu/entries/autonomy-moral/#AutPolLib>

In closing, we should add a word about the implications of political liberalism for the traditional division between liberal justice and democratic theory. I say “division” here, but different views of justice and democracy will convey very different conceptions of the relation between the two (see Christiano 1996, Lakoff 1996). But traditionally, liberal conceptions of justice have viewed democratic mechanisms of collective choice as essential but highly circumscribed by the constitutional provisions that principles of justice support. Individual rights and freedoms, equality before the law, and various privileges and protections associated with citizen autonomy are protected by principles of justice and hence not subject to democratic review, on this approach (Gutmann 1993). However, liberal conceptions of justice have themselves evolved (in some strains at least) to include reference to collective discussion and debate (public reason) among the constitutive conditions of legitimacy. It could be claimed, then, that basic assumptions about citizens’ capacities for reflective deliberation and choice — autonomy — must be part of the background conditions against which an overlapping consensus or other sort of political agreement concerning principles of justice is to operate. Some thinkers have made the connection between individual or “private” autonomy and collective or “public” legitimacy — prominent, most notably Habermas (Habermas 1994). On this view, legitimacy and justice cannot be established in advance through philosophical construction and argument, as was thought to be the case in natural law traditions in which classical social contract theory flourished and which is inherited (in different form) in contemporary perfectionist liberal views. Rather, justice amounts to that set of principles that are established in practice and rendered legitimate by the *actual* support of affected citizens (and their representatives) in a process of collective discourse and deliberation (see e.g., Fraser 1997, 11–40 and Young 2000). Systems of rights and protections (private, individual autonomy) will necessarily be protected in order to institutionalize frameworks of public deliberation (and, more specifically, legislation and constitutional interpretation) that render principles of social justice acceptable to all affected (in consultation with others) (Habermas 1994, 111).

This view of justice, if at all acceptable, provides an indirect defense of the protection of autonomy and, in particular, conceptualizing autonomy in a way that assumes reflective self- evaluation. For only if citizen participants in the public discourse that underlies justice are assumed to have (and provided the basic resources for having) capacities for competent self- reflection, can the public defense and discussion of competing conceptions of justice take place (cf. Gaus 1996, Parts II and III, Gaus 2011). Insofar as autonomy is necessary for a functioning democracy (considered very broadly), and the latter is a constitutive element of just political institutions, then autonomy must be seen as reflective self-appraisal (and, I would add, non-alienation from central aspects of one’s person) (see Cohen 2002, Richardson 2003, Christman 2015).

This approach to justice and autonomy, spelled out here in rough and general form, has certainly faced criticism. In particular, those theorists concerned with the multi-dimensional nature of social and cultural “difference” have stressed how the conception of the autonomous person assumed in such principles (as well as criteria for rational discourse and public deliberation) is a contestable ideal not internalized by all participants in contemporary political life (see, e.g., Brown 1995, Benhabib 1992). Others motivated by post-modern considerations concerning the nature of the self, rationality, language, and identity, are also suspicious of the manner in which the basic concepts operative in liberal theories of justice (“autonomy” for example) are understood as fixed, transparent, and without their own political presuppositions (see, e.g., Butler 1990; for general discussion see White 1990).

These charges are stated here much too generally to give an adequate response in this context. But the challenge remains for any theory of justice which rests on a presumption of the normative centrality of autonomy. To be plausible in a variously pluralistic social setting, one marked by ongoing histories of oppressive practices and institutions, such a view must avoid the twin evils of forcibly imposing a (reasonably) contested value on resistant citizens, on the one hand, and simply abandoning all normative conceptions of social order in favor of open ended struggle for power on the other. The view that individuals ought to be treated as, and given the resources to become, autonomous in one of the minimal senses outlined here will, I submit, be a central element in any political view that steers between the Scylla of oppressive forms of perfectionism and the Charybdis of interest-group power politics.

#### In framing this round, the following criterion of economic deregulation should be upheld, according to Kenton and Mansa in 2021,

<https://www.investopedia.com/terms/d/deregulate.asp>

What Is Deregulation?

