The Subject of Economics:
Rights Debates and Discourses in the Neoliberal Era

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Abstract

This dissertation is an inquiry into the function of rhetoric in the neoliberal era. It argues that rhetoric functions as a technology of governance distributing neoliberal logics across and through institutions, social terrain, and the state making them useful for entrenching and extending neoliberal power and its networks. The diffuse nature of neoliberalism, its mutability from situation to situation, and its dynamic power relations exceed traditional models for deliberative rhetoric and rhetorical theories and requires supplemental rhetorical models and theories that recognize rhetorical agency as a productive energy circulating through neoliberal networks of power. It develops from the premise that neoliberalism works hand-in-glove with biopolitics to secure order within this mode of power. The intensification of neoliberalism and its articulation into governing and cultural institutions reorganizes relationships among people, institutions, and the state creating a seismic shift in the structural order of our lived realities and lived practices. Neoliberal order alters subjectivities, transforms spaces of social/political activity and coordination, and mobilizes discourses that reaffirm its logics. These changes alter our perceptions of truth, alter our understanding of justice and equality, and have us reconceive models of the state and human relationships. The fundamental changes to our lived realities manifest in rights debates, discourses, and scenes of recognition. These sites of conflict offer a lens into deeper structural changes and actual operations of neoliberalism and provides a means of theorizing resistance.

Building on theories of rhetorical circulation from Ronald Walter Greene and Catherine Chaput, this dissertation traces rhetoric’s distribution of neoliberal power across sites of contemporary rights conflicts to secure and extend neoliberal order. Case
studies examine the intensification of the economic subject in the aftermath of the attacks on September 11, 2001 to diminish the political subject at home and justify wars abroad, the adoption of economic subjectivities in the conflict over marriage equality and religious freedom leading to and following the Supreme Court decision in Obergefell vs. Hodges that guaranteed the right to same-sex marriage, and how the Black Lives Matter movement threatens neoliberal order and how neoliberalism appropriates discourses of tolerance to delegitimize the movement. It concludes with brief examinations of the Occupy Wall Street movement and Standing Rock protests to theorize resistance to neoliberalism and possibilities for imagining and enacting alternative collective futures.
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Introduction:

Welcome to the Neoliberal Era, You’re Already Here

In 2015 Indiana passed the Religious Freedom Restoration Act. The law, as it was originally written, protected business owners in discrimination lawsuits if s/he felt her/his free exercise of religion would be “substantially burdened, or is likely to be substantially burdened [by providing services] … regardless of whether the state or any other government entity is party to the proceeding” (Senate Enrolled Act No. 101). In his signing statement, then Governor Mike Pence said he signed the Bill because “many people of faith feel their religion is under attack by government action” and that he wanted to “support the freedom of religion for every Hoosier of every faith” (“Statement Regarding Religious Freedom”). Pence, and other supporters of the law, pointed to the 1993 federal Religious Freedom Restoration Act to justify its necessity. They claimed that, like the federal law, the state law protects the exercise of free religion from government overreach. The federal law, which passed with bipartisan support and was signed by Bill Clinton, was written in response to a Supreme Court ruling that allowed states to ban sacramental use of peyote by Native Americans. The law protected the tribes from government interference and set a standard that requires the government to prove that there is a compelling interest on the part of the state to prevent individuals from her/his religious practices. Since its passage, the law was used to rule that Muslim prisoners could wear beards as part of religious observance and to rule that the city of Philadelphia could not bar church groups from feeding the homeless in city parks (Conkle). The federal law applies only to the federal government and many states adopted their own versions of the law that apply specifically to state governments. The language of Indiana’s law, however, as Garrett Epps, a constitutional law professor, writes in *The Atlantic*, “makes a businesses’ ‘free exercise’ right a defense against a private lawsuit
made by another person, rather than simply against actions brought by the government.” That is, while religious freedom laws in other states mitigate disputes between individuals and the state government, the law in Indiana is intended to also apply to lawsuits between individuals.

The provision protecting business owners from civil lawsuits from individuals prompted immediate and intense backlash. Critics argued that it created legal justification for business owners to discriminate against LBGT persons based on religious objections, particularly in providing services for same-sex weddings. They pointed to remarks on the website of Advance America, an Indiana-based religious freedom organization that lobbied for the law, by its executive director Eric Miller stating the law will protect “Christian businesses and individuals from those who support homosexual marriages” and that “Christian bakers, florists, and photographers should not be punished for refusing to participate in homosexual marriage” (“Victory”). In response, a movement to boycott Indiana spread across different sectors of society including the arts, the technology industry, municipalities, and professional and collegiate athletics. Many businesses and other groups also pulled or threatened to pull conventions and conferences out of Indiana.

The controversy surrounding Indiana’s law played out as a controversy about rights and pitted the rights of LBGT persons against the rights of religious persons. In Pence’s interviews and statements defending the law he argued the law was never about discrimination and was always intended to protect religious freedom. In his signing statement he said, “[t]his bill is not about discrimination, and if I thought it legalized discrimination in any way in Indiana, I would have vetoed it” (“Governor Pence Issues Statement”). On ABC News’s This Week Pence insisted “this is about empowering people [against] government overreach.” In an op-ed in The Wall Street Journal Pence wrote that he operates by the Golden Rule of doing onto others and that “if
[he] saw a restaurant owner refuse service to a gay couple, [he] wouldn’t eat there anymore” (“Ensuring Religious Freedom”). And on the campaign trail in 2016 after Pence was nominated for vice-president he was called to account for his record as governor and the law. In an interview on Fox News Sunday with Chris Wallace Pence stated, again, that he “doesn’t support discrimination against anyone” and added, “when there is a conflict of rights here in our society, those are the proper purview of the courts” (“Gov. Mike Pence”). Pence’s support for Indiana’s religious freedom law suggests a desire for more porous boundaries for religious practice and interactions in the broad public sphere than previous laws and standards.

What’s striking about Indiana’s law and defenses of it is not the law’s attempt to navigate the terrain of rights and discrimination in a changing cultural landscape, but the extent to which the law and its defenses are underscored by a version of neoliberal rationality espoused by Milton Friedman and the Chicago School of Economics. In Capitalism and Freedom, Friedman argues that a social and government order modeled on competitive capitalism ensures the conditions necessary for a free society. Freidman’s model of society and state privileges the individual above all else. He imagines freedom in negative terms, chiefly, to be free from coercion. Coercion also includes conformity to democratic majority. There are some governmental matters, he argues, like national defense budgets, in which it is necessary to “discuss, and argue, and vote [and] having decided, we must conform” (23). However, for Friedman, in most matters voting and accepting majority opinion coerces individuals to submit to a majority which impinges on an individual’s ability to decide matters for her or himself. He insists that the most effective means of ensuring freedom from coercion is through voluntary cooperation and exchange by individuals in the marketplace. Under this model, a free society is constructed around an exchange economy in which individuals are free to enter or not enter
private exchanges and contracts. This organization, he contends, prevents any one person from interfering with another person’s actions. He writes: “The wider range of activities covered by the market, the fewer the issues on which explicitly political decisions [voting] are required and hence on which it is necessary to achieve agreement” (24). Indiana’s Religious Freedom Restoration Act attempted to enshrine a Friedman-like conceptualization of voluntary exchange into law. The provision protecting individual business owners from discrimination suits ensures a market situation in which the state cannot intervene and, as Friedman would write, coerce an individual into an unwanted transaction. The law both creates and preserves the individual as the primary entity of society and exchange. The right of a business owner to deny service is an individual decision and cannot be impeded by the government or other individuals or groups. Indiana’s law ensured an individual’s right not to be coerced into an interaction based on her/his private religious objections.

Pence’s comments about the purview of the courts in rights conflicts also mirror Freidman’s account of the role of government in a market society. Freidman acknowledges that in the model of a market society the freedom of an individual sometimes “must be limited to preserve another’s [freedom]” (26). This understanding raises questions about the role of government in mitigating such conflicts (26). In rights conflicts, Freidman likens the government to an umpire in a game. He writes that the basic roles of government in a society of competitive capitalism are “to provide a means whereby we can modify the rules, to mediate differences among us on the meaning of the rules, and to enforce compliance with the rules” (25). In a market society of individuals this entails protecting and enforcing individual rights and freedom from coercion. Indiana’s law instantiated a conflict between religious freedom and the rights of LBGT persons. The conflict, however, is between negative and positive constructions of
freedom: the freedom from coercion to enter an exchange under religious objection runs against the freedom of LBGT persons to access a service. Pence’s statements that the law is not about discrimination never denies that discrimination against LBGT persons is possible and permissible under the law, rather his statement that the law is about protecting religious freedom privileges negative forms of freedom over positive constructions of freedom. To put it differently, market freedoms are apolitical and supersede other freedoms and rights that are decided in a political realm. The protection of negative forms of freedom also follows Freidman’s assertion that ethical decisions are not the role of government but are “for the individual to wrestle with” (12). Pence’s insistence that that he personally will not support a business that discriminates likewise places ethical issues as individual decisions. Indiana’s law and Pence’s comments promote a neoliberal role of government and a model for society composed of atomistic individuals whose public interactions and publicity occur through market exchanges.

The implicit embrace of neoliberal rationality in law, policy, and public debate is not unique to Indiana’s Religious Freedom Restoration Act. In *Undoing the Demos*, Wendy Brown interrogates the deleterious effects on democracy by what she dubs the “ubiquitous economization” and dissemination of neoliberalism across U.S. law, public life, and culture (31). Drawing from Foucault, she understands neoliberalism as a governing rationality that extends to every dimension of life including facets in which the generation of wealth is not of primary interest such as education, healthcare, and family life. One of Brown’s examples in which the model of the market extends into non-economic domains is that of a high-school student who performs volunteer service to bolster her/his college application profile. The student did not perform the unwaged service for altruistic purposes or the public good, rather it was performed
as a calculated effort to increase her/his competitiveness within the college admissions process. Brown argues that the primary function of neoliberal governmentality is the production of economic subjects. The institutionalization of neoliberalism, she writes “configures human beings exhaustively as market actors, always, only, and everywhere as *homo oeconomicus*” (31). Neoliberal *homo oeconomicus* differs greatly from classical economic liberalism and the subject who trucks, barters, and exchanges for her/his needs in the space of the market and is instead a subject who is entrepreneurialized as human capital: investing in oneself to increase one’s value within a competitive and marketized society across all facets of life, not only in the marketplace.

Though neoliberalism is often understood as an economic agenda that promotes free markets, free trade, privatization, and deregulation, Rob Van Horn and Philip Mirowski argue it is a political program that (re)orients the functions of the state according to the market. They write that a salient feature to neoliberalism is the understanding that markets are not part of a natural order and that “the conditions for its success must be *constructed*” (emphasis in original 161). They continue that because markets will not prevail without consistent intervention, “neoliberalism is first and foremost a theory of how to reengineer the state to guarantee the success of the market” (161). David Harvey advances a similar understanding of the state under neoliberal order. He describes neoliberalism as a “theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedom through private property rights, free markets, and free trade” (2). He argues that the role of government under this rationale is to preserve institutional frameworks that ensure the continuation and creation of markets (2). In this market model of the state, the state withdraws from the social realm insofar as providing for the social-welfare of citizens through privatizing public institutions and public services, deregulating industry and regulatory protections for
general health and well-being of people, and reducing and/or eliminating the social safety net. Instead, the state creates and preserves institutional frameworks that introduces competition and emphasizes market exchanges and market practices as a guide to all political and social interaction. The success of neoliberalism thus requires a strong state apparatus to produce and ensure the smooth functioning of markets. This manifests through law and public policy and is secured with a juridical apparatus of courts and police to enforce the (neoliberal) rule of law. The Indiana Religious Freedom Restoration Act cited above, for example, utilizes the court system to avoid law suits that might invite government regulation of a market. Deregulation of consumer transactions does not limit the state, rather it re-regulates while also strengthening a function of the state by imbuing juridical and police apparatuses with greater regulatory authority. While the Indiana law serves to ensure an unregulated market and produce individual market actors under a guise of entrepreneurial freedom, it simultaneously conceals the function of a strong state.

The intensification of neoliberal rationality and its articulation into governing and cultural institutions reorganizes relationships among and between people, institutions, and the state. The changed relationships and structures of daily life drastically alter the production of knowledge and truth and how arguments are made, taken up, and circulated in public and institutional contexts. This dissertation is a response to this moment in which a neoliberal episteme energizes new knowledges, new networks, and new economic subjectivities. It argues that neoliberal rationality and the implementation of neoliberal policies across governmental and cultural institutions results in a seismic shift in the structural order of our lived realities and lived practices. These changes alter our perceptions and truths, our understanding of justice and equality, and have us reconceive models of the state and human relationships. As evidenced with the debates over Indiana’s RFRA, the foundational changes to national and global order manifest
in rights conflicts in the broad public sphere. A rhetorical inquiry into rights debates, conflicts, and discourses in the neoliberal era provides a point of access for analyzing the neoliberal order and for theorizing resistance and interventions that allow for imagining and enacting alternative possibilities for collective futures.

The diffuse order of neoliberalism presents challenges for rhetoricians. Markets under neoliberalism exist within dynamic relationships among governing institutions, cultural spaces, and everyday practices of living. Unlike earlier stages of liberal capitalism in which there were clear separations among market spaces, the public, and private life as well as clear divides between work and leisure, neoliberalism transverses boundaries. Neoliberalism’s organizing logics circulate as discourse within and through these domains coordinating their activities toward market ends. Rhetoric is immanent within neoliberalism both reifying and extending its order across domains of life. Ronald Walter Greene conceptualizes rhetorical processes in the neoliberal terrain as a form of “communicative labor” that produces value (202). Practices of living organized through neoliberalism’s logics serve capitalism and the production and reproduction of markets. Rhetoric distributed across this terrain also distributes bodies that labor for the increased value of neoliberalism across all spaces of life’s activities. In Greene’s conceptualization, rhetoric and capitalism work hand-in-glove across the dynamic networked spaces of neoliberalism. Rhetoric is appropriated into processes of capitalist production and requires us to adjust theories of rhetoric that imagine rhetoric in frames of political action. As Greene observes, political and social action are incorporated into neoliberalism. Instead of focusing on rhetoric as a form of symbolic representation used for political interaction, we need to trace rhetoric’s circulation through diffuse, decentered networks of neoliberalism and its effects in organizing institutional operations and life’s practices. Conceptualizing rhetoric as a
technology of capitalism that links and coordinates subjects and social cooperation for the continued production of neoliberalism exposes possibilities for harnessing rhetoric’s energy to induce and produce alternative modes of cooperation and coordinated activity outside the spaces of neoliberalism. This dissertation traces the production and circulation of neoliberal rhetorics in contemporary sites of rights recognitions and rights debates to examine the intensification of the neoliberal order and the role of rhetoric in securing and extending that order and uses this examination to theorize productive ways of challenging this order.

**Chapter Summaries**

In Chapter one I describe a brief history of the origins and rise of neoliberalism and explain how the neoliberal episteme that (re)locates the site of truth in the markets restructures the order and function of the state. Citing critical theorists of neoliberalism such as Wendy Brown and Michael Hardt and Antonio Negri, I argue that market veridiction as a dominant component of neoliberal rationality produces a new, decentered order that incorporates intuitions, governments, and subjects into a network of neoliberal power organized through the connectivities to global flows of capital. In three separate sections I examine how neoliberalism transforms subjectivities, the public sphere, and rhetoric and makes them useful for (re)producing, extending, and securing neoliberal power. I conclude the chapter by explaining a methodology for mapping how neoliberal discourses existing in the spaces of neoliberalism are mobilized and distributed to organize the state and its citizens and secure the privileged status of economic subjects thereby extending neoliberal power.

In Chapter Two, I analyze the intensification of neoliberal discourses that emanated from the Bush administration following the attacks on September 11, 2001. I argue that the attacks created an opportunity to expand neoliberal networks of power into places in the world long
outside the neoliberal global order and at a time when this order was meeting domestic and international political resistance. In the immediate aftermath of the attacks the administration deployed a New World Order discourse that employed Jordynn Jack’s concept of “chronotope” to reconfigure space and time and define a reality in which there are imminent threats to American freedom from an ever-changing enemy. This new reality allowed the Bush administration to identify multiple and fluctuating targets to attack according to the needs of capitalism. I explore how the epideictic rhetorical form of the new world order discourse depoliticizes the broad public sphere while simultaneously intensifying the economic subject and economic activity as the dominant mode of publicity and civic behavior. The economic emphasis changes the recognition of public subjects by linking practices of consumption and production with patriotism, freedom, and economic agency as the source of American exceptionalism. I analyze how the Bush administration utilized the rubric of the economic subject as emblematic of American freedom and values to identify the Iraqi people as oppressed and in need of liberation. I argue that exporting economic recognition as a pretense for war allowed the Bush administration to implement that same neoliberal structural adjustment policies in Iraq that were being resisted and questioned prior to the September 11th attacks thereby expanding and securing neoliberal order.

Chapter Three builds on the previous chapter by exploring how groups leverage economic subjectivities when advocating for rights and how those rights recognitions are sought through the marketplace. I examine the conflicts between the LBGT community and evangelical Christian community surrounding same-sex marriage and use the moment of conflict following the Supreme Court decision in *Obergefell v. Hodges* that guaranteed the right to same-sex marriage to explore how neoliberal rationalities circulate into different spheres and alters the
rationality of that sphere by merging with and transforming existing discourses. I argue that as neoliberal rationality circulates into and through institutions it reorients those institutions, forms new economic subjectivities, and shapes discourses that circulate and reinforce neoliberal rationality. I begin by examining the Obergefell decision and trace the history of the same-sex marriage debate and argue that in the struggle for marriage equality the right to same-sex marriage was granted when the institution of marriage was reinterpreted as a public economic benefit rather than a private choice between two individuals. Marriage was thus understood as a public economic practice rather than a private right. I then examine the conflict the decision presents for evangelical Christians who believe homosexuality is a sin and marriage, by God’s definition, is between a man and a woman as they navigate public life. I argue that when evangelical publics form around Christian bakers, florists, and other service providers and seek recourse in the marketplace their arguments, ethical commitments, and identities are necessarily infused with and (re)circulate neoliberal logics. To further an understanding of how neoliberal logics transforms spheres of activity and behavior and fashions economic dispositions I consider the extreme case of Kim Davis, the Rowan County clerk who refused to issue same-sex marriage certificates. I contend that she applies market logics to her practices of faith and that her embodiment of an entrepreneurial subjectivity acts as a conduit for neoliberal rationality as discourses and logics move through her to the evangelical public that defended her.

Whereas Chapter Three examines the uptake and adoption of economic subjectivities and logics by groups seeking recognition, Chapter Four examines resistance to neoliberal recognitions by the Black Lives Matter movement (BLM) and the liberal discourses of tolerance used to deligitimize the movement. My analysis of the BLM first examines the visual elements of protest and then examines how the visibility of the movement supports arguments that challenge
neoliberal policies that negatively poor minority communities. I argue that neoliberal policies change the scene of recognition from liberal rights frameworks to modes of economic competition. Using Delicath and DeLuca’s concept of “image events” and Harriman and Luicaces’ analysis of the public forming function of iconic photographs I argue that the images of BLM protests make visible neoliberal dispossession and marginalization of African Americans and serve to assert publicity and demand rights. The visual elements of BLM protests produce a rhetorical opening in which the movement mobilizes human rights discourses to assert a concept of “Black Villages” that realigns social and community arrangements that disengages from neoliberal order and logics of competition. I examine, however, how the momentum of the movement does not gain traction in the logics of neoliberal order. I argue that neoliberalism’s appropriation of liberal discourses of tolerance serve the biopolitics of neoliberal order and ensure market compliance by public subjects and undercut other rhetorics predicated on logics of recognition.

In Chapter Five I argue that confronting the neoliberal order requires interventions in the neoliberal milieu. This means organizing bodies into new productive networks. Foucault’s conceptualization of biopolitics recognizes that it is the manipulation of populations that produce and maintain neoliberalism. The neoliberal milieu organizes human activity and connectivity within a grid of economic practices. Biopolitics, like power, is neither positive nor negative. Biopolitical interventions can place bodies in new associative networks and new points of connection that generate other forms of lived practices. The ontological interventions are subject forming and produce new discourses that circulate through the social milieu and allow for imagining new possibilities for collective futures. To theorize possibilities for this kind of intervention I analyze the Occupy Wallstreet movement and the Standing Rock protests. These
movements organized bodies in ways that produced new forms of sociability and practices that served to produce new subjectivities, relations, and acted as intentional sites for communicative labor. Theorizing new associations and networks of relations allows us to imagine modes of recognition outside the liberal order that are not easily appropriated or undercut by neoliberalism.

Language specifically protecting LBGT persons from discrimination was later added to the law because of pressure from activist groups and businesses. See Terkel “LBGT Pretections Included in Fix.”

San Francisco and Seattle, for example, declared they would bar publicly funded travel to Indiana and Connecticut and Washington states threatened to do the same (Muskal); Technology companies such as Yelp and Salesforce.com, which had a strong presence in Indiana, announced they would not be expanding their businesses in Indiana (Barbaro and Eckholm); The National Collegiate Athletic Association, which is headquartered in Indianapolis, expressed concern over the possibility of discrimination against student-athletes and employees and questioned future events in the state (Alesia); and Tony award-winning singer and actress Audra McDonald decided to donate proceeds from performances in Indiana to LBGT activists groups fighting the law (“This Week”).
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Neoliberalism and the State: Rhetoric and the Distribution of Neoliberal Power across Spaces of Lived Activity

Many scholars and writers place the origins of the neoliberal project with the formation of the Mont Pèlerin Society in 1947—named after the village in the Swiss Alps where the meeting took place (Mirowski, Plehwe, Klein, Harvey). The group was comprised of a small cadre of neoliberal thinkers from Europe and the United States, most notably Friedrich Hayek, Ludwig Von Mises, and Milton Friedman, whose free-market ideologies placed them in the margins of intellectual life in the postwar period. Mont Pèlerin formed in response to Keynesian economics and the strong welfare-state embraced by the postwar West. Its members felt an urgency to restore the order of the free market and reform the state. The founding statement of the Mont Pèlerin Society, for example, declares: “The central values of civilization are in danger. Over large stretches of the earth’s surface the essential conditions of human dignity and freedom have already disappeared. In others they are under constant menace from the development of current tendencies of policy” (qtd. in Harvey 20). The statement goes on to proclaim that the freedom of men is in jeopardy and that a reversal of these policies must be enacted to preserve freedom (20). As the statement implies and as Dieter Plehwe contends, neoliberalism is much more than an economic theory, it is a political philosophy and a political practice that attempts to implement the market as the primary organizer of the state and society (1-2). That is, the state should function to preserve market freedoms.

Both Plehwe and Philip Mirowski argue that any understanding of neoliberalism cannot be separated from the historical and political context and origins of the Mont Pèlerin Society. The rise of what they describe as a “neoliberal thought collective” was a reaction against the rise of a strong state and state interventions in markets. The mission of neoliberals, as Naomi Klein
describes it, was “purification—[to] strip the market of these interruptions” (64). In a similar vein, Mirowski suggests that the general goal of the Mont Pèlerin Society was a “long-term reform effort at rettating the entire fabric of society” by reeducating intellectuals, government officials, and corporate leaders through disseminating and institutionalizing neoliberal ideas (431). From the start, the neoliberal project was to remake the state through influencing policy makers and redefining the site of knowledge and freedom by placing them in markets. It was avidly against socialist doctrines of the immediate postwar period and thus informs a perspective and operational logic that does not permit other perspectives or organizations of state and society, other ethics, or other commitments.

Although neoliberalism as advanced by the Mont Pèlerin Society was developed against socialism and state interventions in markets, it is not monolithic. At its inception the Mont Pèlerin Society was comprised of a transnational group of thinkers who gathered to incubate neoliberal ideas and practices and consider the relationships among capitalism, society, and the state within this ideal. Though different schools of neoliberal thought emerged, the society formed a transnational network through which neoliberal ideals were disseminated across Western Europe and the United States and later came to include a larger global network. Because of the transnational founding of the Mont Pèlerin Society both Plehwe and Mirowski encourage conceiving of neoliberalism as pluralistic and recognizing the different schools of thought that were taken up and implemented differently across the world. In the United States the Chicago School of Economics is largely responsible for producing the American model of neoliberalism. (I discuss the global significance of the Chicago School in greater detail in chapter two.)

Several founding members of the Mont Pèlerin Society were also original members and actors behind the rise Chicago School including Friedrich Hayek and Milton Friedman. Philip
Mirowski and Rob Van Horn credit Hayek as integral to the founding of both. They continue that his ideas forged much of the early work of the Chicago School and provided an important link to the Mont Pèlerin Society’s project of creating neoliberal doctrine specific to the postwar world (140, 158). Many of the distinctively American neoliberal principles to emerge from the Chicago School originate with Hayek and are echoed in Freidman’s best-sellers *Capitalism and Freedom* and *Free to Choose*. These include: the recognition that reengineering the state to guarantee the success of the market requires political organization and constant effort; flattening the state and market to the same ontological field; and reducing concepts of freedom to the individual’s pursuit and attainment of wants and desires (Mirowski and Van Horn 160-161). Mirowski and Van Horn note one of the important functions of the Chicago School and the Mont Pèlerin Society in advancing neoliberalism are not so much their policy prescriptions or platforms, but the networks of think tanks, institutes, and academic and other intellectual circles that disseminated neoliberal theory and ideology emanating from these sites to a broader public. While in the United States the most notable of these groups are The Heritage Foundation and The Cato Institute, myriad other organizations exist to change cultural consciousness, influence politics, to limit government action to protecting competitive markets and preserving individual freedom, and championing markets as the solution to social problems. These principles are translated into and recognizable in a variety of current debates like school choice, repealing of the individual mandate in the Affordable Care Act (Obamacare), and discontinuing government subsidies and tax breaks to renewable energy companies.

The neoliberal episteme emanating from the networks of the Mont Pèlerin Society and the Chicago School redefines the place of knowledge and knowledge production by placing it in the market. A central tenant of neoliberal rationality is that the market is a better predictor of the
social good and needs than government planning or other forms of state and social intervention. Milton Friedman, for example, writes that “each day brings new problems and new circumstances” and argues that a government cannot implement policies or sustained functions that respond to changing circumstances (4). Only the flexibility of markets, his argument continues, can allow individuals to address her/his needs and pursue her/his own purposes. A government policy or law will quickly become outmoded and in turn coerce individuals into practices that are ultimately harmful. Freidman assumes this position from his friend and colleague, Friedrich Hayek, who wrote extensively about the inability of human thinking to match the superhuman market. Philip Mirowski writes, Hayek posited the market “to be an information processor more powerful than any human brain” (435). In an open and competitive market prices contemporaneously index all relevant information and changes cannot be predicted. Mirowski writes that in this rationale the “market always surpasses the state’s ability to process information” and thus provides arguments against any form of state planning (emphasis in original 435). The information provided by markets is the site of truth and the only pertinent knowledge for organizing social activity and interaction. Neoliberalism thus changes the object of state action and governmental reasoning. As described in the introduction, the goal of the state under neoliberalism is to create institutional frameworks that ensure and produce the market. This state function also entails producing and expanding markets into new areas and folding more activities into economic activities. School choice, for example, privatizes public education and ensures an education market through instituting competition among schools. The practice of educating likewise is marketized as curriculum and pedagogy are shaped to meet the needs of the market. The institutionalization of neoliberal rationality alters the function of the
institutions and incorporates them into a functioning network wherein the knowledges and practices of the institution (re)produce markets and neoliberal rationality.

Neoliberalism is not a static doctrine. Although the state institutes policies ensuring market order that are informed by neoliberal rationality, neoliberalism is not the state but encompasses the state. Many critical theorists studying neoliberalism recognize its decentered structure as a defining feature. As its doctrine is taken up and instantiated across different countries and regions, it intersects and/or converges with already existing cultures, histories, discourses, and practices. Its boundaries and limits are not always clear because of its mutability which results in a kind of neoliberal pluralism that, as Wendy Brown writes, “takes diverse shapes” and results in “spatial and temporal variability” (21). Michael Hardt and Antonio Negri posit “Empire” to understand this effect. They describe the concept of Empire as a new form of sovereignty that is “composed of a series of national and supranational organisms united under a single [neoliberal] logic of rule” (xii). Supranational organizations like the United Nations, the World Bank, and the World Trade Organization are legitimated through juridical laws and treaties and along with states implement market organizations at local and global levels to aid global flows of capital and global circuits of production and consumption. These circuits dissolve national boundaries and, as Hardt and Negri write, create a world order with “a new inscription of authority and a new design of the production of norms and legal instruments” (9). Capitalism is not contained to specific sites, rather it flows through networks and across borders to reorganize relationships within global flows of capital. Neoliberalism configures a matrix of relations among people, institutions, and the state according to neoliberal logics that coordinate the activities of all three. The flows of capital produce and reproduce neoliberal connections through and across borders, institutions, and the practices and discourses that maintain neoliberal
networks. Empire, Hardt and Negri contend, is a shift from the liberal order of the nation-state to an organization through new, expanding, and ever-evolving and inclusive networks of economic connectivity.

In the contemporary landscape of neoliberalism political relations, citizenship, and rights, entitlements and recognitions are unmoored from the nation-state and are subsequently formed through associations within neoliberal networks. The intensification of neoliberalism and neoliberal rationality are easily identified in the ubiquitous policy initiatives that call for privatization, deregulation, reducing social safety nets, and diminishing public institutions in favor of the private sector. Laws and policy initiatives, like the Indiana Religious Freedom Restoration Act (discussed in the introduction), extend beyond legal spheres and state apparatuses and impact social practice as they implement the market not only as the model for the state, but for relationships among people. Brown writes that “[m]ore than simply securing the rights of capital and structuring competition, neoliberal juridical reason recasts political rights, citizenship, and the field of democracy itself in an economic register” (151-152). Aihwa Ong describes the phenomenon Brown identifies as the “disarticulation of citizenship” (14). The fixed and unified quality of citizenship within a liberal national framework are realigned under neoliberalism as technologies of governance include and exclude people into/from global flows of capital. Governing strategies that ensure and increase markets, Ong writes, “promote an economic logic [that] defin[e], evaluat[e], and protect[] certain categories of subjects and not others” (16). People, like Brown’s example of the college bound student who stylizes her/his citizenship for increased marketability, who possess skills and knowledge important to global economy and possess the capacity to make themselves more competitive within market(ized) spaces gain access to benefits, protections, and economic rewards. People and populations who
do not neatly fit within a market society designed around competition are excluded from protections and rights recognitions through policy actions that reduce social safety-nets and deregulation and privatization measures that increase economic disparity.

Neoliberalism requires its power to be constantly reproduced throughout its networks and flows. As Foucault describes it in “Truth and Power,” power is “a productive network that runs through the whole social body” and is a generative force that traverses governing apparatuses producing “forms of knowledge and discourse” (153). Within a regime of truth, knowledge and discourse are “linked in a circular relation with systems of power that produce and sustain truth” and linked to the “effects of power which it induces and which extend it” (170). The relationship between power and truth is reciprocal, power produces truth and truth reinforces power. The veridiction of the market in the neoliberal regime of truth gives rise to discourses accepted as true that circulate into and through the social milieu. The intensification of neoliberal power increases connectivity among spaces inflecting them with neoliberal rationality and eclipsing formerly distinct spaces of discourse and activity with neoliberal logics. Neoliberalism is never situated. Instead, it moves through contexts and boundaries distributing its logics across cultural, political, and economic spaces constantly (re)shaping institutions, practices of living, and discourses according to its needs and making them productive within neoliberal networks of power.

As neoliberal power intensifies it is energized across and throughout the diverse contexts in which it travels producing new ontological realities that alter subjectivities, transform the spaces of social activity, and mobilize discourses to reaffirm the logics of neoliberalism. To put differently, the neoliberal order redistributes rights and scenes of recognition that ultimately constitute new economic subjectivities, transform the public sphere, and alter the function of
rhetoric. In the neoliberal era when rights and recognition conflicts emerge, economic subjectivities, publics, and rhetorics of power materialize in the moment to secure and (re)produce neoliberal order. There is a dynamic relationship among the three elements and in each instance they materialize differently and according to the needs of neoliberalism in that moment. In what follows, in three different sections, I examine the effects of neoliberalism on each of these three elements—subjectivity, the public sphere, and rhetoric—and how they are made useful within a neoliberal regime of power for securing and perpetuating neoliberal order. In the first section I turn to Foucault’s theory of biopolitics to explain how neoliberal interventions within the social milieu produce a new kind of economic subject whose disposition and practices of living are aligned with and to neoliberal logics and competition. In the second section I compare Habermas’ conceptualization of the structural relationships among the public sphere, the state, the market, and the private sphere to the structural relationship of the neoliberal public sphere and its effects on modes of publicity and public discourses. In the third section I turn to theories of rhetorical circulation that reconceptualize rhetoric as a technology of power distributed across the spaces of neoliberalism that compel subjects and institutions into neoliberal practices. In the final section I explain why tracing neoliberal discourses and logics across the spaces of neoliberal power helps us better comprehend how power is extended, reified, and perpetuated through rights debates and discourses of recognition.

**Neoliberal Biopolitics as Subject Forming**

The pursuit of truth through markets creates new circuits of power that not only transform institutions, but lived practices, and subjectivity. In his lectures on biopolitics, Foucault argues that the veridiction of the market gave rise to a form of biopolitical power that governs populations through neoliberal rationality and practices. This form of power emerges from a
disciplinary regime, but instead of disciplinary power being applied to individual bodies to enact desired behaviors, biopolitics applies power at the level of population to coordinate behavior of the whole to achieve the desired ends of power. The individual is free to act according to her/his individual desires, yet interventions within spaces of action ensure individual choices and lived practices fall within a range of acceptable activities that support and perpetuate power.

Neoliberal biopolitics intervenes in populations by instilling competition as a formalizing economic rationality. The college acceptance process, to return to this example, sorts students according to weighted metrics. To gain acceptance students with means purchase study aids and tutoring for standardized tests, perform voluntary labor, and participate in extra-curricular activities for the goal of increasing their value within the measuring system and against other applicants. Students’ lived practices and decisions are made according to the sorting metrics.

Foucault argues that the essential quality of the market is competition and neoliberalism conceives that “competition, and only competition, can ensure economic rationality” (Biopolitics 119). Neoliberal power is reproduced through actions that are informed by and extend its logics. Through cultural and political interventions neoliberalism introduces economic competition into all facets of life thereby securing its order. In doing so, it regulates choices and ensures that choices are calculated through cost-benefit analyses and the creation of a competitive self.

