## 1NC

### 1

#### A. Our interpretation is that the affirmative should have to instrumentally defend the institutional implementation of a topical plan.

#### B. Violation – the aff doesn’t defend a plan.

#### C. Best for fairness.

#### 1. Plan focus is the only predictable way of affirming the resolution. Philosophical and theoretical concerns certainly play into the ways that policies are made, but the resolution only calls for us to defend and/or question political-institutional implementations of these kinds of concerns.

#### 2. Plan focus is the only way to ensure a fair division of ground. The affirmative has the advantage of trying to solve the most heinous problems of the status quo—without plan focus, debates devolve into whether or not things like racism, sexism, classism, or homophobia are good or bad. While problems are often less contestable, solutions to these problems are—we can debate about whether or not a particular proposal will fix or worsen these problems and proffer our own solutions.

#### 3. Switch side solves all your offense. You can read your K on the negative. Solves all your offense and preserves our ground.

#### D. Best for education:

#### 1. The political *is* value to life—it is how originally solipsistic lives become incarnate and real to themselves.

Arendt 1958 [Hannah, *The Human Condition*, pp. 196-199]

The original, prephilosophic Greek remedy for this frailty had been the foundation of the polis. The polis, as it grew out of and remained rooted in the Greek pre-polis experience and estimate of what makes it worthwhile for men to live together (syzen), namely, the "sharing of words and deeds,"26 had a twofold function. First, it was intended to enable men to do permanently, albeit under certain restrictions, what otherwise had been possible only as an extraordinary and infrequent enterprise for which they had to leave their households. The polis was supposed to multiply the occasions to win "immortal fame," that is, to multiply the chances for everybody to distinguish himself, to show in deed and word who he was in his unique distinctness. One, if not the chief, reason for the incredible development of gift and genius in Athens, as well as for the hardly less surprising swift decline of the city-state, was precisely that from beginning to end its foremost aim was to make the extraordinary an ordinary occurrence of everyday life. The second function of the polls, again closely connected with the hazards of action as experienced before its coming into being, was to offer a remedy for the futility of action and speech; for the chances that a deed deserving fame would not be forgotten, that it actually would become "immortal," were not very good. Homer was not only a shining example of the poet's political function, and therefore the "educator of all Hellas"; the very fact that so great an enterprise as the Trojan War could have been forgotten without a poet to immortalize it several hundred years later offered only too good an example of what could happen to human greatness if it had nothing but poets to rely on for its permanence. We are not concerned here with the historical causes for the rise of the Greek city-state; what the Greeks themselves thought of it and its ralson d'etre, they have made unmistakably clear. The polis-—if we trust the famous words of Pericles in the Funeral Oration—gives a guaranty that those who forced every sea and land to become the scene of their daring will not remain without witness and will need neither Homer nor anyone else who knows how to turn words to praise them; without assistance from others, those who acted will be able to establish together the everlasting remembrance of their good and bad deeds, to inspire admiration in the present and in future ages.27 In other words, men's life together in the form of the polis seemed to assure that the most futile of human activities, action and speech, and the least tangible and most ephemeral of man-made "products," the deeds and stories which are their outcome, would become imperishable. The organization of the polis, physically secured by the wall around the city and physiognomically guaranteed by its laws—lest the succeeding generations change its identity beyond recognition is a kind of organized remembrance. It assures the mortal actor that his passing existence and fleeting greatness will never lack the reality that comes from being seen, being heard, and, generally, appearing before an audience of fellow men, who outside the polis could attend only the short duration of the performance and therefore needed Homer and "others of his craft" in order to be presented to those who were not there. According to this self-interpretation, the political realm rises directly out of acting together, the "sharing of words and deeds." Thus action not only has the most intimate relationship to the public part of the world common to us all, but is the one activity which constitutes it. It is as though the wall of the polis and the boundaries of the law were drawn around an already existing public space which, however, without such stabilizing protection could not endure, could not survive the moment of action and speech itself. Not historically, of course, but speaking metaphorically and theoretically, it is as though the men who returned from the Trojan War had wished to make permanent the space of action which had arisen from their deeds and sufferings, to prevent its perishing with their dispersal and return to their isolated homesteads. The polis, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be. "Wherever you go, you will be a polis": these famous words became not merely the watchword of Greek colonization, they expressed the conviction that action and speech create a space between the participants which can find its proper location almost any time and anywhere. It is the space of appearance in the widest sense of the word, namely, the space where I appear to others as others appear to me, where men exist not merely like other living or inanimate things but make their appearance explicitly. This space does not always exist, and although all men are capable of deed and word, most of them—like the slave, the foreigner, and the barbarian in antiquity, like the laborer or craftsman prior to the modern age, the jobholder or businessman in our world—do not live in it. No man, moreover, can live in it all the time. To be deprived of it means to be deprived of reality, which, humanly and politically speaking, is the same as appearance. To men the reality of the world is guaranteed by the presence of others, by its appearing to all; "for what appears to all, this we call Being,"28 and whatever lacks this appearance comes and passes away like a dream, intimately and exclusively our own but without reality.29

#### 2. No solvency for their critique without institutional focus. We must try to change policy in order to change the world—the concentration of power in the hands of political elites is inevitable, so we must work within that system to check oppression and violence.

