Cluster Introduction: Culture, Knowledge, Law, and Community Countering New Sovereignty with Knowledge

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Available at: https://works.bepress.com/sumi-cho/4/
"Sovereignty," as used in this introduction to the cluster of articles on Culture, Knowledge, Law and Community, refers to a form of both social identity and political organization. We use the concept of sovereignty and "new sovereignty" to provide a broader lens through which to analyze the set of articles in this cluster addressing topical issues of knowledge production, power dynamics, culture and structure. Although LatCrit, in its fifteen years of existence, has produced an impressive body of critical scholarship using a multiply intersectional racial lens that transcends the dominant white over black framing, we argue that in the next fifteen years (and beyond) LatCrit must continue to globalize its theorizing of subaltern standards of justice outside of the actual and imaginary border of the nation-state due to two undeniable forces—1) global neoliberalism; and 2) the decline of the U.S. as the unipolar hyperpower in the existing world-system. In this introductory essay, we first will explore the concepts of "sovereignty" and "new sovereignty," then discuss how LatCrit scholars are attempting to counter new sovereignty's proselytizing imperative of global neoliberalism.

1. We borrow the term "global neoliberalism" from radical economists theorizing "social structures of accumulation" or "SSA" who argue that contemporary capitalism is best understood as reflecting the rise of both neoliberalism and global economic integration commonly referred to as "globalization." David M. Kotz & Terrence McDonough, Global Neoliberalism and the Contemporary Social Structure of Accumulation, in CONTEMPORARY CAPITALISM AND ITS CRISES: SOCIAL STRUCTURE OF ACCUMULATION THEORY FOR THE 21ST CENTURY 94–96 (Terrence McDonough, Michael Reich, and David M. Kotz, eds., 2010) [hereinafter CONTEMPORARY CAPITALISM]. The authors define neoliberalism as "a coherent, multileveled entity whose core features include political-economic institutions, policies, theories, and ideology. . . . Neoliberal ideology is marked by glorification of individual choice, markets, and private property; a view of the state as inherently an enemy of individual freedom and economic efficiency; and an extreme individualist conception of society." Id. at 94. Social scientists speak of global neoliberalism as manifesting in two ways. Global neoliberalism exists at the transnational level through international institutions such as the World Bank, World Trade Organization, and International Monetary Fund. Global neoliberalism also can be understood as the spread (uneven as it has been) of neoliberal policies adopted by individual nation-states—most comprehensively throughout the former socialist eastern and central European countries, and most significantly in developed capitalist countries such as the U.K. and the United States. Id. at 113-116.

The concept of "new sovereignty" suggests a transmutation of "national sovereignty" in the wake of global neoliberalism. Ronnie Lipschutz has argued that national sovereignty is being redefined so that all economic, social, and political entities—including nation-states—are subjects of "imperium." This redefinition means that under "new sovereignty," a state's obligation is not first and foremost to protect inhabitants within its boundaries from outside aggression through deployments of law and violence. Rather, new sovereignty obligates a state to operationalize its regulatory and legal framework toward protecting the system of global neoliberalism against those who seek its disruption. Those nation-states who refuse this new obligation may be viewed as "failed," "rogue," or simply "evil" and are subject to "regime change."

In light of the "new sovereignty," it is even more urgent that critical theorists, such as LatCrit scholars, maintain a vigorous and sustained critique of the production of (hegemonic) knowledge that underwrites the new sovereign obligations of states within the world economic system. Critical scholars must be vigilant to reveal the deployments of law and culture in the service of new sovereignty's imperatives. The challenge here may be in recognizing the contemporary forms of "social structures of accumulation" that pervade mainstream culture to produce a "common sense" of regulatory, legal, and cultural frameworks to promote global neoliberal policies that benefit core elites and further isolate and impoverish "peripheral" communities. The essays in this cluster are suited to this

3. Ronnie Lipschutz uses the term "imperium" rather than empire to refer to "the nature of command through rules and rule rather than control of territories outside the imperial core." RONNIE D. LIPSCHUTZ, THE CONSTITUTION OF IMPERIUM 1 (2009).
4. Id. at 92.
5. Radical economists refer to "social structures of accumulation" to describe the "invisible handshake" between capital and labor, and between capital and civil society. DAVID GORDON, RICHARD EDWARDS & MICHAEL REICH, SEGMENTED WORK, DIVIDED WORKERS: THE HISTORICAL TRANSFORMATION OF LABOR IN THE UNITED STATES 25-27 (1982). The authors originally describe social structures of accumulation as follows:

We understand the capital accumulation process to be the microeconomic activity of profit-seeking and reinvestment. This activity is carried on by individual capitalists (or firms) employing specific workforces and operating within a given institutional environment. . . .