Neoliberal interventions within multiple points of life’s activities produce an ontological effect in which individuals think and act according to principles of economic competition. As such, neoliberalism habituates individuals to an economic mode of being through multiple interventions within spaces of life’s practices so much so that individuals accept market rationality as reality. Over time neoliberalism becomes self-regulating as it reproduces itself in subjects and is perpetuated through practices of living according to economic competition.
Foucault’s lectures on security establish a foundation for understanding how neoliberalism operates through biopolitics. Foucault argues that biopolitics leverages statistics as a technology of governance to induce populations into practices that generate desired effects. Biopolitics employs a mathematical schema that determines averages considered optimal as well as an acceptable bandwidth of activity in which that optimum can be sustained. The emergence of statistics as a technology for governing, Foucault argues, creates new domains of knowledge which constitute a population and form reality (Security 78-79). The state, he continues, becomes known through objects made visible from statistics: the circulation of wealth, morbidity and birth rates, production and flows of goods, etc. Statistics made it possible to imagine the state as the circulation, production, and leveraging of people, resources, and wealth. Foucault explains that from this new form of knowledge and knowledge production a new art of governing emerged which he describes as raison d’état. The object of biopolitics was to increase the state through increasing production, the circulation of goods, wealth and other measures of the state made visible vis-à-vis statistics. The spaces of life’s activities provide a field of intervention in which the state acts on a population to ensure its collective interest produces outcomes that maximize the state. If the morbidity rate is so high that it negatively affects the workforce for example, then the state intervenes to decrease the death rate. The particular action is not important, nor are the individuals, only that the death rate decreases to the point that an optimal workforce is maintained.

Foucault’s account of the rise of security as a technology of power traces how the market became an instrument of state power. In the neoliberal episteme, security regulates populations according to market logics and logics of economic competition. Logics of neoliberal security leverage statistical averages to ensure continuing market functions. Though debt may be
detrimental to individuals or individual households, as long as rates of default remain within margins that will not hurt the economy household debt does not pose a problem. In fact, guides on debt-to-income ratios support amassing “manageable debt” and encourage a level of consumerism that circulates wealth and maintains markets be they mortgage markets, student-loan markets, the short-term lending industry, or even credit card debt. Jeffery T. Nealon writes that for Foucault power is not a negative relationship between a dominant structure and a person, instead power is “a positive relation” among forces (37). Neoliberal biopolitics make possible sets of practices and behaviors that reproduce economic activity and ensure the vitality of a social order guided by market principles. In this way power is generative. Foucault explains that the social milieu provides a “grid of governmentality” and a site of interface between the state and the individual. Interventions in the grid intended to introduce markets and competition produce an economic milieu in which individuals are free to act as enterprising and entrepreneurial subjects. Neoliberal interventions are not limited to the economic realm, rather they are enacted in all the domains of life’s activities. In this milieu capitalism is imminent and encourages individuals to weigh decisions according to economic values of risk and reward. Choosing a health plan within an exchange encourages purchasing the “correct” amount of coverage weighing cost against what health services one might need. The college report card encourages conceptualizing education as a future investment weighing the cost of attending school against median graduate incomes, graduation rates, and employment rates. Where there are no markets, neoliberalism intervenes to produce them. The perennial calls to privatize Social Security and cut back on employee pension programs, for example, are intended to increase the retirement market and encourage greater market investing.
The imminence of capitalism across the spaces of life constitute subjects within an always present economic milieu. Foucault writes that this subject accepts market rationality as reality and “responds systematically to modifications in the variables of environment” and is thus “someone who is eminently governable” (*Biopolitics* 270). The state’s production of a competitive field organizes subjects into economic actors whose lived practices produce and extend markets. By affecting the milieu, security makes behavior and economic rationality seemingly natural. No longer does the state enforce optimal subjectivities through disciplinary normalization, instead security habituates populations to instinctively perform functions that produce optimal market effects. This person, Foucault writes, “becomes the correlate of governmentality” who, through economic practices, inscribes neoliberal rationality onto her/his environment (*Biopolitics* 270-271). Through interventions encouraging the pursuit of self-interest, this subject acts as a conduit through which power and neoliberal rationality moves and is extended. These practices form new modes and practices of publicity that unhinge subjects from a liberal order of political rights and constitute populations within connective networks organized by neoliberal rationalities and economic flows. The inflection of neoliberalism into all the spaces of life reorients activities and discourses within the terrain of the public sphere and recasts its structure and social relations in it within a neoliberal frame.

**The Neoliberal Structural Transformation of the Public Sphere**

Conceptualizing the public sphere spatially permits scholars to contextualize distinct discursive practices. Thomas Goodnight, for example, suggests that spheres “denote branches of activity—the grounds upon which arguments are built and the authorities to which arguers appeal” (200). Nancy Fraser describes the public sphere as “designat[ing] a theater in modern societies in which political participation is enacted through the medium of talk” (57). As these
definitions suggest, the metaphor of spheres connote spatial arrangements for discourse and arenas in which kinds of discourse circulate. Many scholars utilize the discursive aspects of spheres as a vehicle to theorize and advance participatory democracy, activism, inclusivity, and marking social change. Scholars also employ the model of the public sphere to critique relations of power, identify dominant discourses and recognize how they exclude others from public and political life, and to study discursive practices and how those practices encourage and privilege some participants over other forms of discourse and other participants. Broadly, the public sphere as a critical term generates multiple avenues for theory and critique that both advance and problematize concepts of democracy, citizenship, theories of the nation-state, publicity, and a plurality of discourses and arenas formed around subjectivities and identity positions including those related to class, race, gender, sexuality, and religion to name but a handful. The boundaries imagined through the sphere metaphor also permit inquiries into relations and, perhaps more importantly, how appeals are made and taken up and how and what modes of persuasion gain traction in conflicts among groups, the state, and other governing and cultural institutions. In the neoliberal era, the sphere metaphor generates productive avenues into tracing the material infrastructures through which neoliberal discourses circulate within and across spheres and boundaries and how discourses and practices are incorporated into productive networks of neoliberal power.

Most models of the public sphere develop from Jürgen Habermas’ inquiry into the practices and critical democratic function of the bourgeois public sphere. Habermas’ germane text is an historical account of the rise and fall of a specific form of the public sphere that emerged as trade capitalism gave rise to a new social order that changed relations among the state, private individuals, and the modes of production. The new social order created a new class
of persons with an interest in the operation of the state. The bourgeois public sphere became the space in which this new class of private person came together to “debate over the general rules governing relations” between publicly relevant institutions and functions of the state and the public interests of this class of persons (27). Habermas argues that the hallmark of the bourgeois public sphere was the open, critical-rational debate that formed at the intersection of private interests and public matters. The premise of this form of discourse was that as debate ensued, members of the public considered multiple perspectives to form consensus about the public good. The economic autonomy of this class made its members publicly relevant in the affairs of the state to the extent that opinions formed through debate held consequence for the state. As such, the bourgeois public mediated between society and the state and used the institutionalized structure of critical-rational debate to hold the state accountable to public opinion.

There are two important and overlapping conditions that made the bourgeois public sphere possible that carry into contemporary studies of public sphere(s) and neoliberalism’s effects on them: restructuring of the state and society wrought by early capitalism and the infrastructure and material condition that allowed debate to circulate beyond local groups and form the broader bourgeois public sphere. Beginning with the latter, the bourgeois public was a debating public and the bourgeois sphere was a specific site for talk. Ronald Walter Greene contends that a public requires “postal systems to link publics with discourse” (“Rhetorical Pedagogy” 435). Just as a postal system ensures that addressees receive letters addressed to them, the rhetorical postal system of publics, he writes, acts as a relay connecting subjects, a mode of discourse, and material networks through which norms and relations among members of the public traverse. For Habermas, the coffee house culture played no small role in the circulation of discourse that created the bourgeois public sphere. The debating public convened
in coffee houses to discuss issues of common concern. Though groups were isolated in specific, physical locations, the separate groups meeting at coffee houses were connected through the periodicals of a critical press. Habermas notes that the coffee houses were so numerous and groups so widely dispersed that “contact among circles could only be maintained through journals” (42). He continues that the periodicals were so integrated into the culture of the coffee house that articles were both object and part of discussion. Debate, however, did not just come into these public spaces from the periodicals, it also moved out of them through the same publications in the form of articles and “critical” letters to the editors. The reciprocating movement of critical-rational debate created a network of public communication that circulated through a large critical sphere that extended beyond localities and granted greater authority and consequence to this discourse.

Greene argues that the norms transmitted through a rhetorical postal system also entail ethical and moral commitments and that a participant in a public must recognize her/himself in the discourse. A member of a public is more than a participant, s/he is also a subject of its ethical commitments and in speaking recognizes her/himself as connected to other members through those commitments. For the bourgeois public sphere, these commitments are informed from it being situated among, yet autonomous from the state, the market, and the conjugal sphere of the family. The accumulation of private property and private wealth assured the autonomy of the bourgeois class and, as Habermas argues, the “growth of the market economy [gave rise to] the sphere of the social” (141). The critical authority of the public sphere arises from its strict separation from other sites of activity. Critical-rational discourse not only implies a procedure for interaction among members of the debating public, but also a conceptualization of what counts as public reason and what topics are valid for public debate. The bourgeois subject in Habermas’
account is the subject of political authority and economic autonomy. To maintain bourgeois subjectivity required enforcing strict separations between the public and private through its discursive apparatuses. As such, critical discourse was committed to maintaining the critical distance between the public sphere and the other institutions among which it was situated. To be sure, these institutions were not isolated from one another—the actions and interests of each location effected the other spaces—the important point is that the discourses, operational logics, relationships, and activities in each institution were distinctively different than the other sites. The structure of the state in relation to the market, private wealth, and the public sphere produced conditions in which critical discourse could emerge and in which conduits for the circulation of critical discourse could not only produce a bourgeois public in which an individual subject could identify himself as part of the larger public, but the structure also created conditions in which the discourse carried enough political authority to be consequential and affect actions of the state.

Although many publics scholars have contested the idea of a single comprehensive public sphere, work in publics theory maintain the fundamental aspects of Habermas’ conceptual model. For these scholars, the public sphere is a variegated terrain comprised of multiple competing and overlapping publics. This works includes locating feminist publics and counterpublics (Fraser, Felski), locating a proletarian public sphere organized around issues of labor and experience (Negt and Kluge), and queer publics (Warner). Nancy Fraser’s critique of Habermas, for example, contends that there were always counterpublics excluded from the dominant bourgeois sphere because of its norms and discourse (61). These parallel discursive arenas, as she calls them, are spaces “where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs” (67). Fraser’s focus on oppositional counterpublics is in
part because of her intention to discover ways in which a plurality of publics can engage in deliberative democratic discourse without succumbing to hegemony of dominant publics.

Other scholars supplement the concept of public spheres by conceptualizing publics as part of larger networks or webs. Gerard Hauser, for example, imagines the public sphere as a web-like structure comprised of a plurality of publics located in multiple arenas across society. This model locates the public “in the ongoing dialogue of ideas, values, and preferences that are native to social actors engaged in issues that bear on their lives” (108). Hauser’s concept of vernacular rhetoric, the spaces of everyday life existing outside official forums in which people interact and express needs and concerns, imagines publics as more permeable than Habermas and Fraser and its boundaries more flexible. He writes: “Members of pluralistic societies belong to several, perhaps many, overlapping discursive arenas in which they experience the polyphony of concurrent conversations as vernacular languages that rub against one another, instigating dialogues” (67). Similarly, Daniel Brouwer suggests that a multiplicity of public spheres “forces recognition that human actors participate in multiple publics” (emphasis in original 198). As people navigate their lives they move through different publics participating in different forms of publicity organized through different discourses and relations to dominant modes of power. Robert Asen suggests that conceptualizing the public sphere as a network in which some nodes are more prominent than others “account[s] for the ways in which relations of power and symbolic and material resources influence the production, circulation, and reception of discourses in the public sphere” (“Ideology” 265). These accounts of the multiplicity of the public sphere have in common with Fraser an imagination of spheres as spaces in and through which people voice and advocate for their rights, recognition, and needs.
Scholarship into a multiple and networked public sphere recognizes the complexity of contemporary life. Our lived practices have us inhabit and move through multiple political, cultural, economic, social, and private spheres. The activities and logics of each sphere are crafted in relation to power and institutional apparatuses through which power moves. As many publics scholars point out, we take on different identities and subject positions and inhabit different discourses as we navigate our daily lives. The rise of neoliberalism as a dominant order restructures this terrain according to market logics which consequently affects subjectivity and agency. Rob Asen describes this organization as the neoliberal public sphere, something I take up in greater detail in Chapter 4. This model of the public sphere is structured around the atomistic individual who “relies on the market as a model for human relationships, politics, and society (2). Indiana’s RFRA, for example, isolates actors as individuals who choose whether or not to engage with another based on preferences, personal ethics, and opinions. While the multiple public sphere conceived by scholars such as Hauser and Brouwer imagine life’s activities include multiple modes of publicity, neoliberal policies and laws that ensure markets and competition produce a universal sphere of economic activity populated by singular individuals pursuing self-interest. The multiple spheres of activity do not necessarily disappear. Neoliberal logics remake these spaces of activity and the discourses that organize them according to the market. These, ideally, independent or somewhat autonomous spheres, like the spheres in Habermas’ model, are repoliticized according to an economic mode and rationality. To put differently, neoliberalism circulates through and across boundaries of life’s activities making new connections among different spaces and making activities and discourses within those spaces productive for neoliberal power.
This also changes the relationships among people in these spheres and the norms and ethical commitments. The technologies of neoliberal biopolitics that intervene in the social milieu and produce economic subjects alter the interactive scene between members of a public. The economic subject pursues self-interest and weighs decisions according to cost/benefit and risk/reward calculations. In this situation any engagement with another is a means to an ends. Milton Friedman argues that a market society built around voluntary exchange results in “terms that are mutually acceptable to the two parties of the bargain” (13). The ethical commitments in social interaction are to the self and self-advancement. Exchanges of these kinds produce and circulate new norms that Asen contends depart from modes of publicity that produce a civic agon in which argument and debate lead to decisions of the public good, to one in which neoliberalism creates a “public [that] operates by the principle of competition … and frames social relations as a zero-sum game” (11). The model of competition that structures the neoliberal public sphere significantly limits possibilities for coordinated action and obfuscates inequality. Failure to attain economic reward is the result of personal failure to make proper decisions, not because of institutional structures that privilege some while excluding others.

The neoliberal public sphere also changes our perceptions of difference. Hauser’s model of the multiple public sphere imagines participants in public discourse as interested according to their various circumstances relating to gender, sexuality, race, religion, class and factors of discrimination. Under neoliberalism, however, difference is privatized. It becomes an aspect of personal choice and made to function within neoliberal circuits of power. To put differently, within the neoliberal milieu of biopolitics difference is acceptable so long as the aggregate activities of the population expand and (re)produce market activity and logics. In the neoliberal era, seeking inclusion, recognition, and/or rights requires individuals and groups to adopt
economic subjectivities and to cast appeals in economic frames. What’s more, as different spaces and identities are organized according to the neoliberal regime of truth, economic discourses flow more freely through these spaces uniting them and organizing activities according to a singular logic. To understand the new moment requires understanding how economic discourses and rationality circulate into and are taken up in different spaces and by different groups and how that changes the norms and ethics of public discourse and public life.

In the following section I discuss how the neoliberal networks of power alter the function of rhetoric within the spaces of discourse. I discuss theories of rhetorical circulation from Catherine Chaput and Ronald Walter Greene to argue that neoliberal subjectivity, the terrain of public life, and modes of publicity require a rhetorical model that traces the effects of rhetoric as it is dispersed across and throughout the spaces of neoliberal order.

**Rhetoric as a Technology of Power**

Just as neoliberalism is not a static doctrine, neoliberal power is not static either. This form of power requires constant renewal and negotiation in the spaces through which it moves. Neoliberal power is extended and reinscribed through biopolitical interventions that produce subjects of economics habituated to market practices and who embody neoliberal logics through their choices and behaviors. Capitalism is thus immanent and always present in life’s practices. As Hardt and Negri observe, there is no outside to capitalism (188-189.) At the heart of this observation is that capitalism’s boundaries have no limit. It simultaneously reaches across the globe through networks of global capital while also integrating life’s practices into the logics of capitalism. This evolving ontological field subsumes processes of living. Neoliberalism is renewed through the life activities of economic subjects and economic discourses traversing and linking institutions, subjects, and spaces of activities within neoliberal networks of power.
Rhetoricians observing this phenomena such as Ronald Walter Greene and Catherine Chaput argue that traditional models of rhetoric cannot account for the imminence of capitalism in all the domains of life and the function of rhetoric to unify the spaces of capitalism and increase production within the neoliberal biopolitical milieu. Describing this situation Greene argues that we can no longer theorize rhetoric within a dialectical model of political communication in which citizens harness language to persuade audiences and transform situations through producing better arguments (“John Dewey,” “Rhetoric and Capitalism”). Greene argues this model of the rhetorical situation leaves rhetoricians with only three approaches to rhetoric: critiquing institutional structures that limit political participation; imagining or locating new rhetorical practices that engage politically; and encouraging new communicative avenues to increase political participation (Rhetoric and Capitalism” 189). In this model rhetoric is transcendental. It imagines humans as symbol-using creatures who leverage symbolic value existing apart from situations and speakers to appropriately, or not, employ communicative strategies. Greene, however, contends that because of the immanence of capitalism there are no longer unique spaces of activity and social action. Neoliberalism, he continues, distributes rhetoric across its spaces organizing bodies and communicative action for the reproduction of neoliberalism and the needs of capital (“Rhetoric and Capitalism” 202). Greene conceptualizes rhetoric in what he describes as a “material-communicative model” in which capitalism harnesses rhetoric’s social dimensions to coordinate cooperation and life-affirming activities within the spaces of capitalism (203). In this model, rhetorical agency is a form of communicative labor that builds and extends neoliberal networks connecting life’s practices to modes of capitalist production.
Catherine Chaput extends Greene’s work that recognizes communication practices as productive labor within capitalism. She argues that traditional approaches to understanding rhetoric as situated cannot account for how neoliberalism “moves from situation to situation, disregarding spatial boundaries between the political, economic, and cultural realms as well as their attendant modes of persuasion” (2-3). Chaput, citing Ronald Walter Greene, suggests rethinking rhetorical production as an act of communication that produces value. Within the multifaceted terrain of neoliberalism, discourse informed by the neoliberal episteme is transsituated and moves through and across fixed sites “energiz[ing] different audiences through diverse situations” (6). Rhetoric is a force. Discourse propels populations into practices that produce material effects and inscribe neoliberal truth in the world which in turn produces and reproduces discourses and power’s effects. The relationship is not causal, but reciprocal and continual. And although situations may be different, neoliberal truth and power are constantly reproduced as its currents move through different moments. Chaput’s model of rhetorical circulation within a neoliberal milieu supplements the rhetorical situation and has us reconsider how biopolitics supersedes fixed moments of exigency that require discursive intervention to affect change. This model calls on us to recognize neoliberal discourses as temporally and spatially unfixed. Rhetoric is a circulation of multiple, dynamic, and accumulating exchanges that govern populations and that increases the value of the neoliberal regime of truth.

To account for both Greene’s observations on the immanent relationships between rhetoric and neoliberal biopolitics and Chaput’s theory of rhetorical circulation and the movement of rhetoric across spaces energizing populations into neoliberal practices, I turn to Green’s “alternative” perspective of material rhetorics. In Greene’s materialist framework rhetorical practices circulate deliberative logics across institutional settings and populations
distributing constituting elements “into a functioning network of power. Greene, like Chaput, draws from a Foucauldian understanding of power. Power is a generative force that makes possible sets of behaviors and discursive action according to a dominant regime of truth. It transforms institutions, subjects, and knowledges making them useful. As logics of power circulate into institutions they change the function of the institution to reproduce and extend power. The operational order, that is, adapts to the productive practices of power. Neoliberal biopolitics employs technologies of security to regulate populations. Interventions in the neoliberal milieu regulate choice, but ensure that freely made decisions fall within the range of acceptable activities for the optimal function of power. The state’s function is to produce market spaces in which people can freely act as market consumers and according to market logics. Programs policies, and legislation coordinating a range of institutions create markets in the spaces of life’s activities. Student loans for higher-education produce student-consumers who weigh rewards and benefits while choosing a school and major prior to purchasing a service. Similarly, the Affordable Care Act offers insurance exchanges in which consumer-citizens purchase health insurance based on available options and personal needs. The practices coordinated by neoliberalism across institutions such as the state, insurance, banking, and healthcare produce economic subjects who participate in market activities and expand and circulate markets and capital. These institutions are able to produce an economic subject because their own institutional activities are coordinated through economic logics. To put it differently, a practice like healthcare which we imagine is not motivated by economic logics becomes marketized because of its connectivity and association with other marketized institutions within networks of neoliberal power.
Important for Greene’s materialist rhetoric is what Foucault describes as a general politics of truth. The governing rationality in a regime of truth informs orders of knowledge that produce discourses that Foucault writes are “accept[ed] and ma[de] to function as true” (168). Greene suggests that rhetorical practices within regimes of power “create the conditions and possibility for a governing apparatus to judge and program reality” (“Another Materialist” 22). Regimes of truth are supported by discourses traversing multiple institutions within networks of power. There is a constant negotiation of discourses among these networks and through this negotiation truth and power are reinscribed in reality through the practices of institutions and populations. Discursive action across the regime of truth sustains power relations within and among governing apparatuses and produces a complex field in which power circulates and regulates. In this framework rhetoric is a technology of power. As Greene describes it, rhetoric circulates through the network of power “distributing discourses, institutions, and populations onto a field of action” (22). This understanding suggests that in the spaces of neoliberal biopolitics rhetoric, like capitalism, is omnipresent in the structuring and production of our ontological realities and distributed across our own everyday activities. The prized logics and discourses of competition in neoliberalism coincide with the marketization of institutions. Suggested “fixes” for the Affordable Care Act, for example, include allowing exchanges to operate across state lines. The economic arguments made are that this will expand coverage while increasing competition and result in lower prices for healthcare. Beneath the proposal is a call for the deregulation and increased scope of a market. The logics of neoliberalism emerge from the spaces of power and in a domain in which the value of those logics increase as institutions increasingly function within the logics of neoliberalism.
Alongside this rhetorical framework Greene proposes a form of rhetorical cartography for tracing the distribution of power across the terrain of governing apparatuses that unify and regulate subjects, institutions, and discourses. He describes this as a “geographically informed research protocol” that maps the temporal and spatial coordinates of different rhetorical elements of a regime of truth that circulate into spheres of activity and transform subjectivities and deliberative logics” (22). Methodologically, this requires identifying rhetorical elements of neoliberalism as they circulate into institutions and deliberative settings and analyzing how they function to secure, ensure, and/or extend market order. Securing neoliberal power has the effect of transforming institutions, subjectivities, and discourses as well as the cultural, legal, political, private, and economic domains of life. Greene’s cartography maps these transformations. It identifies the spaces of neoliberal order and activity as well as how the logics of neoliberalism merge with, adapt to, subsume, and/or organize already existing logics, histories, and relations constituting them within flows of neoliberalism. The changing order of rights and recognitions under neoliberalism emerges from neoliberal logics traversing and ordering the spaces and institutions that form subjectivities, that privilege economic forms of publicity and individualism in the public sphere, and that inform discourses that organize political and legal intuitional spaces that also inform embodied practices of neoliberalism. In situations in which rights and recognitions are called into question, are changing, or are advocated for, subjectivity, the public sphere, and rhetoric materialize according to the moment to secure and extend neoliberal order. To account for their dynamic relationship and to more fully grasp the function of neoliberal power and how it produces our diverse worlds necessitates a rhetorical approach to rhetorical research that is unsituated and distributed. In this dissertation I examine instances in which public arguments and discourses about rights and recognition and deliberation about the future
are taken up and distributed across institutional sites and bodies to serve, extend, and secure neoliberalism.

**Circulation, Distribution, Neoliberalism**

Although in the preceding three sections I wrote about subjectivity, the public sphere, and rhetoric separately, their interrelated and dynamic relationships within the spaces of neoliberalism make them excellent sites for analyzing neoliberal power and the multidimensional and overlapping rationalities that govern our lives within the constantly shifting spaces and logics of global capitalism. Imbricated within the neoliberal order, these sites are mutable to meet the ever-shifting needs of capitalism. As such, the relationships among these sites also fluctuate organically and quickly according to the needs of power in a given moment. The apparatus of security marshals lived practices to act within prescribed norms that are optimal for the (re)production and extension of power. Catherine Chaput and Joshua S. Hanan observe that “[s]ecurity addresses ontological contingent modes of human behavior through economic calculation and practical reasoning by recognizing that normative value does not exist as a point on a grid but within myriad power relationships” (46). There is not, then, a locus to power, as within a disciplinary regime, but an asymmetrical and dynamic field of action with overlapping and connected spaces of power. When instances arise in which power must police a population through its technologies these relations are differently activated to secure order and/or extend it. For example, as I discuss in chapter three, LBGT activists advocating for the right to same-sex marriage sought recognition by positioning same-sex couples as economic subjects. In this instance there was as extension of neoliberal markets and logics. In chapter 4, however, I examine how liberal discourses of tolerance are leveraged to delegitimize the Black Lives Matter
movement which threatens the neoliberal order thereby securing neoliberal power and its networks.

The discourses leveraged in these instances emerge from within the neoliberal regime of truth. The truth of their logics, the recognition and acceptance of them, are true because they are made to function as true within the system of power. The discourses already exist and are activated in the moment and according to what is necessary for the regime of power. Greene’s material rhetoric and cartographic research protocol explores the effects of truth within the neoliberal terrain and across diverse situations that are connected through neoliberal circuits of power. These effects increase the value of neoliberal truth within its milieu and reinforce its power and constructed reality. Greene’s approach to rhetoric exceeds the bounds of a situation. As he writes, it escapes the limits of a representational approach to rhetoric that “reduce[s] the materiality of rhetorical practices to the interests of a ‘ruling class’” and creates possibilities for studying how rhetoric is articulated into institutions and onto subjectivities within networks of power (“Another Materialist” 39). Greene’s cartography does not suggest we abandon situations. Instead, the way in which I am taking up this approach suggests that situations involving rights debates, rights discourses, and recognitions do not present crises to be resolved. They emerge from the intensification of neoliberalism and the transition from a liberal order to a neoliberal era. They present moments and opportunities for power to secure and extend neoliberalism in a multifaceted and dynamic terrain. To view rhetoric through Greene’s lens, as the reification and continuation of power, changes how we perceive crises, time, and exigency in rhetorical problems.

Catherine Chaput’s model of rhetorical circulation compliments the rhetorical terrain opened by Greene and offers a conceptual framework for thinking through and beyond the
bounded site of the rhetorical situation. Chaput argues that although the rhetorical situation is a valuable disciplinary tool, it “enables many elements of late capitalism to go underinterrogated because they do not exist in a location but in the connective tissues of affectivity passing through locations” (19). The rhetorical situation, whether defined by Bitzer or Vatz or variations by other theorists extending or diversifying their definitions, imagine humans as acting discursively within an already existing and formed material reality. The exigencies of crises in this model are confined discrete events. Bitzer’s definition posits rhetoric as emerging because crises in the material world require discursive action to be resolved. Vatz’s definition posits that rhetoric calls the crisis into being and produces reality. In each conceptualization of the rhetorical situation the crisis, whether real or invented, produces a kairotic moment with an appropriate response to resolve the crisis. Chaput suggests that this perspective of rhetoric has us imagine that “history moves forward through a clash of contradictions;” from moment to moment and crisis to crisis society, culture, and politics advance through processes of resolution (18). Instead, Chaput’s model of rhetorical circulation imagines trans situational and transhistorical sites of rhetoric. Exigencies, in this model, are not isolated but connected through the circulation of power through time and across space. Power is continual and, as Chaput observes, manifest in and are extended through our everyday activities. Chaput offers rhetorical circulation as a supplement to the rhetorical situation. It does not suggest that crises requiring action do not emerge. This dissertation includes examinations some of these moments like the Bush administration’s response to the attacks on September 11, 2001 (chapter two) and the Supreme Court decision in Obergefell v. Hodges that guaranteed the right to same-sex marriage and which consequently presented a crisis for some in the evangelical Christian community (chapter three). In both instances, resolutions were found in the everyday market practices of the economic subject.
Bush, for example, called on Americans to “go out and shop” while evangelicals attempted to situate religious freedom in the marketplace by denying service to same-sex couples. Bush’s call intensified one form of subjectivity and logics already existing in the spaces of neoliberalism. And, as I discuss in greater detail in chapter three, by seeking recognition in the marketplace, evangelical Christians drew from neoliberal logics already present and circulating in the evangelical community.

With an eye to Chaput’s model of rhetorical circulation and using Greene’s cartographic methodology, this project seeks to map out the spaces in which neoliberal order calls on existing discourses and connectivities to organize the state and its citizens by identifying how the privileged economic subject is maintained in different spaces across the public sphere. This will track how neoliberal economic values are deployed differently to maintain and reinforce market order of the state and maintain an economic mode of being within capitalism. Each case study locates instances in which economic freedom is imagined as preceding other rights and freedoms and removed from political contexts. Each case identifies economic discourses and neoliberal logics in rhetorical acts within spaces of rights conflicts and changing scenes of recognition. I examine how these acts are shaped by and/or respond to currents within the neoliberal regime of truth and how they change or are informed by institutional structures and multiple and overlapping economic contexts. My analyses in each case trace neoliberal logics as they cross and circulate through domains of activity and institutional contexts making new connections and (re)structuring spheres of activity, institutions, subjectivities, and accepted logics according to a neoliberal regime of truth.

The sequence of chapters begins with examining the intensification of the economic subject and economic activity as the primary mode of publicity and recognition in the aftermath
of the attacks on September 11, 2001. I then examine how neoliberal logics as the place of intelligibility privilege this economic subject and how this subject is leveraged in rights debates between Evangelical Christians and the LBGT community’s advocacy for marriage equality. In the third case I examine resistance to neoliberal subjectivity by the Black Lives Matter movement and how liberal discourses are appropriated by and folded into neoliberalism to delegitimize the movement and its challenge to the neoliberal regime of truth. Finally in the conclusion I examine movements that organize bodies into new networks of connectivity outside the neoliberal order to theorize how biopolitics can be leveraged to intervene in and change the dominant neoliberal order.

This dissertation does not presuppose a universal economic subject. Although, as Robert Asen notes, the neoliberal economic subject “change[s] oneself in the image of the market” and calculates decisions through metrics of risk and reward and improves oneself for competitive advantage, this subject varies in different contexts stemming from neoliberalism’s mutability. Chaput’s theory of rhetorical circulation describes neoliberal rhetoric as an energy, “it is always passing through, but is never located” (20). As neoliberal discourses come in contact with discourses and practices of different spaces and institutions across the variegated terrain of the public sphere they shape, merge with, appropriate them in ways that make them useful to neoliberalism by incorporating them into networks of power. In this way, neoliberalism allows for difference among subjects, so long as the practices of subjects maintain markets. Tracing neoliberalism’s uptake and circulation necessarily explores this variability which is one reason why critiquing neoliberalism is difficult and what makes Greene’s cartography useful. Each case study examines the mobilization of neoliberal discourses and the privileging of the economic
subject and so makes visible the contours of contemporary neoliberalism and exposes points for intervention.

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A New Paradigm: The Neoliberal World Order and the Subject of Economics

The Bush administration’s post 9/11 discourse continues to be a popular topic of study and inquiry among rhetoricians. Many scholars emphasize the binary discourses employed by the administration; explaining how they (re)Orientalized the Middle East and the Arab world (Merskin); how they functioned like Burke’s concept of “crude magic” to invent a common enemy and transform Bush into a heroic figure (Thompson); and, how this binary played out in civic spaces to identify patriot Americans and censor critics of the administration and the war on terror (Roberts-Miller). Other studies focus on how the different narrative frames used by the Bush administration define the attacks in the public imagination and/or how the narratives were used to propel the nation to war. These include tracing the public reception, support, and eventual unravelling of Bush’s narrative frame of the war on terror during the prolonged occupation of Iraq (Simons) and examining how the Manichean distinction of good/evil garnered support for invading Iraq (Ivie). Other rhetoricians focus on the narrative frames Bush used to support and promote the war on terror and rally Americans to their cause. These include weaving the events of 9/11 into fantasies of the Old West mythos of frontier justice (West and Carey); using Christian themes of religious righteousness to create a discourse about the attacks (Gunn); and, the way the Bush administration produced and circulated crisis narratives in news media leading to the Iraq war (Lockett John et al.). Still others address how the administration’s discourse stymied public deliberation about the war on terror (Engels and Saas) and the media’s complicity in this process (Sosale).

Although these studies all offer important critiques of the Bush administration and its discourses, they rely on a situated politics of representation. These studies imagine a rhetorical situation in which the Bush administration as interlocutors speak from a position of authority and
attempt either to induce cooperation or coerce compliance from people and groups in subjugated positions. In this model rhetoric acts as a mediating force within a well-defined field of political-communicative action and assumes that appropriate arguments are capable of persuading policy decisions, enacting political change, and producing a thoughtful and reflective citizenry. Ronald Walter Greene suggests that a commitment to this communicative model relegates rhetoricians to “permanent anxiety over the meaning and potential of rhetorical agency” and leaves rhetoricians with only three strategies for rhetorical change: to “refashion a deliberative vision of rhetorical agency into a normative ideal for critiquing the structural conditions … of political participation;” “enlarge the field of normatively acceptable ways and means of political participation;” and “design new strategies and tactics for activating the rhetorical participation of citizens” (188-189). Robert Ivie, for example, argues that Bush’s invocations of evil “structures American political discourse and news coverage alike [and] diminish[es] public debate” (223). He continues that trope of evil “colonizes judgment, neutralizes arguments for pragmatic alternatives, and diminishes deference to ethical constraints” (226). To confront the stymieing of public deliberation and Ivie offers a rhetorical remedy that both critiques Bush’s discourses and reengages the public in “peace-building” through counter narratives that “rehumanize” the enemy through circulating historically relevant details that informs the citizenry and, ideally, encourages action and further critique. This work within a situated model of rhetoric encourages rhetorical critics like Ivie to act, as Greene describes, as “moral entrepreneurs scolding, correcting, and encouraging the body politic to improve the quality and quantity of political participation” (“Rhetorical Agency” 189). The role of rhetoricians is to critique the state and locate and/or recover political spaces for rhetorical and political action.
Rhetorical critiques within this model frame the war on terror and the invasions of Iraq and Afghanistan are an exercise in American hegemony to export neoliberalism by force and generate capital for private business and corporations. While this rhetorical situation certainly is part of the contemporary industrial-war complex and invites such critique, excluded from these rhetorical interventions are the larger patterns of how neoliberal rhetorics are not bound to any one situation, but exceed boundaries across space and over time. Ronald Walter Greene’s “cartographic” methodology offers a way to trace neoliberal discourses as they traverse varied discursive terrains and institutional settings articulating them “into a functioning network of power” (Another Materialist” 22). Greene’s model follows from a Foucauldian understanding of power. Power is a generative force that transforms and propels populations, institutions, and knowledges making them useful within a knowledge/power regime (28-29). Rhetoric, he suggests, acts as a technology of deliberation that programs reality and allow a series of institutions to make judgements according to governing logics of a regime of truth. Rhetoric traverses space and time and moves across and through institutions and spaces of public and private life coercing and persuading through accepted logics.