Themba-Nixon 2k [Makani, Executive Director of the Praxis Project, *Colorlines* 3.2, pg. 12]

The flourish and passion with which she made the distinction said everything. Policy is for wonks, sell-out politicians, and ivory-tower eggheads. Organizing is what real, grassroots people do. Common as it may be, this distinction doesn't bear out in the real world. Policy is more than law. It is any written agreement (formal or informal) that specifies how an institution, governing body, or community will address shared problems or attain shared goals. It spells out the terms and the consequences of these agreements and is the codification of the body's values-as represented by those present in the policymaking process. Given who's usually present, most policies reflect the political agenda of powerful elites. Yet, policy can be a force for change-especially when we bring our base and community organizing into the process. In essence, policies are the codification of power relationships and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, if organizing is about changing the rules and building power, how can organizing be separated from policies? Can we really speak truth to power, fight the right, stop corporate abuses, or win racial justice without contesting the rules and the rulers, the policies and the policymakers? The answer is no-and double no for people of color. Today, racism subtly dominates nearly every aspect of policymaking. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. What Do We Stand For? Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. Many of us were too busy to tune into the welfare policy drama in Washington, only to find it washed up right on our doorsteps. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. Policy doesn't get more relevant than this. And so we got involved in policy-as defense. Yet we have to do more than block their punches. We have to start the fight with initiatives of our own. Those who do are finding offense a bit more fun than defense alone. Living wage ordinances, youth development initiatives, even gun control and alcohol and tobacco policies are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives. -ZX Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. These are just a few of the examples that demonstrate how organizing for local policy advocacy has made inroads in areas where positive national policy had been stalled by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, and experience into stories that are designed to affect the public conversation. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

### 2

#### Using imperialism as a focus point kills any chance at change —capital is transnational and imperialism is a byproduct - this ends any chance at a perm and makes the impacts worse by affirming institutions of global capital.

Robinson 7 (Professor of sociology at the University of California, Santa Barbara, William, 2007, “Beyond the Theory of Imperialism: Global Capitalism and the Transnational State” Societies Without Borders, 2 (2007) 5-26 p. 9-16, RSR)