The inner boundary of the social structure of accumulation, then, divides the capital accumulation process itself (the profit-making activities of individual capitalists) from the institutional (social, political, legal, cultural and market) context within which it occurs.

Id. See also Samuel Bowles et al., Beyond the Waste Land (1984) (hereinafter Bowles et al., Beyond the Wasteland); Samuel Bowles et al., After the Waste Land (1989); Robert Helibroner, The Nature and Logic of Capitalism (1985); Social Structures of Accumulation: the Political Economy of Growth and Crisis (David Kotz et al., eds. 1994). In a revisit of SSA, radical economists reframe SSA as a "coherent institutional structure that support capitalists profit-making and also provides a framework for accumulation of capital." MARTIN H. WOLFSOHN & DAVID M. KOTZ, A RECONCEPTUALIZATION OF SOCIAL STRUCTURE OF ACCUMULATION THEORY, IN CONTEMPORARY CAPITALISM, supra note 1, at 79.

6. This reference to the periphery draws from Immanuel Wallerstein's conceptualization of the modern world economy and its forces and relations of production which encompass "core" and "peripheral" zones. Core zones are characterized by more monopolistic and therefore, profitable processes, and peripheral zones are characterized by more competitive and less profitable processes. Capital accumulation on the basis of unequal exchange is the result of the systematic appropriation, transformation, and transfer of surplus from peripheral zones to more technologically advanced core zones. IMMANUEL WALLERSTEIN, THE MODERN WORLD SYSTEM I: CAPITALIST AGRICULTURE AND THE ORIGINS OF THE EUROPEAN WORLD-ECONOMY IN THE SIXTEENTH CENTURY xxiv-xxv; 224-345 (2011).
critical project in the way they share an appreciation of the global and/or universalist forces acting "within the belly of the beast."

Christine Zuni Cruz' essay, *Lines of Tribe,* promotes an Indigenous Legal Tradition ("ILT") that is consistent with the approach demanded under conditions of new sovereignty. Rather than adopt a modernist and universal understanding of law and knowledge as severable from community and culture, Zuni Cruz forwards a conceptualization of ILT as inextricably linked to land, language, and culture of a people. To understand ILT, one must see it as situated within a frame of Indigenous Knowledge, which derives from the land and a people connected through origin stories. In this sense, Indigenous Knowledge emerges from an "ecologic order" that considers legal questions such as who belongs in the context of communal traditions, relationships, responsibilities, and obligations to promote the survival of indigenous people and their lands.

With this understanding of the relationship between law, knowledge, culture and community, Zuni Cruz tackles the thorny issue of indigenous identity that results from "membership wars" such as disputes about disenrollment of previously enrolled tribal members, non-recognition of those seeking membership, or disagreements over criteria for tribal membership. Zuni Cruz wisely decides against a purely common law approach to the question of indigenous membership (such as an analysis of the various ways in which courts have determined tribal membership using blood quantum), opting instead to broaden her inquiry to the question of indigenous identity, invoking not only legal identity (i.e., that which tribal membership rules, courts, and agencies have determined), but also what other critical scholars have defined as "performative identity."

Like Yen Le Espiritu's conceptualization of "panethnicity," Cruz's consideration of indigenous identity has both externally-structured as well as internally-generated facets. Indigenous identity must of course be understood within the historic context of white settler colonialism that used law to displace and dispossess indigenous peoples, nations, and identities. Thus, the question of contemporary indigenous identity is inseparable from the ways in which laws—federal, tribal and international—have treated indigenous identity, often through reference to blood quantum formulas or descendancy.