Greene’s articulation theory of power recognizes that discourses emanating from regimes of truth are subject forming. As neoliberal logics circulate and transform institutions and knowledges they also inform lived practices and subjectivities. Consequently, the activities and discourses organizing the broad public sphere are also transformed as neoliberal rationality circulate into and saturate different spheres of daily life. A traditional approach to situated rhetoric and politics of representation critiques these logics, but cannot adequately trace their circulation or address the ways in which they are subject forming. Greene’s cartographic methodology allows me to trace the spatial and temporal coordinates of deliberative logics as
they traverse governing apparatuses and thereby map how discourses, institutions, and populations are incorporated into and become productive within networks of power. Mapping the circulation and intensification of these discourses also makes apparent how neoliberalism expands to include other subjects, institutions, and territories into networks of global capitalism. Using Greene’s methodology to trace the Bush administration’s circulation of neoliberal logics into and through institutions and spheres of public and private life offers an important understanding of September 11th not as a single event in which American hegemonic power was consolidated, but as an important moment for continuing the expansion of neoliberal networks of power and the positive deployment of a neoliberal world order that was meeting resistance at the time of the attacks.

The establishment of the International Monetary Fund (IMF) and the World Bank after World War Two offers a useful starting point for tracing the structural development of neoliberalism as an organizing logic of the world order. Naomi Klein’s *The Shock Doctrine* explains that the Bretton Woods agreements of 1944, which established the International Monetary Fund (IMF) and the World Bank, created a global “economic architecture” designed to prevent the kinds of economic destabilization that led to the rise of fascism in Europe from happening again (203). The purpose of these institutions was to safeguard against economic collapse and maintain economic stability of states through long term investments and through emergency grants and loans in times of economic crisis. The member nations recognized global economic stability as a common good and the establishment of the IMF and World Bank ensured that market volatility would be mitigated and economic shocks would be absorbed by a stable economic structure.
Although the Bretton Woods agreements were founded on Keynesian economic principles, it was not long before neoliberal ideologies informed the operations of the IMF and the World Bank. Both Klein and David Harvey offer histories of the rise of neoliberalism that recognize the undue influence of the Chicago School on this transition. The Chicago School of Economics at the University of Chicago, led by Milton Friedman, Friedrich Hayek and other champions of the free market, promoted neoliberal ideologies and placed many of its graduates in top positions in the World Bank and IMF as well as top economic posts in national governments (Klein 208). Instead of mitigating crisis, the Chicago School model, which Klein attributes to Milton Friedman, used crisis relief to demand “structural adjustments” to a nation’s economy. The adjustments were nothing short of neoliberal doctrine and demanded privatization, deregulation, free trade, and deep cuts to government spending. During debt crises of the 1970s and 1980s the IMF and World Bank provided much needed economic aid to countries contingent on the economic structural adjustments. In 1989 these “structural adjustment” programs became official practice of the IMF and World Bank, aligning their economic policies with the so-called “Washington Consensus” (Klein 204). Originally established to maintain global economic stability, the IMF and World Bank, during the 1980s and 1990s, reoriented the global order toward a free market global economy. The interventions through loan requirements expanded markets and transformed state operations so that they produced and circulated wealth within the global economy.

The development of a neoliberal world order, however, was not solely the result of the Chicago School’s influence on the World Bank and IMF. David Harvey’s history of neoliberalism points to the elections of Reagan and Thatcher as well as Paul Volcker’s work instituting neoliberal policies in the Federal reserve and the liberalization of China’s economy
under Deng Xiaoping as a “revolutionary turning point in the world’s social and economic history” (1). Harvey contends that from these different “epicenters” neoliberal impulses spread to remake the world and that all four individuals were mouthpieces for neoliberal rationality that helped transform it into the “guiding principle of economic thought and management” (2). In short, a number of different actors in positions of institutional authority deployed a neoliberal regime of truth across various interrelated national and supranational institutions. This regime of truth organized a network of power that transformed institutions originally designed to regulate a stable world order into a complex and decentered governing apparatus that brought governments, institutions, and populations into a field of neoliberal economic action and productivity.

By the mid-1990s, however, growing awareness to the inequality of global capitalism and the policies and practices of IMF and World Bank sparked global resistance. In 1997, in one of the most notable instances of defiance to neoliberal order, Brazil disregarded international trade laws and intellectual property rights of American pharmaceutical companies and began to manufacture and distribute, for free, medicines for treating AIDS to AIDS patients, most whom could not afford the drugs at commercial prices and who would die without them (Rosenberg). In 1998 injustices of global capitalism drew world-wide attention after Nigerian soldiers ferried to an off-shore oil platform by Chevron violently ended a peaceful protest by members of the Ogani people who occupied the platform (Paddock). Throughout the 1990s there was also a rise in direct action protests around the world at annual meetings of the IMF, World Bank, and WTO. These protests gained in numbers and support and culminated in the violent repression of protesters in Seattle in 1999 after protesters successfully shut down the WTO meeting by shutting down the city.
These and other acts of resistance produced a growing skepticism of neoliberalism and stalled the progress of a neoliberal global order. The rubric of structural readjustment to secure neoliberalism was under attack and to advance this order, a new rubric was needed. This rubric formed in the wake of the September 11th attacks. Many scholars and writers recognize the attacks on September 11, 2001 as the kind of crisis that produces the “shock” and collective trauma Klein writes is required to temporarily suspend democratic processes and implement policies that would otherwise be politically difficult or impossible. The attacks made it possible to secure neoliberalism domestically by implementing privatization policies that long eluded neocons at home and secure neoliberalism internationally by providing opportunity to expand neoliberal networks of power to areas of the world long resistant to global capitalism.

In what follows I examine how the new world order style of discourse used by the Bush administration after the attacks on September 11 amplifies neoliberal rhetorics already circulating to produce a new reality of the world and that entrenched the neoliberal regime of truth. I examine speeches by George Bush as well as news interviews with Dick Cheney and Donald Rumsfeld over a roughly two-week period after the attacks to demonstrate how this discourse and its features established a new rubric for identifying threats and implementing neoliberal policies that secure global capitalism. In the second section I analyze Bush’s September 20 address and its positive reception to examine how the epideictic form of the new world order discourse privatizes experience and distances the American population from the civic *agon* and how it produces a subject of economics who practices agency in the private sphere. In the third section, I examine Bush’s June 2001 West Point commencement speech to illustrate how the new world order discourses and the primacy of economic freedom
provided the administration a means for identifying Iraq, long resistant to global markets, as a threat to the world order, for identifying Iraqis as victims of oppression, and as a vehicle for invading Iraq and establishing a government founded on the policies of structural adjustment and as an attempt to fully integrate Iraq into the global economy. The chapter concludes by speculating about the effects of the new world order discourse on domestic rights debates and how it is determined who is granted rights and privileges and who is not.

A New World Order: Crisis and the Programming of Reality

After the attacks the Bush administration employed a “new world order” (NWO) style of discourse that signaled that the world was somehow different than it was on September 10, 2001. The Bush administration’s NWO discourse is a destabilizing discourse that ruptures institutional order and circulates neoliberal rationality into institutions incorporating them into neoliberal networks of power. The Bush administration’s claims of a NWO have not gone unnoticed by other scholars. Patricia L. Dunmire and Anita Lazar and Michelle Lazar, for example, situate the administration’s claims of a new world order as an already existing discourse that predates September 11, 2001 and argue it is a different articulation of post-Cold War strategy for American military, political, and economic dominance in the world. As such, Lazar and Lazar contend, these claims of a NWO is part of a broad “discourse-in-the-making” since the end of the Cold War and of which the military interventions in Afghanistan and Iraq can be seen to represent “an important moment in the fuller workings of this discursive logic” (224). This logic is characterized by the “articulation of ‘new threats’” against internationalism founded on liberal-democratic principles and emphasizes American leadership in “countering global aggression” and maintaining the liberal order (225). Lazar and Lazar’s study performs an intertextual analysis of policy speeches from George H. W. Bush, Bill Clinton, and George W. Bush and traces the
articulation of these characteristics across presidencies. Though the threats to peace and freedom differ for each president—Clinton’s identification of radical terrorism as a threat to global order after the embassy bombings and the bombing of the U.S.S. Cole, for example, was expanded by George W. Bush to include states that support terrorists after 9/11—the articulation that the United States will be the global leader in preserving peace and freedom through military action remains constant across presidencies since the Cold War.

Patricia Dunmire extends the work of Lazar and Lazar by tracing the evolution of this foreign policy strategy and its logics across policy documents beginning with a 1992 draft “Defense Policy Guidance,” better known as the Wolfowitz Doctrine, and ending with the 2002 National Security Strategy better known as the Bush Doctrine. Both documents argue for American unilateralism, the continuation of the United States as the world’s only superpower, and preemptive military action against new and emerging threats that challenge American dominance. Dunmire argues that the introduction of “post 9/11” discourse by the Bush administration serves only to create “disjunction” from the post-Cold War era. The attacks on September 11th, she continues, were used as a “legitimating device” to rearticulate the policies of the Wolfowitz Doctrine in a new context. Dunmire argues that by framing the Bush Doctrine as emerging from a new threat it could be “construed as the natural response” to the attacks and implement policies that had previously been criticized as imperialistic (196). Dunmire’s and Lazar and Lazar’s studies provide important context for understanding that the September 11th attacks served as an exigent moment for implementing an already-existing aggressive foreign policy and related discourse. Their understanding of the NWO discourse as an evolving discourse allows me to map the articulation of neoliberal rationality into this discourse after
September 11th and examine how it was made into a useful rubric for the positive deployment of a neoliberal world order through already existing foreign policy.

The administration’s depiction of a NWO rests on reciprocal claims in which an ever-changing and hidden enemy requires a sustained and open-ended war that constantly adapts to an opposition that will find new and inventive ways of attacking. These claims, however, are not stable. They allow the administration to both continually (re)define the world in which we live and justify its actions based on that reality. The reciprocal claims produce a world without stable reference points and with temporary international commitments. This context elides supranational institutions like the U.N. and international law enacted through treaties that regulated international affairs and created a stable world since the end of World War Two. Many writers identify the War on Terror as a largely privatized war fought with public money and away from public view and oversight (Klein, Harvey, Engels and Saas, Brown). The “new kind of war” invented by the Bush administration’s NWO discourse is a disciplinary arm of neoliberal power. The claims of the NWO discourse serve as truths that support a globalized, borderless and perpetual war that extends beyond bounds of space and time, adapts and responds to just-in-time demands, and extends and ensures global markets and the circulation of global capital. The administration’s NWO relies on several overlapping features to implement and enforce a neoliberal world order. These include the identification of threats and production of a new kind of enemy and war, destabilizing space and time, utilizing opaque and obfuscating language, and reliance on epideictic rhetorical forms and discursive maneuvers that prevent deliberation.

The post September 11th NWO discourse was coordinated among administration officials and introduced immediately following the attacks at a moment when most Americans were looking to the government to provide information and answers. It developed and took form in a
roughly two-week period after the attacks in public addresses by George Bush and in news interviews with Cheney and Rumsfeld. The NWO discourse remains consistent with the previous iterations detailed by Dunmire and Lazar and Lazar in their examinations of Clinton and the George H. W. Bush administrations only so far as it is premised on the identification of a new threat as a support for U.S. military intervention. The Bush administration’s NWO discourse circulated neoliberal logics into the existing NWO foreign policy discourses and made them useful for securing and extending the neoliberal world order. Lazar and Lazar point out that the identification of a threat relies on an us/them binary in which the “enemy” is one who violates ‘our’ values” (227). The binary construction of the enemy is fertile ground for many critiques of Bush’s rhetoric (Ivie, Merskin, Thompson). Lazar and Lazar, for example, identify how the vilification of an enemy is constructed through a religious dichotomy of good versus evil, how freedom is valorized through juxtaposition to those who hate freedom, and the Orientalization of the Middle East through an undifferentiated representation of Bin Laden and Saddam Hussein within the us/them binary. Although the administration’s identification of a specific enemy in the form of Al Qaeda and Saddam Hussein’s Iraq relied on binaries to advance an aggressive American foreign policy, the threat invented by the administration’s NWO discourse extends beyond the spatial boundaries of Afghanistan and Iraq and breaks with temporality in that the threat does not end with regime change in Iraq or with a stable Afghanistan.

The administration’s use of binaries to create an enemy serves a double function. One function, recognized above, identifies subjects and groups requiring discipline because they pose a threat to freedom, democracy, and peace. The second function of the binary produces a new, unknowable enemy that poses an ever-present threat of impending attack against the United States. Bush’s remarks the night of September 11th and at the national prayer breakfast on
September 14th identified a national threat through terror attacks and from a force greater than the attackers. Bush’s addresses primed Americans to accept this new threat and the administration’s neoliberal iteration of the new world order discourse that was fully articulated days later by Cheney and Rumsfeld. John M. Murphy writes that the epideictic function of crisis speeches is to inform and reassure in times of crisis. He continues that epideictic rhetoric “shapes the world” and in times of crisis when “citizens need to understand what has happened and who they are in light of communal rupture … epideictic speech addresses such concerns” (610). He observes that Bush’s September 11th rhetoric follows the generic conventions of crisis rhetoric for the presidency in that immediately following a crisis event the president must “define the meaning” of the event to a nation that feels “the need to understand [the] horrific event” (611). Murphy notes that both Bush’s September 11th and September 14th addresses serve this function and “crafted our interpretation” of the attacks. Murphy’s purpose, though, is to examine the epideictic war rhetoric in Bush’s speeches and how he used this rhetorical form to ready and lead a country into multiple wars. He views Bush’s September 11th address as less successful than subsequent addresses in this regard. That is, while Bush’s speeches follow conventions and moves of this kind of rhetorical address, they do not reaffirm the world. Yet in viewing the speeches as an introduction to the new world order the speeches do not need to affirm Americans, rather Bush’s speeches destabilize reality and replace it with a new and uncertain future.

Bush’s early remarks in the speeches follow the expected conventions of this form of address by defining the event. In three instances he identifies the attacks as acts of terrorism. His opening line states that today “our way of life [and] our very freedom came under attack in a series of deliberate and deadly terrorist attacks.” Shortly thereafter he adds: “Thousands of lives
were suddenly ended by evil, despicable acts of terror.” And finally: “Terrorist attacks can shake the foundations of our biggest buildings, but cannot shake the foundation of America.” The first and third statements use an associative logic that links America and an American way of life with freedom. The implicit subject is an American freedom that was the victim of terrorist attacks. Bush’s remarks, however, do not assign human agency to the event. The middle statement is passive and only identifies the terror attacks as “evil” and “despicable”: the attacks ended thousands of lives, not terrorists through their acts. While Bush initially invokes evil as an adjective to describe the attacks, later in the address evil is used as a noun: “Today, our nation saw evil.” Through this transition Bush situates America in binary opposition to evil claiming America was specifically targeted because it is “the brightest beacon of freedom and opportunity in the world.” Because Bush does not grant agency to terrorist actors, his repetition of evil fills the void and his statements frame the attacks as the opening gambit in a battle between freedom and evil. The threat he identifies as evil is an ambiguous threat that cannot be located within time and place or a set of events carried out by people and establish the ever-present threat of the new world order.

The lack of human agency is even more pronounced in Bush’s September 14th speech. Bush states “our country was attacked with deliberate and massive cruelty,” yet there is nothing to indicate by whom. Shortly thereafter Bush claims “[w]ar has been waged against us by stealth, deceit, and murder.” Bush’s speech recontextualizes the attacks as an act of war but with no indication with whom this war is against. Bush also emphasizes that America has new enemies stating every generation “has produced enemies of freedom.” The new enemy of freedom that attacked the United States is only made apparent through Bush’s repetition of the freedom versus evil binary through which he argues America “is freedom’s home and defender” and “our
responsibility to history [is to] answer these attacks and rid the world of evil.” With no agency attributed to human actors in both speeches, agency, and the new enemy, is only made visible vis-à-vis evil residing in the world that hates freedom and of which America must “rid the world.” To be sure, at the time of the speeches it was not yet officially confirmed that Osama bin Laden and al Qaeda were responsible. However, by not acknowledging that individuals acted in the world, there is no place from which the attacks came and no alternative motives or geopolitics can be identified or addressed with which to discuss the attacks. Bush’s introduction of a force of evil in the world and displacement of the attacks from a set of actors with motives destabilized the world order and made discursive space within which neoliberal rationality circulated into the administration’s NWO discourse allowing the administration to program a new reality.

On the weekend following the attacks the administration’s full articulation of the NWO discourse reset an historical clock by suggesting the new threat cannot be addressed by the stabilizing structures of the world order established after World War Two. The Bush administration leveraged the kairotic moment to initiate a new chronotope and sense of time as they defined the new reality of the world that was destabilized in Bush’s September 11th and September 14th addresses. Jordynn Jack describes chronotopes as rhetorical commonplaces that reconfigure space and time and which limit actions that can be taken in an exigent situation to “concerns [of] the present and immediate future” (57). Chronotopes that compress time also “expands spatial concerns [of the immediate situation] outward” to encompass a wider field of action. What’s more, chronotopes configure arguments and decision making to an ideological perspective and produce a reality which focuses action toward ideological ends. The Sunday, September 16th interviews on Meet the Press and Fox News Sunday by Vice President Dick
Cheney and Secretary of Defense Donald Rumsfeld instantiated the new sense of time as both claimed the world was now different. In his interview on Meet the Press Cheney suggested that Americans must understand that “things have changed since last Tuesday” and “that the world shifted in some respects.” Likewise, Rumsfeld claimed there is a “new world we live in” and that “we need to think anew about [it].” Four days later in his September 20th address Bush dramatically intoned the same new world discourse saying that in one single day in which the United States was attacked “night fell on a different world, a world where freedom itself is under attack.” Bush’s remarks about night falling on a different world highlight the temporal feature of the new world order style and resetting time instantiated by the new chronotope. In all three statements there is a break in the continuity of time. There is not a before and after of an event; rather time and the new world start with the attacks on September 11th. In fact, just preceding Bush’s statements he disassociates the attacks from history stating:

Americans have known wars, but for the past 136 years they have been on foreign soil, except for one Sunday in 1941. Americans have known casualties of war, but not at the center of a great city on a peaceful morning. Americans have known surprise attacks, but never on thousands of civilians.

The NWO discourse relies on a new world history emerging from the attacks. Bush’s statements suggest that while similar events have happened in the nation’s history, these attacks and the world they produce are something altogether different. The statements suggest we cannot look to history for answers or precedents for recovery and moving forward. Time is an important feature of this discourse because it allows the administration to break from the past. The present moment is different from the past and as we look to the future, decisions will be made from the perspective of September 11th that claims a new and different enemy produces a new and
different world, one in which the stabilizing structures of the world order established after World War Two are no longer effective.

This world is more dangerous because there is a new kind of terrorist enemy that fights unconventionally. In their Sunday interviews, Cheney and Rumsfeld identified Osama bin Laden and al Qaeda as the likely suspects of the attacks. In keeping with the spatial expansion of the their chronotope, the administration constantly repeated that the new terrorist threat was not limited to al Qaeda, but that the group represented a new kind of enemy and threat that was organized through terrorist networks. The networks of the terrorist groups, they claimed, were borderless and included thousands of terrorists spanning more than 60 countries and their goal was to impose their radical beliefs on the entire world. Although the administration identified the actors as al Qaeda operatives, Rumsfeld’s and Cheney’s descriptions of the new enemy were opaque and their descriptions of al Qaeda situated this organization as one of many intent on ruining the civilized world. The threat posed by al Qaeda is larger than one organization and destroying the al Qaeda network will not end it. Rumsfeld, for example, described the networks as “working in the shadows” and that they pose “asymmetrical threats.” He argued that this meant terrorists could “attack at any time and any place using any technique,” and suggested that terror groups could turn anything into a weapon, and that it “is not physically possible to defend” at all times against this enemy. In this discourse, the individual actors that perpetrated the attacks on 9/11, the individuals responsible for planning and funding the attacks, and the terrorists working in the shadows are presented merely as agents of an invisible ideological force intent on destroying freedom and, as Rumsfeld put it, “wreak[ing] great damage on others.” That this ideological force exceeds borders necessitates responses beyond the immediate circumstances of the attacks. Rumsfeld’s allusions to ominous and opaque “shadow networks” produces a reality
in which threats are imminent and omnipresent. The reality produced by this discourse raises senses of emergency necessitating action. The primacy of safety and stopping inevitable threats supersedes and diminishes discussion of terror organizations, their motivations, and historical and contemporary circumstances that may lead individuals to act violently against the United States, the Western world, and the global economy. Time and space invoked by imminent threat enables arguments and changes processes of decision making in which the focus is specifically on mitigating and stopping new threats. This permitted the administration to act materially in the world. The compression of space and time within the NOW discourse created an omnipresent threat that persists indefinitely and allows the administration to identify multiple and fluctuating targets to be attacked according to the needs of capitalism.

The chronotope produced within the NWO discourse and messages of a new kind of enemy corresponded with and bolstered the administration’s messages and justifications for a new kind of war. The repeated message from the administration was that this war will be different than other kinds of wars familiar to Americans. In his Sunday, September 16th interview on Meet the Press Cheney ominously stated this war will be fought on “the dark side” and “in the shadows … quietly, without any discussion, using sources and methods that are available to our intelligence agencies.” In his weekly radio address on September 15th Bush produced uncertainty about the war claiming it was a new kind of war against a new kind of enemy. He used homages to World War Two to contrast it to popular images of war in the American imagination as it would be a war “without battlefields or beachheads.” Similarly, an op-ed by Rumsfeld published in the New York Times on September 27th produced uncertainty about the war by claiming it would be unlike other wars. Like Bush, he invoked imagery from World War Two to describe what the war would not be like: “This war will not be waged by a
grand alliance for the single purpose of defeating an axis of hostile powers” (A New Kind of War). In fact, he claimed there would be no “fixed rules” about how to fight this war, only guidelines. Rumsfeld’s negation of warfare familiar to the American popular imagination and unclear guidelines dictating how the war will be fought reinforced feelings of uncertainty sustained by the administration following the attacks. The opaque descriptions of the war on terror from Bush, Cheney, and Rumsfeld distanced Americans from a war that, as Rumsfeld described in his op-ed, “will involve floating coalitions” that constantly change as the mission to eradicate terrorism changes. The instability of an indefinite war and ever-changing institutions and institutional arrangements to meet ever-changing demands distances people from government institutions and destabilizes subjectivities.

**Epideictic America: The Intensification of the Subject of Economics**

The us/them binaries the administration used to construct the enemy also constructed an American identity. As indicated above, the NWO discourse produces a new enemy who is at war with freedom. The binary situates freedom as the underlying principle of America and an American way of life. This led to the intensification and adoption of subjectivities in which there was a relationship between consumerism, patriotism, and conceptualizations of freedom. Broad understandings of American values like democracy and freedom were practiced through patterns of work, leisure, and consumption. These practices acted as the imagined conduit that linked the individual to the nation. In other words, one’s economic practices became the stable social construction that united Americans in what Benedict Anderson calls an “imagined nation.” The permanent state of instability of the world order created a context in which economic life encompasses a political sphere of activity. The world now was one in which there is always an immediate threat that can attack anytime and anywhere and by any means. The threat posed by
the enemy is an ambient threat. Like Thomas Rickert’s ambient rhetoric, it is never fully present but it is always there. Ambient rhetoric is pervasive and seeps into the environment and produces a felt reality. The ambient nature of the threat produces a feeling of reality with an accompanying set of logics. The administration makes decisions based on these logics and the feeling for reality. In his interview on September 16th Rumsfeld, for example, when asked if the United States would cross the borders of nations harboring terrorist networks, answered:

We have no choice. Either the United States acquiesces to the terrorists, and becomes isolationist, turns inward, gives up our freedom—the way they strike at us, our way of life, is so fundamental and central. Because what we are is a free people. And if we decide we can’t do anything about this problem, we have no choice but to give up that freedom. And we can’t do that.

Though Rumsfeld’s remarks are presented as an argument, they are not deliberative. In the context of imminent threat people acquiesce authority to the government rather than participate in governance. In other words, the ambient threat of terrorism produces its own answer to the problem: To be a free nation the United States must fight terrorists wherever they are and without regard to national sovereignty or international law. There is no discussion of the practicality of this policy, the political costs to international diplomacy, how this will be accomplished, or myriad other questions fit for deliberative discourse. The War on Terror is simply a logical extension of the NWO. There is no need for political deliberation in decision making because the appropriate course of action is already clear.

The logics of the NWO that produce ambient feelings of threat and shift civic behavior away from political activity were maintained through Bush’s reliance on epideictic address. As John M. Murphy points out, Bush spoke about September 11th and the War on Terror “in almost
purely epideictic terms” (610). More specifically, Bush’s epideictic does more than unify community around shared values, Bush practices what Bradford Vivian calls neoliberal epideictic. Neoliberal epideictic celebrates “presumably fundamental political principles in an ostensibly nonpolitical idiom” (4). It excludes difference and is grounded in an apolitical vocabulary. In Bush’s rhetoric, the apolitical vocabulary comes as appeals to high values like freedom and democracy. The universality of the values decontextualizes them and situates them as enduring values of all time. The contemporary epideictic form, as Vivian calls it, promotes a transcendental understanding of freedom in which the community does not “protect or augment … freedoms through sustained civic advocacy” (17). It passively accepts rather than pursues values and does not ask for public sacrifice in pursuit of national or community goals. The passive acceptance of the values of neoliberal epideictic distances people from public discourse and privatizes their experience of cultural values. Unity is formed through private practices of shared values of freedom, citizenship, and democracy. In other words, neoliberal epideictic decontextualizes the individual from public life and relegates her/him to the private sphere and thus valorizes the private actor.

Vivian’s study of neoliberal epideictic focuses primarily on the civic commemoration and memorial services held in New York City on the one year anniversary of September 11, 2001. Yet the same characteristics can be found in the epideictic addresses of Bush immediately following the attacks of September 11th. Bush’s speeches circulate neoliberal rationality by praising neoliberal ideals via praise of the private individual. The subject is depoliticized and privatized both through the logics of the NWO and neoliberal epideictic address. By depoliticizing civic behavior, the subject can only exercise agency and civic action through economic practices of consumption and production. When Bush described the way of life that
the terrorists were attacking in several speeches in the weeks following the attacks, including his statement on September 11th, his remarks at the prayer breakfast on September 14th, his national address on September 20th, and remarks to airline employees on September 27th, he depicted a consumer-producer in the global economy who went to the store, went to work in an office, and flew on planes. In these descriptions freedom is associated with the private individual and the exercise of a private life. To be American is to pursue private interests. The praise of the economic individual emerged from the ambient threat of the new enemy. That is, the logics of the NWO and its discourses produce a reality that conflates civic practices and economic practices. As Rumsfeld’s response about the imperative of war indicates, to change in any way “gives up our freedom.” The logics of this discourse situate freedom as innate to economic practices and suggest that the way to preserve freedom is to live as a subject of economics.

Neoliberal epideictic was the consistent form of address for the Bush administration in the weeks following the attacks. What is probably Bush’s most important speech for this period was a speech before a joint session of Congress on September 20th. The speech was broadcast live in primetime on all major networks and news channels. Although the administration’s press conferences, interviews, and speeches since the attacks were covered and circulated widely by the news media, the September 20th speech was the first speech in which the President officially proclaimed who was responsible for the attacks and the policy of the state moving forward. As such, it followed the epideictic form of Bush’s September 11th and 14th speeches in which he crafted public perception of the event. More than that, it marshalled and fully articulated the overlapping and corresponding NWO discourses circulated by administration officials since the attacks. The speech served important epideictic purposes in that it readied the nation for military action while praising the virtues of the nation and the military, but more importantly, the praise
of American values relieved Americans of any civic sacrifice for the coming war effort and depoliticized the individual. Bush’s praise of the American economy situated the economy as the source of American freedom and called on individuals to practice freedom by continuing to participate in economic activities as private individuals.

The speech follows conventions for this form of address and is organized into five parts all of which he organizes according to the NWO rubric and neoliberal epideictic. Bush uses the us/them binary to both create a reality in which the possibility of military intervention across the world is the only way to ensure freedom, and to produce the subject of economics that is relegated as a private individual. Early in the speech Bush introduces the new world order in statements that overlap features of the NWO discourse: “Tonight, we are a country awakened to danger and called to defend our freedom;” and shortly thereafter “[o]n September the 11th, enemies of freedom committed an act of war against our country.” The statements situate the speech within the current moment and breaks with continuity from the past. The moment, tonight, is constructed by the attacks on September 11th and not from geopolitical history that came before it. Like his previous addresses, the agents that attacked the U.S. and freedom are agentless. Even after identifying al Qaeda and bin Laden as responsible, statements such as “[o]ur war on terror begins with Al Qaeda, but it does not end there” produce the ambient threat on which the NWO relies. The binary logic and omnipresent threat produce an unstable world and an uncertain future.

Later in the speech, Bush utilizes the binary he created to identify and praise American values while producing the economic subject as an American subject. Bush claims that “what is at stake is not just America’s freedom,” but that this is also “civilization’s fight.” Bush situates America as the center of the civilized world and is thus in position to distinguish the markers of
civilization and freedom. To maintain the civilized world, he directed Americans to “live your lives” and live by our principles.” Bush described this way of life as he called for “continued participation and confidence in the American economy” and suggested that economic institutions were the source of American, and thus civilization’s, strength and freedom. His praise of the economy and its institutions situated economic freedom as preceding other freedoms identified earlier in the speech that the enemies of freedom hate, including freedoms of religion, voting, assembly, and speech. American prosperity, he argued, could be found in the actions of individuals: “America is successful because of the hard work and creativity, and enterprise of our people. These were the strengths of our economy before September 11, and they are the strengths today.” Bush’s focus on the economic actor located freedom in individuals. This move valorized the subject of economics and praised behaviors associated with that subject. It also situated this individual and her/his actions as producing the freedoms of the civilized world.

Bush’s NWO discourse praising the subject of economics intensified one aspect of an identity at the cost of others and elevated the individual economic actor as a standard measure of American citizenship and American freedom. This eclipsed the political sphere and left the private, economic sphere as the only space within which an individual could act. Bush’s speech, for example, extols the virtues of private life as dependent on maintaining a free life in the private sphere. By situating freedom in the private realm, freedom is also decidedly apolitical. The call to “live our lives” as we always have positions freedom outside time along with the NWO. Freedom is no longer contextual to particular circumstances of time and place as when one navigates various and overlapping social, cultural, economic, and political spheres of daily life. Vivian argues that the central *topos* of neoliberal epideictic is that one’s private pursuit of economic well-being assumes the status of unquestioned public good” (13). Neoliberal epideictic
address leaves little discursive space for debate or discussion about what those values are or how they should be practiced. Bush’s calls for continued participation in the economy do not permit space for questioning or debating the inequality of capitalism, the unequal distribution of resources and wealth, or the disparities of privilege in public life. Like all epidictic address, it requests that citizens perform and uphold national values. As Bush’s speech centers neoliberal economic freedom as the marker of American freedom and civilization, it imagines the American subject of economics as the cosmopolitan identity *sine qua non* of the civilized world.

The reception of the speech affirmed the uptake of Bush’s message. In an editorial titled “Mr. Bush’s Most Important Speech” *The New York Times* editorial board praised it and called Bush’s leadership “strong and forthright.” *The New York Times* also reported that most people interviewed for reactions to the speech “approved of Mr. Bush” and were “reassured by [his] pledge to hunt down and root out terrorist cells” (McFadden). *Time Magazine* also ran stories praising Bush, his leadership, and his transition from a “detached chief executive to an inspiring leader” (Pooley and Tumulty, Elliot). Likewise, on September 21st *The Wall Street Journal* editorial board applauded Bush’s “growing leadership” and, quoting his statement that “freedom and fear are at war,” reiterated the NWO chronotope by extolling his ability to “convey the simple gravity of the moral and political task ahead” (“Rallying the Country”). Polls taken after the speech showed Bush’s approval ratings soar from around 50 percent to almost 90 percent (“Snapshot”). And though there was some skepticism over the simple characterization of the terrorists and the coming war on terror as a war against evil (“McFadden, Dowd), 92 percent of Americans believed the U.S. should take military action and seven out of ten Americans identified as very patriotic (Berke and Elder).
The emphasis on economic subjectivity was the result of the administration’s attempts to save the market and ensure the global economic order. Following the attacks, the American economy was in danger of recession and fear and discussion of the economic impact was covered daily in major news media outlets. Bush’s talk of the strength of America’s economic institutions and his praise of economic activity and the economic actor as the source of American prosperity and exceptionalism were attempts at securing the market through encouraging consumption. In Bush’s speeches following the success of his September 20th address he amplified his praise of the economic actor and linked working and spending with patriotic duty. On September 27th, while speaking to airline employees, Bush stated: “we must stand against terror by going back to work.” He continued that the “role” of Americans is “to fight terror in their own way” by showing up to work and travelling. The neoliberal world order relies on the activity of economic subjects in the flows of global capital and the disruption caused by the attacks threatened American dominance in this order. Bush’s linking of patriotism to patterns of production and consumption was part of a necessary intervention to maintain levels of economic activity that would sustain the neoliberal milieu.

The message worked. Market researchers noted that 60 percent of Americans were more likely to buy American products “as a show of patriotism and to help the economy” (Mariano). Patriotic consumerism circulated into the commercial sphere as well as many companies began branding themselves and their products as patriotic. Patriotic advertising in response to catastrophic events is not uncommon, though post-September 11 related advertising “was greater in amount, intensity, and variety” than in other times of crisis including World War Two (McMellon and Long “Sympathy”). In the days after the attacks patriotic advertising was limited, but after Bush’s calls for consumption advertisements appealing to patriotism saturated
newspapers and “eventually spread to radio, television, outdoor [advertising spaces], the Internet, and direct mail” (McMellon and Long “Patriotic to Tasteless” 623). The association of patriotic sacrifice with individual excess spending and consumption resulted in removing Americans from domestic sacrifices as was practiced during previous times of war like rationing and consolidation of the economy. National unity, as in the past, was not produced through shared experience of sacrifice and common cause. Rather, people exercised their civic duty through private enterprise and private activities. NWO discourses provided logics that decontextualized political life and situated the individual in a neoliberal field of action. American identity linked to neoliberal practices of production and consumption produced a worldview in which civic freedoms were preceded by economic freedoms. In the next section I examine how neoliberal logics of NWO discourses destabilizes institutions that regulate world order and maps neoliberal rationality into discourse of human rights.