Harvey offers no explicit conception of the state but he acknowledges that state behavior has “depended on how the state has been constituted and by whom.” 17 Yet dual logics of state and capital ignore the real-world policymaking process in which the state extends backward, is grounded in the forces of civil society, and is fused in a myriad of ways with capital itself. It is incumbent to ask in what ways transnational social forces may influence a reconstitution of state institutions. To the extent that civil society – social forces – and capital are transnationalizing our analysis of the state cannot remain frozen at a nation-state level. The essential problematic that should concern us in attempting to explain phenomena associated with the “new imperialism” is the political management – or rule – of global capitalism. The theoretical gauntlet is how to understand the exercise of political domination in relation to the institutions available to dominant groups and sets of changing historical relations among social forces – that is, how are the political and the economic articulated in the current era? This requires a conception of agency and institutions. But instead of offering an ontology of agency and how it operates through historically constituted institutions, much of the “new imperialism” literature reifies these institutions. Institutions are but institutionalized – that is, codified – patterns of interaction among social forces that structure different aspects of their material relations. When we explain global dynamics in terms of institutions that have an existence or agency independent of social forces we are reifying these institutions. Critical state theories and Gramscian IPE 18 have taught us, despite their limitations, that the story starts – and ends – with historically situated social forces as collective agents. To critique a nation-state framework of analysis as I do, is not, as my critics claim19 to dismiss the nation-state but to dereify it. Reifying categories leads to realist analyses of state power and the inter-state system. Realism presumes that the world economy is divided up into distinct national economies that interact with one another. Each national economy is a billiard ball banging back and forth on each other. This billiard image is then applied to explain global political dynamics in terms of nation-states as discrete interacting units (the inter-state system). The state, says Harvey, in reverting to the realist approach, “struggles to assert its interests and achieve its goals in the world at large.” 20 But Harvey does not stop with this reification of the state. He introduces an additional territorial reification, so that territorial relations become immanent to social relations. “The wealth and well-being of particular territories are augmented at the expense of others,” writes Harvey. 21 This is a remarkably reii ed image – “territories” rather than social groups have “wealth” (accumulated values) and enjoy “well being.” Harvey gives space in this way an independent existence as a social/political force in the form of territory in order to advance his thesis of the “new imperialism.” It is not how social forces are organized both in space and through institutions that is the focus. Rather, for Harvey, territory acquires a social existence of its own, an agentic logic. We are told that “territorial entities” engage in practices of production, commerce, and so on. Do “territorial entities” really do these things? Or is it not that in the real world, individuals and social groups engage in production, commerce, and so on? And they do so via institutions through which they organize, systematize, and demarcate their activities as agents. Social groups became aggregated and organized in the modern era through the particular institutional form of the territorial-based nation state. But this particular institutional form does not acquire a life of its own and neither is it immutable. Nation-states continue to exist but their nature and meaning evolve as social relations and structures become transformed; particular, as they transnationalize. Drawing on insights from Lafebvre, Marx, Luxemburg, and others, Harvey earlier introduced the highly fertile notion of spatial (or spatial-temporal) fixes to understand how capital momentarily resolves contradictions (particularly, crises of overaccumulation) in one place by displacing them to other places through geographic expansion and spatial reorganization. Following Marx’ famous observation that the expanded accumulation of capital involves the progressive “annihilation of space through time,” he also coined the term “time-space compression” in reference to globalization as a process involving a new burst of time-space compression in the world capitalist system. 22 But “places” have no existence or meaning in and of themselves. It is people living in particular spaces that do this dis-placing (literally), these spatiotemporal fixes. The “asymmetric exchange relations” that are at the heart of Harvey’s emphasis on the territorial basis of the “new imperialism” must be for Harvey territorial exchange relations. But not only that: they must be nation-state territorial exchanges. But exchange relations are social relations, exchanges among particular social groups. There is nothing in the concept of asymmetric exchanges that by i at gives them a territorial expression; no reason to assume that uneven exchanges are necessarily exchanges that take place between distinct territories, much less specifically between distinct nation states. That they do or do not acquire such an expression is one of historical, empirical, and conjunctural analysis. Certainly spatial relations among social forces have historically been mediated in large part by territory; spatial relations have been territorially-dei ned relations. But this territorialization is in no way immanent to social relations and may well be fading in significance as globalization advances. Any theory of globalization must address the matter of place and space, including changing spatial relations among social forces and how social relations are spatialized. This has not been satisfactorily accomplished, despite a spate of theoretical proposition, ranging from Castell’s “space of flows” replacing the “space of place.” 23 and Giddens “time-space distanciation” as the “lifting” of social relations from territorial place and their stretching around the globe in ways that may eliminate territorial friction. 24 This notion of ongoing and novel reconfigurations of time and social space is central to a number of globalization theories. It in turn points to the larger theoretical issue of the relationship of social structure to space, the notion of space as the material basis for social practices, and the changing relationship under globalization between territoriality/geography, institutions, and social structures. The crucial question here is the ways in which globalization may be transforming the spatial dynamics of accumulation and the institutional arrangements through which it takes place. The subject – literally, that is, the agents/makers of the social world – is not global space but people in those spaces. What is central, therefore, is a spatial reconfiguration of social relations beyond a nation-state/inter-state framework, if not indeed even beyond territory. States are institutionalized social relations and territorial actors to the extent that those social relations are territorialized. Nation-states are social relations that have historically been territorialized but those relations are not by definition territorial. To the extent that the US and other national states promote deterritorializing social and economic processes they are not territorial actors. The US state can hardly be considered as acting territorially when it promotes the global relocation of accumulation processes that were previously concentrated in US territory. Harvey’s approach is at odds to explain such behavior since by his definition the US state must promote its own territorial aggrandizement. Harvey observes that as local banking was supplanted by national banking in the development of capitalism “the free flow of money capital across the national space altered regional dynamics.” 25 In the same vein we can argue that the free flow of capital across global space alters these dynamics on a worldwide scale. Let us return to the question: why would Harvey propose separate logics for the economic and the political – for capital and the state? By separating the political and the economic he is able to claim that indeed globalization has transformed the spatial dynamics of accumulation – hence capital globalizes – but that the institutional arrangements of such global accumulation remain territorial as nation-states. The state has its own independent logic that brings it into an external relation to globalizing capital. Here we arrive at the pitfall of theoreticism. If one starts with the theoretical assumption that the world is made up of independent, territorial-based nation states and that this particular institutional-political form is something immanent to the modern world – Wood makes the assumption explicit, a law of capitalism; for Harvey it seems implicit – then the changing world of the 21st century must be explained by theoretical i at in these terms. Reality must be made to conform to the theoretical conception of an immutable nation-state based, inter-state political and institutional order. But since Harvey acknowledges the reality of globalizing capital he is therefore forced to separate the logic of that globalizing capital from that of territorially-based states; he is forced either to abandon the theoretical construct altogether or to build it upon a dualism of the economic and the political, of capital and the state. Theory needs to illuminate reality, not make reality conform to it. The pitfall of this theoreticism is to develop analyses and propositions to fit theoretical assumptions. Since received theories establish a frame of an inter-state system made up of competing national states, economies and capitals then 21st century reality must be interpreted so that it fits this frame one way or another. Such theoreticism forces theorists of the “new imperialism” into a schizophrenic dualism of economic and political logics. In any event Harvey has trapped himself in a blind alley that underscores the pitfall. Despite his acknowledgement of capital’s transnationalization he concludes that the US state’s political/territorial logic is driven now by an effort to open up space vis-à-vis competitor nation-states for unloading national capital surplus, hence the new US imperialism. This inconsistency in Harvey’s argumentation reflects a general contradiction in the “new imperialism” literature: the dualism of the economic and political, of capital and the state, is negated by the claim that the US state functions to serve (US national) capital.

#### Privileging discourse and ideas guarantees mystifying the material conditions that cause class oppression – only a return to material criticism can confront the material oppression of global capitalism

Zavarzadeh 3 (Mas’ud, “The Pedagogy of Totality” p.3-4, in “JAC: A Journal of Rhetoric, Culture, and Politics”, Volume 23.1, http://www.jaconlinejournal.com/archives/vol23.1.html)