In addition to the external structures of common, regulatory, tribal and international law that demarcate the limits and boundaries of indigenous identity, Zuni Cruz discusses the internally-generated facet of indigenous identity that is at once connected to, but somewhat autonomous from, the external structures defining identity. Here, Zuni Cruz examines the performance of identity and how it is employed group-wide to mark one's membership, regardless of the consequences. In sharp contrast to most indigenous people in the U.S., she observes that the indigenous of Ecuador, especially women, consistently perform their identity through dress through jewelry, shoes, shawls, ponchos, and hats to mark their Quecha membership in Quito and the outlying provinces. Zuni Cruz offers a sobering external factor to explain the contrast with U.S. indigenous—the impact

8. *Id.* at 89.
9. *Id.* at 86.
that governmental Indian boarding school policies of the 1800s have had in forcing Indian children and youth to discard tribal attire and to adopt required western-style school uniforms.

The focus on how Quecha women choose to perform their indigenous identity through their attire and self-presentation unites Zuni Cruz’s work with that of critical race scholars examining performative identity issues in employment. The move toward performative identity and away from a more narrow legal identity is necessary due to the dead end of formal equality ushered in during the “golden age” of post-World War II prosperity under the then-existing social structures of accumulation. Formal equality under Title VII’s prohibition against discrimination based on race, gender, etc., was mostly useful in an era of outright segregation, where employers sought to exclude virtually all-visible minorities from their working midst. In contemporary employment discrimination, performative identity scholars point out that the new discrimination is not whether to hire minorities at all, but which ones to hire. Those who comport most to white norms, expectations and the status quo for a “racially-palatable” employee are those who will be hired and promoted over and against those minorities who remain “racially-salient,” or resistant to the logic of what Zuni Cruz refers to as “White Space.” Zuni Cruz speaks of similar dynamics with the concept of threatening or non-threatening “race-traitors” who either affirm or challenge white space:

[A] stereotypical appraisal based on one’s Indigenous identity can be overcome to the extent a “raced” Indigenous person appears or closely mimics and performs whiteness in speech, dress, mannerism, and affiliation, no matter where they fall on the race/color spectrum when they are in “white space.” A non-threatening race-traitor aligns with whiteness. Thus, an Indigenous person, white in appearance who claims the privilege of whiteness, or if, of color, performs whiteness and adheres to the operation of the law of white space . . . is non-threatening because s/he does not challenge white space . . . .

To complicate matters further however there is the threatening race-traitor . . . [t]hreatening because they disrupt white space by refusing to adhere to the law of white space and maintain silence around race, color and culture and race-traitor because though they appear white, mestizo, or black they identify, affiliate, and align with their Indigenous identity.False.

The performative identity insight is most useful under “new sovereignty” as the internally-generated conception of identity is linked, but not wholly determined by the external factors, giving rise to the role of identity and collective resistance under global neoliberalism. Performative identity also reveals the self-delusions of

12. Carbado and Gulati, Corporate Ladder, supra note 11, at 1658.
13. See Cruz, supra note 7, at 83.
“formal equality” that purports to treat individuals the same, while at all times allowing for group-subordinating racial or other identity-based scripts to operate without legal sanction to condition life outcomes.

Robert Cruz’s essay highlights the contradictions inherent in the various “uplift,” “civilizing,” and “ordering” interventions against the O’odham peoples, their land, and their language. *Am T Ne Ok Et A: To CE:K T Do Ibioda:Lik: “In Our Language Is Where We Will Find Our Liberation* combines powerful cultural and legal critique with personal narrative, informed by Cruz’s lifetime of experiences and struggle resisting the impact of sovereign state power (wielded by U.S. and Mexico) over the O’odham people. The quest to liberate, for Cruz, is tied to the kinds of subjecthood, knowledge, and lived ecology that the maintenance of the O’odham language underwrites. The threat to the O’odham language inheres in the panoply of assimilative policies that have its roots far back in the earliest stages of European/white conquest, but which persist into the present when “the O’odham survival rate is at 46%.”