**Exporting the Subject of Economics and the (Neo)liberation of Iraq**

The domestic intensification of the subject of economics was accomplished by the Bush administration’s circulation of neoliberal discourses into discourses of freedom. Neoliberalism appropriated concepts of freedom and established economic freedom as the foundation of American freedom and the marker of the civilized world. Combined with the NWO discourses, the Bush administration was provided with a means of mapping the world according to neoliberal rationality. The reciprocating claims that serve as the foundation of the administration’s NWO discourse, for example, created a reality in which threats and enemies were not static. The imminence of the threats within an ever-changing global landscape expanded the possibilities of what constitutes a threat and subsequently mapped those threats across borders and into new territories. In Bush’s 2002 State of the Union Address, for example,
the threat posed by the terrorist “shadow network” spanning 60 nations expanded to include
“rogue” nations and regimes. Bush’s infamous “axis of evil” was first invoked in this speech as
he identified Iraq, Iran, and North Korea—nations long outside the global economic order—as
“regimes that sponsor terror” and who “by seeking weapons of mass destruction, [are regimes
that] pose a grave and growing danger.” What’s more, because these nations were not fully
integrated into the global economy, Bush identified the regimes as not just dangerous to the
world, but oppressive to their people’s freedom. The NWO discourses and the subject of
neoliberal economic freedom work hand-in-glove to provide a rubric for identifying nations
outside global economic order as dangerous and repressive. Nations such as Iraq could be
identified as oppressive not just for past human rights violations, but for suppressing the
economic freedom of its people. This new mapping circumvented global frameworks established
by the U.N. and other supranational organizations for identifying threats and abuses by sovereign
nation-states and allowed for the positive deployment of neoliberal order through preemptive
military intervention in Iraq and the forced privatization and implementation of free markets.

In many speeches and statements the Bush administration mapped neoliberal rationality
onto other nations and people across the globe by identifying economic freedom as the basis for
free societies. This extension of neoliberal rationality is probably most pronounced in Bush’s
commencement address at West Point Military Academy in 2002. Though he does not invoke the
new historical clock as strongly as in previous speeches, Bush reinforces the implicit break with
the previous world order by arguing that free markets and open economies are the only way to
realize freedom and global peace. He accomplishes this by weaving humanistic values and
concepts of just peace with economic freedom. Bush, for example, praises the United States,
Japan, and all of Europe—all nations fully invested in global markets—for once being “divided
by conflicting ideologies” and now being united through their “deep commitment to human freedom.” He identifies Chile and South Korea as success stories in achieving freedom and sharing in the “common values” that unite the world in peace stating that because they “buil[t] modern economies and freer societies [they] lift[ed] millions of people out of despair and want.” Similarly, Bush identified China as realizing greater rights for its people as its “leaders are discovering that economic freedom is the only source of national wealth.” Bush’s comments situate global capitalism as the foundation of a peaceful and free world. More than that, while his comments are directed at national economic reforms, they have an acute focus on individuals. In following with the logics of the foundation of American freedom in his earlier speeches in which the practices of the economic subject are the basis of a free and just society, Bush extends the American neoliberal model to other nations and the understanding that free markets and open economies create free people.

Through the primacy of the economic subject Bush expands the mission of the war on terror from defending American freedom from threats to extending freedom across the globe. The economic subject provides an epistemic framework for recognizing nations across the world. Free nations and nations progressing toward freedom become visible by incorporating their economies into the global economy. Nations that are not incorporated into the global economy become visible through the oppression of the economic subject. After recognizing nations for their commitment to freedom Bush states: “When it comes to the common rights and needs of men and women, there is no clash of civilizations. The requirements of freedom apply fully to Africa and Latin America and the entire Islamic world. The peoples of the Islamic nations want and deserve the same freedoms and opportunities as people in every nation. And their governments should listen to their hopes.” Bush’s articulation of the American neoliberal model
of freedom across the world allows him to recognize governments as oppressing the rights and opportunities of their people. In this move he broadly constructs the people of “Islamic nations” within economic frames. An advancing nation, Bush argued, “will pursue economic reform, to unleash the great entrepreneurial energy of its people.” The mapping of neoliberal freedom across the world locates and names potential subjects of economics. Erik Doxtader recognizes that rights are “[s]et within the sovereign law of states” and that the subject of rights exists within “civil-political” relationship to the state (356). Political subjects are contextual and situated in time and place within institutional apparatuses of nation-states. Bush’s discourse disarticulates subjects from political subjectivity and institutional identities of the state and re-articulates them according to their relationships to flows of global capital. By articulating people into economic contexts, they are mapped into overlapping and fluctuating networks and associations of global capitalism, multiply situated and constructed. This new contextualization allowed the Bush administration to identify Iraqis as deserving of freedom and the Iraqi government and Saddam Hussein as dangerous to global peace and violating the rights to freedom of its people.

Prior to the attacks on September 11th the expanding networks of global markets was slowing down and meeting resistance. Naomi Klein writes that financial crises in the 1970s and 1980s made countries across South America and Africa susceptible to structural adjustment and free market reforms that incorporated those nations into global markets. The Middle East and south Asia were the last frontiers for the expansion of capitalism. The oil rich nations in the Middle East, Klein points out, “managed to keep out of debt and thus the grip of the IMF [International Monetary Fund]” (414). Because of their wealth, many nations in the Middle East were holdouts to the free market global order. Klein notes, for example, that 84 percent of Saudi
Arabia’s economy is controlled by the state (414). Iraq’s oil reserve is the third largest in the world and was largely untapped due to strict sanctions after the 1991 Gulf War. What’s more, according to Klein, Iraq had two hundred state-owned companies prior the U.S. invasion including utilities, airlines, and factories producing most of the goods for Iraqi people (436). Klein writes that the Bush administration wanted to use Iraq to set up a model free market nation in the Middle East and a place from which to expand free trade into other nations in the Middle East (415-416).

The Bush administration’s appeals for invading Iraq utilized the oppression of the economic subject as a violation of individual prosperity to justify military force. Although these appeals were framed as on behalf of the Iraqi people and as the United States extending rights to oppressed persons, freedom served as cover to implement the Wolfowitz Doctrine’s strategy for regime change and establishment of a government supporting American economic interests in Iraq. During the Clinton years, Wolfowitz and many like-minded neocons found a home in the far right think tank The Project for a New American Century. This think tank ascribed to the vision of American hegemony espoused in the Wolfowitz doctrine and in 1998 members widely circulated a letter to President Clinton urging that American strategy for the Middle East “should aim, above all, at the removal of Saddam Hussein’s regime from power” (“PNAC Letters”). Seven of the 18 signatories to the letter were later picked to serve in key posts in the Bush administration including Donald Rumsfeld and Paul Wolfowitz. In September of 2000 the think tank published a white paper titled “Rebuilding America’s Defenses: Strategy, Forces, and Resources for a New Century.” The report recognizes that the “process of transformation [to a foreign policy of force], even if it brings revolutionary change, is likely to be a long one, absent some catastrophic and catalyzing event – like a new Pearl Harbor” (51). September 11th
provided the catastrophic event necessary to implement the strategy without much resistance by framing the Iraqi people as economic subjects in need of liberation.

Leading up to the war in Iraq the Bush administration consistently identified the Iraqi individual as a victim of oppression by a regime that kept each person from realizing their human potential. As with his speech at West Point, the foundation of prosperity and freedom is built from free markets and an open economy premised on competition. Bush’s September 2002 address to the United Nations, for example, leverages the NWO chronotope and attendant necessity for action to insist on regime change and economic reform in Iraq. Most of Bush’s speech was dedicated to indictments of Saddam Hussein and his regime. These included human rights violations as well as violations against U.N. Security Council Resolutions put in place after the Gulf War. Bush’s litany of violations portrays Iraq as a threat to the security and peace in the world and as a country in which individuals cannot prosper or meet their full human potential. The only answer, Bush argues, is to depose Saddam Hussein and establish a government “that represents all Iraqis” and is “based on respect for human rights [and] economic liberty.” Bush’s speech locates the ambient threat of impending violence in Iraq. Like Rumsfeld’s comments above about either living in fear or acquiescing to terrorists, the logics of the NWO chronotope provide the answer which, as Bush claims, is to “choose between a world of fear and a world of progress.” These logics necessitate that there must not only be military intervention to confront the threat, but to ensure global peace and security regime change requires entry into global markets. Bush’s identification of the Iraqi people as victims of the same force that threatens the world recognizes Iraqis as potential subjects of economics. To free the Iraqi people from physical oppression requires extending neoliberal world order and producing subjects who participate in the global market.
The conditions of a free Iraq, however, were dictated by the American government. Like the structural adjustments demanded by the World Bank and IMF, these conditions entailed removing any vestiges of the old regime and replacing them with neoliberal policies. The neoliberal state imposed by the United States in Iraq focused exclusively on economic transformation and, as Naomi Klein writes, “make[s] up a classic Chicago School Shock Therapy program” (436). These changes included privatizing all of Iraq’s state-owned companies, a reducing the corporate tax rate to 15 percent, and granting foreign investors and corporations access to Iraq’s natural resources, industries, and banking sector (Klein 436). These changes were all implemented by the Coalition Provisional Authority (CPA) headed by Paul Bremer. The CPA was responsible for restoring Iraq after the invasion and establishing a transitional Iraqi government. Paul Bremer was in charge of the U.S. run government of Iraq between the time of invasion and the establishment of a constitution and a sovereign Iraqi government. In the interim, the CPA was responsible for passing orders related to Iraqi reconstruction, trade, and investment. These orders, which came to be known as “Bremer’s Laws,” opened Iraq to foreign investment and foreign businesses. The goal of the CPA was to reform Iraq into a market-based economy and allowed Iraqis little input on the reforms (Crocker). One of the most controversial of these orders is Order #39. This order privatized all of Iraq’s state-owned businesses except for oil, allowed for 100% foreign ownership of those businesses, imposed a flat tax, made it law that Iraqis could not favor local and Iraqi-owned businesses when awarding contracts, and established that foreign contracts will be locked in for 40 years (Jahasz). What’s more, when Bremer arrived in Iraq, shortly after Saddam Hussein’s government fell, he declared that Iraq was “open for business” and started awarding contracts to
foreign businesses and opened Iraq’s borders to unrestricted imports with no tariffs, duties, or taxes (Cocker, Klein 429).

The CPA’s transformation of Iraq from a command economy to a market economy was enshrined in Iraq’s constitution which was drafted by the CPA (Klein 446.) Following neoliberal logics that the role of government is to secure and ensure the markets (which I write about in Chapter One), the work of the CPA in constructing a new Iraq created and ensured Iraq’s participation in global markets. In other words, the global market preceded the state and the government was crafted to fit the market. What’s more, the restructuring of the state produced neoliberal subjects and constituted the Iraqi people as subjects of economics. The institutional arrangements relegated Iraqi agency to the private sphere and to the pursuit economic self-interest and competition. Within the neoliberal network of power this is a positive transformation in that it pulled people into circuits of neoliberal power and made them useful for the expansion and circulation of global markets.

**Conclusion**

The attacks on September 11 provided a crisis in which the identification of a new threat to freedom produced a context in which neoliberal rationality could transform subjectivities and institutions and furthering the expansion and amplification of the neoliberal world order. The intensification of the subject of economics that occurred after September 11th manifest later in domestic rights debates. The subsequent chapters examine how rights debates emerge over perceived threats to freedom. They examine how the privileged subject of economics is leveraged to either gain rights for groups or deny rights for groups who argue for rights from other subject positions. It also examines how rights debates that privilege those who identify with economic subjectivities serves to reinforce neoliberal subjectivity through embodying and
circulating neoliberal logics and thus ensure neoliberal order and the practices of the neoliberal subject.

3 The Bush administration used the sagging economy and eventual recession after the attacks to pass measures to help corporations and businesses that would otherwise be politically difficult. These include a $15 billion dollar bailout to airlines and added federal relief to airline insurers (Alvarez and Lebaton). But as Michael Parenti notes, “the airlines were beset by financial problems well before the September attacks” and the bailout propped up an already failing industry (11). The bailout did not include relief for the tens of thousands of airline workers laid off immediately following the attacks (Parenti). Bush also pushed for an economic stimulus package that would be between $60 and $75 billion dollars, most of which would go to businesses (“A Nation Challenged: The Economy” Stevenson). The final stimulus package included business tax cuts of about $43 billion with another $8.5 billion to increase unemployment benefits for those laid off during the recession (“Senate Approves” Stevenson).
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Religious Rights and Civic Rights: Neoliberal Evangelicalism Confronts LBGT Marriage Equality

The Supreme Court decision in *Obergefell v. Hodges* guaranteeing the right to same-sex marriage presented a crisis of religious freedom for many in the evangelical community. For evangelicals who believe homosexuality is a sin and marriage, by God’s definition, is between a man and a woman, the decision presents problems as they navigate public life. Small business owners like florists and bakers who provide services for weddings, for example, find it difficult to balance their faith with their feeling that providing services to a same-sex wedding makes them complicit in what they believe is a sin. Jack Phillips, a Christian baker in Colorado who was sued for refusing to bake a wedding cake for a same-sex couple and whose case is now being decided by the supreme court wrote in an op-ed in *USA Today* that “[w]hat a cake celebrating this event would communicate was a message that contradicts my deepest held religious beliefs.” Phillips’ conviction, along with many others who find themselves in similar situations begs the question: Now that the right to marry is extended to same-sex couples, how do we balance that right with the right to religious freedom for those who might object to same-sex marriage on religious grounds? The conflict over rights emerging at this moment is the result of changing social relationships within a neoliberal milieu that encompasses spheres of activity, institutions, and subjectivities. These new social arrangements force us to reconsider how rights are practiced and disseminated among subjects and groups. Although the debate as it is argued is about religious freedom versus the rights of LBGT persons, the underlying causes emanate from the reorganization of public and private spheres of activity as these spaces are more fully incorporated into a neoliberal regime of truth. Conflict necessarily arises as relations of power
shift and the debate between the evangelical community and LBGT community is just one site in which the entrenchment of neoliberal power manifests.

It is not my intent to homogenize evangelicals as a group or to conflate them with Christian fundamentalists. Christian Lundberg argues evangelicalism and fundamentalism are separate, yet are connected through a tenuous unity of shared beliefs (107). Like Jonathan J. Edwards, however, I identify evangelicalism as a “subset” within a broad category of “fundamentalists” (10). Christian fundamentalism includes a variety of groups with differing sets of political and spiritual perspectives. Apocalypsim and apocalyptic narratives, for example, form a set of faithful who believe in the Rapture and second coming of Christ and imagine their role is to prepare themselves and the world for this event (Edwards 80-81; Crowley 7). Christian Revivalism, championed by Jerry Falwell, intends to form a “moral majority” in America through the growth of superchurches and influence law according to those moral beliefs (Edwards 112). Evangelicalism is a brand of this conservative Christianity as it shares commitments with many fundamentalist principles, yet is distinct from other fundamentalist groups like the apocalyptics. While evangelicals and fundamentalists are committed to concepts like biblical inerrancy, the belief that the Bible is God’s Truth and should be read literally, evangelicals are committed to “living their faith” and the principles of God’s word in all aspects of life. This commitment to “living one’s faith” also compels evangelicals to interact with and share their faith with others in the world. Evangelicalism is not a belief, but a constituting identity and a set of ideological values that, like Charland’s Québécois, are embodied and manifest through practices of living. I discuss this identity and its ethical commitments in more detail later in this chapter.
It is not my intent either to locate or theorize inventional strategies for alleviating antagonisms and finding discursive openings between Christian evangelicals/Fundamentalists and progressive social movements in a broad public sphere. That work is done already in Sharon Crowley’s *Toward a Civil Discourse* in which she examines the values and beliefs of Christian fundamentalism to find spaces in which to insert “counterclaims” into fundamentalist discourses that would “articulate different conjectures and authorize different ways of connecting beliefs” so as to create the possibilities for deliberative rhetoric among groups” (193). Others, such as Christian Lundberg, revise Crowley’s reading of the fundamentalist identity to suggest that the antagonism that is part of this identity is not something to be overcome. Instead Lundberg calls on rhetoricians to find ways to “productively split the difference” and work with the “irresolvibility” of fundamentalist differences (110). Or Jonathan J. Edwards who views fundamentalism and evangelicalism as at “essence a church movement” in which “discourses about the church form a public” (x). Edwards argues that by understanding how these discourses that create community and identity we can gain insight into how “fundamentalism is inseparably part of American political theater” and how fundamentalism shapes American politics (17). My intent is to use the moment of conflict following *Obergefell* to explore how neoliberal rationalities circulate into different spheres of activity and alter the organizing rationality of those spheres by adapting with and transforming existing discourses and making porous the boundaries of distinct spheres of activity.

To that end, Jürgen Habermas’ original inquiry into the public sphere is useful. In Habermas’ account, trade capitalism gave rise to a new class of persons economically autonomous from the state that changed relations among the state, private individuals, and the modes of production. This new relationship created a sphere of activity and discourse where
“private people [could] come together as a public” to engage in debate about the “publicly relevant” institutions of the market and the state (27) Important in Habermas’ conceptualization of the public sphere is the separation of the spaces of activity. The public sphere, the market, the state, and the private sphere, while interrelated, were organized through different logics, discourses, and activities. That is, each sphere has its own performances of rationality, reasoning, and objects of activity. Although Habermas contends that deliberation in the public sphere was restricted to issues of the common good and private interests were disqualified, it does not mean there was no private interest brought to debate. Rather it suggests that those interests were tempered through concession and compromise to the public good. There was a distinction people recognized between private and public selves and the activities and practices appropriate for each domain. As neoliberalism circulates into different domains, however, the activities and logics of each space are eclipsed by economic logics. This has the effect of merging the interests of the public and private self so much so that in many ways the private self and private interests are not separated from the activities of being public. That neoliberal logics move through porous boundaries of markets, the state, the public sphere, and private realms connecting them through economic logics reconfigures the human condition toward an economic modality.

In what follows I examine how neoliberal rationality circulated into the civil rights discourses and arguments for marriage equality. I analyze how economic inflected arguments in the oral arguments and majority opinion of Obergefell transformed marriage from private right into a public economic benefit which influenced the interpretation of civil rights and the equal protection clause of the Fourteenth Amendment. In the second section I examine how responses to Obergefell within the evangelical community adopt neoliberal principles by situating religious freedom and justice in the marketplace, promote individual responsibility and
entrepreneurialism, and inflect evangelical subjectivities with economic dispositions. In the third section I focus on the events surrounding Rowan County, Kentucky clerk Kim Davis’ refusal to issue same-sex marriage licenses. I examine how Kim Davis’ embodiment of an evangelical subjectivity and economic disposition entrenched evangelical identity and values within the public that galvanized around her and how her elevated status allowed her to act as conduit for circulating and reifying neoliberal values among her public. I briefly conclude by discussing how neoliberalism accommodates difference while making difference useful for producing economic subjectivities and modes of being.

**Economic Rights as Civil Rights: The Positive Rights of Neoliberalism**

The commonplace rhetorical strategy of framing same-sex marriage within civil rights discourses is only a recent tactic that was developed over roughly the last fifteen years. Mary Zeigler, writing in the *Florida State University Law Review*, explains that prior to the Supreme Court case *Goodridge v. Department of Public Health*, which found Massachusetts’ ban on same-sex marriage in violation of the state’s equal-protection laws, most arguments supporting same-sex marriage were privacy-based. That is, the dominant strategy situated marriage rights in the private domain and argued that marriage was a basic right and private decision between two individuals. Zeigler cites an action alert against the Defense of Marriage Act issued by the Freedom to Marry Coalition as representative of this argument line: “[t]he decision of whom to marry [is] a deeply personal one that should not be interfered with [by] the federal government” (qtd. in Zeigler 483). Prior to the *Goodridge* decision, LBGT advocacy groups like Freedom to Marry and the Human Rights Campaign, leading activist groups promoting LBGT rights, cautioned against making civil rights based claims because most Americans at the time did not consider same-sex marriage a civil rights issue and the groups also believed that the strategy may
interfere with other causes like passing laws regarding workplace discrimination of LBGT persons. However, after the Goodridge decision, which came shortly after a Vermont Supreme Court ruling in Baker v. State that placed same-sex marriage as a civil right arguing that civil rights granted “equal access to public benefits and protections” without “artificial government preferments and advantages,” advocacy groups realized they could win in court using civil rights arguments (Baker v. Vermont). The discursive shift from private right to marriage equality pushed marriage rights to the front of activist agendas, whose supporters imagined that marriage equality could open the door for other LBGT rights.

The discursive shift that positioned same-sex marriage as a public right opened new rhetorical terrain in which LBGT activists positioned marriage-equality as a civil right and adopted a strategy of drawing comparisons to the civil rights movement of the 1960’s. Linkages to the Civil Rights Movement led to claims that without marriage equality and the rights and protections marriage confers, LBGT persons are relegated to a secondary class of citizenship just as with racial discrimination. Zeigler cites press releases from Human Rights Campaign’s 2004 activism against a proposed anti-same-sex marriage amendment that use Rosa Parks and the Montgomery bus boycott to illustrate similarities between struggles for equality. One such release, titled “Don’t Amend: Gay Marriage Is Our Right” argues because opponents of desegregation “refus[ed] any compromise, the Montgomery movement had no choice but to escalate their demands … On same-sex marriage, the LBGT community has reached a similar juncture (qtd. in Ziegler 494). Other organizations employed a rhetoric of sameness. In a New York Times Magazine article about the Gay and Lesbian Advocates and Defenders’ (GLAD) work on both the Baker and Goodridge cases, for example, the fight for marriage equality is directly related to desegregation and Brown v. Board of Education (Garrow). Quoting Beth
Robinson, one of GLAD’s lawyers, the article argues civil unions create a category of marriage that is “separate but equal.” Throughout the article the two movements are linked as movements of desegregation that “mark the beginning of a new social era.” Likewise, Evan Wolfson, director of Freedom to Marry, speaking to The Washington Post equated the same-sex marriage fight to movements that “ended race discrimination in marriage, and women’s subordination in marriage” (Von Drehle). The rhetorical strategy to link and draw parallels to the Civil Rights Movement forced the groups to position their cause within the discourses of the Civil Rights Movement. Their demands to recognize same-sex marriage were situated as demands for dignity, status, and equality. They argued that different categories for marriage for same-sex and opposite-sex couples is discrimination of “separate but equal” and does not convey the same status.

Over the twelve-year period from Goodridge to Obergefell the strategy of using civil rights discourses was employed in several campaigns that attempted to either advance rights or to oppose legislation defining marriage as between one man and one woman. The civil rights arguments were probably nowhere more pronounced than in 2008 in the opposition to California’s ballot initiative Proposition 8. The ultimately successful voter initiative, also called California Marriage Protection Act, intended to overturn a California Supreme Court ruling legalizing same-sex marriage and to change the state constitution to read: “[o]nly a marriage between a man and a woman is valid or recognized in California” (qtd. from Dolan). Although similar measures were on state ballots that year in Arizona and Florida, the initiative gained national attention because it was the most expensive ballot measure in the nation’s history (NBC News). Proponents and opponents spent more than $83 million dollars on ad campaigns and much of the money came from sources outside the state (NBC News).
Because of the large public campaigns resulting from significant monetary contributions and national attention, the activism surrounding Proposition 8 makes an interesting site of inquiry for rhetoricians studying the argumentative strategies of proponents and opponents of same-sex marriage. Michelle Kelsey Kearl, for example, examines LBGT groups’ strategies to oppose Proposition 8 by employing intersectional rhetoric with the civil rights movement. Kearl argues that while intersectionality produces rhetorical “space for an emphasis on paralleled and simultaneous oppressions” and simultaneously “articulat[e] difference,” the strategies of the LBGT activists were to uncritically use civil rights analogies to articulate a “rhetoric of sameness” between race and sexual orientation (69). LBGT activists appropriated is a history of discrimination and used sameness to conflate race and sexual orientation that positioned the “marriage equality movement as the eventuation of the CRM [Civil Rights Movement]” (64). The focus on discrimination and intersectional linkages to Jim Crow and segregation imagines marriage equality as a fundamental right to be worked out in the public sphere that will free LBGT persons from discrimination.

Arguments in the California Supreme Court also characterized separate categories of marriage as discrimination. However, Edward Schiappa’s analysis of the different sites of argument surrounding Proposition 8 found that in the courts marriage rights acquired salience in the private sphere. The opinion of the court focused on the role of marriage in promoting family relationships. The court argued that to deny rights and duties of marriage to same sex couples would inflict harm on them and their children because it would “cast doubt on whether the official family relationship of same-sex couples enjoys dignity equal to that of opposite-sex couples” (qtd. in Schiappa 218). The judges’ ruling argued that under California’s Equal
Protection Clause the term marriage must equally be available to both sets of couples. To deny
the protections and stability of a family unit would be an act of discrimination.

Although both the public sphere and the legal space of the courts situate same-sex
marriage rights in different places, the rhetorical grounding of same-sex marriage in civil rights
discourses grounded marriage equality in a rights framework of negative rights. The freedom to
marry is freedom from discrimination that prevents public and private entitlements. The concept
of rights changed in the Obergefell case, however. While the petitioners in Obergefell continued
to situate marriage equality within civil rights discourses, in the oral arguments and the majority
opinion the concept of rights changed from individual and negative rights to a form of positive
rights of the economic subject. That is, the arguments supporting the right to marry exceeds the
private concept of individual rights that grant one legal status within a civil institution. The oral
arguments and majority opinion framed marriage as an institution existing within the economic
milieu and conceived marriage as a set of practices, economic privileges, and protections, as well
as a personal decision to engage in those practices. This framing circulated neoliberal
rationalities into the legal sphere, particularly the legal sphere of rights, and grafted economic
logics onto existing legal discourses transforming rights to include an understanding of economic
privileges as protected under the law.

The economic reconceptualization of the right to marry challenged the Court to
(re)interpret the Due Process Clause of the Fourteenth Amendment and determine if its
protections extend the right to marry to same-sex couples. In the Opinion of the Court Justice
Kennedy explains that the Clause protects the rights enumerated in the Bill of Rights and extends
liberties to “personal choices central to individual dignity and autonomy, including intimate
choices” (10). He continues that an “enduring part of the judicial duty [is] to interpret the
Constitution” and yet there is no “formula” for doing so (10). It is up to the court to determine how to interpret the amendment in the current moment and within contexts that change over time. These contexts include social structures and norms. Mary Bonauto, one of the lawyers arguing on the side of Obergefell et al. directly associates the necessity of (re)interpreting the constitution to civil rights discourses. She argues that when these changes occur, the Fourteenth Amendment guarantees there is a collective “commitment to liberty and equality” that compels us to extended rights to all persons (16). Elsewhere she argues the “role of women [and] the role of gay people is something that has changed in society” and with those changes other rights have been extended to both groups (6). The understanding that our perceptions of rights changes with context and time is echoed in the majority opinion. Kennedy writes that the authors of the Constitution or the Fourteenth Amendment “did not presume to know the extent of freedom in all of its dimensions” and that when “new insight[s]” make disparity visible the disparity must be addressed (11). Both Bonauto and the majority opinion make clear that the interpretation of the Constitution and rights is malleable. The changes to interpretation parallel changing social structures and the different roles those changes afford groups as with the changes over time for women and LBGT persons indicated by Bonauto. As neoliberal rationality circulates into institutions of public and private life, it reorganizes those institutions and social relationships according to the neoliberal regime of truth. The neoliberal milieu produces and privileges economic modes of being that come with new movements and circulation of people and thus produce new concepts of freedom in the changing neoliberal landscape. The arguments that the Constitution must be interpreted according to changing contexts necessitates that it is read according to its logics. The Fourteenth Amendment, concepts of rights, and understandings of equality and how equality is distributed and protected were transformed according to neoliberal
logics when the petitioners in *Obergefell* introduced the institution of marriage as an economic institution.

The economic lens used to interpret the institution of marriage bridged the public and private spheres. The two dominant arguments, one situated in the public sphere and one in the private sphere, each called on market logics as the organizing mode for extending marriage rights to same sex couples. Marriage was positioned as a private, individual choice, yet the decision to marry was discussed in terms of calculating its public benefits. The latter argument positioned marriage in the public sphere and interpreted it through an economic frame citing the privileges and protections marriage offers and what rights it allows such as greater participation in economic markets like the mortgage market, access to health a spouse’s insurance, and tax benefits that increase the spending power of the couple. The former argument positioned marriage in the private sphere of choice decided through a cost/benefit rubric. The fundamental right to marriage argued by the petitioners is based on access to economic equality.

The two dominant arguments were made possible by previous Supreme Court rulings in *Loving v. Virginia* and *Lawrence v. Texas*, which both involved interpreting the Fourteenth Amendment. In *Loving*, decided in 1967, the Supreme Court’s ruling invalidated anti-miscegenation laws. In *Lawrence*, decided in 2003, the Court ruled that laws criminalizing homosexual intercourse are unconstitutional. The rulings in both cases ground the right to marry and the right to privacy regarding sexual activity as negative and individual rights in the private sphere. The primary focus of the unanimous opinion in *Loving* was the explicit racial discrimination of anti-miscegenation laws. The institution of marriage was discussed only so far as a private choice. Chief Justice Warren, author of the majority opinion wrote that marriage is a “basic civil right” and the “freedom to marry, or not marry a person of another race resides with
the individual and cannot be infringed the state” (*Loving v. Virginia*). The social and economic benefits of marriage were not discussed in the case, rather, the right to marriage was solely situated as a personal decision upon which the government cannot interfere.

In *Obergefell*, however, the institution of marriage is at the center of the arguments. These arguments are definitional arguments that attempt to understand the socio-economic function of marriage within the neoliberal milieu. In defining marriage within the neoliberal milieu, an emphasis is placed on the primacy of the family. In her opening remarks, Mary Bonauto presents marriage within the frame of family stating it “provide[s] mutual support [between partners] and [is] the foundation of family life in our society” (4). She continues that same-sex marriage bans deny a class of people “equal right to be able to join in the very extensive government institution that provides protection for families” (5). Civil rights discourses, like “equal rights” and “class status” are threaded throughout the oral arguments as marriage is defined according to its practices, benefits, and protections for family structures created through marriage. The solicitor General Donald Verrilli, also arguing on the side of Obergefell et al. and following Bonauto, continued to develop the definitional arguments of marriage. He argues that for same-sex couples and their children, marriage is “important to human dignity” because of the “stabilizing structure that marriage affords” (28). These stabilizing structures, include not only mutual support, but other benefits, including financial benefits and financial stability, that would allow same-sex couples to participate fully in society and in turn benefit the welfare of children (32-33, 40). Unlike *Loving*, in which marriage is defined as personal choice, marriage here is defined within the public and private economic function of the family unit. The neoliberal milieu privileges the family unit as the primary site of consumption and social reproduction and extending marriage rights to same-sex couples includes
them into circuits of production and consumption and ensures those practices through the
stability the institution provides.

The majority opinion further defines the practice of marriage within market circuits of
production and consumption and further merges the public good and private spheres through the
economic benefits of marriage. As with the oral arguments, the majority opinion situates the
primacy of family within the institution of marriage. Kennedy recognizes that the right to marry
“safeguards children and families” through material protections (14-15). The “significant
material costs” of not guarding the right to marry carries the potential for a “more difficult and
uncertain family life” (15). That is, the rights and privileges conferred on marriages through
benefits provided by the government and the state provide a level of security and stability that
ensures couples and families remain within circuits of economic production. Kennedy lists the
“essential aspects” of marital rights granted by the government:

- taxation;
- inheritance and property rights;
- rules of intestate succession;
- spousal privilege
  in the law of evidence;
- hospital access;
- medical decision making authority;
- adoption
  rights;
- the rights and benefits of survivors;
- birth and death certificates;
- professional ethics
  rules;
- campaign finance restrictions;
- workers’ compensation benefits;
- health insurance;
- and child custody, support, and visitation rules (17).

The constellation of benefits, rights, and protections listed by Kennedy are mostly economic in
nature and have the potential for significant economic consequences for spouses and children.
Not only does the institution of marriage allow access to greater sets of rights, protections, and
material benefits, it also allows access to other economic institution and markets. These include
mortgages and the housing market, student loans, retirement savings and investments, and
insurance and healthcare industry, among others. That is, the practice of marriage produces
economic subjects who practice a mode of economic being.

To define marriage as a public, economic good conflates the private choice of marriage
with public interest and the economic good of state and society. In both *Loving* and *Lawrence* the
decision to enter an intimate relationship, be it marriage or intercourse, was considered a private
decision between individuals. While the oral arguments and the majority opinion in *Obergefell*
both claim marriage is a private decision, they situate the decision to marry or not to marry as a
personal decision made by calculating and considering the socio-economic benefits marriage
provides. In the majority opinion, for example, Justice Kennedy writes “the right to personal
choice regarding marriage is inherent in the concept of individual autonomy” (12). Kennedy goes
on to explain “[c]hoices about marriage shape an individual’s destiny” because of the security
and benefits it provides. Likewise, in her closing remarks Bonauto argues that marriage is “about
the individual making the choice to marry and with whom to marry” (27). This argument follows
her earlier arguments that situate the institution of marriage as public economic benefit and her
call to reinterpret the Fourteenth Amendment according to the changing role of marriage in
society. Bonauto doesn’t address individual choice until the very end of her arguments. By
addressing it in the end implies that the public benefits and protections of marriage are
considered and weighed in this individual decision. Both Bonauto and Kennedy ground marriage
as personal choice in the private, autonomous sphere. Yet they transform the character of the
private and public spheres by situating that private choice as one based on an understanding that
the practice of marriage is the primary site of social reproduction and a matter of public interest.
Both Kennedy’s opinion and Bonauto’s arguments also suggest that the economic stability
offered in a marriage decreases dependency on the state to provide welfare that can be found in the family.