Berube's lesson obscures this CIA which is an extension of U.S. corporations and whose task is to wage a clandestine class war against the working people of the world to keep the world safe for U.s. investment. There is no hint in his teaching of the event that the CIA's actions might be symptoms of the systematic aggression of market forces against the workers and that the event might be an outcome ofmarket forces. In his teaching, the CIA becomes a story machine producing absorbing stories that circle around personalities, places, and actions but lead nowhere. They build an illusion of knowing. Analysis ofthe economic role ofthe CIA (which produces material knowledge of global relations) is ob- structed by details that have no analytical effect. Why, for instance, did the CIA fight to drive the Soviets out of Afghanistan? Berube's "waging the cold war" seems to imply that the dynamic of the conflict is "ideology." The U.S. and the Soviets simply had two different "political" systems and cultures. Thus, in Berube's version ofhistory, it is natural that the CIA wanted to drive the Soviets out of Afghanistan and increase the U.S.'s sphere of political and cultural power in the region. The conflict between the Soviet Union and the United States is, in other words, a clash of ideas. Underlining his pedagogy is, in other words, a view of history as an expansionism of "power" (see Hardt and Negri) and as conflicts of "ideologies" (see Fukuyama). It is based on the notion that "discourse" and "ideas" shape the world since, ultimately, history itself is the discursive journey ofthe Soul toward a cultural and spiritual resolution of material contradictions. This theory mystifies history by displacing "class" (labor) with "ideas" and "discourse," and it consequently produces world history as a "clash of civilizations" that rewrites the world in the interest of the Euroamerican capitalism (see Huntington). According to the clash theory (which is the most popular interpretive axis o f 9/ 11), people do what they do because of their "culture" not because they exploit the labor of others (and live in comfort), or because their labor is exploited by others (and therefore they live in abj ect poverty). The event, in other words, is an instance of the clash of civilizations: culture ("values," "language," "religion," the "affective") did it. "They" hate "our" way of life ("Their 'values' clash with our 'values"'). Since "values" are transhistorical, the clash is spiritual, not material. But culture, didn't do it. Contrary to contemporary dogma (seeHall,"Central- ity"), culture is not autonomous; it is the bearer of economic interests. Cultural values are, to be clear, inversive: they are a spiritualization of material interests. Culture cannot solve the contradictions that develop at the point of production; it merely suspends them. Material contradictions can be solved only materially - namely, by the class struggles that would end the global regime of wage labor. The event is an unfolding of a material contradiction not a clash of civilizations. If teaching the event does not at least raise the possibility of a class understanding of it, the teaching is not pedagogy; it is ideology (as I outline it later in this essay).

#### The logic of capitalism results in extinction through the creation of ecological catastrophe and violent imperialist wars that will turn nuclear

Foster 5 [John Bellamy, Monthly Review, September, Vol. 57, Issue 4, “Naked Imperialism”, <http://www.monthlyreview.org/0905jbf.htm>]

From the longer view offered by a historical-materialist critique of capitalism, the direction that would be taken by U.S. imperialism following the fall of the Soviet Union was never in doubt. Capitalism by its very logic is a globally expansive system. The contradiction between its transnational economic aspirations and the fact that politically it remains rooted in particular nation states is insurmountable for the system. Yet, ill-fated attempts by individual states to overcome this contradiction are just as much a part of its fundamental logic. In present world circumstances, when one capitalist state has a virtual monopoly of the means of destruction, the temptation for that state to attempt to seize full-spectrum dominance and to transform itself into the de facto global state governing the world economy is irresistible. As the noted Marxian philosopher István Mészáros observed in Socialism or Barbarism? (2001)—written, significantly, before George W. Bush became president: “[W]hat is at stake today is not the control of a particular part of the planet—no matter how large—putting at a disadvantage but still tolerating the independent actions of some rivals, but the control of its totality by one hegemonic economic and military superpower, with all means—even the most extreme authoritarian and, if needed, violent military ones—at its disposal.” The unprecedented dangers of this new global disorder are revealed in the twin cataclysms to which the world is heading at present: nuclear proliferation and hence increased chances of the outbreak of nuclear war, and planetary ecological destruction. These are symbolized by the Bush administration’s refusal to sign the Comprehensive Test Ban Treaty to limit nuclear weapons development and by its failure to sign the Kyoto Protocol as a first step in controlling global warming. As former U.S. Secretary of Defense (in the Kennedy and Johnson administrations) Robert McNamara stated in an article entitled “Apocalypse Soon” in the May–June 2005 issue of Foreign Policy: “The United States has never endorsed the policy of ‘no first use,’ not during my seven years as secretary or since. We have been and remain prepared to initiate the use of nuclear weapons—by the decision of one person, the president—against either a nuclear or nonnuclear enemy whenever we believe it is in our interest to do so.” The nation with the greatest conventional military force and the willingness to use it unilaterally to enlarge its global power is also the nation with the greatest nuclear force and the readiness to use it whenever it sees fit—setting the whole world on edge. The nation that contributes more to carbon dioxide emissions leading to global warming than any other (representing approximately a quarter of the world’s total) has become the greatest obstacle to addressing global warming and the world’s growing environmental problems—raising the possibility of the collapse of civilization itself if present trends continue. The United States is seeking to exercise sovereign authority over the planet during a time of widening global crisis: economic stagnation, increasing polarization between the global rich and the global poor, weakening U.S. economic hegemony, growing nuclear threats, and deepening ecological decline. The result is a heightening of international instability. Other potential forces are emerging in the world, such as the European Community and China,that could eventually challenge U.S. power, regionally and even globally. Third world revolutions, far from ceasing, are beginning to gain momentum again, symbolized by Venezuela’s Bolivarian Revolution under Hugo Chávez. U.S. attempts to tighten its imperial grip on the Middle East and its oil have had to cope with a fierce, seemingly unstoppable, Iraqi resistance, generating conditions of imperial overstretch. With the United States brandishing its nuclear arsenal and refusing to support international agreements on the control of such weapons, nuclear proliferation is continuing. New nations, such as North Korea, are entering or can be expected soon to enter the “nuclear club.” Terrorist blowback from imperialist wars in the third world is now a well-recognized reality, generating rising fear of further terrorist attacks in New York, London, and elsewhere. Such vast and overlapping historical contradictions, rooted in the combined and uneven development of the global capitalist economy along with the U.S. drive for planetary domination, foreshadow what is potentially the most dangerous period in the history of imperialism. The course on which U.S and world capitalism is now headed points to global barbarism—or worse. Yet it is important to remember that nothing in the development of human history is inevitable. There still remains an alternative path—the global struggle for a humane, egalitarian, democratic, and sustainable society. The classic name for such a society is “socialism.” Such a renewed struggle for a world of substantive human equality must begin by addressing the system’s weakest link and at the same time the world’s most pressing needs—by organizing a global resistance movement against the new naked imperialism.