Deregulation is the reduction or elimination of government power in a particular industry, usually enacted to create more competition within the industry. Over the years, the struggle between proponents of regulation and proponents of no government intervention has shifted market conditions. Finance has historically been one of the most heavily scrutinized industries in the United States.

Understanding Deregulation

Proponents of deregulation argue that overbearing legislation reduces investment opportunity and stymies economic growth, causing more harm than it helps. And, indeed, the U.S. financial sector wasn’t heavily regulated until the stock market crash of 1929 and the resulting Great Depression. In response to the country’s greatest financial crisis in its history, Franklin D. Roosevelt’s administration enacted many forms of financial regulation, including the Securities Exchange Acts of 1933 and 1934 and the U.S. Banking Act of 1933, otherwise known as the Glass-Steagall Act. The Securities Exchange Acts required all publicly traded companies to disclose relevant financial information and established the Securities and Exchange Commission (SEC) to oversee securities markets. The Glass-Steagall Act prohibited a financial institution from engaging in both commercial and investment banking. This reform legislation was based on the belief that the pursuit of profit by large, national banks must have spikes in place to avoid reckless and manipulative behavior that would lead financial markets in unfavorable directions. Over the years proponents of deregulation steadily chipped away at these safeguards up until the Dodd-Frank Act of 2010, which imposed the most sweeping legislation on the banking industry since the 1930s. So how did they do it?

The History of Deregulation

In 1986 the Federal Reserve reinterpreted the Glass-Steagall Act and decided that 5% of a commercial bank’s revenue could be from investment banking activity, and the level was pushed up to 25% in 1996. The following year the Fed ruled that commercial banks could engage in underwriting, which is the method by which corporations and governments raise capital in debt and equity markets. In 1994 the Riegle-Neal Interstate Banking and Branching Efficiency Act was passed, amending the Bank Holding Company Act of 1956 and the Federal Deposit Insurance Act, to allow interstate banking and branching. Later, in 1999, the Financial Services Modernization Act, or Gramm-Leach-Bliley Act, was passed under the watch of the Clinton Administration, overturning the Glass-Steagall Act completely. In 2000 the Commodity Futures Modernization Act prohibited the Commodity Futures Trading Committee from regulating credit default swaps and other over-the-counter derivative contracts. In 2004 the SEC made changes that reduced the proportion of capital that investment banks have to hold in reserves.1﻿

This spree of deregulation, however, came to a grinding halt following the subprime mortgage crisis of 2007 and the financial crash of 2008, most notably with the passing of the Dodd-Frank Act in 2010, which restricted subprime mortgage lending and derivatives trading. However, with the 2016 U.S. election bringing both a Republican president and Congress to power, former President Donald Trump and his party set their sights on undoing Dodd-Frank. In May 2018, Trump signed a bill that exempted small and regional banks from Dodd-Frank’s most stringent regulations and loosened rules put in place to prevent the sudden collapse of big banks. The bill passed both houses of Congress with bipartisan support after successful negotiations with Democrats. Trump had said that he wanted to “do a big number” on Dodd-Frank, possibly even repealing it completely. However, Barney Frank, its co-sponsor, said of the new legislation, “This is not a ‘big number’ on the bill. It’s a small number."2﻿ Indeed, the legislation left major pieces of Dodd-Frank’s rules in place and failed to make any changes to the Consumer Financial Protection Bureau (CFPB), which was created by Dodd-Frank to police its rules.2

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## **CONTENTION 1**

#### Contention 1: In order to fulfill conceptions of liberal justice, one must understand the autonomous nature of corporations and extend the power of self-governance, without this world view the economy is suffocated through regulations, it is essential that a legal framework of deregulation is upheld

#### First, perceptions of an intrusive, regulatory government decrease economic affairs – uncertainty decreases investor confidence and economic vitality, Davis in 2017 writes…