The circulation of neoliberal rationality into the juridical domain of the courts restructured perceptions of the meaning of rights and the interpretation of the Fourteenth Amendment and what counts as equality. The ruling in Obergefell transforms civil rights and equality from protections against discrimination to civil rights and equality as distributed through Constitutional guarantees of access to circuits and practices of production and consumption within a neoliberal milieu. As Aihwa Ong argues, articulations of neoliberalism “create new forms of inclusion” for citizen-subjects “and creat[e] new spaces that enjoy extraordinary political benefits and economic gain” (5). Citizenship entitlements are reorganized according to neoliberal and market logics that both include and exclude subjects from spaces of economic production. The Obergefell decision works to include a class of persons within the economic institution of marriage. Practices of economic subjects within the institution ensure markets and increase the reach of markets not just to more people, but within the private sphere. What’s more, as neoliberal rationality circulated through the Court and arguments about marriage, it reconfigured the technical, public, and private spheres according to the neoliberal regime of truth. Instead of being distinct spheres, they are coordinated through the same mode of rationality. Marriage is a private choice, based on the social and economic benefits of the institution, and secured through government protections not limited to rights, but also the privileges conferred on marriage through federal and state level legislation. All forms of reasoning within each sphere are reoriented through economic and market lenses. In the next section I examine how market rationality reorients the evangelical cultural sphere and how the market is privileged as the site that ensures religious freedom and social justice.
Neoliberal Evangelicalism: The Right’s Response to Obergefell

In gaining the right to marry, same-sex couples were more fully incorporated into circuits of production and consumption and gained greater access to markets such as health insurance and the medical industry, banking and retirement, and mortgages and the housing market. The financial stability of marriage also increases spending ability of the household, a primary site of consumption. Most obviously, though, the Obergefell ruling granted same-sex couples access to the marriage industry. This includes bakers, florists, photographers, caterers, venue owners, among myriad other services required for a wedding. Same-sex marriage created a crisis for many evangelical business owners who believe same-sex marriage defies God’s design that marriage is between a man and a woman and who also believe that to provide services to a same-sex wedding is to participate in that wedding which would be an affront to God. For these evangelicals there exists a conflict between the economic obligations of some Christian business owners and their religious beliefs. The conflict is articulated as an attack against religious freedom and the sanctity of religious practices like marriage. Yet, the advocates for religious freedom focusing on the conflict for evangelical business owners situate religious freedom in the marketplace. They implicitly promote a social structure and social relations created through a neoliberal market society: the economic subject acting in a mode of entrepreneurialism makes personal decisions about with whom to enter an exchange based on individual identity, belief, and ethics.

Although neoliberal logics are implicit in the advocates for religious freedom who turn to the market, they are extending neoliberal logics already circulating in and through the evangelical community. One of the dominant sites through which neoliberal rationality circulates into the evangelicalism is through welfare/charity and a rhetoric of fiscal conservatism in
evangelical sermons. Many scholars recognize tenants of neoliberalism within discourses of charity and social welfare in evangelicalism that include the privatization of welfare, small government, and an emphasis on self-responsibility. Jason Hackworth’s analysis of evangelical groups’ literature on welfare contain many “traces” of neoliberal ideology. He recognizes that although religious charitable organizations preexisted the rise of neoliberalism, “many have been integrated into an effort to reduce reliance on traditional, Keynesian forms of delivery” (83). This conversion reinforces the neoliberal principle by making private rather than public organizations responsible for welfare. Hackworth argues that neoliberal principles are successfully woven into evangelical welfare discourse through narratives that correspond with evangelical identity, specifically wariness of the state and a Biblical mandate to be compassionate to the poor. Evangelical wariness of the state finds a parallel narrative frame of neoliberalism that argues that big government fails at providing services, is wasteful, and does not do enough to emphasize personal responsibility. Hackworth notes, for example, that in resolutions adopted by the National Association of Evangelicals (NAE) “[g]overnment efforts to eradicate poverty are criticized as inefficient, overly bureaucratic, and lead toward dependency” (92). The NAE routinely advocates for the privatization of welfare through familiar neoliberal claims that welfare makes people complacent. A recent example from NAE’s “Heading the Call of the Poor” argues that it “weaken[s] families, destroy[s] initiative, and trap[s] people in poverty” (qtd in Hackworth). Hackwoth also notes that the resolutions often promote individual responsibility to avoid the welfare trap: “one of the fundamental principles of Christian social welfare is to help people help themselves” (qtd. in Hackworth 92). The implicit assumptions of the NAE resolutions reinforce neoliberalism’s claims that large government is ineffective and the privatization of government services will best meet the needs of individuals. In a neoliberal
system and market economy, to “help people help themselves” insists that individuals acquire the means of sustaining life through participation in the work economy.

Neoliberal logics also circulate into evangelical communities through homiletic sermons in evangelical megachurches that link personal fiscal responsibility with one’s personal responsibility to God. Stephanie A. Martin’s analysis of more than 100 economically themed sermons between the financial crash of 2008 and 2012 found that the sermons emphasized concepts of neoliberal economic policy including “preferences for unregulated free enterprise, entrepreneurialism, private (as opposed to state-sponsored) welfare, and individual accountability for financial success or failure” (41). As example Martin cites sermons by Saddleback Church’s Rick Warren in which he admonishes people in debt: “You can’t afford it, but you go ahead and buy it anyway on credit, and you get overextended financially. You buy a house you can’t afford, car you can’t afford” (qtd. in Martin” 55). This sermon, and others like it, suggest that to be in debt is the result of personal failure at self-discipline. Martin argues that the focus on individual responsibility lends itself to promoting other neoliberal tenants like that the government should not extend benefits to individuals when the economy fails. Instead, the sermons teach that individuals should be self-enterprising and, as suggested by Robert Emmitt, take on extra work to “do whatever you gotta do to pay off your debts” (qtd. in Martin). Martin argues that free-market ideology and arguments that emphasize individual responsibility and fiscal conservatism create rhetorical resonances with tenants of evangelical faith that “emphasize that all individuals are personally responsible to God for all decisions and behaviors” (65). Though the Christian doctrine of self-responsibility is not new, the rhetorical resonances act as a conduit for evangelical Christians to identify with neoliberal values and for those values to be infused in the evangelical community.
Both Martin’s and Hackworth’s articles demonstrate how the rhetorical resonances between neoliberalism and evangelical Christian values created the rhetorical space for neoliberal rationality to circulate into and adapt to evangelical discourses and thus shape the way in which evangelical subjects relate to the world. Evangelicalism calls for its adherents to live their religion and its rubric of responsibility in all facets of their lives. This mode of being is susceptible to accepting and legitimating free-market principles. The emphasis on personal responsibility in both economic life and religious life and the call to live one’s faith in all of life’s activities, creates circumstances in which one makes decisions about practicing their faith using a cost/benefit calculus much like the entrepreneurial subject.

Neoliberal logics that developed the conceptualization of religious practice as personal choice circulated into evangelical cultural sphere through discourses on welfare and sermons on economic responsibility. These logics reshaped existing discourses and subjectivities to take on an entrepreneurial mode of being. Many of the same logics were invoked in the perceived crisis in the wake of the Obergefell decision. The crisis of same-sex marriage created a kairotic moment in which neoliberal logics already circulating within the evangelical cultural sphere served as the foundation for response and rhetorical invention. Evangelical groups and religious organizations like Focus on the Family (FotF), The Family Research Council (FRC), and the Alliance Defending Freedom (ADF) immediately enacted public campaigns to defend and demand religious liberty that called on and recirculated these discourses and situated religious freedom in the marketplace. Like the petitioners in Obergefell who situated marriage in the public sphere via the public economic good that comes from marriage, the evangelical organizations move religious freedom from private and religious spheres and locate religious freedom in spaces of commercial interaction. The texts produced by these organizations,
however, are not intended to convince a broad public sphere of the need to balance rights among groups. Instead, the materials circulated by these groups constitute evangelical Christian identity through rehearsing an evangelical constitutive narrative, entrench and fortify beliefs and values of evangelical subjectivity, and promote neoliberal rationality that embraces the free market, personal choice, and a self-entrepreneurialism. In short, the rhetorical work of the texts buttress community barriers while simultaneously circulating neoliberal rationality that forms evangelical economic subjects.

For evangelical subjects, the moment of constitution and conversion comes with the acceptance of a doctrine of biblical inerrancy—the belief that the Bible is the authoritative word of God, is without error, and thus represents Truth. To accept Biblical inerrancy is to accept a constituting narrative and corresponding identity in much the same way Maurice Charland describes the constitution of the Québécois. Maurice Charland’s argues that the constitution of a new Québécois political subject was made possible because of the narrative construction of a history of a people. For Charland, identification is a process made possible “through a series of ideological effects arising from the narrative structure of constitutive rhetoric” (147). That is, when one becomes a subject, values, beliefs, and a world view are inscribed on her/his being. To be constituted as subject within a narrative, Charland writes, “is to be constituted with history, motives, and a telos” (140). The constituted subject embodies the beliefs, values, and motives of the constituted identity and practices them in the material world. Not only does a constitutive rhetoric call the subject to act in the world through an ideological lens, importantly, her/his actions advance the narrative toward closure. Jonathan J. Edwards writes that the conversion of biblical inerrancy “involves the eradication of some old possibilities and the creation of new possibilities for constituting identity [and] marks one’s transition into a new narrative” (11). He
continues that when one enters this narrative “salvation is marked as much by the recognition and assurance of the inviolable truth of Scripture as it is by recognition of one’s need for redemption through Christ” (11). In other words, one must always seek redemption through living the truth of the Bible.

The doctrine of biblical inerrancy suggests that to achieve salvation and live one’s faith the antagonistic social world must be brought to align with God’s word or, at the very least, in no way impede the practice of one’s faith. To be constituted within an identity implies there is an imagined constitution of the Other. The narrative invents an antagonist. For evangelical Christians, the Other manifests in a broad social and secular landscape. Jonathan J. Edward’s, whose Superchurch traces rhetorical and historical linkages from Puritanism to contemporary fundamental and evangelical Christianity, writes that marginalization is long part of the evangelical narrative. The text through which evangelicals read the world is, as Edwards put is, “through counterpublic frames” (108). The struggle for salvation is always already impeded by the state and secular forces. To remain faithful and stay true to Christian belief in the crucible of adversity and struggle is part of an evangelical identity that is constantly rehearsed and recreated.

Many texts addressing religious freedom put forth by evangelical groups following Obergefell situate the Obergefell decision in a longer historical arc of perceived hostility toward Christianity. Edwards writes that the Fundamentalist/evangelical church is “defined by narratives of confrontation” and must reproduce narratives that “highlight the alienation of believers in the world they inhabit and enemies the church must overcome” (79). The repetition of these narratives reconstitutes identities by placing Christianity and its believers in a narrative of continued oppression. The religious groups publishing the texts depict the Obergefell decision as an act of hostility bearing significant gravity for believers and the faithful. Focus on the Family’s
brochure *Religious Freedom: Protecting How We Practice Our Faith*, for example, argues that the “decision will have profound effects on American life and freedoms we take for granted … in the government push for a new sexual orthodoxy” (3). It warns how the “*Obergefell* impact spread to the issue of ‘gender identity’” and will continue to challenge traditional beliefs about the sexes and identifies other recent state level court cases of “serious concern for religious freedom” that demonstrate increasing hostility toward Christians that manifest from *Obergefell* (3). Although *Obergefell* is situated in a broader narrative arc, the case is imagined as a transition or turning that creates avenues for continued and greater religious discrimination. It is elevated above other threats because of its legal and social consequences and is

The antagonists depicted by these texts are never an embodied subject or group, nor is the antagonist ever static. Although the government is often identified as impinging on religious freedom, it is not the government in toto or the Constitution. Rather texts depict the courts and some legislators as misguided. The Alliance Defending Freedom (ADF), for example, argues that fundamental “God-given rights” are enshrined in the Constitution (*Create Freely* 31). Similarly, Focus on the Family argues that the Founding Fathers were devout Christians and wrote God’s laws into the Constitution (“Christian Engagement”). These groups, among others, argue that over “200 years of court cases, legislation and the every-increasing [sic] size and encroachment of government into our daily lives” religious freedom was eroded (Weber “Religious Freedom” 4). While these depictions of government overreach teach and reaffirm that believers should be wary of the government, more often they depict external “forces” as behind these changes. Sometimes, as ADF argues, it is “secular forces [that] chip away at our nation’s Judeo-Christian roots” (“Our First Freedom”). In other instances, as with the Family Research Council, “[t]he forces antagonistic to traditional Christian belief on marriage and sexuality are
never satisfied” exist without form or modifier. Even when antagonists are given some identity, they are still fluid and somewhat nebulous. Focus on the Family, for example, identifies a “new and radical type of anti-democratic activism” advanced by an alliance among “LGBT organizations and their political allies, large corporations sympathetic to LGBT demands, and some media who are hostile to traditional values” (“Protecting Religious Freedom”). The Family Research Council uses aggressive language like “battle” and “under attack” to describe the forces that are working against religion. These “hostile forces” push a “radical sexual agenda” and FRC describes the “fight” as between “traditional Christianity and the idea of sexual autonomy” (3-4). Though forces and ideas are the enemy, the Family Research Council identifies the “LGBT advocacy movement” as the vanguard assault on religious freedom. FRC does not identify specific organizations or individuals that comprise the enemy, rather the enemy is a broadly defined advocacy movement with no organizations or individuals recognized. Similarly, FoF does not identify the “radical anti-democratic activists” in the media or what corporations are involved in the alliance against religious freedom. These broad constructions of the enemy within the narrative arc constitute a subject who should always be wary of any one or any organization that does not identify with their narrowly defined Christian values. They also create the perception that any person or any group that does not adhere to or identify with Christian values is open to corruption or could become a tool of these antagonistic forces. The call for vigilance has the effect of not only reaffirming Christian values and identity, but also reinforcing the evangelical community’s boundaries and entrenching the subject within those boundaries.

That the hostile forces potentially come from any one and any institution is why this identity finds traction with the freedoms promised by neoliberalism. Most texts, like FotF’s Religious Liberty, depict religious freedom as “the freedom to hold religious beliefs of one’s
choice, and to live out those beliefs” (1). According to ADF this means that “Bible-believing Christians … place Christ at the center of everything in their life — their marriage, their home, their friendships, their service to the community, and their business” (“Religious Freedom: Carl and Angel Larson”). These texts place the site of action, and thus freedom, in the marketplace. ADF, FotF, and FRC all argue that business owners should be free to operate their businesses according to their Christian belief. This means, as ADF explains, small business owners should have the “freedom to take on the projects they want, the freedom to decline projects they don’t want … and the freedom to use their talents in a way that honors God” (“Create Freely” 31). Or more directly, as FRC argues, “a small business owner whose faith infuses his or her business should be free to run it as seen fit” (“Religious Liberty” 6-7). These positions embrace free market principles like freedom of enterprise and individual autonomy. They also assume religious freedom is and can be protected by a free market. FRC’s Religious Liberty brochure invokes Friedman-like faith in the market as an arbiter of equity as it argues that “[d]ifferent business owners will have different beliefs, and if a customer cannot obtain an item from one, there will be another to provide it” (7). These arguments embrace technical arguments of neoliberal rationality that a free market will always provide because it is profitable for someone to accommodate needs, and because of this no one should be compelled by the state to enter contracts with others. As free market logics link with an evangelical identity that calls on evangelicals to “live their faith” it pulls the practice of religious freedom into a neoliberal milieu that reorients conceptualizations as to how to engage “the world.”

The belief that the market is the site of freedom and justice is further entrenched by the absence of civil rights discourse in evangelical materials on religious freedom. The materials convey that it is not the government’s duty to ensure rights. FRC’s “Critical Analysis of
Obergefell v. Hodges” argues that in their decision “the Court create[d] new ‘rights’ [that] diminishes the ability of the people to govern themselves.” Likewise, FotF argues that Obergefell “created a ‘new’ set of Constitutional rights” that encroach on the rights of others, particularly religious rights. The identity of marginality lends evangelicals to identify with neoliberal principles regarding rights and entitlements. In other words, any law that is not oriented toward evangelical values will be read as secularism encroaching on the Christian foundations of America. Thus, the way to preserve these foundations is through limited government and the freedom of the economic subject; a point that aligns structurally with neoliberalism and is embraced in conservative literature and by conservative groups like the Heritage Foundation to promote free markets.

The texts responding to Obergefell place the site of action and religious freedom in the public sphere of the marketplace. As discourse of religious freedom merge with neoliberal rationality, the evangelical subject also adopts the thinking and practices of the subject of economics. This disposition plays out time and again in Christian business owners’ accounts of their faith being compromised by providing services for same-sex weddings. Baronelle Sutzman, a florist in Washington State, for example, describes that when a long-time customer named Rob asked her to arrange flowers for his same-sex wedding he “was asking me to choose between my affection for him and my commitment to Christ. As deeply fond as I am of Rob my relationship with Jesus is everything to me” (qtd. in ADF Create Freely 25). Stutzman’s description adopts the economic disposition of the economic subject and interprets it through evangelical identity and the practice of the evangelical subject. Neoliberal discourses and logics circulating in the evangelical community within discourses of welfare and charity, self-responsibility, and religious freedom were filtered through already existing evangelical discourses and identities.
The new organizing logics pull Christian discourses of compassion and religious freedom to privilege market rationality, emphasize individual responsibility, and to locate the free market as the site of freedom and justice. As such, private religious observance becomes grounds for denying services to others in the public sphere. The logics of neoliberalism connecting both sites, the public and the private, allows the activity of the private sphere to be practiced in a public sphere increasingly organized by the same economic logics. In the following section I examine how the economic-evangelical subject circulates and reifies neoliberal values through the embodiment of the identity and values of this subject.

**An Entrepreneurial Disposition: Kim Davis and an Evangelical Public**

Shortly after the *Obergefell* decision Rowan County, Kentucky clerk Kim Davis made national headlines for refusing to issue same-sex marriage licenses. Davis claimed that to do so would violate her Christian beliefs and her religious freedoms guaranteed by the Constitution. Davis was later jailed for six days and held in contempt of court for defying a federal court order to issue licenses to same-sex couples. A public formed around Davis during a roughly two-month period in which she was in the national spotlight. Hundreds of supporters rallied outside the clerk’s office and the county courthouse, many conservative and Christian groups and news outlets supported her, and some publications went so far as to hail her as a hero standing up for faith against tyranny (*Westen CNSNews*, *Daly Focus on the Family*, *Buchanan Chronicles Magazine*, *Peterson Off the Grid News*). Several Republican presidential hopefuls including Mike Huckabee, Ted Cruz, Marco Rubio, Rand Paul, among others cast their support for Davis; and in late September the Value Voters Summit, an annual gathering of religious conservatives, honored Davis with the “Cost of Discipleship Award.” What I am calling “the Kim Davis event,” which includes the media spectacle surrounding her, Davis’ statements, and the framing and
transmission of Davis and her story by ardent supporters such as Mike Huckabee and Todd Starnes of *Fox News*, articulates tropes of the constituting evangelical narrative that do not just reaffirm evangelical identity, but also animate an evangelical public through identification and affinity with Davis’ situation.

What’s more, however, is that Davis adopted an entrepreneurial stance in her fight. The relationships she imagined practicing while fulfilling her duties as a county clerk were individual and transactional. In comments defending herself, she also articulated her motivations within a cost/benefit metric in which she weighed her actions against the potential cost to her soul. Davis incorporated neoliberal logics into her practice of living as an evangelical Christian. Her embodiment of a neoliberal evangelical subjectivity retrenched neoliberal values through and within the public that galvanized around her. As such, Davis acted as a conduit for circulating and entrenching neoliberal values within the identity of the evangelical subject and people. Davis can be read as an exemplar for the changing values and reconstituted identity of the neoliberal evangelical subject. What’s more, is that the Kim Davis event demonstrates the kinds of exchanges within an economy of discourses that orient a neoliberal subjectivity within a cultural sphere. These exchanges occur in the Davis public’s reception of texts that transmit constituting values. These discursive exchanges simultaneously close and fortify the identity boundaries of the evangelical community, reaffirm and reformulate tropes of the evangelical constituting narrative to imagine Kim Davis as a victim of secular forces attacking religion, and reiterate neoliberal logics that coopt and conflate religious observances and practices of the evangelical believer. For the remainder of this section I examine how conservative news coverage aided the formation of a public around Davis by constructing her within a constituting evangelical
narrative while Davis’ comments circulated neoliberal logics into this public and evangelical identity.

The news coverage of Kim Davis’ refusal to sign same-sex marriage licenses that framed it as an act of religious freedom aided in an evangelical public coalescing around her and situated Davis’ actions within the evangelical narrative of victimization. Michael Warner conceptualizes a public as a social formation that is created and sustained through processes of exchanges via texts. A public, he argues, is organized by discourse and “constituted through mere attention” to texts (60). To sustain a public, then, requires that people only display interest in a text. Warner’s privileging of “mere attention,” however, ignores the process by which discourse solicits investment in a text via identification with value associations. Responding to Warner, Ronald Walter Greene argues that the uptake of any communication requires one to recognize her/himself as subject and thus any communication model has an implicit “communicative-moral telos of ethical subjectification [that requires] the reconciliation of self and other” (439). Publics form because of a shared recognition of ethical commitments to the discourse circulated by bodies and texts. The public that emerged around Davis, stemmed from her supporters’ shared commitment to an evangelical ideology and to the narrative trajectory of Davis’ defiance of court orders.

Davis’ explanations for her actions were an assemblage of already-existing discourses of evangelical identity and commitments to the evangelical constituting narrative. Her reasons for disobeying her duties as county clerk align with depictions of religious freedom circulated by FotF, FRC, and ADF: that religious freedom means that Christian individuals should live their faith in all facets of their lives without interference or compromise from external groups or institutions. This includes social interaction in a neoliberal public sphere in which subjects are
encouraged to pursue self-interest as self-entrepreneurs. As the previous section discusses, this neoliberal ethic is adapted to fit with evangelical practices of observing God in which religious self-interest and religious freedom is practiced in the marketplace. As an entrepreneurial subject who evaluates decisions within a cost/benefit metric, the neoliberal evangelical subject similarly weighs her/his actions with a cost/benefit metric that adds or subtracts value to their self and soul in the eyes of God. For Davis, religious freedom and self-interest meant that she should not be compelled to endorse same-sex marriage licenses. To do so would compromise her Christian being and violate an important element in the doctrine of biblical inerrancy, the need for redemption through Christ and a responsibility to live by His laws. In a statement Davis issued through her lawyers she wrote: “To issue a marriage license which conflicts with God’s definition of marriage, with my name affixed to the certificate, would violate my conscience. It is not a light issue for me. It is a Heaven or Hell decision” (qtd. in Blinder and Faussett). Her statements are tinged with neoliberal logics, yet fully invested in the evangelical constituting narrative of Biblical inerrancy by raising the specter of religious persecution by the state. Her claims resonate with other evangelical adherents who similarly identify with the constant struggle that comes with accepting the Bible as God’s word and Truth and the responsibility to God by living one’s life according to that Truth. That is, the reading of Kim Davis’ refusal by the evangelical public supporting her is not solely about animus toward homosexuality, rather it also involves identification with the broad narrative arc of Christian marginalization by a secular agenda and interests. Kim Davis is read as only the latest casualty in the evangelical struggle against antagonistic forces and it is in her stand an evangelical public finds a cause. The subtle logics of neoliberalism within Davis’ statements are circulated through her public’s uptake of her narrative and identity.
For the public to sustain itself required that Davis be constructed within the strict confines of the constituting evangelical narrative. This occurred discursively by creating clear boundaries between her identity as an evangelical subject and other subjectivities. Although this identity and commitment to evangelical ideology formed in her public during the appeals process in which Davis appealed the original court order to a federal appeals court and the Supreme Court—which refused to hear her appeal—it was amplified in an interview with Tod Starnes of Fox News and published on FoxNews.com just before she was held in jail for contempt of court. The post is not a transcript of the interview, nor does it contain long excerpts between interviewer and interviewee. Davis’ remarks are divided into short fragments and contextualized by editorial insertions from Starnes. Starnes’ editorializing guides the reader to interpret Davis and her statements through the lens of evangelicalism and the ethical commitments of evangelical discourses. Starnes begins the post writing: “Kim Davis could become the first Christian in America jailed as a result of the Supreme Court decision legalizing gay marriage.” Starnes’ statement places Davis within the fold of evangelicals. That Davis “could become the first Christian” to be jailed qualifies Davis as not unique, rather it situates her as among evangelicals who can all and do equally face persecution. It also firmly establishes Davis within community borders making clear an us/them divide. By constructing Davis as “one of us,” Starnes fortifies the public around her and produces an association that her plight is theirs as well. The antagonistic forces against Davis and evangelicals are further developed as Starnes writes that Davis’ decision not to issue marriage licenses “would bring down the wrath of militant LGBT activists and their supporters.” In identifying another group intent on harming evangelicals and who are attacking their faith, Starnes reaffirms and recirculates already existing discourses within evangelical communities like those described in the previous section that
imagine antagonistic forces are fluid and multiple and come from many directions such as LBGT activists, corporations, news media, and the government. The present threat identified by Starnes marshals Davis’ public to close ranks, reaffirm their commitments, and entrenches their own evangelical subjectivities.

After situating Davis as among evangelicals and leveraging a threat to consolidate community, Starnes identifies religious freedom as what is most immediately threatened by the antagonistic forces. Starnes reiterates the position maintained by Davis and her lawyers, that “forcing her to issue same-sex marriage licenses violates her religious beliefs.” Starnes continues: “But the courts don’t seem interested in that argument.” Starnes’ comments make clear to Davis’ public that the struggle is only about religious freedom and closes off the possibility for discussion about the civil rights of others or even conversations about how to navigate rights in a pluralistic society. The second comment rallies the public to the fight because the courts, the place where rights are protected, will not protect religious freedom and Christian values. The absence of protection produces a space in which Davis emerges as an heroic figure who is standing up to protect religious freedom. This move elevates Davis’ status and calls on this public to support her and her struggle. Because religious freedom will not be protected in the courts, Davis’ defiance and conflation of a private and public self pursuing self-interest became the site in which the fight for religious liberty plays out. This depiction of Davis, which is not unique to Starnes’ text, characterizes her as an underdog. The evangelical commitment to an identity of marginality primes an evangelical public to be receptive to Davis and establishes her as a constituting element in the broad evangelical narrative.

Davis’ elevated status as victim and hero, a position that resonates with the identity of Jesus and the living story of the Bible, makes her the focal point through which affinities and
relationships among evangelicals are sustained and reproduced. The evangelical narrative is reformed through her embodiment of the narrative as she acts as conduit through which the evangelical constituting narrative is relayed and sustained. As such, her comments maintains evangelical identity and circulate ethical commitments and values of the evangelical subject. Yet Davis’ commitment to this subject position also embraces the neoliberal rationality of individual autonomy and free market exchanges among individuals as the site of freedom and justice. The evangelical subject aligns with the economic subject as s/he lives out her or his faith. Just as the constituting narrative entrenches an identity by asking subjects to measure their actions according to biblical values, the reformulated evangelical identity requires subjects to embrace the cost/benefit rationality of the economic subject in their interactions with others in the course of their daily lives. Davis’ embodiment and practice of evangelical subjectivity imagines this subjectivity within the entrepreneurial framework of neoliberalism and extends the entrepreneurial disposition from her private self to her public function as a county clerk.

Davis’ entrepreneurial disposition was most fully articulated in the few interviews she gave during this period. In both her interview with Todd Starnes and in an interview with ABC News, Davis situates herself as fully within an evangelical subject position that precludes her from imagining other perspectives or thinking or acting outside the constituted motives of a constituted evangelical subject. Early in the Starnes interview, for example, Davis states: “This has never been a gay or lesbian issue for me. This is about upholding the word of God” (qtd. in Starnes “Exclusive”). Similarly in the ABC News interview Davis states: “I can’t put my name on a license that doesn’t represent what God ordained marriage to be” (qtd. ABC News). Davis transmits the values of biblical inerrancy, that God’s word is the only Truth and the believer is responsible for living that Truth. Jonathan J. Edwards writes that evangelicals understand the
Bible as the “living word” of God and explains that as a living text its narratives and Truths can be conflated with any contemporary moment (13). Davis reads herself and her situation as bringing God’s Truth to the current moment stating: “I am just a vessel God has chosen for this time and this place” (qtd. in Starnes). Davis’, and her supporters’, inerrant reading of the Bible produces the frame through which to interpret Davis’ stand against the courts and the antagonistic LBGT activists. That is, the struggle is not *like* persecution as represented in the Bible, but *is* persecution as it is in the Bible.

To live God’s truth and live free of persecution, however, requires an entrepreneurial disposition. As Davis’ interview with Starnes continues she states: “I’m steadfast in what I believe. I don’t leave my conscience and my Christian soul out in my vehicle and come in here and pretend to be something I’m not” (qtd. in Starnes). Here there is a movement from discussion of religious freedom in the public sphere to a focus on the individual. For Davis to suggest there is no difference between her private, individual self and public subjectivity conflates her disposition toward the activities practiced in distinct public and private spheres. Like the Christian business owners who feel they cannot endorse same-sex marriage by providing services to same-sex weddings, Davis approaches her work as a public employee as a transaction between individuals. One enters into a transaction or relationship with another based on personal ethical commitments, opinions, and an evaluation of whether or not the transaction personally benefits the individual. Davis measures her actions through a value-rubric of religious obligations. She invokes individual responsibility and commitment one has to God with the same entrepreneurial cost/benefit rubric of the evangelical florist and baker and transfers the implications of her actions to the risk and reward for her soul.
Because Davis’ public and private subjectivities are one and the same, her commitment to self-responsibility is different in kind from that of the liberal subject. Her struggle with an entrepreneurial disposition is example of the tension that emerges in the transition of liberal to neoliberal order. The adoption of this disposition through an evangelical lens marks the transition of modes of being, arguments, and accepted principles that organize spheres and subjectivities within those spheres. This is evidenced in her ABC News interview indicating that her Christian belief trumps all other responsibilities, including the duties of a county clerk. She states: “My constituents elected me. But the main authority that rules my life is the Lord.” When asked about the validation of dignity that a marriage license grants, Davis responds: “I don’t think dignity is guaranteed in the Constitution. I think dignity is something you find within yourself.” Davis’ statements locate freedom within a self-reliant subject that resonates in both evangelical and neoliberal discourses. Her emphasis on the self both relieves the government or any other institution of granting rights and freedoms to individuals and elevates the individual and individual exchange as the site through which (negative) freedoms and rights are practiced. While the economic subject weighs decisions based on economic input and output and self-profitability, the entrepreneurial disposition of the evangelical subject measures actions and interactions from a rubric of biblical inerrancy and the cost of one’s actions on her or his soul. This economic rationality is transmitted to Davis through the dilemma of the Christian baker or florist or photographer, and Davis’ embodiment of that logic and recirculation of it not only extends that logic back to the market sphere but collapses it within any sphere the evangelical subject may traverse. Davis is not so much an agent of herself or cognitive actor, rather her rehearsal of the economic evangelical subject and victim serves to transmit and retrench an economic disposition within the evangelical public that identifies with her.
Conclusion

In the struggle for marriage equality the reinterpretation of marriage as an economic institution transformed civil rights discourses from a negative right to a positive right. Marriage was thus understood as a public practice rather than a private right. The idea of rights were subsequently associated with patterns of economic behavior. Similarly, the evangelical community imagined rights as being practiced in the marketplace and freedom as something that can be sorted in the free market an through individual exchange. The economic inflected arguments for rights for both marriage equality and religious freedom bridge private and public spheres of activity and discourse and organizes logics and practices within both spaces to be aligned with neoliberalism. The dissolving of boundaries within neoliberalism does not homogenize the economic subject. As its logics circulate into cultural and institutional spaces the malleability of neoliberalism and its discourses adapt to existing norms and structures of those spaces. In this way, neoliberalism both allows for difference and yet ensures that difference works toward neoliberalism’s ends. That identities and values adapt to accommodate neoliberal values and economic dispositions creates a case for understanding how neoliberalism can accommodate difference even when differences are seemingly at odds. In the next chapter I carry the understanding of how neoliberalism adapts to existing norms and practices into scenes and struggles for recognition. Specifically, I examine how the Black Lives Matter movement grounded in issues of systemic racism acts as an opposition movement to neoliberal dispossession. I argue that neoliberal power exploits histories of racism to extend and entrench neoliberal policies while appropriating liberal discourses of tolerance to delegitimize the movement and other challenges to neoliberal order.
The relevant language of the 14th Amendment for the Obergefell decision declares that no State shall “deprive any person of life, liberty, or property, without due process of law” (qtd. from Obergefell v Hodges 10).

The grounds for Obergefell were also made possible because of the ruling in United States vs Windsor. This ruling struck down part of the federal Defense of Marriage Act. Windsor, however, was argued under the Fifth Amendment’s Due Process Clause which specifically prevents the federal government from impeding on rights, while the Fourteenth Amendment’s Due Process Clause applies specifically to states.

The wedding industry generates a massive amount of money. In 2007 when New York State was considering legalizing same-sex marriage the New York City Comptroller’s Office issued a report estimating that legalizing same-sex marriage would add $184 million to the state’s economy and $142 to New York City’s economy (Chan). Interestingly, the New York Times’ tongue-in-cheek coverage of this report in an article “I Now Pronounce You, Economic Benefit” that appeared on its “Empire Zone” blog was somewhat dismissive of the economic argument as were activists and lawyers reached for comment for the article.

James Aune attributes this kind of logic to “public choice theory” embraced by proponents of the free market. This theory suggests that because all groups cannot agree on the public good, to grant entitlements to one group will necessarily coerce or impinge the freedoms of another group (46).


There were also many conservative groups, religious groups, and religious news outlets that condemned or did not support Davis and argued that she either hurt the cause of religious liberty or she and her supporters did not fully understand the right time and place for civil disobedience as put forth in the Bible. (Baptist News Davis, America Magazine Martens; The Week Antle).
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Recognition and The Neoliberal Public Sphere: The Black Lives Matter Movement and its Delegitimization

The Black Lives Matter Movement (BLM) came to life in 2012 in the wake of George Zimmerman’s acquittal in the murder of Trayvon Martin. BLM gained greater momentum and national attention in August 2014 when Michael Brown, an African American teenager was shot and killed by a white police officer in Ferguson, Missouri. This incident incited protests in a city that was determined by the United States Justice Department to be policed by law enforcement practices “directly shaped and determined by racial bias” (qtd. in Appuzzo and Eligon). The militarized repression of the protests in Ferguson by police and other highly publicized deaths of African Americans at the hands of police around the same time as Michael Brown’s death, specifically Eric Garner’s death from a chokehold earlier that year in July, 13-year-old Tamir Rice’s killing while playing with a toy gun in November, and Freddie Gray’s death while in police custody, sparked nationwide protests. These instances of police violence and the lack of grand jury indictments and guilty verdicts of the officers involved in the killings provided poignant examples of disparity in the justice system and by law enforcement toward African Americans and, more pointedly, highlighted a different standard of police accountability when it came to their dealings with racial minorities.

BLM’s scrutiny of day-to-day interactions between African Americans and police also calls attention to other lived and material realities that result from continued institutional racism and marginalization of African Americans. The movement, as the organizers claim on BLM’s website, is more than a moment; it “goes beyond extrajudicial killings of Black people by police and vigilantes” to call attention to the daily, lived oppression and racism that African Americans and Black communities endure “at the hands of the state” (Black Lives Matter). The systemic
racism, the movement argues, privileges a white, heterosexual male, middle class normativity and burdens those who do not fall within these criteria. This normativity, the movement voices, overwhelmingly and negatively affects African Americans and is often enforced through police violence and other judicial measures that prevent many from accessing social, political, and economic mobility; moreover, it excludes groups of people from exercising political agency. The consequences of these policies are found in the school to prison pipeline in which similar disciplinary and discriminatory policing practices are exercised in schools, include lack of access to educational opportunities, limited economic mobility, limited spatial mobility from segregation and housing discrimination, and lack of access to childcare, adequate healthcare, and other support resources.