The history of O’odham people is a microcosm of the transition from the old sovereignty to the new. The liberation of which Cruz writes is one which we might consider a form of “counter-sovereignty,” an insistence on the sanctity of the people’s claim to land, a way of life, knowledge systems and, ultimately, democratic particularity in the face of homogenizing forces of striation, development, incarceration, regulation, and oversight. Cruz recounts the intrusive impact of seven different law enforcement agencies on reservation land, operating before the events of 9/11 and the subsequent hypertrophy of the security state under Bush and now Obama. O’odham people have survived waves of sovereign and new sovereign impositions, along with the various legitimating narratives offered: from “it is ‘cheaper to educate Indians than to kill them’” to bombing raid practices on reservation land in training for the projection of new sovereign power in places like Iraq and Afghanistan. The politics of enhanced border enforcement and militarization that accompanies the new sovereign “opening up” of a borderless world for trade and finance has had predictable terrorizing effects for the O’odham people whose lands straddle the U.S.-Mexico border. Along the way, “economic development” in the form of resource extraction (undertaken by imported subaltern workers no less) has taken the familiar path of providing capital windfalls that seldom return to the people in the form of greater autonomy or the land in the form of sustainable improvement. Cruz’s resolution to maintain O’odham language is simultaneously an assertion of autonomy and sustainability in the teeth of the new sovereign powers that are arrayed against not just O’odham but many other indigenous and subaltern groups. The hopes of democracy, human multiplicity and a bio-diverse future may well hinge on counter-sovereignty projects such as the one Cruz pursues.

In a way that underscores Robert Cruz’s point about the connection between language, law, and power, M.K.B Darmer writes convincingly about *The Enduring Force of Scalia’s Lawrence and Romer Dissents: The Case of Proposition 8.* In

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15. Id. at 91 (quoting Owen Lindauer, Archaeology of the Phoenix Indian School, Mar. 27, 1998, available at http://www.archaeology.org/online/features/phoenix/).
this essay, Darmer argues that although Justice Scalia was on the losing end of landmark Supreme Court decisions on the rights of lesbians, gays, bisexual, transgendered, and questioning ("LGBTQ") minorities, his “blistering dissents” have enduring legal and political influence because his carefully-crafted rhetoric provides cover for those who might forward more crude homophobic or homo-hostile arguments in the public sphere. Indeed, Darmer details the ways in which Scalia’s discursive activism against LGBTQ rights resonated and complemented the recent Proposition 8 campaign in California which stripped LGBTQ of the right to marry that had been granted by the California Supreme Court’s invalidation of a prior voter anti-LGBTQ rights initiative.

Darmer reminds the reader of William Eskridge’s theory of social change that argues that the Supreme Court is a no trendsetter, and advances constitutional rights only after significant recognition in social and political spheres. But rather than concentrate on the connection between social movements and constitutional decision-making, Darmer explores Eskridge’s theory of social change as a two-way street and investigates instead, the impact of constitutional rhetoric in landmark cases on social movements. Read in this light, Justice Scalia’s strident Romer and Lawrence dissents represent a “call to arms” to those who seek to justify and normalize marriage inequality. In particular, Darmer reveals how Scalia’s discursive strategies rely upon portraying LGBTQ attempts to secure marriage equality as a “cultural” issue that exceeds the proper scope of judicial inquiry into constitutional issues. The Court’s inappropriate “judicial activism,” informed by a “homosexual agenda” and “law professor [elite] culture” inevitably subvert the “will of the people.” Scalia’s doubles down on the subversion discourse of a judicial elite captured by pro-gay minority extremists by suggesting a “protective” interest in anti-LGBTQ rationales. According to Justice Scalia, many Americans reject LGBTQ rights because they want to “protect [] themselves and their families from a lifestyle that they believe to be immoral and destructive.” Picking up on the innocent victims needing protection from this out-of-control, pro-gay judicial elite, the Prop 8 campaign prominently featured a lesbian wedding attended by confused, “almost frightened”-looking schoolchildren.

In addition to illustrating the two-way street of Eskridge’s social change theory, Darmer’s contribution also provides an echo of the “call-and-response” nature of the Jay-Vinson Courts and the judiciary’s back-and-forth with society,
giving rise to the lie that “state-ways cannot change folkways.”

On the contrary, as the post-reconstruction cases and Scalia’s dissents in Romer and Lawrence reveal, there is a very symbiotic relationship between dominant legal, political and social discourses of power. It is exactly this symbiotic relationship that new sovereignty demands of the contemporary nation-state to ensure the new global neoliberal order is not disrupted.

Angelique M. Davis continues M.K.B. Darmer’s inquiry into the relationship between legal elites and political power. In her essay, Descriptive Representation Matters: The Connection Between Access to Legal Education and Nonwhite Lawyer-Legislators in the United States, Davis observes that although lawyer-legislators have historically dominated Congress, there is a paucity of lawyer-legislators of color compared to their white peers that must be reversed at both the federal and state levels. Such a deficit clearly has implications for legal education, which in the wake of anti-affirmative action initiatives and sentiments, has seen rapidly declining enrollments for African American and Mexican American students in law schools.