#### Vote negative to adopt the historical material criticism of the 1NC - historical analysis of the material conditions of capital is the only way to break free from is contradictions and social inequalities it causes

Tumino 1 (Steven, teaches at the City University of New York, Spring, What is Orthodox Marxism and Why it Matters Now More Than Ever Before)

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

#### Class divisions are the root of all other oppressions

Kovel 2 (Alger Hiss Professor of Social Studies at Bard College, awarded Fellowship at the John Guggenheim Foundation, Joel, The Enemy of Nature, pages 123-124)

If, however, we ask the question of efficacy, that is, which split sets the others into motion, then priority would have to be given to class, for the plain reason that class relations entail the state as an instrument of enforce­ment and control, and it is the state that shapes and organizes the splits that appear in human ecosystems. Thus class is both logically and historically distinct from other forms of exclusion (hence we should not talk of 'classism' to go along with 'sexism' and 'racism,' and `species-ism'). This is, first of all, because class is an essentially man-made category, without root in even a mystified biology. We cannot imagine a human world without gender dis­tinctions – although we can imagine a world without domination by gender. But a world without class is eminently imaginable – indeed, such was the human world for the great majority of our species' time on earth, during all of which considerable fuss was made over gender. Historically, the difference arises because 'class' signifies one side of a larger figure that includes a state apparatus whose conquests and regulations create races and shape gender relations. Thus there will be no true resolution of racism so long as class society stands, inasmuch as a racially oppressed society implies the activities of a class-defending state.'° Nor can gender inequality be enacted away so long as class society, with its state, demands the super-exploitation of woman's labour. Class society continually generates gender, racial, ethnic oppressions and the like, which take on a life of their own, as well as profoundly affecting the concrete relations of class itself. It follows that class politics must be fought out in terms of all the active forms of social splitting. It is the management of these divisions that keeps state society functional. Thus though each person in a class society is reduced from what s/he can become, the varied reductions can be combined into the great stratified regimes of history — this one becoming a fierce warrior, that one a routine-loving clerk, another a submissive seamstress, and so on, until we reach today's personi­fications of capital and captains of industry. Yet no matter how functional a class society, the profundity of its ecological violence ensures a basic antagonism which drives history onward. History is the history of class society — because no matter how modified, so powerful a schism is bound to work itself through to the surface, provoke resistance (`class struggle'), and lead to the succession of powers. The relation of class can be mystified without end — only consider the extent to which religion exists for just this purpose, or watch a show glorifying the police on television — yet so long as we have any respect for human nature, we must recognize that so funda­mental an antagonism as would steal the vital force of one person for the enrichment of another cannot be conjured away.

#### Historical materialist understanding of the way that consciousness is shaped by social reality is key to negate the ideology of ambivalence and contradiction embraced by postmodernism. This is a prerequisite to transforming capitalist social relations and solving the aff because the reality of class conflict is the methodological dynamo of our times.

Gonzalez 2004 [Marcial, “Historical Materialism and Chicana/o Cultural Studies,” *Science & Society* 68.2]