BLM’s grievances are voiced against a backdrop of neoliberal policies of retrenchment and privatization that reduce the social safety net and social welfare programs and which disproportionately affect poor and minority communities. These practices rely on a technology of biopolitics that manages populations into what Aihwa Ong, building on Agamben, describes as zones of inclusion and exclusion (5). Governmental policies such as tax incentives and zoning regulations produce fully incorporated zones into circuits of the global economy. These zones allocate government resources for developing infrastructure, transferring technology, and providing a mobile and flexible workforce possessing the skills and knowledges valued for the production and circulation of capital. Ong writes that the “different vectors of capital construct spaces of exception—‘latitudes’—that coordinate different axes of labor regulation and of labor disciplining” (8). The result is a variegated terrain in which subjects important to flows of global capital gain considerable economic and political benefits while spaces and the people within
them not important to markets, or excluded from markets, experience reductions in political and economic agency and rights.

The kinds of neoliberal policies identified by Ong restructure the state to function according to market models and consequently structure what Rob Asen describes as a neoliberal public sphere. This model of the public sphere is built around an atomistic individual and, as Asen writes, relies “on the market as a model for human relationships, politics, and society” (2). This model produces an economic subject who approaches life’s activities through metrics of cost/benefit analyses and creates a universal sphere of economic activity with a mode of publicity that Asen contends creates a “public [that] operates by the principle of competition … [and] frames social relations as a zero-sum game; one person’s success and standing appear at the expense of another” (11). He continues that instead of a civic agon in which debate leads to decisions about a public good, “neoliberal competition emphasize[s] conflict without reciprocity” (12). The neoliberal subject works for her/his own benefit and advantage over others. That competition is the principle force organizing social relations, inequality is a necessary part of the operation of neoliberalism and the neoliberal public sphere.

BLM’s protests directly challenge neoliberal dispossession and marginalization. Citing Sanfrod Schram’s *Ordinary Capitalism*, Asen writes that “members of marginalized groups confront a choice: either internalize a market model or suffer as a ‘disposable population’ that a restructured state has made ‘less of a burden on the rest of society’” (qtd. in Asen 12).

Neoliberalism requires the Other(ed) to acquiesce to dominant discourses and modes of being and become a subject of economics. Though the subject gains recognition and access to rights and rewards, structural inequalities and disposessions persist. This political/economic apparatus of the neoliberal state that Asen is concerned with forces and locates the scene of recognition at
sites of market competition and conflict. It is through markets secured by the state that individuals gain access to rights and rewards and are conferred legitimacy. The function of markets also enforces structural inequalities and hierarchies of recognition. These arguments place a new perspective on Hegel’s concept of the master/slave dialectic. The process of recognition occurs through similitude: the identification of the self in an other. The recognition scene is a site of struggle and when there is inequality the master’s independence and identity is recognized while the slave’s identity is mediated through the relationship to the master. In this dialectic the slave can only gain recognition by becoming (like) the master. In a liberal order recognition is bound to institutional dynamics and liberal law. Yet, as Elizabeth Povinelli remarks, recognition is granted only through the subjective embodiment of those codes of law and attendant moral and discursive norms (3). Recognition is thus a double function of identification. The individual must identify with and assume dominant order and norms while the same must be identified in the individual.

Rather than seeking rights and recognition as neoliberal subjects, BLM seeks recognition of humanity and dignity for all African Americans by situating their appeals in human rights discourses. Hesford, among others, point out that human rights appeals emerge in the absence of rights and are essentially “appeal[s] through the recognition of personhood” (Spectacular Rhetorics 35-36). The transcendental quality of universal human rights situates rights holders and the idea of human rights above the state. They become, in Gerard Hauser’s term, a rhetoric of accountability (34). The treaties to which the United States is a signatory establishes the minimum conditions for a meaningful life and thus a measurement with which to hold states accountable. The precepts of human rights provide rights holders, or those speaking for rights holders, recourse to hold a state to account for rights abuses or neglecting rights and a foundation
on which to ground arguments and appeals. BLM’s framing of the movement within human rights constitutes activists as rights holding subjects and the inclusion of all black people invokes a valuation of individuals that differs from the privileged economic subject included into market systems by the kinds of neoliberal policies Ong and Asen describe.

BLM’s emphasis on inclusion critically engages the neoliberal public sphere through creating public identities that do not succumb to its universality. Yet, recognition as imagined by Erik Doxtader and Wendy Hesford, among other rhetorical scholars, operates in a discursive field. For Doxtader, demanding recognition is a rhetorical and transformative act. It also invokes a “language of recognition” that despite its promises necessarily (dis)possesses (382). That is, recognition is always situated at the threshold of inclusion/exclusion and relies on logics of this threshold. Hesford likewise imagines recognition as a process of subject formation at the threshold of inclusion/exclusion. She argues recognition is a rhetorical configuration writing “rights must be claimed and then recognized” (“Surviving” 538). To seek recognition is to realize oneself as a subject deserving rights. This act incorporates a person into a regime of rights. Hesford continues her account of recognition writing: “Recognition grants or denies subjects access to normative systems of value. Recognition affords legibility to certain bodies and social relationships and not to others. Recognition sanctions and authorizes” (“Surviving” 539).

What Doxtader contends and what is implicit in Hesford’s account is that appeals to and for recognition shift boundaries and identifications, yet recognition is always already founded on exclusion. BLM’s emphasis on inclusion refuses the neoliberal state apparatus that produce zones of exclusion for non-market subjects. The refusal of neoliberalism supersedes the master/slave dialectic and changes the scene of recognition. To follow through with their
conceptualizations of inclusion would create a new structure of the public sphere thereby changing the function and order of the increasingly neoliberal state.

In what follows I argue that the visibility of BLM through social media protests and iconic photographs of protest are public-forming acts that construct public identities and demand recognition for African Americans by exposing mechanisms of racialized exclusions. In the second section I analyze how the visibility of exclusion provides evidence for BLM’s mobilization of human rights discourses and argue that those discourses converged with an ethic of inclusivity opens rhetorical space for the movement to assert a new vision of the public sphere in opposition to a neoliberal public sphere. In the third section I analyze how neoliberalism appropriates liberal discourses of tolerance and argue that critiques of the movement grounded in liberalism secure the current social and political order of the public sphere and the neoliberal polices that organize it. I briefly conclude by suggesting that recognition under neoliberalism is produced by structural relationships formed within networks of neoliberal power and that to confront dispossession and entrenchment of neoliberalism requires producing new relationships among people that produce new circuits of power outside the neoliberal order.

**Social Media Protests and Iconic Photographs: The Visual Rhetoric of Black Lives Matter**

Black Lives Matter is in large part a visual movement. It responds to racial optics in the United States that identify black bodies as other. The movement’s reliance on visibility, as Wendy Hesford writes, “animates the racial history of sociopolitical exclusion and misrecognition that assigns excess criminality to the black body” (“Surviving” 537). Visual protest tactics adopted by BLM like hoodie protests and die-ins counter hegemonic optics of racist recognition. Hoodie protests, for example, challenge the idea that Trayvon Martin’s hooded sweatshirt was responsible for George Zimmerman’s suspicion of Martin rather than his
race. When members of Congress like Representative Bobby Rush wear hoodies on the House floor it presents a counterargument that hooded sweatshirts do not make one dangerous. Hoodie marches likewise present a counterargument by demonstrating the ubiquity of hooded sweatshirts in wardrobes across lines of age, class, and race. Die-ins, in which African American protesters lie on the ground as if they were dead, perform and call attention to the racialized vulnerability of black bodies. These visual displays demand recognition that systemic racial prejudice, racialized histories of exclusion, and white privilege were the motivating forces behind Zimmerman’s actions and, indeed, the animating factors for many racial interactions across the United States.

Many of BLM’s visual tactics like hoodie protests and die-ins are argumentative practices that John Delicath and Kevin Michael DeLuca call “Image Events.” Delicath and DeLuca define image events as “staged acts of protest designed for media dissemination” and a form of argumentative practice in the contemporary mass mediated public sphere (315). They further explain that image events are a rhetorical practice of counterpublics whose voices and opinions are not included in dominant media and discourses. Much like the propositional statement made by donning hooded sweatshirts, image events make oppositional arguments that generate social controversy through unarticulated “argumentative fragments in the form of unstated propositions, indirect and incomplete claims, visual refutation, and implied alternatives” (322). Image events do not form a complete argument, but they contain elements of argument such as claims, warrants, reasons, or evidence that generate the kind of conflict that, citing Goodnight, Delicath and DeLuca write constitute the public sphere. Image events, then, are inventionals resources for challenging and critiquing accepted norms and rationalities. They provide a
rhetorical strategy for introducing deliberative arguments into the public sphere that relies on the audience to help construct the argument.

The image events of BLM do not only introduce counterpublic arguments, but the visual protests also produce a public identity and political subjectivity of a group dispossessed of rights and political agency in the broad public sphere. They assert modes of publicity and political practices excluded from the neoliberal public sphere. One such protest tactic that produces this double function is the Twitter protest #iftheygunmedown. The hashtag #iftheygunmedown was created in direct response to the image used to portray Michael Brown by mainstream news outlets after his death. The protest more broadly addressed the way stereotypes of African Americans are visually perpetuated through news media. In the photograph of Brown, for example, Brown stands unsmiling outside a nondescript brick building, wears a basketball jersey, and is flashing a peace sign with his right hand. The vantage point of the photograph is from below and makes him seem large as he looks down at the camera. In the protest, Twitter users posted contrasting images of themselves tagged with the line “#iftheygunmedown which picture would they use?” The first image portrays a person, like in Brown’s photo, mugging for the camera or are pictures from parties or other social scenes. In the contrasting image the same person is depicted wearing a military or police uniform, wearing a graduation cap and gown, a suit, or a college sweatshirt or varsity jacket. In one post that went viral (fig. I), for example, an African American male makes a face at the camera, is dressed in mostly black, and wears a gold chain necklace. This image is contrasted with an image of the same man wearing Army fatigues and reading to a group of children.
Noting the centrality of images to contemporary public debate, Delicath and DeLuca recognize that protesters employing image events manipulate the structures of media to insert counterpublic discourses into spaces mediating cultural hegemony (318). The juxtaposing images suggest implicit acceptance of racialized stereotypes that (mis)recognize black bodies as criminal. The argumentative fragments of image events rely on audiences to complete the construction of arguments. The protest challenges the viewer to (re)consider her/his acceptance of the original photo of Michael Brown and, by extension, general depictions of African Americans across mass media. The suggested arguments of #iftheygunneddown follow Delicath and DeLuca’s assertion that visual protests “may function as any one of the three elements in Toulmin’s model of argument,” as claim, warrant, or evidence (323). The claim that the mass media perpetuates racialized stereotypes of African Americans, one that overlaps with a claim about the prevalence of racism in American society, finds warrants in the juxtaposed images. These warrants include: because racialized images are accepted in mass media, racism persists broadly in and across cultural spheres; because negative images are used to depict African
Americans, African Americans have little control over how they are depicted in mass media; and, because racism is prevalent in news media and other spaces of cultural production, African Americans are denied identities independent of accepted racialized cultural norms. The visual juxtaposition and argumentative fragments of the protest calls on the viewer to respond, “whom do you see when you see a black body?” As the protest emerged in the context of police killing of Michael Brown, the argument also makes an implicit link between larger national racism and police violence against African Americans. The protest inserts counterarguments, alternative discourses, and opinions into discursive spaces of mass media that exclude black voices. As consequence the absence becomes visible as do excluded black bodies.

The protest exposes racialized exclusions of African Americans through critical engagement with normative structures and practices, what Wendy Hesford describes as “intersectional recognition.” Hesford writes that as a mode of analysis intersectional recognitions “do not rely on cumulative identity formula (race + gender + class + sexuality and so on)”, but draw attention to multiple and enmeshed identities within systems of power and “how structural differences play out” (“Surviving” 544) She identifies #iftheygunnedown as both appropriating normative social roles through protesters portraying themselves in military uniforms and graduation gowns and critiquing liberal order by exposing the limits of recognition. Viewing #iftheygunnedown through the lens of an image event extends Hesford’s analysis of its intersectional qualities. One is recognized through a display of positively associated values. We valorize service to country, applaud graduates, acknowledge the hard work and commitment it takes to be on a school’s athletic team. As Hesford points out, the juxtaposition highlights the absence of recognition afforded black bodies when not performing normative social roles. It demands of the viewer that if one is accepted in her/his military uniform, s/he should also be
accepted when they look as they do in the opposite photograph. This demand challenges what Elizabeth Povinelli describes as the impasse of recognition. She writes that the “condition of recognition” requires that when an individual is confronted by contrasting obligations—to self, identity, community, culture—subjects must “performatively enact” the dominant mode of being (3). The “accepted” photographs depict subjects not only performing normative roles, but embodying values easily appropriated by neoliberalism. They depict individuals invested in roles through which they cultivate skills and knowledges useful for later competition. The images show who one must be(come) to be recognized in the contemporary neoliberal public sphere. Yet the protest simultaneously is a rhetorical recuperation of a public identity of the Other(ed). It demands the right for black bodies to be public even when not embodying practices of the neoliberal order. It also, if only subtly, depicts the multiplicity of subjects against the singular, economic mode of publicity under neoliberalism.

The right to publicity (life) was denied Trayvon Martin when George Zimmerman decided he was out of place in a gated community; and a right to publicity (life) is denied BLM protesters when confronted by militarized police forces. The counterpublic arguments of the visual protests described above constitute BLM activists within a mode of publicity that seeks participation in public life not contingent on economic subject positions. These argumentative practices compliment the BLM street protests in cities across the United States and the public forming logics circulated in iconic photographs of these protests. Images of BLM protests taken by professional photojournalists and by protesters on smartphones circulate widely across social media and the publications and broadcasts of major news outlets. These images function rhetorically to shape public knowledge of the movement, articulate concepts of civic identity and values, and generate publics around political issues. As Robert Hariman and John Louis
Lucaites argue, the contemporary public sphere depends on visual rhetorics for a “fundamental constitution of public identity” (“Public Identity” 36). For Hariman and Lucaites, photojournalistic images are public forming in that they serve as material representations of public culture and thus perform an important constitutive function. They argue that the circulation of iconic photos across media defines a public through spectatorship and is sustained by recognizing norms of national, public life and a conception of civic identity. The images participate in and circulate an already existing collective discourse and coordinate “a number of different patterns of identification from within the social life of the audience” (38). Their understanding that an image invites varied identifications with its representation suggests that an iconic photo invites debate. In their analysis of the iconic Vietnam photograph of the girl running from a napalm attack, for example, Hariman and Lucaites argue that the image forms a collective national consciousness around “concepts of political innocence, human rights, [and] third world vulnerability” and thus challenges institutional legitimacy of war while evoking moral responses from viewers (58). Importantly, iconic photographs can simultaneously reify ideological commitments of the nation but also exceed them by exposing contradictions.

The wide-spread images from BLM protests across the country in places like Ferguson, Baltimore, Baton Rouge, Minneapolis are, like the image of the napalm girl or the flag raising at Iwo Jima, part of a collective, national consciousness. A national public coalesces around the images because of their ubiquity and the similarities across sites of protest. Whether from Ferguson or Baltimore or Baton Rouge, there is consistency among the protest images in the disproportionate representation of force and power of the police(state) and the mostly African American protesters. Iconic images, as Hariman and Lucaites write, provide a site of rhetorical invention that are “calls to civic action [and] sites of controversy” (54). The visibility of
disproportionate relations of power between the state and citizens exercising and demanding rights have drawn comparison to the iconic images of the civil rights era. A photo essay and related article in *Time Magazine*, for example, compares images from both movements and claims the pictures serve the same role of “illuminat[ing] the joys and struggles of everyday people working for change [and] how local people and their communities are suffering” (Speltz). Similarly, Teju Cole photography critic for the *New York Times Magazine*, writes that BLM protest images “trigger our memory of the history of images” and call forth “emotional comparisons” to other iconic photos including images of the civil rights movement and “Tank Man” from Tiananmen Square (Cole). *The Huffington Post*’s Cate Mathews goes a step further posting side-by-side comparisons of dramatically similar pictures from both movements. The direct comparisons and allusions to photography of the civil rights movement situates the BLM protests within an already existing public discourse and public memory with shared ethical and moral commitments to liberalism and civic and humanitarian ideals that play a role in the way people identify with and are constituted by the images of BLM protests.

Although visually many of the photographs from BLM protests are strikingly similar to civil rights era photographs in the juxtapositions they depict—the close up shots of protester’s faces and expressions, granting protesters identity against an overwhelming police force made more threatening by the anonymity of the officers; the racial disparity of power between the mostly white police officers and the mostly black protesters; that the images’ public settings are where we imagine bodies should move freely—the particularity, the temporal context, of the embodied experiences depicted in the BLM photographs change the ways in which we identify with the images. Two images that are widely circulated and reflect this change are of the arrest of a lone women in a dress from the Baton Rouge protests (fig. II) and the image of a man throwing
a canister of tear gas back at police (fig. III). Although the movement is widespread and the two images are from two different protest sites, the images of the movement are in conversation with each other. That is, the widely-circulated images, not just the two mentioned here, produce a collage of texts that construct social meaning for the movement. The images are consumed in relationship to each-other and the particularity of raced power relations of the current moment.

The image of the man throwing a canister of tear-gas back to police appears not only in photo essays of the movement in major news media publications like *Time* and on ABC News’s website, but the original image was retweeted over 10,000 times and versions of it were printed on t-shirts and posters and incorporated into graffiti art (Jeanfaivre). The picture was taken at night at an intersection of city streets. In the foreground is an African American man wearing jeans and a t-shirt, the torso of which is the American flag. The picture catches the man in action. He holds a glowing canister of teargas and sparks and smoke shows where the man was as he lunges forward to throw. Long dreads cover the man’s face. Hariman and Lucaites argue that iconic photos “offer a performance of social relationships that provide a basis for moral comprehension (44). The photograph is the depiction of one moment on one night of weeks of protest. Yet it dramatizes both the protests and the social and political circumstances of African Americans in the United States.
Americans in contemporary U.S. Within the context of ongoing protests, police violence and riots, and associations with civil rights images, the American flag t-shirt invokes abstract concepts of citizenship and civic and political rights. The man comes to embody the drama over rights and the particularity of the scene makes visible the invisibility of African Americans in public spaces, state denials of publicity, and the right to exercise rights. The man’s obscured face gives a sense of anonymity to the figure, yet simultaneously the dreadlocks identify his blackness and signify the role of race in inequality.

The violation of abstract concepts of citizenship and rights are ground by a bag of potato chips the man holds in his left hand. The everyday quality of the potato chips is a prop that humanizes him and places him in frames of normalcy. The everydayness of the potato chips exposes the violation of rights by police violence and injustice of police action against black bodies. The potato chips challenge national narratives of equal rights of citizens and challenge justifications for police action against protesters. The incongruence between the benign quality of the potato chips and the canister of tear gas exposes an invisible social structure and political hierarchy. The image of the man is read contextually with other images from the protests. Though no police officers appear in the photograph, those viewing the image see the militarized police forces, automatic weapons, armored vehicles and state violence just outside the frame. The photograph animates the sociopolitical exclusion of black bodies from advocating for and exercising rights. That is, the image dramatizes state denials of the right to be recognized as political subjects able voice concerns and be heard in the public sphere while simultaneously the act of throwing the tear gas canister dramatizes the demand for recognition.

If the photograph of the man throwing tear gas dramatizes the demand for political rights and recognition, then the photograph of the woman in a green dress being arrested dramatizes the
incoherence of police response to the protests. The image, taken from the Baton Rouge protests, depicts an African American woman in a green dress standing alone in a street. Her eyes are closed and face relaxed. Her hands are in front of her body and her palms are up as if in a gesture of giving. Opposite the woman are two white police officers in riot gear and body armor. They are approaching the woman to arrest her. In the background are rows of mostly white police officers dressed in riot gear. They are indistinguishable from one another which makes the potential for violence feel more threatening. The scene the image depicts is one of incoherence with imagined liberal norms of public life and public culture. Hariman and Lucaites argue that the iconic photo of the napalm girl “confronts” the viewer and “disrupts and breaks up the social world’s pattern of assurances” (41). The girl’s pain and nakedness, they continue, “is a violation of civility, normalcy, and civic order” (42). Likewise, the image of the woman in the dress disrupts viewers’ assurances of civic order. It is not so much that protesters are disrupting civic order—though the movement’s opposition does make those claims—rather the woman’s arrest violates assumptions about civic rights. The woman is protesting peacefully and her pose is unthreatening, yet she is met and contrasted by extreme depictions of force. The contrast of the serene looking woman against the potential violence of the police articulates sociopolitical disparity of power and augments the photograph of the man throwing the canister of teargas. While the image of the man depicts a demand for rights, or perhaps the right to demand rights, the image of the woman embodies the disparity between the claim to and recognition of rights and the state’s authority to decide recognition and exception.

The BLM protest photos tap into humanitarian ideals to expose contradictions of shared values, the actual distribution of rights, and limits of recognition based on race and thus disrupt a dominant post-racial narrative that race is no longer a structuring principle of publicity. The
images circulate and resonate with and form a public because of their incoherence with liberal norms. The disruption reveals the ways in which biopolitics and logics of neoliberalism work hand-in-glove with race to regulate and exclude populations from neoliberal order. Foucault describes biopolitical power as the “power to make live” (“Society” 247). Biopolitical power seizes power over the masses, not individuals, and regularizes processes of living. Under neoliberalism these are the general patterns and consumption/production practices of market actors that optimally sustain life within the market system of the state. The power to “make live” also requires the state, as Foucault explains, to “let die.” A population of market actors is made stronger when others are excluded from market processes and functions of living made possible through access to markets. Foucault identifies race is a mechanism that allows biopolitics to divide populations and include some into domains of life—the market—and neglect life (let die) of others through exclusions from a public (market) life and through policies of retrenchment of social welfare. Racism under neoliberalism is compatible with and draws from a legacy of racialized oppression to enact exclusions necessary for sustainability of markets. The BLM protest photographs make visible the implicit logics of racialized exclusions from public life and the singular mode of market publicity of the neoliberal public sphere. If the #iftheygunneddown protest expose the subject positions an individual must adopt to be recognized and included in the neoliberal public sphere (life) and thus also depicts excluded identities, then the iconic photographs demonstrate exclusions at the level of population. Both protests create public and political identities that demand recognition against racialized exclusions of neoliberalism. In the next section I argue that the mechanisms of exclusion exposed by the visual protests and demand for publicity provide evidence for BLM and affiliated groups to translate demands into human
rights frameworks and how this translation both critiques the state while projecting a new, inclusive vision for the public sphere based on communal obligation.

**All Black Lives Matter: The BLM Counterworld and a New Public Sphere**

The protesters’ invocation of publicness and political rights demands recognition for a mode of publicity that exists outside of neoliberal frames. This act places the scene of recognition within a political sphere of rights and in opposition to a neoliberal public sphere created through policies that dispossess people of political agency in favor of economic subjects. The oppositional subject position invokes what Glenn Mackin describes as a “counterworld.” Citing Rancière, Mackin claims that BLM “inaugurate[s] the ‘world of competing worlds’” (462). He explains that this world “expose[s] and challenge[s] dominant patterns of perception and interpretation” of the way the world is (462). The movement does not so much raise claims that are debatable within dominant discursive arenas nor does it simply critique the master narrative, rather it presents an entirely different narrative and reality with its own set of operational logics. To be sure, these logics are visible to people who share or are open to BLM’s warrants and not necessarily visible to those who no longer believe racism is a structuring force or who believe advocacy on behalf of groups and identity positions are intrinsically divisive. Mackin’s observation about the name of the Black Lives Matter movement highlights this point. He writes that the remarkability of the claim is that it is something almost no one denies. The issue, he continues, is “whether the world the claim refers to—a world in which it is necessary to state that black lives do in fact matter—exists” (emphasis in original 473). The assertion from BLM is that the world in which we exist is one in which black lives do not equally matter.

The protests and movement’s claims rely on facts that differ from the facts of the dominant worldview. Mackin suggests these acts are intended to directly respond “to their
opponents’ (apparent) claims” that organize the dominant world (474). For example, for BLM police killings of unarmed African Americans and the lack of prosecution is evidence of systemic racism rather than the dominant position arguing that these acts represent isolated incidents of racism perpetrated by “bad cops.” The claims and evidence are rooted in the reality of the counterworld. The facts and evidence presented by BLM, like the number of police killings of African Americans, the militarized response to protest, or incarceration rates and extended prison sentences of African Americans, are invoked in a reality in which black lives are dispensable. The claims and evidence invoked through hashtag protests and iconic photographs directly challenges dominant presumptions of equality and what Wendy Hesford describes as “postracial recognition” in which people are invested in a “fantasy that race is no longer a structuring principle in inequality and fail to account for the power in which recognition operates” (“Surviving” 539). The counterworld conjured by BLM and exposed through protest images is one in which race is a factor in maintaining social and political inequality and one in which indifference to race is a mechanism used to support oppression and dispossession.

BLM invokes the counterworld by situating their discourse and subjectivities within human rights frameworks. This framework provides BLM rhetorical terrain for constituting a political subjectivity grounded in personhood and for asserting an oppressed identity. In a “Herstory” of the Black Lives Matter movement posted on the BLM website Alicia Garza, one of the founders of the movement, writes: “Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contribution to this society, our humanity, and our resilience in the face of deadly oppression.” The statement is a call for recognition of the value of black lives against a scene of non-recognition in which the experiences and struggles of racism
are overlooked socially, culturally, and politically. This framing is broadcast throughout the movement. The “About the Black Lives Matter Network” page on BLM’s website, for example, states: “Rooted in the experiences of Black people in this country who actively resist our dehumanization, #BlackLivesMatter is a call to action and a response to the virulent anti-Black racism that permeates our society.” While the movement identifies the exclusion of African Americans from full rights, the overlapping statements link domestic rights to human rights. As Wendy Hesford explains, human rights “confers universal subjecthood upon every human being” and incorporates subjects into a regime of rights and citizenship (Spectacular 35). Although the universality of human rights frameworks has a history of being mobilized to export Western values and neoliberalism, BLM’s linkage of human rights to domestic rights allows BLM to leverage human rights against racialized dispossession and present an argument that claims “because I am a person, I have the right to publicity.”

While liberal recognition of human rights is part of subject creation, rights claims and recognitions must be made publicly and by those who are recognized as possessing public subjectivities. BLM’s protests demanding recognition and publicity are confronted by dominant neoliberal ideologies that, as Rob Asen points out, assumes markets equalize difference and that all actors regardless of race, gender, and age, among other categories are equal (3). These neoliberal logics invalidate rights and recognition claims based on group identity. To overcome this obstacle BLM grounds human rights frameworks and protest images in the experiences of marginalization in an attempt to demonstrate the ways in which African Americans are largely marginalized by the state and excluded from publicity. BLM claims that the movement “goes beyond extrajudicial killings of Black people by police and vigilantes” and that they are “broadening the conversation around state violence to include all of the ways in which Black
people are intentionally left powerless at the hands of the state … and “the ways in which Black lives are deprived of our basic human rights and dignity” (“About”). A list detailing what counts as state violence follows the statement and includes: poverty rates and poverty conditions of living, incarceration rates, social marginalization of “Black queer and trans folks;” the burden placed on black women and children; the marginal existence of black undocumented immigrants; and the difficulties facing “black folks living with disabilities and different abilities” forced to live in a world defined by standards of white normalcy (“About”). The list specifically identifies state racism of the neoliberal order and how the state either fails to recognize the humanity of African Americans and/or intentionally dispossess black bodies of fundamental rights and political being. The list attests to the ways in which rights, privileges, and identity are universally stripped from black bodies. Yet, the emphasis on the differing experiences and material realities of African Americans and recognition of a multitude of identities resists homogenizing blackness to a single, normative lens and pushes against using race as a social and political means of Othering an entire group of people. In leveraging multiplicity BLM accounts for the complexity of excluded subjectivities and recognizes unique circumstances and different ways in which people are marginalized. By situating the particularity of experience in human rights discourses BLM navigates what Sarah K. Burgess identifies as the difficulty of seeking recognition within a “liberal democratic framework grounded in individual rights” while making “essentially illiberal demands based on group identity” (370). The primacy of economic subjects in neoliberalism circumvents liberal democratic rights regimes. BLM demands equality and inclusion into a political sphere of rights, yet, as with the #iftheygunnedown protest, the demand for inclusion also demands that the price of inclusion is not contingent on adopting normative identities or economic subject positions of a neoliberal order.
BLM’s mobilization human rights frameworks and invocation of a counterworld not only opens rhetorical space to claim publicity as rights holders and critique the neoliberal public sphere, but it also provides the opportunity to construct a new vision for the public sphere that asserts a different relationality among public subjects. In “A Herstory of the #BlackLivesMatterMovement” Alicia Garza attempts to create relationships among different groups and public subjects while foregrounding difference. Just as the movement attempts to maintain the multiplicity of black identities and experiences by focusing on all black lives, Garza extends multiplicity of the particularity of experiences to others. She recognizes black lives are not the only marginalized lives writing: “We’re not saying Black lives are more important than other lives, or that other lives are not criminalized and oppressed in various ways. We remain active in solidarity with all oppressed people who are fighting for their liberation and we know that our destinies are intertwined.” Garza’s statement implicitly acknowledges the structured relationships among people created within the neoliberal public sphere. That is, institutional and social contexts produce a relationality among all people that is mediated through neoliberal scenes of recognition in market spaces. Changes to the structuring of the public sphere will result in creating new relationships among people. In the neoliberal public sphere associations are constructed through self-enterprising endeavors and relationships are rooted in what others can do to help one increase her/his value. By maintaining focus on the precarity of black lives and particularity of different circumstances of marginalization and oppression in African Americans communities, however, Garza leaves open possibilities for creating different, multiple associations across diverse groups and scenes of interaction. In doing so, BLM attempts to disrupt the order of the neoliberal public sphere and bypass the either/or consequences of neoliberals in which one either adopts an economic subjectivity or is dispossessed.
The movement’s recognition of multiple subjectivities and particularity of experiences leads to reimagining the structure of the public sphere outside of neoliberalism. This reorganization is directly related to the consequences of neoliberal dispossession and the realities of the counterworld invoked by the movement. In the neoliberal public sphere publicity is narrowly granted to market actors. One exercises publicity and agency insofar as it is within marketized spaces. Neoliberal retrenchment of social services and social safety nets, as Asen writes, intensify “privatization of public infrastructures that support families and children” and other activities “neoliberalism regards as outside the market” (10). The neoliberal public sphere strongly demarcates divisions of public and private. Many of the issues raised by BLM like access to adequate and affordable housing, access to affordable and healthy food, and opposition to school choice initiatives identify areas of life that are relegated to the private sphere in the model of the neoliberal public. BLM, however, drastically reimagines the structure of the public sphere particularly as it relates to areas of life neoliberalism deems private. One example of this move is BLM’s concept of “Black Villages.” Black Villages are a realignment of how families and children are cared for that disengages from neoliberal order. They write: “We are committed to disrupting the Western-prescribed nuclear family structure requirement by supporting each other as extended families and ‘villages’ that collectively care for one another, and especially ‘our’ children to the degree that mothers, parents, and children are comfortable.” In an individualized public sphere, public support systems are withdrawn. The conceptualization of Black Villages is to create new local and collective systems of support. Black villages create a new relatability among people and places responsibility for the lives of others on a community and creates new foundations for relationality and recognition that asserts new forms of obligation. Elizabeth Povinelli writes that recognition necessarily generates “the feeling of being
obliged, of finding oneself under an obligation to some thing—or to a complex of things” (3-4).

When one assumes a subjectivity, obligation imposes itself on that person. The obligation affiliated with Black Villages cannot be reconciled with neoliberalism. To achieve this model of the public sphere, then, is not to create a parallel space to neoliberalism, but requires restructuring the state.

Although the concept of Black Villages upends the market logics of neoliberal order and neoliberal scenes of recognition, the movement’s rhetorical framing within human rights discourses that allow them to develop and assert the need for Black Villages rely on logics of liberal recognition. The foundations of the movement’s arguments, then, are susceptible to being undercut by liberal discourses and liberalism’s universality. In the next section I argue that in response to BLM neoliberalism appropriates liberal discourses of tolerance to reaffirm normative (neo)liberal frameworks and models of relationality that ultimately secure and perpetuate the neoliberal state.

**Discourses of Tolerance: Individuals and the Neoliberal Public Sphere**

It is not surprising that because BLM’s model of the public sphere would upend the operation of the state, that the movement is met with strong resistance. Though the critiques and responses to the movement from news media, politicians, and others are varied and cross the political right and left, these responses attempt to maintain the current state either by delegitimizing the movement or by channeling the movement’s activities and demands into existing structures of the state. The strategies employed to accomplish this do so by differentiating between legitimate and illegitimate protest tactics and conflating the movement within the “illegitimate” tactics, by countering BLM’s claims, by demonstrating perceived hypocrisy within the movement, or by presenting the movement as dangerous or un-American.
These strategies produce rhetorical openings within which critics counter BLM, shape public perception of the movement, and replace the scene of recognition from a human rights framework to a framework of tolerance. Much like human rights discourses, discourses of tolerance produce subjectivities embodied by individuals that regulate social and political relationships and orient the public sphere. Wendy Brown notes that tolerance limits the reach of law and designates it as a “personal and private matters within the range of what is legal” (12). The state is capable of regulating some practices of tolerance designated as matters of public interest, as with enforcing the right to same-sex marriage, but tolerance as an organizing principle does not exceed individual interactions. When we are called upon to tolerate difference we negate the social and political histories that create political problems for different groups, identities, and the forces of subject formation. The tolerance discourses mobilized in response to BLM appeal to a corresponding system of values that invoke abstract conceptualizations of unity and equality that elide difference and depoliticize subjects. This allows for the constitution of a public sphere through individualized relationships that correspond with the neoliberal model of the public and modes of economic subjectivities.

The tolerance discourses employed by BLM’s critics translate the meaning of the movement from one that is favorable for the protestors to one that favors the current state. John M. Murphy suggests that dominant groups domesticate dissent through symbolic action that both renews and recreates existing social orders. Murphy argues that to quell dissent those in positions of power employ hegemonic strategies that “place” protest “in a dominant system of meaning that dismis[s] them as counterproductive” and enmeshes protesters within dominant frameworks (67). This process accommodates dissent without effecting meaningful change. The abstract principles of tolerance mobilized by BLM’s critics (re)produce normative frameworks
for granting or denying recognition. These frameworks are invested with boundaries that manage acceptable subjectivities and practices and, likewise, relegate behaviors and identities that fall outside margins of acceptability. Recognition is thus imbricated within societal norms produced through relations of social and political power and is conferred from privileged positions within systems of power. As Kelly Oliver writes, “dominant groups reinforce the power structure of dominance insofar as those in power control who is recognized and who is not” (477). The responses to BLM emanate from normative positions of power. They criticize BLM for not adhering to normative tolerance frames and demand BLM operate within these frames in order to legitimately participate in public debate.