Davis also interrogates the work of liberal political science heavyweight, Hanna Pitkin. Pitkin identified three primary types of representation in electoral politics: descriptive, symbolic, and substantive. Descriptive representation is when the elected representative belongs to the constituent’s social or demographic group. Substantive representation results from the delivery of politically-salient needs to a constituency. Symbolic representation is descriptive representation absent substantive representation. Although Pitkin elevates the primacy of substantive representation and is largely dismissive about the significance of “descriptive representation,” Davis seeks to reclaim the importance of descriptive representation of “non-white lawyer-legislators.” In support, she summarizes the political science literature that has found “higher levels of communication, satisfaction, fair representation and policy responsiveness when individuals of color are descriptively represented.”

Reading Davis’ essay through the lenses Christine Zuni Cruz and Robert Cruz provide us in this volume, one can see an additional reason to support the argument in favor of “descriptive representation.” If Zuni Cruz and Cruz are correct that indigenous knowledge hails from understanding “who you are” in relation to communal traditions, relationships, responsibilities, and obligations, then it is far

26. WILLIAM GRAHAM SUMNER, FOLKWAYS (1907).
28. Id. at 133.
30. Id. at 122.
32. Id.
33. Id.
34. Id.
35. Id. at 123.
easier to rebut the liberal dismissal of descriptive representation as largely symbolic if unaccompanied by substantive representation. Identity matters, in political representation not only for its symbolic effects, but also because it resolves the epistemological question of “how do you know you know what you know?” For an elected representative, this is definitely a difficult question to answer in terms of delivering for your “constituencies.”

As Christine Zuni Cruz and Robert Cruz suggest, self and communal (indigenous) knowledge are the prerequisite to the Indigenous Legal Tradition in ways that may parallel political representation. A key component suggested by Zuni Cruz and Cruz may be the notion of accountability that pervades indigenous identity, indigenous knowledge, and ILT. This community accountability may provide another angle on the importance of descriptive representation underappreciated by liberal theorists. However, in light of pervasive economic restructuring and accompanying “rules of the game,” easy assumptions of communal alliances and solidarities are suspect due to the performative identity pressures discussed above, that disproportionately reward racially-palatable minorities over racially-salient or racially-solidaristic ones.

Talibah-mawusi Smith contributes a very helpful essay considering the role of the public library as a key institution in the infrastructure of knowledge production. In When the Well Runs Dry, Dig Deeper: The Case for Funding the Public Library, a Necessary Resource for the Public Minority, Smith’s plaintive plea for funding public libraries reflects the desperate state of “the commons” in the wake of global neoliberal policies. Smith makes clear the disproportionate impact of this funding crisis, pointing out statistics that “nearly two-thirds of low income families in the U.S. own no books.” This statistic, combined with those reflecting the racialized impact of the Great Recession on Black and Latino unemployment, produce what Smith refers to as the “public minority” who stands to lose the most in the decline or demise of the public library. The public minority is not racially exclusive, however, as the category may include whites, such as rural whites, “who like many people of color have been historically dispossessed” both of access to education and to knowledge resources.

Smith traces how the Constitution, Congressional powers, and copyright law play a role in promoting or constraining the growth of public libraries in the United States. Using James Boyle’s concept of the “modern enclosure” movement in intellectual property (echoing the physical enclosure movement’s fencing off of common land for private use), Smith warns of how state and local government budget crises threaten to enclose the public library to privatize the public minority’s access to knowledge. Despite the many technological advances, particularly in the area of information gathering and sharing for private use and profit (iPhones, iPads, Facebook, Twitter, Cloud computing, Netflix, Nooks/Kindles), the author points out that most library modifications do not include these technological advances, but rather, go in the direction of cutbacks—cutbacks on hours and days of operation, staff employment, resource availability, and community outreach. Smith goes on to

37. Id. at 136 (citing Reading is Fundamental (RIF), About RIF, www.rif.org/us/about-rif.htm (last visited Dec. 30, 2010)).
38. Id. at 137.
link the importance knowledge infrastructure in a digitized age, to political infrastructure, suggesting that the public library in the near future might serve as an “all-access hub” for those who would otherwise be locked out of advanced voting technology, and internet voting due to lack of either internet access, computer hardware, or internet skills.