I shall draw this essay to a close by proposing a historical materialist criticism for the study of Chicana/o literature. But to attempt comprehensive description of historical materialism in these short pages would be futile. I shall therefore briefly discuss six issues re- lated to historical materialism that will serve as a starting point for better understanding the method I am proposing. First, historical materialism attempts to understand the dialecti- cal relation between the particularities of existence and the larger social frameworks that give them meaning. R. Saldivar, for example, puts this dialectical procedure in motion when he reads Chicana/o narratives not as the transparent replication of events, but as texts that imagine the "ways in which historical men and women live out their lives as class subjects," a project that involves "attaining a true knowledge of society as a whole" (R. Saldivar, 1990, 6). Dialectical criticism enables a comprehension of "society as a whole" through the "abstraction from specific real conditions, followed by systematic analysis, and then by successive reapproximations to the real, all made necessary because everyday experience catches only the delusive ap- pearance of things" (89). Second, as a dialectical system historical materialism comes into conflict with postmodernist theory. As Steven Best and Douglas Kellner point out, postmodernism not only promotes a skeptical view of his- tory and subjectivity, it "aggressively rejects dialectics" (Best and Kellner, 1991, 222) . They offer a lucid analysis of the tension between dialectics and postmodernism, arguing that dialectics "attempts to describe how concrete particulars are constituted by more general and abstract social forces, undertaking an analysis of particulars to illuminate these broader social forces [but] postmodern theory re- jects dialectics in principle . . . and thus is unable to conceptualize the dialectic of totalization and fragmentation" (223). Deleuze aptly encapsulates the postmodernist attitude toward dialectics when he declares: "What I detested more than anything else was Hegelianism and the Dialectic" (Deleuze, 1977, 112). Without an understanding of the relation between universal processes and their local manifes- tations, postmodernism ends up producing a fetish of social fragmen- tation by privileging concepts such as "schizophrenia" to describe the ideal postmodern (non)-subject. Third, historical materialism affords avenues for understanding the complex categories of identity based on race, ethnicity, sexuality and gender, not as autonomous formations but as interconnected processes within the larger dynamics of social relations. This is what Stuart Hall has in mind when he characterizes the category of race as "the modality in which class is lived" (Hall, 1996, 55). Hall theo- rizes the thorny relation between these categories, recognizing the particularity and relative autonomy of race without jettisoning the causal character of class relations. From a similar perspective, Teresa Ebert argues "for a revolutionary understanding and engagement with historical materialism for feminism in postmodernity," and she does so "at a time when feminism, for the most part, has lost the revo- lutionary knowledges of historical materialism so necessary to under- stand the exploitative relations of labor and production and to trans- form them" (Ebert, 1996, xi). In adopting a theoretical model and argumentative approach similar to Ebert's, I would characterize my own method as an engagement with historical materialism for U. S. ethnic literary studies generally, and for Chicana/o literary studies in particular, and I propose this method at a time when literary and cultural studies in race and ethnicity "for the most part, [have] lost the revolutionary knowledges of historical materialism," succumbing instead to the epistemological and political limitations of method- ologies emerging from what Best and Kellner call "the postmodern turn." Fourth, the categories and concepts of historical materialism are not pre-established truths set in stone. To argue that dialectical criti- cism represents an absolute truth would amount to a contradiction in terms since such an argument would tend to reify the methodologi- cal approach. In a much cited passage, Georg Lukács argues, "or- thodox Marxism . . . does not imply the uncritical acceptance of the results of Marx's investigations. It is not the 'belief ' in this or that thesis, nor the exegesis of a 'sacred' book. ... It refers exclusively to method" (Lukács, 1971, 1). Similarly, Peter Knapp and Alan Spector explain, "dialectics is a way of looking at reality, not as a complex of ready-made 'things' but as a set of processes. The dialectical approach examines the ways that everything changes. A dialectical approach asks . . . How do [these changes] connect to the rest of the world? This concern with change and interrelation implies that dialectical analyses are usually historical" (Knapp and Spector, 1991, 264). Ad- ditionally, Alfred Sohn-Rethel argues that historical materialism should not be considered a "world view" or an empirical science about how the world operates; nor should it be assumed that historical ma- terialism possesses a predetermined set of laws requiring only that an astute practitioner impose those laws from the outside on the object of study (Sohn-Rethel, 1978, 189-204). Fifth, the goal of Marxism is not to correct faulty ideas but to negate them - to critique them, to transform them qualitatively. As Ebert argues, for instance, "ludic" postmodernism must be "critiqued" not simply because its theories about society and culture are faulty (even if they are in fact faulty), but because they function as ideol- ogy that correlates to real social contradictions. For a theory to be faulty implies that it can be corrected. The Marxist critique of post- modernism does not serve as an analytical corrective, but as an en- gagement that leads to a démystification of real contradictions. In a similar vein, Sohn-Rethel explains that the superiority of historical materialism over other methods of interpretation does not rest in the claim that it is capable of arriving at better or more correct analyses. The difference between Marxism and other methods cannot be mea- sured on a quantitative scale, where the various methods measure up as more or less correct. Finally (in an effort to synthesize the five points just outlined) , historical materialism should be considered a "methodological pos- tulate" (Sohn-Rethel, 1978, 189-204) that makes truth-claims about social existence, but only after a thorough critique of the concepts and ideas associated with that existence. As a "methodological pos- tulate," historical materialism stands opposed to unmediated reflec- tion theory, which can be considered a pseudo-materialist approach based on the premise that, because social existence determines con- sciousness, consciousness logically must reflect social existence. His- torical materialism agrees that social existence determines conscious- ness, but it holds that consciousness does not "reflect" social existence transparently. On the contrary, consciousness necessarily mystifies the social world because it functions not independently from social real- ity, as in unmediated reflection theory, but as an integral part of re- ality. In the same way that Marx showed how "capital is not a thing, but a social relation established by the instrumentality of things" (Marx, 1974, 766), Sohn-Rethel argues that the intellect is not "pure thought," but rather an abstraction of universal social relations, es- tablished concretely by the instrumentality of cognition. Further, the abstractions that take place in both commodity exchange and cogni- tion operate, at one level, to conceal social relations and, on another, as a "social synthesis" to maintain cohesion and stability within the mode of production out of which they emerge. Thus, for Sohn-Rethel, although existence produces "necessarily false consciousness," it is only through a critical study of this con- sciousness that the historical materialist arrives at a greater knowl- edge of social existence, as if attempting to solve a mystery entirely with clues that are intentionally designed to lead the investigator down a false trail. But even if the clues are false, the truth may be approxi- mated from the formal logic and content of the distortions them- selves. "Roughly," Sohn-Rethel argues, "the Marxist approach to his- torical reality can be understood as answering the question: what must the existential reality of society be like to necessitate such and such a form of consciousness?" (197). He adds: Thus, methodologically the subject-matter of Marx's critique is not the his- torical reality of this or that form of social existence but, in the first instance, a particular mode of consciousness - namely, that of political economy; it is thoughts, not things. It is the concepts of "value," "capital," "profit," "rent," etc., as he found them defined and discussed in the writings of economists. He does not deal directly with realities, does not elaborate concepts of his own which, as "correct" ones, he would oppose to the "false" ones of the economists. His approach is characteristically different. It is an approach to reality, but by way of the "critique" of the historically given consciousness. (Sohn-Rethel, 1978, 195.) Following Sohn-Rethel's argument, a historical materialist critique of postmodernism and its influences on Chicana/o cultural studies should not be understood as a critique of social existence as such - even if the goal is to arrive at a better understanding of social exis- tence in order to develop more effective strategies for changing so- ciety. A Marxist critique of postmodernism should be viewed rather as a critique of ideas and theories that emerge from a particular his- torical reality, which we can now hypothesize as a politically unstable, economically chaotic, contradiction-ridden capitalist mode of pro- duction that must increasingly give the appearance of being stable in order to maintain cohesion - or, when the deception of instabil- ity no longer remains feasible, must make the instability and chaos appear natural and perhaps even progressive, as in the case of post- modernist thought. Historical materialism, then, does not begin with the premise that it possesses a more truthful account of social reality than does postmodernism; it claims only that the critique of the lat- ter by the former initiates a dialectical process through which social contradictions and other previously concealed truths about social existence become evident. In this essay I have argued that Chicana/o writers and critics hold much interest in explaining ideological ambivalence in both creative and critical works. Postmodernism, however, hinders rather than helps in these efforts because it celebrates the appearances and ef- fects of fragmentation, rather than engaging in a critique of its causes - or rather than theorizing a viable response to alienation. From a Marxist perspective, ideological ambivalence reflects the symptoms of reification resulting from the individualizing and divisive needs of a capitalist mode of production. Thus, the ambivalence of Chicana/o literature represents real social contradictions, mediated in the com- plex nexus of author, reader, text and history. From this perspective, postmodernism's celebration of fragmentation coupled with its vicious attacks against the concept of totality reproduces its own reified con- dition. Despite this apparent paradox, Chicana/o cultural criticism nonetheless has turned in the direction of the postmodern. Post- modernist theory might be considered one of the most popular forms of "ideology critique" on the cultural studies market today, but to my mind postmodernism has become the ideology, not the critique.