Steven J Davis 1/30/2017, (Davis is the William H. Abbott Professor of International Business and Economics at The University of Chicago Booth School of Business, “Regulatory Complexity and Policy Uncertainty: Headwinds of Our Own Making, Revised 1/30/2017 – Originally published 2015, <http://www.policyuncertainty.com/media/Davis_RegulatoryComplexity.pdf>)

A. Breeding Complexity and Uncertainty The good Catholic Sisters who saw to my moral instruction in primary school devoted many hours to the Ten Commandments. They wanted my classmates and me to avoid sins. Their success in that regard is in doubt. But at least the Sisters could be confident that we did not sin out of ignorance or uncertainty. How they would have instructed us on one million commandments, I do not know. The delinquents in my school found it hard to absorb a mere ten. There is a serious point here: The sheer volume and complexity of statutes, regulations, regulatory guidance, and tax code provisions – and their instability over time – are barriers to knowledge and comprehension of the law, sound planning, and avoidance of legal jeopardy. Just staying on the right side of the law has become a much more challenging and burdensome undertaking, especially for businesses. Thus, the enormous expansion of the regulatory state breeds complexity and uncertainty in economic affairs. Moreover, as the regulatory state expanded, regulators acquired great power to interpret statutes, transform broad and vague legislative mandates into specific regulations (i.e., laws), and exercise discretion in crafting and enforcing regulations. As the system grew more complex, interpretation and enforcement became more uncertain and the scope for capricious regulator conduct grew. In this vein, Epstein (2011a, page 150) argues that an expansive regulatory state undermines the rule of law: This expansion of the government’s purview undoes virtually all of the procedural and structural features of the classical system: unbiased decisionmaking, judicial review of administrative actions on matters of fact and law, and retroactivity.... [A]s the scope of government activities increases, the far-flung nature of these activities leads to a great desire to take shortcuts in regulation, such that the older protections are treated as obstructions against the march of progress, and not as protections of individual rights. In a similar vein, Cochrane (2015) argues that dramatic expansion of the regulatory state poses a danger to our political freedoms. He sees an “emerging threat of large discretionary regulation, used as a tool of political control.... Just who gets that visit from the EPA can have a powerful silencing effect.” In sum, a large and complex regulatory state also breeds uncertainty in economic affairs by raising risks that regulators will exercise their discretion in a capricious manner, or use it as a tool of political control. B. Disproportionate Burdens on Younger and Smaller Businesses The burdens of regulation and regulatory complexity tend to fall more heavily on younger and smaller businesses for three reasons. First, there are fixed costs of regulatory compliance. Whether a firm has one employee or one thousand, for example, U.S. law requires regular paperwork or electronic submissions in conjunction with payroll taxes and tax withholdings on behalf of workers. The fixed cost elements of regulatory compliance favor larger over smaller businesses. Second, there are one-time costs of learning the relevant regulations, developing compliance systems and establishing relationships with regulators. Young businesses have had less time to develop the knowledge and internal processes required for compliance. Partly for this reason, our current regulatory and tax systems favor incumbents while disadvantaging entrepreneurship and young businesses. Third, compared to smaller, newer and would-be competitors, larger and incumbent firms have greater capacity and incentive to lobby for legislative exemptions, administrative waivers, and favorable regulatory treatment. For this reason as well, regulatory complexity tends to favor large incumbents