Smith concludes with ways in which Congress might enact or amend legislation to promote public libraries, such as reducing the duration of copyrights and the extent of copyright protection, extending the Fair Use Doctrine/Protection to public libraries, and securing funding to support public libraries. Smith also proposes actions for LatCrit scholars—to research, write, and educate others on this incredibly important institution of public knowledge and to advocate for greater political and financial support for public libraries. This essay is particularly salient to this cluster’s theme, as it is only through collective action that one may counter new sovereignty’s modern enclosure imperative to pursue public communal knowledge.

Spearlt’s *Raza Islamica: Prisons, Hip Hop & Converting Converts* essay rounds out this cluster of essays. His essay explores how the culture of Hip Hop and unorthodox Islamic formations create particular knowledge and faith-based communities in prisons that lead to a “double conversion,” first to unorthodox American Islamic faiths, and subsequently to more mainstream Islamic beliefs. Spearlt situates his inquiry with the “prison/industrial complex” that has incarcerated nearly one third of all African American men in their twenties. He links the hip hop generational gestalt to mass incarceration, reflected in popular culture through MSNBC’s Lockup series, to HBO’s prison-based Oz series, to rap lyrics’ creative fodder exposing life on the inside. It is the hip hop generation that has most felt itself chained to a correctional system that seeks to “discipline and punish” low-income youth of color.

Spearlt’s careful interweaving of the cultural forces that produce prison as “a major factor in the growth of Islam in the United States” also embeds an interesting argument pertaining to theories of punishment in criminal justice. Rather than fear *Raza Islámica* as part of the larger post-9/11 Islamophobia aggravated by two “Wars on Terror” in Iraq and Afghanistan, the author suggests that Islamic faith has a “positive effect in rehabilitating offenders,” pointing to studies that have documented reduced prisoner misconduct and lower rates of recidivism. Perhaps this rehabilitative effect is the “interest convergence” bottom line for mainstream legal scholars, but LatCrit readers should appreciate the detailed exposition of American Islam and its growth in U.S. prisons, particularly among African Americans and Latinos, and the connection of this phenomenon to both the hip hop generation and orthodox Islam. In times of war, distorting stereotypes about groups perceived as the enemy abound, and *Raza Islámica* goes a long way towards producing specific knowledge about four groups that strike fear in the heart of the American imagination—youth of color, hip hop artists, prisoners, and Muslims. By providing such a richly detailed, humanizing account, Spearlt’s work allows one’s affective filter hardwired to be predisposed against disparaged groups to become more open, permitting a greater understanding and analysis of the prison/industrial

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40. *Id.* at 193.
complex so integral to the new sovereignty regime.

The essays in this cluster focusing on Culture, Knowledge, Law and Community represent a set of substantive ideas and differing methods through which one may consider the challenges faced under global neoliberalism. For an epistemic community such as LatCrt, which has various global projects and enjoys NGO status, these essays go to the core of LatCrt’s mission, to produce counter-hegemonic knowledge about the law and Rule of Law to better build communities and cultures of resistance to new sovereignty’s imperative and Constitution of Imperium. As inhabitants of the Global North, residing in the “belly of the beast,” LatCrit scholars in the U.S. bear a particular responsibility to reveal the contradictions and inconsistencies in the exercise of new sovereignty through the state.

In particular, LatCrit must consider the role of the global bourgeoisie to which North American law professors belong, and how implicit class interests can blunt critical insights and deter praxis. But rather than sublimate these conflicts of interest that may attend LatCrit scholars, we might confront them head-on, to produce a greater knowledge of self and community. Specifically, we might contribute to the important work of revealing the particular ways in which under new sovereignty, accumulated capital by the middle-class is being extracted by sophisticated fiscal ploys that tap home equities and pension funds. We might also seek to link the global economic system to military policy without and carceral policy within. And we must continue the project of theorizing global justice from our unique and privileged vantage point, even where it may result in both our advantage and disadvantage. In short, new sovereignty demands that we come clean about our relative privilege in the global justice project, and the interest convergences we may require to combat the imperium’s advance under global neoliberalism. To such a project, self and communal knowledge are instrumental to countering new sovereignty’s advance.

41. Lipschutz, supra note 3, at 108-09.