One of the strategies employed to delegitimize the movement is to challenge BLM’s narrative by challenging its evidence. BLM’s scrutiny of day to day interactions with police highlight other lived experiences of oppression and marginalization that produce BLM’s narrative that the state has yet to grant full rights to African Americans. To counter this narrative, critics like Heather Mac Donald writing for The Wall Street Journal and Robert VerBruggen writing for National Review utilize the neoliberal biopolitical topos of statistics to challenge the claims of racial disparity in policing by BLM. For these writers, disparity in statistics cited by BLM is not disparity due to racism but due to racial disparity in crime. Violent crimes, they argue, are disproportionately committed by African Americans. Citing the Bureau of Justice Statistics, Mac Donald writes that “blacks were charged with 62% of all robberies, 57% of murders and 45% of assaults in the 75 largest U.S. counties in 2009, though they made up roughly 15% of the population.” VerBruggen cites similar statistics and studies to argue that violent-crime rates by African Americans “over-explain the [racial disparity] gap” and that data “indicate that racial bias plays a minor role at best” in police killings (emphasis in original). Mac
Donald’s and VerBruggen’s use of statistical evidence abstracts police encounters with African Americans. Statistics are a technology of neoliberal biopolitical power used to regulate populations and secure market activities and neoliberal order. Mac Donald’s and VerBruggen’s emphasis on statistics alone elevates discussion to the level of population and abstracts the particularity BLM relies on to make their claims. Statistics allow critics, as Mac Donald does, to claim systemic racism is largely a “myth.”

Delegitimizing BLM’s claims through statistics at the level of population allows Mac Donald and VerBruggen to reorient the movement in public perception. BLM, they argue, is not interested in the “realities of violent crime” and crime in black communities but is instead interested in instigating “racial politics.” This reorientation move constitutes what John M. Murphy characterizes as “naming.” Naming is a way to shift the publicly understood meaning of a protest. The shift by Mac Donald and VerBruggen negates the idea of systemic racism driving the movement and allows them to identify the police as protecting victims and dismiss accounts of racist interactions as the actions of “rogue officers.” More importantly, it upholds the current structure of the neoliberal public sphere and the atomized individual that perpetuate it. The use of statistics appropriates liberalism’s narratives of equality under the law and individual responsibility that negates particularity and plays into the neoliberal structuring of the public sphere through juridical and police apparatuses.

To secure a depoliticized public sphere accepting of neoliberal policy and rationality requires critics to also recontextualize the movement as dangerous and un-American. This change occurs by identifying the movement as divisive to American unity and creates and enforces clear boundaries of acceptable public action. Recontextualizing comes in many lines of interrelated arguments from blaming President Obama for exacerbating racial tensions by
supporting BLM (Hurt, Magnet, Cruz, Walker, Hume), to identifying the movement as anti-
police and violent, and against the founding principles of America (Washington Times, Tuttle,
Guiliani). These recontextualizations (re)assert and amplify a social organization based in
principles of tolerance. David French, writing for National Review, frames BLM as a movement
comprised of two competing groups. The first group is “reasonable” and “peaceful” and believes
“that black men and women should be treated with equal dignity in every quarter of American
life.” The second group, he writes, is an “extraordinarily radical organization” (emphasis in
original). The second, radical group, he argues, controls the momentum of BLM. He laments that
the movement allows radicals to “aggressively launch lawless protests” that “foment violence”
and continues that the radicals control the message of BLM. Citing the movement’s website he
describes the way the movement imagines community through its conceptualizations of Black
Villages and black family as a “grab-bag collection of unthinking radicalism and cultural
Marxism.” For French, BLM is “radical” because the movement’s focus on inclusivity and
recognition that all black lives matter that lend to conceptualizing “black villages” employs a
different and incompatible operational logic with the logics of tolerance.

By introducing the framework of tolerance and corresponding logics, French is able to
divide the actors of BLM and mark boundaries of legitimate and illegitimate social action. In
doing so French recontextualizes the movement from one seeking equality to one that is “a
destructive force in national life.” French’s division and criticism of the “radical” aspects of
BLM asserts a vision of the public sphere through describing what the public sphere should not
be. The absence is filled with the “moderate” position of tolerance. Wendy Brown writes that
while tolerance discourses allow for identity differences, it depoliticizes difference by
“render[ing] identity itself an object of tolerance” (14). French’s assertion that the “moderate”
BLM protesters believe that “black men and women should be treated with equal dignity in every quarter of American life” is unproblematic in this framework. It does not require introspection of the organization of the state, nor does it require action on the part of others. While he allows that there are “existing tensions between the police and the black community,” he situates racial equality within the telos of the civil rights movement and progress toward greater justice. The ellipsis to French’s telos is that if we simply continue to practice tolerance we will achieve racial equality. This elides a history of oppression and the political, economic, and social circumstances of contemporary neoliberal state racism that produce these tensions.

French’s appropriation of liberal, civil rights demands for equal treatment under the law secures the current order of the (increasingly neoliberal) state. In French’s contextualization of the movement, equality and the movement toward justice are easily achieved by basic police reforms sought by French’s acceptable version of BLM which wants greater “transparency, accountability, and assurances” in interactions with police. In French’s account this is not a fight over political rights and a demand for greater political agency, rather the problem exists in the relationship between a group and the state. This narrows the scope of publicity available to BLM activists and designates appropriate public issues. French’s framework organizes the visibility and recognition of subjects through depoliticizing the ways in which subjects practice publicity and relations with the state and others.

The depoliticizing of difference is a focal point through which many criticisms of BLM are filtered. In her 2015 speech at the National Press Club then governor of South Carolina Nikki Haley leverages tolerance to criticize disruptive BLM protests. Haley charts a path for advancing racial equality and overcoming differences by advocating for acceptance and listening to one another. Like French’s article, Haley situates racial equality in the United States as an ongoing
The civil rights movement, she argues is a “critical part of … the American story” and identifies BLM’s protests and violence in Ferguson and Baltimore as “jeopardizing” this progress. Haley situates BLM as acting outside acceptable practices of the public sphere. The division, as with French, opens space for Haley to reinforce values of tolerance as an organizing principle of social relationships. She contrasts the responses to police killings of unarmed African American men in Ferguson and Baltimore to the murder of Walter Scott by a white police officer in South Carolina and the unity that followed Dylan Roof’s murder of nine black parishioners in a church. Of both instances, she states “people of all races [came] together … [and] listened to each other.” Haley emphasizes that South Carolina avoided violence not by pointing to differences, but because of unity, respect, and a willingness to accept others. This emphasis places the onus of social relationships on the individual and reduces race relations to social practices between people and beyond the purview of the state. Solutions to conflict are resolved by reducing conflict to a difference of opinion and/or difference in cultural practices. Tolerance depoliticizes social and public issues by privatizing interactions to exchanges between individual actors with personal preferences and opinions. Haley characterizes the murders by Dylan Roof as “that act of a racist, motivated not by mental illness, but by pure hate.” Roof’s intolerance of African Americans is situated solely in his hate. This framework does not allow Haley to probe the history of racism in the south or the historical relationships of power that grant status and confer recognition and rights against which African Americans still struggle, nor Roof’s relationships to this history and how his hate was produced within these systems.

Haley extends her argument for tolerance as a model for public discourse to the decision to remove the confederate flag from the statehouse and uses that moment to critique the divisiveness of BLM. She says that those “who revere the flag for reasons of ancestry and
heritage retain every right to do so” and that the statehouse “needed to be welcoming to all people.” She continues that by “truly listen[ing] to each other [and] walk[ing] in each other’s shoes” they could make the decision without division or protest. Haley’s telling of this event provides a model for public debate and public subject positions. In Haley’s model the confederate flag loses the power of its history and, like Roof’s hate, the resonance of historical power structures perpetuated by the biopolitics of neoliberalism and state racism.

Tolerance mediates relations and is a procedure for social interaction. The invocations of tolerance by BLM’s critics translate tolerance from an abstract idea into a political discourse that shapes the public sphere while obscuring the power that produces and contours it. It grants those already in hierarchal positions authority to confer or deny recognition. This framework produces boundaries for acceptable public action and what demands groups and individuals can make of the state. The discourses of tolerance mobilized by BLM’s critics negate the subject position of rights holders adopted by the movement. The depoliticizing of difference subverts the marginalized group identity projected by BLM. If the organization of the public sphere is constituted by individuals and individual interactions, then racism can only be practiced by individuals. French’s acceptable model of public action calls upon an institution of the state to better monitor individual actors that it gives authority. Nikki Haley’s model of social interaction which involves open communication that respects and overcomes personal differences cannot accommodate group action. Any movement by a group disrupts the tolerance model she advances and thus becomes divisive action in the public sphere. In negating the right of BLM to advocate for greater political rights and for the right of publicity critics of the movement maintain the already existing structure of the state. This action secures and entrenches neoliberal policies that disproportionately affect low income and minority communities that, through a
history of racism and racist policies, are already marginalized. BLM’s focus on the racial aspects of neoliberal policies and the ways in which neoliberalism orders the public sphere are delegitimized by the politics of tolerance. Tolerance discourses mobilized by BLM’s critics, then, actively suppress race as a legitimate topic for public discourse and public policy initiatives that would mitigate the negative effects of the neoliberal state.

**Conclusion**

Recognition is a conferred status. It requires one, a group, institution, and/or the state to identify others. Recognition is thus distributed across a regime of power and grants authority to those fully imbricated within the system of power with the authority to include and exclude subjects and groups. Erik Doxtader contends that invocations of recognition assume that we possess its language. The problem of recognition, he writes, is that it is at once “a function of standing institutional language or the languages attributed to the voiceless” (391). The language of recognition can both enact dispossession or political becoming. The concept of recognition is a liberal construct. It, and attendant discourses, are invested with logics of strict divisions between what is public and what is private and operates at the boundary of inclusion/exclusion. It produces modes of publicity and, as Elizabeth Povinelli points out, an underlying practice of a moral sensibility (4). As such, she continues recognition enacts a “social ethics” that acts as a “technology for distributing rights and goods, harms and failures, of liberal capitalist democracies” (7). The liberal, capitalist order delimits the reach of the state, limits conceived by the sanctity of privacy and property rights. Neoliberalism, however, transcends the boundaries of public and private and the hard edges of liberal order and invades spaces of living, work, leisure, and culture. Neoliberalism comes to govern all our lived practices and we must embody economic subjectivities to move through and access these spaces. That is, neoliberalism creates
multiple points of and for dispossession. That neoliberalism pervades all areas of life requires that we conceive of ways of confronting neoliberalism that do not rely on logics of liberal recognition. BLM’s upending of the neoliberal public sphere is a necessary start if we are to imagine and create a public sphere structured around multiplicity. That is, neoliberalism is not compatible the multiple modes of publicity and a multiplicity of subjectivities. BLM and the critiques of the movement teach us that seeking liberal recognition is not a viable solution for confronting neoliberal dispossession. Liberal recognition, as we see in discourses of tolerance, are appropriated by contemporary neoliberalism and serve the biopolitics of neoliberal order to ensure market compliance by public subjects. In the next chapter I analyze the Occupy Wall Street and Standing Rock movements to theorize new forms of sociability and associative networks that organize people and produce invention sites for communicative labor that allow for possibilities of imagining and enacting collective futures.

10 The popularity and viral aspect of the #iftheygunmedown protests widely disseminated the protest and its arguments. The BBC reported that in the first 24 hours the hashtag was used more than 100,000 times (Judah). What’s more, because of the popularity of the protest it spread outside the space of social media as it was covered by major news outlets including The New York Times, NPR, Time, and USA Today.

11 My analysis of the iconic photographs and other visual protests of BLM are read within the rhetoric of the movement. The ambiguity of photographs and images, however, allow them to simultaneously provide evidence for narratives and corresponding logics that imagine the movement as endorsing violence, especially against police officers, and as promoting racism against white Americans. Bill O’Reilly, for example compared BLM to the KKK (Devega), Rush Limbaugh labeled BLM a terrorist organization (Blake), Rudolph Giuliani claims the movement is anti-American, inherently racist, and targets police officers (Twohey), the Washington Times editorial board similarly argues that BLM advocates violence and revenge against police officers and perpetuates cycles of hatred. These arguments are prevalent across conservative media, right-wing think tanks, and are reiterated by conservative politicians and media personalities and serve to reinforce truths within racist logics. That is, the iconic photographs of BLM provide warrants for both the arguments of resistant publics within which I read them and warrants that sustain hegemony as with those arguments listed here.
The phrase “All Lives Matter” is representative of the other side of these differing logics. Some, such as Rocco Papa in an op-ed in *The Huffington Post* invoke the logics of the phrase to create unity through equality conjured by “all” and push against what he believes is the inherent divisiveness of the movement and phrase “black lives matter,” writing: “I believe the only way to make real progress is for people to unite … It is not a contest of who’s oppression is more important. It is not a question of who’s life is more valuable. We’re all just human beings and unity is the only way out of this mess.” Others invoke “All Lives Matter” as a racist slight against BLM. See Clarence Page’s column in *The Chicago Tribune* about the “right-wing” countermovement “who want those black protesters and their uppity liberal allies to shut up and go away.” For more on the logics that imagine any group seeking rights or benefits as necessarily coercive and impinging on the rights of others see James Arnt Arnte Aune’s discussion on public choice theory and rent-seeking in *Selling the Free Market: The Rhetoric of Economic Correctness* (43-47).
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Bodies in Resistance: 

Occupy Wall Street, Standing Rock, and Embodied Interventions in the Neoliberal Order

The intensification of neoliberalism across the spaces of our lived realities entrenches and (re)produces neoliberal power. It strengthens connections within the neoliberal network of power while extending the circuits of its production. The three cases examined in the previous chapters studied how neoliberal power (re)produces itself through scenes of recognition and rights debates. Neoliberalism redistributes rights and access to rewards according to one’s adoption of an economic subjectivity and one’s placement within multiple relations to the flows of capital. The practices of the economic subject are an important function for the endurance of neoliberalism. These practices correspond to and overlap with institutional activities and the objects of institutional functions, the structure of the public sphere and the activities and discourses circulating through its variegated terrain, and the mobilization of discourses that circulate and reify neoliberal logics as they move through and organize institutional and public spaces of activity. The intensification of neoliberal power addresses the liminal spaces of its power and works on and through sites and activities that are not yet fully within its network. In the aftermath of the attacks on September 11, 2001 the Bush administration’s epideictic rhetoric amplified the economic aspects of American public subjectivities while diminishing and privatizing aspects that did not fit within neoliberal practices. In the conflict over marriage equality and religious freedom neoliberal logics circulated through cultural and institutional spaces placing scenes of recognition in the marketplace. These logics altered the interpretation and application of the law while also calibrating a neoliberal evangelical subjectivity and practice of living. Neoliberalism also regulates opposition by appropriating liberal discourses of equality and tolerance to delegitimize movements like Black Lives Matter that threaten its order.
and practices. These different cases make visible the application of neoliberal power on its margins that both extends and enforces its order. They also make visible spaces for resistance.

The previous chapter introduced challenges to the neoliberal order through the concept of Black Villages. The organization of Black Villages reconstitutes relationships among people. It imagines a social organization that extends the model of the family from a private nuclear unit to one in which members of the community are invested in the well-being of other members of the community, particularly children and the security of their care-takers. The relationships formed in this social model is one in which the privatized responsibility for care within the domain of family is made public. In this model communities collectively ensure families have access to healthy food, warm clothes, affordable housing, healthcare and the like. This threatens the neoliberal order as the relationships among community members in Black Villages constitute new subjectivities outside neoliberalism. The ethic of responsibility redeploy the enterprising disposition of the economic subject to one in which a subject’s practices include ensuring the well-being of others. The community oriented practices of this subject disrupts the marketized practices of the economic subject. Power requires subjects to continually participate in activities that reestablish its networks and circulate its forces through those networks. The Black Lives Matter movement and its concept of Black Villages provide an important step for theorizing and recognizing how to challenge neoliberal power through altering practices of living that perpetuate neoliberal power.

Neoliberalism relies on biopolitics and technologies of security to ensure its order. Populations operate within an economic grid of relations that include political structures as well as practices of the economic subject, cultural norms, and the production and circulation of discourses that reproduce neoliberal logics. Power, in this order, is realized through actions. As
Jeffery T. Nealon describes it, “power is nothing other than what it does—power is an act or a situation, a relation among forces” (97-98). The grid of relations, what Foucault describes as governmentality, opens a field of possible actions within which the subject may act. The sets of relationships within this field likewise limit or foreclose other possibilities for action. Governmentality conducts modes of action and, as Foucault writes, “act[s] upon the possibilities of action … [and] structure[s] the possible field of action” (“Subject and Power” 790). The actions available to the subject within the field of governmentality are possibilities for the reproduction and circulation of power. As such, bodies are conduits for power. Neoliberalism’s marketization of all aspects of life lodges the economic subject within a framework of multiple economic enterprises. Decisions regarding health, education, family, marriage, recreation, labor, retirement are all calculated through cost/benefit analyses. The choices the economic subject makes within this milieu and her/his activities of living reproduce neoliberal power. Neoliberal power invested in the spaces of life’s activities and organizing those activities animate life and give it vitality within networks of power. The reproduction of power is the reproduction of a form of life. The aggregate population within the grid of economic activity are the points of contact for the relations among subjects, institutions, knowledges, and norms of behavior on which the continuity of power relies. The overlapping relations produce an ontological field onto which neoliberalism is inscribed and which produces neoliberalism as reality.

Biopolitics, like power, is neither positive or negative. Power is a productive force. It makes actions, logics, and truths possible. To resist neoliberalism does not only entail denying or critiquing power, but, as Jeffery T. Nealon writes, it means “work[ing] with or alongside [power’s] productivity in some ways” (emphasis in original 95). He continues that this requires “attempting to articulate and deploy” power by other means (95). There is a role for biopolitics
in this reformulation of power. As bodies are important for the perpetuation of power, resistance comes from organizing bodies into new sets of relationships that produce new possibilities for collective labor and practices of living. New organizations create the potential for new articulations of power to circulate through an ontological milieu. In other words, resisting neoliberalism requires forming new networks of productive action. In a biopolitical regime, statistics make populations intelligible and so populations become the subject-object on which technologies of power act and are directed. Interventions within populations organize bodies into productive networks and associations that circulate power. Power is a process that enacts effects. The activities of economic subjects make visible the grid of relations of neoliberal power and so make visible points of intervention for disrupting neoliberalism. Altering practices and organizing logics at these sites of connection offer possibilities for generating new possibilities for action, creating new truths, and producing new discourses that do not reproduce neoliberal power.

This form of resistance places bodies outside apparatuses that produce and influence populations. Foucault refers to this collective as “the people.” He writes that the people “put themselves outside of [population], and consequently the people are those who, refusing to be the population, disrupt the system” (Security 44). These bodies acting outside the fields of neoliberal biopolitics challenge neoliberal order by both diminishing the scope of its networks and intensifying new networks of coordinated living that are beyond modes of capitalist production. To enact power through “the people” requires coordinated bodies creating new fields of relations, new modes of living, and productive action that resists cooption by neoliberalism and its logics. As such, resistance does not directly engage the logics of neoliberalism through argument, policy proposals, or deliberation. To do so would accept the legitimacy of the
institutional apparatuses of neoliberalism and risk cooption. Instead, this mode of resistance consciously opts out of neoliberalism’s modes of being and thus also its networks of power. This is an ontological intervention that recognizes the practices and spaces of neoliberalism and works to produce new spaces, relations, and modes of engagement through which to produce collective action and possibilities for other futures. In what follows I conduct two brief case studies of Occupy Wall Street and the Standing Rock protests against the Dakota Access Pipeline. I analyze the ways both protests enacted new modes of biopolitics at their respective encampments and how their organizing logics exceed the reach of neoliberalism and produce alternative discourses that constitute new subjects and ways of living at the camps while also circulating those logics outside the sites of protest. In the section following the case studies I theorize their implications for creating a new will of the people through interventions in the neoliberal order that forge and connect new sites of activity outside neoliberalism. Finally, I offer a brief conclusion that situates this form of resistance within the larger project of this dissertation.

An Ethic of Mutual Aid: Biopolitics and Occupy Wall Street

The long-term Occupy Wall Street (OWS) encampment at Zuccotti Park produced a temporary space of biopolitics in which governance, action, and discourse operated outside the networks and connections of neoliberal power. Although the outlines of the movement can be cast in oppositional frames to neoliberalism, it is difficult to classify or clearly define the movement. Occupiers intentionally did not make clear demands, protest tactics were employed but with no strategy or clear end, and the internal organization of the movement was based on a horizontal participatory structure rather than a hierarchal representational structure, which meant that no leaders or speakers for the movement could emerge and that no one could speak for someone else. These basic tenants of occupation present difficulty for interpreting OWS through
traditional disciplinary methods of rhetorical analysis. Traditional models for analyzing activist movements interpret movements through hegemonic-counterhegemonic lenses in which activists struggle antagonistically against hegemonic power structures. These models imagine that rhetoric is employed argumentatively and strategically to affect structural change or is constitutive and produces new identity categories and subjects. At stake for both is recognition and/or inclusion within a governing system. The collection of bodies at Occupy encampments exceed the boundaries of inclusion/exclusion. Occupiers were not seeking recognition or access within dominant neoliberal order. Occupation reinvented possibilities for bodies to organize and act outside the bounds of neoliberal power. The practices of horizontal governance of the general assemblies and work groups, the protocols and practices for deliberation, the objects of governing action, and practices of common living within the camps produced a new biopolitical milieu and ontological field of action.

Interpreting OWS through the lens of biopolitics allows for examining the movement as an emerging system of power in which labor, social cooperation, and rhetoric function together to resist neoliberalism. In his work on capitalism and rhetorical agency, Ronald Walter Greene argues that capitalism’s immanence in all domains of life seizes social cooperation and discourse as a form of value-producing labor within the biopolitical milieu of neoliberalism. He writes: “The terrain of capitalist production [is one] that produces, manages, orients, and appropriates life” (“Rhetoric and Capitalism” 200). Neoliberal power reproduces the market subject and the activities of that subject in all spaces of life thereby extending and securing markets, generating capital, and increasing networks of power. For Greene, The lived activities of the economic subject including communicative action is a form of labor that produces surplus value within neoliberal networks which is appropriated to increase power. The (re)production of life is the
object of biopolitics. This is also true within the OWS camp. Yet, while neoliberal biopolitics affirms life to (re)produce markets, the biopolitics in the Occupy encampments function to affirm life and (re)produce life through logics of community and an ethic of mutual aid\textsuperscript{15}. The practice of living in the camp is resistance to neoliberalism. These practices produce new forms of labor that embrace the material and local ecology of the camp to reconceptualize production away from the individual market actor and self-enterprise of neoliberal life and toward new possibilities of collective living. As such, and like Greene suggests, the collective activities of Occupiers are a form of labor that produces value for new biopolitical modes of governmentality.

The grid of governmentality developed in Zuccotti Park included political structures, cultural practices and norms, modes of behavior, and modes of discourse that were organized around and perpetuated the logics of mutual aid. As Thomas Lemke notes, in Foucault’s conceptualization of governmentality there is a “reciprocal constitution of power techniques and forms of knowledge” (191). The logics of mutual aid ordered the function of political structures in OWS to focus on care for life. These logics organized labor into activities that sustained life for the occupiers and made possible the continuation of the camp. The political structures and social cooperation in the camps worked hand-in-glove to (re)produce the ethic of mutual aid embodied by the Occupiers and which sustained this new organization of power. Working groups, for example, organized, distributed, and shared the responsibilities of labor and life. Many of these working groups mirrored government institutions like town planning, sanitation, and security as well as providing infrastructure for producing electricity and disseminating information through the internet and other media resources. Other working groups accepted responsibility for the labor required for reproducing life. These included work groups like The People’s Kitchen, which was responsible for feeding occupants while other work groups
distributed shelter items like tents, provided items for warmth like sleeping bags and clothes, and also established a system for medical assistance (Madrigal, Dean). Mutual aid realized through the cooperative action within and across working groups articulated and made real new possibilities for cooperative living.

The functions of many the working groups filled a social and governing vacuum left by neoliberalism. Groups collectively organized and performed many of the public functions that are privatized, deregulated, underfunded, and outsourced by the state. As such, the work groups focus the mutual aid into spaces of social and individual welfare. Sanford Schram points out that the logics of self-reliance and individualism of neoliberalism requires citizens to “absorb more of the responsibility for handling the ups and downs of a more marketized society” (71). The governing structure and practices of living at the OWS camp, however, places responsibility of providing for life on the community. As explained in the Structure and Process Guide to OWS, a document approved by the OWS General Assembly, individuals self-elect to join work groups and “are open to anyone interested in supporting” that group. Anyone is also “free to propose an idea or express an opinion” including the formation of a new work group based on a recognized need in the community. In this organization no one person is responsible for the (re)production of life or individual welfare. Because of neoliberalism’s imminence in all of life’s spaces, life is distributed to the economic subject through the flows of capital and the economic subject’s practices within those flows. The self-enterprising subject in neoliberal order must continuously cultivate her/his competitive value in order to meet life’s needs. The community practices by subjects of the ethic of mutual aid ensure the (re)production of life for all. Individual bodies perform functions that provide for the whole of the community. Instead of trading one’s human capital—skills, knowledges, and body—for wages and the exploitation of labor to produce
surplus value, occupiers utilized their individual skills, knowledges, and bodies to sustain occupation and lives across the camp. Responsibility for reproducing life, even one’s own life, was shared across the community and sustained through cooperative and coordinated labor and social action.

Life in Zuccotti Park necessarily constituted a new subject. Greene suggests that within a biopolitical milieu rhetorical agency is “remodeled as communicative labor, a form of life-affirming constitutive power that embodies creativity and cooperation” (“Rhetoric and Capitalism” 201). He continues that “it extends beyond commodity production per se, to include communication’s role in building social networks of all kinds” (“Rhetoric and Capitalism” 201). Though Greene is writing about rhetorical agency in the neoliberal order, rhetorical agency within the camp functioned similarly to constitute subjects of the ethic of mutual aid and inform practices of living, labor, and social, communicative (inter)action. The organization of labor and practices of community by Occupiers reproduced the system of power of the ethic of mutual aid. This ethic, commitment to a shared community living, was also reproduced in procedures for deliberation and decision-making within the institutionalized governing structures of the General Assembly and working groups. These deliberative bodies were committed to governing through consensus: a horizontal structure in which there “is no single leader or governing body” directing activity (Structure and Process). The Structure and Process Guide to OWS describes consensus as a “process for group decision-making [in which] the input and ideas of all participants are gathered and synthesized to arrive at a final decision acceptable to all.” This process, they continue is different from voting in that voting produces competition among ideas whereas consensus “assumes that people are willing to agree with each other.” With a commitment to consensus, it continues, “conflict and differences can result in creative and intelligent decisions.”
The practices of consensus building requires a different form of engagement with others than under neoliberalism. In the neoliberal order the primary organizing social principle is competition. Robert Asen notes that this frames social relations as a zero-sum game in which “one person’s success and standing appear at the expense of another” (11). When there is cooperative action between people in a market society it is because the engagement with another will result in personal benefit or gain. Consensus as a mode of deliberation reorganizes social relationships among people. It requires collective group problem solving and participation and creates space for multiple, dynamic possibilities to emerge and be considered. Rather than competition among competing ideas with some compromise in order to achieve a majority vote, consensus opens a rhetorical space with the possibility of many perspectives to synthesize options for action.

The consensus model for deliberation includes what Greene describes as a “moral pedagogy.” Citing Foucault, he identifies a moral pedagogy as a “mode of subjectification” (“Rhetorical Pedagogy” 439). The subject must recognize her/himself in the norms of discourse and its ethical and moral commitments. S/he must become subject to those commitments. Participation in a discourse also requires that the subject reconcile the self with others through shared subjection to the same commitments. The process of consensus replaces competition and self-promotion in a market society with a commitment to sustaining shared life. The responsibility for (re)producing everyday life across work groups meant that every day there was a mutual reliance on others for reproducing the self. There is a reciprocal relationship among the objectives of the working groups, discursive procedures and practices, and labor. Within this matrix one comes to recognize her/himself as community. This requires the subject to submerge the “I.” This is not so much to abandon the self, as it is to immerse the self in the ethic of mutual
aid. The *Structure and Process Guide to OWS* reads that “feelings are as important as facts in making a decision.” Within the model of consensus, one must be open to the perspectives of others and be willing to synthesize multiple perspectives with their own. A commitment to this ethic suggests that an “I” must have a willingness to allow others’ concerns rise above theirs. By living this subject position, the subject lives for the community and the lives of others. What’s more, the practice of discourse and the practice of community conflate means and ends. In other words, it is not the end result of what is accomplished, or not accomplished that matters, like the production of value and capital in neoliberal order. What counts is the (re)production of the ethic of mutual aid through the process of consensus—even if there is no consensus formed—and the ongoing activities of the working groups to affirm and sustain life.

The circulation of power through the ontological field of a biopolitical milieu gives rise to a discourse accepted as true and is inscribed on reality through the practices of subjects. Probably the most recognizable discourse to emerge from the Occupy movement is the claim “We are the 99 percent.” Jodi Dean reads the slogan as at once divisional and an assertion of collectivity. She writes that it politicizes the prosperity of the few over the many while also producing a plural collective of a people unified not by identity categories, but through the “divi[sion] between expropriators and expropriated” (386). Citing Judith Butler, Sanford Schram argues that the claim of the 99% enacts a “coalitional politics that brings together diverse people, bound only by their shared disdain for the state’s failures” to protect individual and collective futures (64). He goes on to write that the slogan also suggests “we are also a collective made up of individuals who can come together to solve our own problems when the state fails us” (67). Dean and Schram’s interpretation of the movement and its discourse imagines OWS in a dialectical relationship to the state. Their readings of the 99% slogan conceives it as both
representational, naming a reality, and as a means of seeking recognition. By coming together protesters are politicized agents working antagonistically against the state.

Although these accounts recognize the 99% claim as mobilizing a critical and political discourse, they do not account for the 99% as a practice of “the people” preforming within a new mode of biopolitics. As Greene observes, rhetoric and labor are constituting and life affirming (“Rhetoric and Capitalism” 189). Discourses that arise as truth (re)constitute the subject and her/his life affirming activities within a network of power. Greene locates rhetorical agency within a “domain of communicative labor” that creates value within a biopolitical system of power (189). Within this milieu rhetoric and labor are distributed across a field of power. Both serve to reproduce power and reconstitute the subject within its ontological terrain. Discourse cannot be divorced from the lived activities of the subject nor from power. This suggests that within the Occupy encampments the claim “we are the 99 percent” is, like Dean and Schram understand, a constituting discourse, yet one that is correlative of action and self-reflection. The discourse of the 99%, however, also distributes bodies within a field of power relations. It is not that the claim “we are the 99 percent” could not be made prior to OWS or that divisions between the haves and have-nots could not be argued. OWS rejects neoliberalism, but is not in an antagonistic relationship with neoliberalism. The life affirming practices of mutual aid negate neoliberalism. The discourse of the 99% (re)constitutes the subjects’ self-conscious rejection of neoliberalism and reinforces the practices of this subject within the ethic of mutual aid’s biopolitical terrain. By living the ethic of mutual aid and affirming shared life the encampment makes an alternate reality not only possible, but visible.

The truth of the 99% made visible vis-à-vis the biopolitics of OWS circulated outside the camps and constituted others within this discourse. Neoliberalism’s exploitation of life and the
beneficiaries of that exploitation is made apparent in relief to the practices of living in the camps. That the modes of mutual aid practiced in the camps does not exist in the neoliberal order resonated outside the camps and constituted others within the discourse of the 99%. The encompassing 99% statistic confronts the impersonality of statistics employed by neoliberal biopolitics. As a technology of governance, statistics serve to ensure an appropriate percentage of the population operates within an acceptable bandwidth of activity to sustain neoliberal order. This also means that there is a percentage of the population that will fall outside these margins and is disposable. The discourse of the 99% captures the potential for disposability in the neoliberal order. The tumblr website “We Are the 99 Percent,” for example, invites people to discuss the different ways they live at the cusp of disposability. On this site people post a picture of themselves holding a hand written note explaining their struggles. Thousands of people submitted descriptions that include unpayable medical and student debt, eviction and home foreclosures, the difficulties living with disabilities, holding multiple low wage jobs to pay rent, homelessness, the difficulty finding jobs, and the inability to balance work and child care among many other struggles people confront while living in the neoliberal order. Competition as a guiding principle of neoliberalism places the onus of responsibility for life on the individual. In this order it is the responsibility of the individual to adapt to circumstances outside her/his immediate control, yet effect one’s immediate circumstances, like market ups and downs or the ever-changing flows of capital and production. The posts from many of the people on the tumblr site describe a neoliberal subject whose practices of living are fully imbricated within neoliberalism. The individual identities and struggles that emerge on the site demonstrate the lack of care for life throughout all spaces of the neoliberal order and speak back to the ethic of mutual aid practiced in the camps that reproduce the truth of the 99%.
The new network of power was sustained through bodies practicing mutual aid in Occupy encampments. The organization of bodies in OWS encampments made new connectivities and practices of living possible. The physical site of collected bodies also became a site for the invention of discourses that were made true through the practices in the camps. These discourses and the practice of the mutual aid in the OWS camp constituted a new subject of the 99%. That is, people outside the camps could recognize themselves as this subject because of the collected bodies and practices of living in the camps produced an alternate reality. The communicative and lived practices of subjects of this ethic institutionalize and strengthen its logics and thus increase its value as a competing regime of truth to neoliberalism. In the next section I turn to the protests at the Standing Rock Reservation against the Dakota Access Pipeline. I analyze how the reinstitution of Ceremony, traditional practices of living, produce a mode of governmentality and discourses that are incompatible with neoliberalism and its networks of power.