and disadvantage new, younger and smaller firms. Figure 8 shows the employment share of young businesses, defined as firms that hired their first paid employee within the past 60 months. The young-firm employment share fell by more than half in recent decades, from about 18 percent in 1987 and 1988 to just over 9 percent in 2013. This drop in the young-firm share is pervasive across broad industry groups and U.S. states.31 Although other factors are also in play, this evidence fits the view that the growing scale of the U.S. regulatory system has discouraged the development of new businesses.32 These arguments also imply that regulatory and tax complexity discourage existing firms, even large ones, from expanding into new markets and products. For this reason, greater tax and regulatory complexity tend to soften competitive pressures and repress creative destruction more broadly. Indeed, ownership has become more concentrated in most U.S. industry sectors since at least the late 1990s.33 The scale and complexity of the regulatory system and the tax code are among the drivers of greater concentration and softer competition in product markets. C. Negative Economic Effects of Policy Uncertainty There are also sound reasons for concern about the harmful effects of policy-related uncertainty. Because it’s typically costly to reverse an investment or hiring decision, greater uncertainty naturally prompts businesses to pull back from capital expenditures and job creation.34 Uncertainty **also** raises financing costs, further discouraging investment and job creation.35 Weak investments in new technologies, capital goods, product development, and worker training undermine longer-run growth. Motivated by this reasoning, my work with Baker and Bloom investigates the effects of policy uncertainty. Using firm-level data, we find that **p**olicy uncertainty raises stock price volatility in policy-sensitive and regulation-intensive sectors like defense, healthcare, financial services and infrastructure construction. We also find that increases in policy uncertainty brings reduced investment and employment growth rates for firms in these sectors. At the macroeconomic level, we find that upward policy uncertainty shocks foreshadow declines in aggregate investment, output and employment in the United States and other large economies. In short, our results indicate that policy uncertainty hampers economic progress. As we discuss in our 2016 paper, many other studies also find negative economic effects of policy uncertainty. D. Regulatory Uncertainty Also Undermines Regulatory Goals Viscusi (1983) provides a useful theoretical framework for analyzing the effects of regulatory uncertainty on investments in production capacity and quality. Firms choose a unit output level and a quality level. For given quality, costs rise with unit output. For given output, costs rise with quality. Here, higher quality includes things like lower pollutants per unit of output and lower health risks per unit of output and consumption. Let x denote the regulatory penalty per unit of pollutant, health risk or other negative by- product of producing or consuming the good. When investments are fully reversible, the effects of regulation are straightforward: A greater regulatory penalty x causes the firm to choose lower output and higher quality. Regulatory uncertainty generates no anticipation and uncertainty effects in this special case. Instead, output and quality respond to the regulatory penalty in place at the time. In the realistic case when investments are not freely reversible, uncertainty about future regulatory policy depresses the firm’s investments in both production capacity and quality.36 Negative effects on capacity reflect the possibility of a high regulatory penalty x in the future. Negative effects on investments in quality reflect the possibility of a low regulatory penalty in the future. For example, uncertainty about the future regulatory penalty on power plant emissions discourages current investments that would reduce emissions. In this way, regulatory uncertainty undermines regulatory goals.