#### Historical materialism must come first - it predetermines consciousness and the very possibilities of reflective thinking

**Marx 1859** (Karl, a pretty important dude. “A Contribution to the Critique of Political Economy: Preface” http://www.marxists.org/archive/marx/works/1859/critique-pol-economy/preface.htm) JM

>edited for gendered language<

In the social production of their existence, [people] inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life. It is not the consciousness of [people] that determines their existence, but their social existence that determines their consciousness. At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production or – this merely expresses the same thing in legal terms – with the property relations within the framework of which they have operated hitherto. From forms of development of the productive forces these relations turn into their fetters. Then begins an era of social revolution. The changes in the economic foundation lead sooner or later to the transformation of the whole immense superstructure. In studying such transformations it is always necessary to distinguish between the material transformation of the economic conditions of production, which can be determined with the precision of natural science, and the legal, political, religious, artistic or philosophic – in short, ideological forms in which [people] become conscious of this conflict and fight it out. Just as one does not judge an individual by what he thinks about himself, so one cannot judge such a period of transformation by its consciousness, but, on the contrary, this consciousness must be explained from the contradictions of material life, from the conflict existing between the social forces of production and the relations of production. No social order is ever destroyed before all the productive forces for which it is sufficient have been developed, and new superior relations of production never replace older ones before the material conditions for their existence have matured within the framework of the old society.

### Case

#### Their elevation of personal narrative over policy deliberation is politically dangerous—their strategy is the same used by the Bush administration to justify invading Iraq—only a model of public argument which emphasizes clear rules and empirical analysis can create a successful framework for progressive politics

Tonn 5 (Mari Boor, Associate Professor of Communication at the University of Maryland, College Park, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

