Logic of Contradictions

Panelists: Daniel Farbman, Corinne Blalock, KB Burnside & Ben Levin
This panel identifies four different sites of contradiction staged by the dichotomies of legal discourse and seeks unpack the social consequences such frameworks negotiate, produce, and/or obscure. Respectively, the papers herein examine: the neo-liberal recruitment of small government discourse to justify intervention into families that exist beneath the poverty line; the antithetical logics of liberalism and counter-liberalism contained within the single legal concept of police; the use of a nationalist ideology of localism to change and reshape the realities of local government, “self-rule,” and political culture in the south during Reconstruction; and the culture of control implicitly reinforced by two otherwise seemingly unrelated political movements: the war on drugs, and progressive advocacy for gun control legislation.

Daniel Farbman – Localism National
At the end of the civil war, a segment of northern radicals understood the end of the war and the end of slavery as a mandate that, in Thaddeus Stevens’ words “the whole fabric of Southern society must be changed.” A few of these radicals came south as “carpetbaggers” to help frame the new southern state constitutions. In Virginia, South Carolina, and North Carolina one of the primary vehicles for this grand unionist vision of political reform was the importation of a distinctly northern institution: the New England township. This paper is about this moment in history as a window onto a longer tradition of idealists and utopians who have constructed and continue to construct narratives of national and universal reform through the structures and modes of local governance. I am interested not only in the inevitable failures of a nationalized localism, but also in the continued attraction of the contradiction.

Corinne Blalock - “Government Small Enough to Fit in Your Bedroom”: Regulation of the Family under Neoliberalism
This paper examines the apparent contradiction inherent in the fact that the discourse of “small government” is used to justify an increasingly intrusive intervention into the families of those living in poverty. In the domestic context, the shrinking of the welfare state may mean less government in the lives of the wealthy, but for those below the poverty line welfare reform has meant an increased state presence in this historically private realm. In the law and development context, post-Washington Consensus policy justifies a similar intervention through the identification of gender and familial relations as central to economic development. This paper illustrates the ways in which the logic of these interventions is intrinsic to neoliberal ideology and its (mis)use of market models.

KB Burnside – An American Police
The definition of police in its classical sense indicates not an organization of law-enforcement but the proper ordering of a social space. In the continental context, the concept of police has served to index the evolving dynamics of liberalism, from their classical iteration to their expression in the economic logics of so-called neo-liberalism. This relationship is tracked most famously in two contemporary lines of inquiry. While Foucault lifts the term from early modern
political treatises in order to elaborate his theory of biopolitical power, Ranciere identifies police as capturing the movement whereby democracy becomes identified with the management of a community according to the principles of economic necessity. However, historical investigations into the US context reveal that the employment of the concept of police in nineteenth-century US legal discourse reveals its binary opposition to such basic liberal principles as individualism, efficiency, and contract. This paper explores what the transatlantic migration of the concept of police evinces about the specificity of the American context and the distinctly counter-liberal patterns of thought submerged within its history.

Ben Levin – Guns and Drugs
Drawing on the broad literature on overcriminalization and the social costs of incarceration in the War on Drugs, I seek to problematize the current and proposed use of criminal law as the regulatory paradigm for managing gun possession. Focusing on the racial and socio-economic damage that the drug war has wrought, I argue for a critical re-examination of criminal law as a means of advancing the progressive aims of gun control proponents. While the rhetorical framing of anti-drug and anti-gun measures may appear unrelated, this paper will highlight the ways in which a potential (and, in some respects, an already-ongoing) “war on guns” should be viewed in the context of the critiques leveled against the failed War on Drugs. Ultimately, I argue that those wary of an overreliance on the state’s police powers in the drug context should be wary of embracing a “culture of control” in the gun context.