#### Second, loss of confidence causes recession – creates negative feedback loops that decks spending and triggers unemployment, Watkins from San Diego State University reports…

Thayer Watkins No Date [Professor at San Diego State University. “The Nature and Immediate Cause of Recessions: The Collapse of Business Investment” San Diego State University <https://www.sjsu.edu/faculty/watkins/recessioncause.htm> //DMcD]

In general there is a whole chain of events that lead up to an event like a recession. Here recession strictly means a substantial decline in the real level of sales and hence output (GDP). When some adverse event occurs the level of consumer purchases or government purchases or exports may decline but that decline is just a few percent. When business investors decide there is no need for any increases in productive capacity investment in plant and equipment goes from some substantial amount to near zero. Likewise inventory investment goes from some positive amount to a large negative amount as businesses sell off inventory and do not replace it. In other words, when something happens that discourages the other component of demand the adjustment is marginal, but business investment goes into free fall. The loss of confidence on the part of business investors thus creates a self-fulfilling prophesy. In the case of the Great Depression of the 1930's the level of private investment declined by 90 percent between 1929 and 1932. The loss of this source of demand for goods and services led to a drastic increase in the unemployment rate and all of the other terrible consequences. In that case the collapse of investment was driven by record high real interest rates, which in turn were due to deflation brought about by mistakes in monetary policy by the Fed. Later the real GDP began to increase but at a rate too low to absorb the pool of unemployment that had been created by the earlier recession in production. The condition was deemed a depression because of production being substantially below its potential. It did not end until the increase in demand involved with the entry of the United States into World War II. In the case of the recession of 2008-2009 the level of real GDP did not start declining significantly until the third quarter of 2008. This was after there was public declarations of the U.S. being in a recession. These declarations, such as by the National Bureau of Economic Research (NBER), were based upon an entirely different definition of recession. According to the NBER a recession is when there are adverse changes in a broad range of economic indicators. It just happened that real GDP was not declining when the NBER declared the U.S. was in a recession that started in the fourth quarter of 2007. That was undoubtedly a factor in business investors deciding to reduce their investment in capacity and their restocking of inventory. This then resulted in private investment going into free fall, dropping at annual rates on the order of forty to fifty percent per year. There had been a financial crisis in September of 2008 but that in itself was not what caused national sales and production to decrease. It was the loss of confidence on the part of businesses about the future of the economy that produces the decline in demand. The finance crisis was an influence on the loss of confidence, but it was the loss of confidence itself which was the cause of the recession in production. The previous recession was in 2001. It was not much of a recession and did not last long. Likewise there was a slight recession in 1990 and it did not last long. A more substantial recession occurred in the early 1980's as a result of Paul Volcker's monetary program to curb inflation. The previous recession occurred at end of Gerald Ford's administration and continued into the beginning of Jimmy Carter's administration in 1975. In each of these recessions the decline in real GDP occurred in the same quarter as the decline in private investment. In order to establish the general proposition that recessions occur only when business investment collapses one must establish in the historical record that real GDP did not decline before private investment.

#### Lastly, when superpower economies fall into recession, geopolitical economic interdependence sparks global conflict, as **Tønnesson in 2015 indicates…**

Stein Tønnesson 15, Research Professor, Peace Research Institute Oslo; Leader of East Asia Peace program, Uppsala University, 2015, “Deterrence, interdependence and Sino–US peace,” International Area Studies Review, Vol. 18, No. 3, p. 297-311

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may both inhibit and drive conflict are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among inter-dependent states that in turn increase the risk of military conflict (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately refuse to be deterred by either nuclear arms or prospects of socioeconomic calamities. Such a dangerous shift could happen abruptly, i.e. under the instigation of actions by a third party – or against a third party.

Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that changes in the world economy alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

## **CONTENTION 2**

#### Contention 2: The Aff burden is to prove that it is just to recognize unconditional rights of workers…however, there is an inherent flaw in their logic…

#### First, they conflate recognition with protections, represented by Oxford English in 2021, to recognize is

<https://www.oxfordlearnersdictionaries.com/us/definition/english/recognize>

to admit or to be aware that something exists or is true

OR…

to know who somebody is or what something is when you see or hear them or it, because you have seen or heard them or it before

#### What this means, is that the Aff CANNOT advocate for protectionist policies or political action to ensure that the unconditional right to strike is upheld by businesses and corporations…only can the Aff articulate why it is just of governments to admit or be aware of the exist of the right to strike, and not protect that right.

#### The negative will contend, it is not just for a government to implement blind and spineless recognition that provides zero protections; this is an independent reason to vote Neg, per Hogan and Science Daily in 2021…

<https://www.sciencedaily.com/terms/justice.htm>

Justice is a concept of moral rightness based ethics, rationality, law, natural law, religion, equity and fairness, as well as the administration of the law, taking into account the inalienable and inborn rights of all human beings and citizens, the right of all people and individuals to equal protection before the law of their civil rights, without discrimination on the basis of race, gender, sexual orientation, gender identity, national origin, color, ethnicity, religion, disability, age, wealth, or other characteristics, and is further regarded as being inclusive of social justice. According to most contemporary theories of justice, justice is overwhelmingly important: John Rawls claims that "Justice is the first virtue of social institutions, as truth is of systems of thought." Justice can be thought of as distinct from benevolence, charity, prudence, mercy, generosity, or compassion, although these dimensions are regularly understood to also be interlinked. Justice is the concept of cardinal virtues, of which it is one. Justice has traditionally been associated with concepts of fate, reincarnation or Divine Providence, i.e. with a life in accordance with the cosmic plan. The association of justice with fairness has thus been historically and culturally rare and is perhaps chiefly a modern innovation [in western societies]. Studies at UCLA in 2008 have indicated that reactions to fairness are "wired" into the brain and that, "Fairness is activating the same part of the brain that responds to food in rats… This is consistent with the notion that being treated fairly satisfies a basic need." Research conducted in 2003 at Emory University involving capuchin monkeys demonstrated that other cooperative animals also possess such a sense and that "inequity aversion may not be uniquely human" indicating that ideas of fairness and justice may be instinctual in nature.