Ceremony: Water and Oil Clash at Standing Rock

The Standing Rock protests began in April, 2016 when roughly 200 tribal members from several Native American nations established a spiritual camp called Sacred Stone at the proposed site where the Dakota Access Pipeline (DAPL) would cross under the Missouri River. This site was a half-mile north of the Standing Rock Reservation and upstream from the reservation’s water supply. Thousands of Native Americans and their allies, calling themselves “water protectors,” joined the protest and established a number of camps along the proposed DAPL route. The immediate conflict over DAPL was that the placement of the pipeline posed a threat to the water supply for the Standing Rock Reservation and that its route disturbed ancestral and cultural lands. The Native American protesters, who refer to themselves as water protectors, however, situated the conflict within a longer teleology of ongoing colonial oppression of
indigenous persons and ongoing resistance to colonization since first contact in 1492. Included in this narrative is a history of genocide, theft of native lands, historical and continued disregard for treaties and the sovereign status of Tribal nations, the erasure of Native Americans from public view through both the reservation system and a lack of Native history in school curriculum, and ongoing violence and racism from police and from within the criminal justice system. This narrative also includes a history of Native Americans resisting colonial oppression from the battle at Little Big Horn to contemporary indigenous rights movements. By situating Standing Rock within this narrative the struggle is not only about protecting water and native lands, but is also about, and cannot be divorced from, a fight to preserve native history, culture, and traditions.

Life in the camps was organized according to the ethic of Ceremony. A document about joining Standing Rock published by the Indian Country Media Network (ICMN) relates that “Ceremony and prayer are the bedrock of Indigenous peoples’ connection to land and water” ("Joining"). Ceremony encompasses many things. It is the rituals that take place at Standing Rock—singing, prayer, formal presentations of gifts, sweat lodges, community campfires, and meetings. It is also a mode of being. This mode of being is best described as humility and includes humility to others as well as to the earth. The document from ICMN also explains the practices and organization of camp life and thus indicates how humility is observed: be self-sufficient yet share your excess with others; participate willingly in camp by cleaning, picking up trash, cooking, offering to help with projects; “learn by listening and watching;” “listen more than you speak;” respect the leaders’ and elders’ decisions (“Joining”). Importantly too, Ceremony is action. Because Ceremony is humility to the earth and the life sustaining resources it provides such as water, the different political actions taken at the camps as protest against
DAPL are also done in deference to and protection of earth’s resources. This humility to earth is encompassed in many statements from Native protesters like Rachelle Figueroa who argues: “Mother Earth is our Mother. She’s everything. She’s life. She brings life, she takes life. We get everything from her; we get our food, our shelter, our medicines … This is why we’re here” (qtd. in Zambelich). Within this ethic, to protect the earth through the practice of Ceremony makes it a sacred act because water protectors are risking themselves for the protection of the sacred. To protest and resist in a way that sacrifices the self is a grand gesture of humility. Ceremony, as ICMN explains, “recenter[s] Indigenous worldview/practices and leadership” (“Joining”). Ceremony is more than practices, though. It constitutes a subject whose practices are bound within an organizing ethic and relationship to others within the material space of the camp.

Lived practices at Standing Rock resist a history of colonial oppression that in the contemporaneous moment was realized through neoliberal circuits of energy production and consumption. Like with the OWS, Standing Rock articulates an affirmative mode of biopolitics outside the spaces of neoliberal power and thus enacts lived resistance to neoliberal order. The ethic of Ceremony that organized the camps produced a grid of governmentality that instituted political structures, cultivated cultural practices and relations among people, and produced space for a discourse to emerge that reinforced subjectivity to this ethic. Many Native water protectors recognized life at the camps as connecting people to and reclaiming a way of life. Faith Spotted Eagle, a member of the Ihanktonwan Nation, for example, describes Standing Rock as “a process of decolonization” (qtd. in Jaffe).17 Ceanna Horned Eagle, a Nakota and Kickapoo, similarly stated: “Many of our ways – our culture, our way of life, our spirituality, our language – we have lost it slowly … [but] [w]e’re trying to relearn it or to gain it back” (qtd. in Healy). To embody Ceremony reproduces a mode of living that is constantly and continually threatened by colonial
and neoliberal expansion. Humility, as it was practiced in the camps, provides for the lives of those in the camps through acts of sharing and joint labor. Ceremony also (re)connects people to the earth as a provider for life. Many of the kitchens in the camps that fed the water protectors reclaimed traditional diets and prepared food in traditional ways including prayer and rituals that were once part of food preparation (Pember, Godoy). These practices restore relationships of people to the land and the prayer and ritual folded into eating and preparing food reinforce this link. While the conscious decisions of water protectors to center the protests in Ceremony is an act of resistance to colonialism and neoliberal practices of living, the embodied practices of Ceremony produce a field of action and connections among bodies that are positioned outside the encompassing networks of neoliberalism. These practices make it possible for the production and reproduction of regime of truth and a new network of power.

Both the historical teleology within which Standing Rock is placed and the ethic of Ceremony establish a chronotope that instantiates a relationship to space and time different than that found in neoliberalism. In Empire, Hardt and Negri argue that modernity is visible at the threshold of crisis. Modernity relies on an imagined border place with an inside and outside and the construction of the Other (183). Under Empire, however, the spatial configuration of inside/outside no longer exists. Referencing Francis Fukuyama’s claim at the end of the cold war that history is over, Hard and Negri write that what Fukuyama “refers to is the end of the crisis at the center of modernity” (189). Capitalism persists through the expansion of markets. As Hardt and Negri write, “[p]rofits can be generated only though contact, engagement, interchange, and commerce” (190). Neoliberalism reproduces capitalist markets and economic subjects by constantly adapting to people, places, cultural practices, and discourses and folding them into neoliberal circuits through contact. Neoliberalism (re)produces its power through the continued
practices of economic subjects that reinforce connectivities within the networks of power. Practices, connections, and energies are directed from moment to moment to meet the ever-changing needs of capitalism. This not only includes the generation and flows of capital, but also the labor and practices required to sustain capitalism. Neoliberalism attempts to erase the inside/outside binary by incorporating all of life’s practices to sustaining neoliberal power. Time is constructed through meeting neoliberalism’s imminent needs. To be sure, a history of events can be plotted on a timeline and causal relationships can be connected, but there is no history in neoliberal order because its imminence negates the past.

The chronotope established at Standing Rock situates the protest as occurring within a particular place and time, yet recognizes the protest as existing through time and across space. Jordynn Jack writes that chronotopes shape reality on an epistemic level and “help us to create meaning” (67). The “relationship between space and time,” she continues, “is always value-oriented, reflecting societal assumptions about the place of human individuals in space and time and the type of action allowed within that space and time” (67). Within the Standing Rock chronotope DAPL is not an isolated attack on Native rights and life. The pipeline, instead, is recognized as part of a continuing erasure of indigenous peoples through the destruction of land and resources required for Native Americans to live and practice life according to indigenous traditions. The ICNM document, for example, states that “[i]ndigenous history in the Americas is one of uninterrupted resistance to colonization” (“Joining”). This teleology does not recognize situational differences across conflicts between indigenous people and U.S. territorial and corporate expansion. Instead, sites of resistance are encompassed within attempts to maintain life according to Ceremony’s regime of truth.
This chronotope invites a discourse that not only reaffirms the teleological narrative, but also constitutes a subject in relationship to this narrative. It provides purpose for the protests while placing individuals in this history. In an op-ed in the *New York Times* David Archambault II, chairman of the Standing Rock Sioux tribe at the time the piece was published, wrote that “[w]hether it’s gold from the Black Hills or hydropower from the Missouri or oil pipelines that threaten our ancestral inheritance, the tribes have always paid the price for American prosperity.” Similarly explaining a felt connection to past injustices and why he remains at Sacred Stone camp, Lee Plenty Wolf, an Ogala Lakota, stated: “Usually I get up and I look to the east to pray. You know, even if it’s a small prayer. But [on the third morning I was here], I glanced at the east, and I looked to the north, and the first vision that came to me was Wounded Knee, the first massacre” (insertion in original, qtd. in Zambelich). Both Archambault’s and Plenty Wolf’s statements suggest that different events are not separated by time, rather devastation of native lands and life through time are a collective whole. Whether acts were committed against ancestors as at Wounded Knee or directly against them, as when the Missouri River was dammed in 1958 and the forests and hunting grounds on Standing Rock Reservation were flooded, the continuation of native relationships to the earth and life is disrupted. The statements, similar among indigenous water protectors, reinforce the practices at camp as the preservation of life and requires a sustained commitment to preservation.

The chronotope instantiated at Standing Rock also correlates to and reproduces the practices and logics of Ceremony. Ceremony is not confined to ritual acts. It is a continual mode of being in which practices are not independent of each other, but continual. To live the ethic of Ceremony requires recognition of one’s relationship to the earth and the earth as provider of everything needed to sustain life. Living Ceremony is a continuous recognition of this
relationship and connects moments and acts to both the past and the future. This is not a causal relationship, but a through-line and is tacit in statements by water protectors. Thayliyah Henry-Suppah, Paiute of Oregon, relates that during her time at Standing Rock she keeps with her a proverb: “Treat the earth well. It was not given to you by your parents. It was loaned to you by your children” (qtd. in Healy). In speaking about why it was important to bring his daughter Kinehshe’ to Standing Rock, Joseph Marshall, of the Hoopa Valley tribe, also implies connections through time stating: “I’ve been telling her since she was a little person that she’s the storyteller … When we’re all gone, she’s going to be the one telling the story” (qtd. in Healy). Joe Amik Syrette, Anishinaabek of Michigan, compares the life Mother Earth brings through water to the life women give through blood stating he is at Standing Rock to honor the women who give life “[s]tarting with my ancestors, to my grandmother, my mother, my wife, my sister, my daughters” (qtd. in Healy). The practices and traditions that were reclaimed and taught at the camps are part of the continuation of Ceremony. The stories of resistance, as suggested in Joseph Marshall’s statement, grow across time and through generations. Each generation continues the story. It creates a felt connection to one’s ancestors, as Joe Amik Syrette’s statement implies, and a responsibility to future generations, as Thayliyah Henry Suppah’s proverb insists. The brief moment in time and the site of Standing Rock is only part of a larger, ongoing whole.

The felt connection through time reinforces a subjectivity formed through the ethic of Ceremony. The narrative of resistance to colonialism across time corresponds with the importance placed on the generational through-line. The narrative heightens the importance and necessity of Ceremony and produces a subject who is at once incorporated into a tradition and sets of lived practices and who is also in a resistant relationship to multiple forms of colonizing
power. In the case of Standing Rock, colonizing power materializes through neoliberal energy markets that includes the extraction and transfer of oil to meet energy demands for the production of goods and practices of living in the neoliberal order. Within this chronotope, the practice of Ceremony at Standing Rock reifies a relationship to the earth that recognizes the earth as life giving and, like a way of life dependent on the earth, is something in need of protection. The lived practice of Ceremony and the biopolitics of the camp is something that cannot be separated from a lived connection to the land and a history of colonial advances that erase that life.

The interrelatedness of Ceremony, the teleology of colonialism, and governmentality at Standing Rock gives rise to a discourse that cannot interact with neoliberal discourses. This discourse, like the OWS discourse, circulates through the connective networks of people that make up the camps and constitutes people through the life affirming labor and practices of living of the camp. In the Standing Rock camps discourses of water act as a synecdoche in the reproduction of Ceremony’s commitments. Alexander Howland, an Apache from New Mexico, states: “We are made up of water, we are born in water, we come from water. Water is an essence of our being … it means life, it means unity, it means one people, it means all these things because we’re all connected” (qtd. in Zambelich). In Howland’s statement water both reaffirms one’s spiritual relationship to the earth and reinforces the lived connection to others while also acknowledging the humility that all rely on the same source for life. Similarly, Caro Gonzales states: “We’re fighting for ourselves, and we’re fighting for our Mother Earth, and that’s one and the same” (qtd. in van Gelder). The explicit connections made between people and the earth reaffirm the relationships found in the ethic of Ceremony and is echoed throughout the movement’s rallying calls “water is life” and “we are water.” The repetition of this discourse
reinscribes and circulates a truth existing within the ethics of Ceremony that people cannot be
divorced from the earth because the earth provides life. The practices of living in the camps, the
labor to sustain life, and the discourses that reaffirm logics of Ceremony produce a biopolitical
milieu that affirms a way of living in the world. That is, the organization of bodies and collected
practices at Standing Rock produced life and social being. Within the biopolitical regime the
water discourses recommitted subjects to the ethics and practices of Ceremony and the
affirmation of life through humility to others and the earth.

While the practices of living Ceremony at Standing Rock resist neoliberalism and while
the immediacy of Standing Rock’s fight may be antagonistic to neoliberalism and oil production,
Ceremony and the water discourses that reaffirm and circulate Ceremony’s logics exist outside
of neoliberalism. Proponents of DAPL point to the economic benefits of the pipeline including
state and local tax revenues and job creation. Mark Green, who writes for Energy Tomorrow, a
public relations mouthpiece for the American Petroleum Institute, explains these economic
benefits in what he describes as “human, economic terms.” He writes: “Each job is the
economic lifeline for an individual and/or family, thousands of them.” He continues that to the
workers DAPL “represents wages, healthcare, and contributions to retirement programs.”
Green’s “human economics” offers a stark contrast to the preservation of life found in the ethic
of Ceremony at Standing Rock. The practice of humility to the earth and others that is part of
Ceremony organizes labor and social relations that sustains life in the camps and through time.
Green’s description of the benefits of the project depicts a way of life that necessarily requires
one to sell her/his labor to affirm and reproduce life. Wages, healthcare, and retirement are
accessed by the individual through labor. There is not space for cooperative community in a
governing order that individuates labor and necessities that individual labor is the vehicle for reproducing the self and life.

Proponents of DAPL also situate its construction within risk/reward logics. In an interview on the PBS News Hour Kelcy Warren, the CEO of Energy Transfer Partners, the firm behind DAPL, repeatedly insisted that the chance of a leak was minimal stating that “I think the likelihood of a spill into Lake Oahe is just extremely remote.” Warren also correlates the risk of an oil spill to that of airline crashes stating that he “can’t promise that [there will not be a leak], but that – no one would get on airplanes if they thought they were going to crash.” Warren is not stating that the risk of a crash and a spill are the same. His comment betrays a way of thinking within a risk/reward paradigm that accepts the inevitably of negative consequences—planes crash, pipelines leak and spill—and yet continues because the benefits outweigh the damage of the risk. Other proponents, like Bradley A. Blakeman writing for The Hill, a conservative news website covering politics in Washington, weighs DAPL against other methods of transporting the oil arguing that “pipelines are the safest mode of transporting crude oil.” The Wall Street Journal editorial board makes the same risk argument writing that because there are more oil-spill accidents when oil is transported by rail, as the Bakken oil was prior to DAPL, DAPL represents “a victory for the environment and public safety.” These statements from proponents all weigh the risk of contaminating the Standing Rock Reservation’s water supply against the economic benefits of oil production. In this risk/reward calculus, risk is to the culture and bodies of members of the Standing Rock Tribe and the reward is conceived in economic and industrial terms. The risk/reward logics employ the mathematical *topos* of neoliberalism to construct arguments in support of DAPL. It weighs metrics of tax revenue and job numbers against percentages of the chance of leaks in the pipeline. The risk/reward logics also appropriate
science and engineering for its ends. That is, environmental science and engineering are included in calculating the cost of cleaning up a spill by taking into account the amount of damage that could be done to agricultural and grazing land and well as river and water systems, and the safety standards, methods, best practices, and construction of pipelines. Risk/reward uses comparative analyses in making project decisions. The ethic of Ceremony eschews economics, science, and engineering appropriated for the benefit of capitalism because its logics are not compatible with the logics, methods of analysis and argument, and discourses of risk/reward. Ceremony places people and bodies in nature. To harm nature is to harm the body and life. The organization of bodies at Standing Rock made Ceremony possible and created circuits for living and modes of agency within the camps that are incompatible with and cannot be appropriated by neoliberalism and its logics. In the next section I use both Occupy Wall Street and Standing Rock to theorize how to intervene in the neoliberal milieu and produce new opportunities for agency and subjectivity that resist and operate outside neoliberal order.

**The Will of the People: Changing Power through New Subjectivities and Agencies**

The camps at both Occupy Wall Street and Standing Rock operated according to their own grids of governmentality. These were sites in which new modes of biopolitics emerged to organize bodies into productive networks of power that affirmed and reproduced life according to the organizing logics of each encampment. Reciprocally, the new networks of power were sustained through bodies practicing mutual aid and the ethics of Ceremony in the place and time of the encampments. Jeffrey T. Nealon writes that for Foucault “it’s the actions that make agents, rather than vice versa” (101). This suggests that agency is not practiced by individuals or the individual showing up to protest. Instead, agency is made possible by the collection of bodies in a place. Power, as Foucault notes in “Truth and Power,” is generative and “needs to be
considered as a productive network that runs through the whole social body” (153). The ethic of mutual aid at the OWS camp and Ceremony at Standing Rock produced a field of relations that provided opportunities for certain kinds of behaviors while foreclosing possibilities for others. New agencies emerged within the milieu of each camp that reproduced their organizing logics. The collective practices of individual bodies institutionalized, if only temporarily, and rearticulated a regime of truth that not only resists neoliberalism, but also, and more importantly, operated outside its reach.

The new agencies formed through the biopolitical milieus of the camps illuminate possibilities for theorizing and enacting resistance to neoliberalism on a broad scale. Power is (re)generated through the actions of people within its networks. The individuals living and reproducing life at the camps became Foucault’s concept of “the people” through their refusal to be part of the neoliberal population and refusal to be the objects of neoliberalism’s technologies of governance. Which is to say, they refused to be managed through an incentive-driven milieu. Practices of living at the camps produced a new world and a new ontological reality. In the all-inclusive spaces of neoliberalism, the camps forged a new place through the relationships and connectivities among people and the lived relationships to and within the immediate material environment. Through the (re)production of life at these sites the people were constituted as active subjects of an alternate regime of truth. These regimes of truth were supported and extended through the production and circulation of discourses that reconstitute subjects and their practices and reaffirm the logics of the alternative regimes of truth. Resistance to neoliberalism derives from constructing new sites of labor, activity, and rhetoric that produce the potential to enact alternative realities and futures beyond neoliberalism’s operational logics.
One way to begin thinking about a project such as this is to address what Foucault describes as “the will of the people.” In an interview about the Iranian Revolution of 1979, Foucault conceives of the revolutionary event as different than what he considers a traditional sense of revolution in which an uprising of the people overthrows a repressive government. For Foucault, the revolutionary act was not the overthrow of the state, rather it was the manifestation of the collective will of the people. The revolution was not confronting class struggle or economic angst. It was, according to Foucault, singularly directed at rejecting the state. For the revolution to occur it required the people to disarticulate themselves form the state and their constitution within an entire system of power. The people, Foucault writes, had to change themselves and their “way of being, [their] relationship with others, with things, with eternity, with God, etc.” (217-218). The revolutionary aspect of this change was not only that the Iranians “radically change[d] their subjectivity,” but, and perhaps more importantly, that the transformation of self into a new regime of truth happened collectively and all at once. The collective change in a people institutionalized a new regime of truth through the constitution of a new state with new relations of power and logics that produced a new reality. Similar subjective transformations occurred at the OWS camp and at Standing Rock. To sustain the camps required the protesters to be constituted within the ethic of mutual aid or by the ethics of Ceremony and to reproduce those ethics through lived practices and discourses. The camps constructed a space in which a new reality was forged and possibilities for new worlds emerged. In the case of the Iranian Revolution, an entire system of power was replaced by an entirely different regime of truth.

For Foucault, religion played no small role in the success of the revolution. He likened the demonstrations against the government in Iran to that of a Greek tragedy in which the
ceremonies of the play and religious principles are intertwined stating: “There was in these demonstrations a link between collective action, religious ritual, and an expression of public right … In the streets of Tehran there was an act, a political and juridical act, carried out collectively within religious rituals” (216). Because the demonstrations occurred within the spiritual ethic of Shi’ism that existed outside the Shah’s governing regime, the movement against the Shah could not be coopted by or incorporated into the existing regime of truth. Foucault suggests that the abrupt transformation in subjectivity was possible because “traditional Islamic practice was already there and already gave [Iranians] their identity” (218). Shi’ism became a revolutionary force because it existed among the people already and provided a ready regime of truth within which Iranians could “renew their entire existence” (218). Power is not absolute. There are always competing knowledges and discourses. In Iran, the collective transformation of a people upended the dominant order and supplanted it with another that already existed in the social and cultural fabric.

Foucault’s interpretation of the Iranian Revolution provides a lens for theorizing the possibilities provided by OWS and Standing Rock. Resistance to neoliberal power will come from changing the will of the people. This means creating opportunities for radical and collective transformation of subjectivities and the production of a grid of governmentality that generates possibilities for new agencies and communicative labor that coordinate social action and produce value for new regime, or regimes, of truth. Although the Iranian Revolution occurred over the span of a year, Shi’ism’s truths—practices of its spirituality and relationships that manifest through its ethic—preceded the revolution. The regime of truth circulated through and across social and cultural spaces and already had currency within the Iranian population.
The legacy of OWS and Standing Rock exceed the moments and spaces in which the camps operated. The governing logics that organized bodies, practices of living, and discourses extend and persist beyond the life of the immediate protests. The continued circulations of their logics through practices and discourses maintain their currencies as an alternate regimes of truth. Occupy Homes, for example, disperses OWS’s ethic of mutual aid across multiple sites. This movement, which is an outgrowth of OWS, aids homeowners facing foreclosure and eviction stemming from the housing market crash. In cities nation-wide Occupy Homes groups participate in direct action to prevent foreclosures and eviction within their communities. Tactics include protesting at local branches of banks foreclosing on homeowners, disrupting auctions of foreclosed homes, creating blockades and occupying homes to prevent evictions, and taking over and furnishing abandoned bank-owned properties and reclaiming them as places for evicted families to live (Gottesdiener). Groups such as Occupy Homes Minnesota go further by providing assistance with refinance paperwork or legal aid for court hearings in efforts to prevent foreclosure (Pason). These actions circulate the ethic of mutual aid into diverse spaces of institutionalized neoliberal governance like the legal system, banks, and in interactions with law enforcement tasked with carrying out evictions. Perhaps more importantly, the ethic of mutual aid is brought “home” as sites of engagement move into neighborhoods across social strata. Amy Pason points out that these latest housing rights fights are different than previous housing rights movements because many “victims of this latest recession are those considered to be housing secure: middle class, with skilled labor, union, or public service jobs” (107). The continued practices of mutual aid by the individuals that make up Occupy Homes groups preserve and extend the organizing logics and discourses of this order. The ethics of Ceremony that organized life at Standing Rock also exceed the time and place of the protest and distribute its practices and
circulate its logics to multiple sites. Since Standing Rock several protest camps against pipelines have emerged across the country from Washington state to Pennsylvania to Louisiana and Texas (Brady, Bullington). Though these camps are not nearly as large as Standing Rock and are not gathering as much media attention, the protesters continue to call themselves “water protectors” and circulate and reify the subjective relationships of people to the earth through the water is life discourses.

Each of these new sites in which mutual aid or in which the ethics of Ceremony are articulated have their own local circumstances they address, yet they are connected across space through shared commitments. Viewing the rearticulations of OWS and Standing Rock though Catherine Chaput’s model of rhetorical circulation recognizes the transsituational and transhistorical character of their forms of power. The knowledges and discourses of these regimes of truth manifest in and are reproduced at sites in which their ethics are threatened such as foreclosed homes and various sites of fossil fuel production. Over time, the embodied actions of subjects living and practicing the ethical commitments of these alternative regimes of truth produce value and reinforce and extend these alternative networks of power. The resistance and challenge to neoliberal power emerges through the relationships among subjectivities, practices of living, coordinated social action, and discourses organized by the alternative regimes of truth. And, much like the collective will of the Iranians that manifest through Shi’ism, these alternative regimes of truth circulate outside the reaches of the dominant order. Resistance to neoliberalism is realized through new modes of biopolitics connecting bodies and practices into new networks of power that are incompatible with neoliberalism. A commitment to biopolitics invites rhetoricians to consider the possibilities of Ronald Walter Greene’s materialist-communicative model that imagines “rhetorical agency as a form of living labor” that creates value within a
biopolitical network of power ("Rhetoric and Capitalism" 189). Such a focus recognizes the interrelatedness of labor, practices of living, and rhetoric and how they are organized within a grid of governmentality.

This project of resistance requires ontological interventions within the spaces of neoliberalism. Greene recognizes that capitalism harnesses the labor of social cooperation for the production of value within its networks (201). Communicative labor (re)constitutes subjects and their practices for capitalism’s ends. Practices of living and discourses reinforce each other and the logics of power and cannot be separated within a biopolitical milieu. The goal of resisting neoliberalism is not only to disrupt neoliberal order and markets, as with occupying a house or halting progress on a pipeline, but also to forge a space in which alternative modes of being and subjectivities can be practiced. The discourses that emerge from these new spaces gain currency as they induce cooperation among subjects practicing an alternative order and gain currency as they unite disparate sites and agencies into new, decentralized and productive networks of power. The uneven distribution of neoliberalism provides multiple sites for intervention. Neoliberal biopolitics’ exploitation of labor and life for the production of capital enacts dispossession across many of life’s spaces. Occupy Homes, for example, locates sites of intervention in the dispossession inherent in the housing market. That dispossession is a feature of neoliberalism, the forms it takes across space and time are inconsistent. The “human economics” in Mark Green’s article on Energy Tomorrow’s webpage, quoted above, illustrates a felt and understood reality of neoliberalism’s fundamental dispossession. His humanistic appeals for the jobs DAPL provides only carries currency within the logics of a regime of truth that makes life disposable and one in which his audience knows this situation to be true. Dispossession differently affects people and communities according to their relationships to and
within the flows of capital. This calls for local action within the contexts of dispossession at a specific site. Yet, like with Occupy Homes, interventions cannot only disrupt neoliberal markets, they must also provide opportunities to practice new modes of subjectivity and circulate and extend (re)constituting discourses that are both incompatible with neoliberalism’s logics and reproduce the ethic that organizes this new subject and her/his practices.

Many scholars suggest that the way to resist neoliberalism is to restore the commons. David Harvey, for example, has a conception of the commons that imagines cities and local sites held in common and governed by the people in that place and time rather than through neoliberal governing logics. Jodi Dean invokes the common through an examination of the “collectivity” of OWS. She argues that “Occupy enabled us to imagine and enact a new subject that is collective and engaged” (382). In this iteration of the common, like Harvey’s, the common is realized through cooperative social and political action. To resist neoliberalism through advancing new modes of biopolitical power requires also articulating a regime of truth that preserves and affirms life through collective labor and cooperative social action. Manifestations of life affirming and preserving biopolitics are visible at both OWS and Standing Rock. There are multiple possibilities for commitments to life to materialize and be practiced jointly. Neoliberalism’s mutability allows it to manifest differently across space and time, yet these manifestations and its connections across its networks are united through the logics of its regime of truth. It harnesses life to produce and extend markets and capital. Multiple overlapping modes of biopolitics can exist simultaneously and in concert united under logics in which labor, social action, and discourse reaffirm and reproduce a commitment to life. To be sure, the project of changing the will of the people through organizing, incorporating, and habituating bodies into spaces in which alternative agencies and discourses circulate is a long-term project. But, we can never escape
power. We can only ever move from one field of power to another. The Iranian Revolution was successful because a new governing rationality was already present and capable of absorbing the Iranian people. The ongoing project of neoliberalism is decades old. To resist neoliberalism requires producing, extending, and securing alternative biopolitical milieus committed to multiple possibilities for providing for, affirming, and (re)producing life. It requires making these alternative biopolitical milieus available in multiple spaces of life’s so that over time and across space people are habituated to new subjectivities and practices of being. Promoting life-affirming logics in whatever form it takes changes the practices of bodies and forms a people whose will produces an entirely new existence and world.

**Conclusion**

This dissertation began with a recognition that the scenes of rights debates and discourses are under transition in the neoliberal era. Unlike liberalism in which rights are fixed within a national framework, in the neoliberal order rights are realigned within the flows of global capitalism’s fluidity and flexibility. One whose skills and knowledges are important to the global economy gain access to protections, benefits, and economic rewards. People and populations who do not fit within the spaces of capital are excluded from benefits and protections. The changing spaces of inclusion and exclusion result from a seismic shift in the landscape of labor, lived practices, and communicative action. These formerly distinct domains of activity are eclipsed by economic and market logics. As such, as Ronald Walter Greene and Catherine Chaput observe, all of life’s activities are harnessed by capitalism for the production of value. The intensification of neoliberal order and power throughout these domains increases connectivity among them and reproduces neoliberalism’s organizing logics and power within them. As neoliberal power circulates through these diverse contexts it creates new ontological
realities that produce economic subjects, transforms spaces of social action, and mobilizes discourses that affirm the logics of neoliberalism. By affecting and inflecting these spaces of activity with economic rationality, neoliberalism makes market logics and economic behaviors seemingly natural. The practices and behaviors of economic subjects articulate neoliberalism’s logics onto the built and natural environment which reciprocally articulates neoliberalism’s logics back to the subject. As Foucault observes, this subject accepts economic being as reality and is the “correlate of [neoliberal] governmentality” (Biopolitics 270-271). Neoliberalism’s interventions across the spaces of lived being constitutes an economic subject, transforms the public sphere, and alters the function of rhetoric.

The foundational restructuring wrought by neoliberalism redistributes rights and recognitions across its ever-changing spaces and the domains through which its logics and discourses traverse. This neoliberal landscape exceeds rhetoric’s models of deliberative political discourse that imagine appropriate rhetorical choices persuades political action within bounded sites of discourse. Rhetorical agency is conceived as political communication. As Ronald Walter Greene points out, when these models “rub against” neoliberalism critical rhetoricians are left with “permanent anxiety over the meaning and potential of rhetorical agency” (188). He continues that what is left for rhetorical critics and theorists is to become “moral entrepreneurs scolding, correcting, and encouraging the body politic to improve the quality and quantity for political participation” (189). Greene’s description suggests that the work of rhetoricians employing traditional models of theory and criticism occurs at the boundaries of inclusion and exclusion. Rhetoricians study and promote strategies and tactics for political agency in which actors can speak, be heard, and perhaps affect change. The goal is to reclaim and/or forge discursive spaces in from which authority can be addressed with consequence and be held
accountable. Within the porous boundaries of the neoliberal order, however, power is diffuse. The decentered structure of neoliberalism means there is not a single locus of power or a single site at which to direct appeals or rhetorical action. And, as Catherine Chaput argues, neoliberal power manifests and is extended through everyday practices in multiple domains of life (20). Neoliberalism appropriates much from liberalism, yet exceeds its order and bounds. Rhetoricians concerned with addressing how arguments are produced, taken up, and affect action in an era shaped by neoliberal power and rationality must adapt theory and criticism predicated on liberal principles to meet the dynamic, multiple, and intertwined spaces of neoliberal power, capitalism, and rhetoric. That is, it is not that traditional models and theories for rhetorical criticism are not useful or relevant, it is that they must be supplemented with rhetorical models and theories that recognizes rhetorical agency as a productive energy circulating through networks of power.

In an era governed by neoliberal biopolitics, rhetoricians cannot separate discourse from the flows of power throughout the spaces of labor, social (inter)action, and lived activities. Rhetoric is an organizing force within a biopolitical milieu. It affirms governing logics and extends power by (re)constituting subjects whose lived practices (re)produce power in material environments and whose communicative practices and social interaction circulate and reify dominant logics. Rhetorical interventions that do not account for a dynamic relationship among discourse, subjects, and lived practices risk rhetorical interventions being coopted and made useful within the flows of neoliberalism. As such, rhetorical interventions in the neoliberal order must also intervene in the practices of subjects and the relationships within a site. Neoliberal order redistributes power across bodies and sites constituting economic subjects, structurally transforming the public sphere, and harnessing rhetoric as a governing technology within neoliberal order. The decades-long project of neoliberalism has established an order in which its
energies increase and accelerate to the point where its power materializes in the moment leveraging subjects, the organization of the public sphere, and discourses to secure and (re)produce its power. Resistance to this order through alternative modes of biopolitics like those found at OWS and Standing Rock are still in their infancy. The work ahead for rhetoricians is to distribute discourses unified under collective life-affirming logics across sites and forge spaces of social and communicative labor that alter lived practices and produce new agencies that (re)produce a new order. This focus does not abandon rhetorical theory and models ground in liberalism, rather is makes them useful in a new project that creates possibilities for imaging and realizing collective futures.

13 My focus on the Occupy Wall Street camps is limited to Zuccotti Park in New York City. This is in part because national media coverage of Occupy Wall Street was directed at this site and also in part because the internet presence of the General Assembly form Zuccotti Park provides “official” documents and proclamations approved through consensus at General Assembly meetings. I also focus on a single site because Occupy encampments, while sharing many similarities, were localized and addressed specific needs/concerns in their immediate contexts. I should also point out that my analysis of OWS in Zuccotti Park is an examination of its biopolitics, governance, and discourses in an ideal state. That is, because my purpose is to examine its biopolitics as a mode of governance outside neoliberalism, I do not address problems or issues within the camp like rogue drum circles or complaints of inaction of the General Assembly (McCardle).

14 Kelly E. Happe also interprets OWS as an expression of an “affirmative biopolitics … grappling with the peculiarities and contradictions of globalized capitalism and neoliberal culture” (214). She argues that the biopolitics practiced at Zuccotti Park opened possibilities to practice a form of ethical parrhēsia in which the precarity of the bodies at the encampments produced rhetorical openings that confront the limits of neoliberal economic order and which produce possibilities for future systems.

15 The ethic of mutual aid and the horizontal organization of OWS stem from grassroots principles of anarchism. Early movement organizers such as David Graeber drew on these principles of cooperation and collaboration because of its opposition to neoliberalism. For more see David Graeber “Occupy Wall Street RedisCOVERS the Radical Imagination” and Nathan Schneider “Thank You, Anarchists.”

16 The pipeline, now operational, is capable of transporting over 500,000 barrels of crude oil a day from the Bakken oil field in North Dakota. The oil is sent to a refinery in Illinois where it is then sent via pipeline to the Gulf Coast where it can be sold for more money (Washington Post Editorial Board, Levin). The initial route for the pipeline proposed crossing the Missouri River farther north near Bismarck, North Dakota. The proposed route was rejected because a spill
would threaten the water supply of Bismarck, a city that is over 90% white; a fact that did not go unnoticed by protesters at Standing Rock (Dalrymple, Raphael).

Throughout this section, when possible, I include the names of tribes and clans to which the people I’m quoting belong. This comes from a request from the Indian Country Media Network for people writing about Standing Rock and other issues related to indigenous communities. It is, as Chelsey Luger, an Anishinaabe and Lakota, the article’s author writes, a way to treat Native persons with dignity and recognize differences among indigenous people, tribes, and nations.

The American Petroleum Institute is a trade association representing all aspects of the oil and natural gas industries. The “Who We Are” Page on Energy Tomorrow’s website relates that the American Petroleum Institute not only lobbies Congress and the Executive Branch of the federal government as well as state governments in attempts to enact policy, but also engages in public outreach to “speak for the petroleum industry.” That is, their mission is two-fold: to shape public perceptions and knowledge in favor of oil and gas industries and to influence state and federal policy to enact legislation favorable to oil and gas.
Works Cited