#### Even if, recognition is legal protections of unconditional rights, this is still a reason to vote Neg…In this world, legal protections would be delivered by the State via legal frameworks, precedents and laws; THIS IS THE REGULATION OF ECONOMIC MARKETS that is indited above, essentially their arguments manifest into the economic downturn that orchestrates global conflict, that’s Contention 1.

## **CASE**

#### NOW ONTO THE AFFIRMATIVE CASE…

#### First, on their value

**[INSERT ARGUMENT]**

#### Second, on the criterion

**[INSERT ARGUMENT]**

#### Third, the Aff must uphold ‘unconditional’ ‘absolute’ right to strike, I’ll read Merriam-Webster from 2020,

MERRIAM-WEBSTER DICTIONARY, Oct. 24, 2020. Retrieved Oct. 12, 2021 from <https://www.merriam-webster.com/dictionary/unconditional>

Unconditional: Not conditional or limited: absolute, unqualified.

#### Fourth, police labor unions would use the absolute right to strike to undercut civilian oversight and protect against legal action in use of force instances. Oversight and regulation are key components to provide a just world for women of color, as they are the most marginalized group by statist power--this is an external reason to vote neg, two warrants…Katz in 2021 and Jacobs in 2017

Walter Katz, (Attorney, Arnold Ventures, LLC), SMU LAW REVIEW, Summer 2021, 428.

Police unions have used their political power to resist efforts such as the creation of civilian review boards and disclosure of discipline records. Part of their success is through successful framing of reform proposals and criticism of excessive force as "tantamount to abetting 'gun-toting criminals,' which oversight is implicitly linked to violent crime rates. The voice of the union, then, is one that brooks no compromise and is open to no critique."

The role of police unions - in both contract negotiations and the political realm - has historically been oppositional to critics and reform efforts while simultaneously embracing "tough on crime" strategies. Police officer unions have resisted a range of measures that are seemingly within the realm of management, but which have a measurable influence on police operations and community interactions. One such example occurs when officers resist oversight: When collective bargaining gives line officers more authority to define the police role, officers embrace a legalistic patrol style that results in higher arrests and more aggressive criminal enforcement. The power-shifting effect of collective bargaining is, to a great extent, apparently inconsistent with the hierarchical "chain of command" structure that police agencies adopt. The resulting friction adversely affects officer performance.

AND…

Jacobs, Professor of Criminal Law, 17

[Michelle, November 2017, William & Mary Journal of Race, Gender, and Social Justice, “The Violent State: Black Women's Invisible Struggle Against Police Violence”, Volume 24, No. 1, pg. 41, JZQ]

Black women’s interaction with the state, through law enforcement, is marked by violence. Black women are murdered by the police.4They are assaulted and injured by the police. They are arrested unlawfully by the police; and finally they are tried, convicted and incarcerated for defending themselves against police violence.7 State violence against Black women is long-standing, pervasive, persistent, and multilayered, yet few legal actors seem to care about it. This Article will bring together the strands of scholarship that exists across several fields on the dilemma of state sponsored violence against Black women, to highlight for legal scholars the depth of the problems Black women experience. The relationship between Black women and the state was birthed in violence, through the establishment of slavery in the colonial world. Part I of this Article explores the historical roots of Black women’s interaction with the state. The historical exploration is necessary because in the foundational years of interaction between Black women and White colonists the process of dehumanization and genesis of cultural stereotypes were created. Throughout the research cited in this Article, contemporary linkages to both legal policy, as well as law enforcement behavior will be made to stereotypes fostered and maintained through slavery.