This widespread recognition that access to public deliberative processes and the ballot is a baseline of any genuine democracy points to the most curious irony of the conversation movement: portions of its constituency. Numbering among the most fervid dialogic loyalists have been some feminists and multiculturalists who represent groups historically denied both the right to speak in public and the ballot. Oddly, some feminists who championed the slogan "The Personal Is Political" to emphasize ways relational power can oppress tend to ignore similar dangers lurking in the appropriation of conversation and dialogue in public deliberation. Yet the conversational model's emphasis on empowerment through intimacy can duplicate the power networks that traditionally excluded females and nonwhites and gave rise to numerous, sometimes necessarily uncivil, demands for democratic inclusion. Formalized participation structures in deliberative processes obviously cannot ensure the elimination of relational power blocs, but, as Freeman pointed out, the absence of formal rules leaves relational power unchecked and potentially capricious. Moreover, the privileging of the self, personal experiences, and individual perspectives of reality intrinsic in the conversational paradigm mirrors justifications once used by dominant groups who used their own lives, beliefs, and interests as templates for hegemonic social premises to oppress women, the lower class, and people of color. Paradigms infused with the therapeutic language of emotional healing and coping likewise flirt with the type of psychological diagnoses once ascribed to disaffected women. But as Betty Friedan's landmark 1963 The Feminist Mystique argued, the cure for female alienation was neither tranquilizers nor attitude adjustments fostered through psychotherapy but, rather, unrestricted opportunities.102 [End Page 423] The price exacted by promoting approaches to complex public issues—models that cast conventional deliberative processes, including the marshaling of evidence beyond individual subjectivity, as "elitist" or "monologic"—can be steep. Consider comments of an aide to President George W. Bush made before reports concluding Iraq harbored no weapons of mass destruction, the primary justification for a U.S.-led war costing thousands of lives. Investigative reporters and other persons sleuthing for hard facts, he claimed, operate "in what we call the reality-based community." Such people "believe that solutions emerge from [the] judicious study of discernible reality." Then baldly flexing the muscle afforded by increasingly popular social-constructionist and poststructuralist models for conflict resolution, he added: "That's not the way the world really works anymore . . . We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities."103 The recent fascination with public conversation and dialogue most likely is a product of frustration with the tone of much public, political discourse. Such concerns are neither new nor completely without merit. Yet, as Burke insightfully pointed out nearly six decades ago, "A perennial embarrassment in liberal apologetics has arisen from its 'surgical' proclivity: its attempt to outlaw a malfunction by outlawing the function." The attempt to eliminate flaws in a process by eliminating the entire process, he writes, "is like trying to eliminate heart disease by eliminating hearts."104 Because public argument and deliberative processes are the "heart" of true democracy, supplanting those models with social and therapeutic conversation and dialogue jeopardizes the very pulse and lifeblood of democracy itself.

#### In demanding a personal affirmation of narratives, the aff appropriates those narratives for selfish purposes that elevate the hegemonic expertise of the witness and recreate biopolitical control over the subject

Givoni 11 (Humanitarian Governance and Ethical Cultivation: Médecins sans Frontières and the Advent of the Expert-Witness Michal Givoni Department of Politics and Government, Ben Gurion University, Millennium: Journal of International Studies 40(1) 43–63)

In order to gain a fuller understanding of humanitarian ethics it is therefore neces- sary to bring to light what Thomas Osborne has defined, following Michel Foucault, as ‘those practices, ideals, norms and techniques through which agents [in this case, the humanitarian rescuers] seek to “stylize” their attributes such as to make themselves coherent subjects of conduct’.8 In this vein, the notion of humanitarian ethics that I attempt to elaborate here does not refer to the imperatives and deliberations that seek to guide relief activity and ensure that it works to the benefit of the victims. It points, rather, to the modes in which humanitarian actors fashion their bodily, psychic and discursive behaviours so as to bring them into line with abstract norms and obligations. According to this perspective, ethics primarily consists of a cultivation of conduct, or what Foucault has famously called a ‘care of the self’, which frames both the exercise of freedom and the exercise of responsibility, aligning the experience of subjectivity with the govern- ment of the subject.9 In this sense, it is a style of life – to use a term put forward by Arnold Davidson – which constitutes the ‘matrix for ... moralities’, producing subjectivities that sustain and pre-conform to ethical precepts.10 By tracking the ethical work that lies at the roots of humanitarianism ‘without borders’, I wish to show that what Foucault has termed ‘technologies of the self’ have been pivotal to contemporary non-governmental humanitari- anism.11 This does not entail that the humanitarian endeavour is, in the final account, a purely narcissistic one. It rather means that the care exercised by experts for their own moral being has become increasingly enmeshed with their concern for others, forming the condition and the medium for the effective realisation of a contemporary politics of pity.12 The case of MSF makes it possible to trace the contours of one of the ethical supple- ments that became fused with professional practices of aid. For MSF, the burden of humanitarian dilemmas, when properly assumed, has been commingled with the figure of the witness. This figure, as I will show in what follows, had to be made and main- tained, while crafting physicians as vigilant observers of distant suffering and as compel- ling, rather than simply credible, spokespersons of victims worldwide. The humanitarian witness has been more than just a source of testimony whose own existence could be taken for granted: the witness has been a character to take on, an appealing moral posi- tion that could be attained by undertaking voluntary relief action in the Third World, and later deliberations and outspoken statements in Western public spheres. In Foucault’s terms, the witness has been the telos of varying modes of self-formation adopted by humanitarian practitioners.13 It has been the product of a sustained cultivation of indi- vidual and collective selves that, much like the care of the self in antiquity explored by Foucault, was not geared towards a hedonistic stylisation of character, but rather towards the surpassing of one’s bounded existence, inextricably merging the practitioners’ desti- nies with those of distant victims.14 In order to draw out the full resonance of the ethical practices that set witnessing as an end in itself it is necessary to turn our gaze back to the 1970s, when humanitarianism ‘without borders’ was only beginning to take shape. This period of incubation provides a privileged window into the making of a ‘specific intellectual’;15 a valuable historical record of how the figure of an engaged expert that came to constitute a new point of relay between truth and politics was forged in the field of medical humanitarianism.16 Yet MSF’s effort to weave together witnessing and medicine as a means to transcend the confines of the latter also casts critical light on this new intellectual project. It discloses the hitherto neglected connections of the expert-witness to a neo liberal political rational- ity that mobilises the freedom and autonomy of individuals as prime resources for the redeployment on a global scale of an efficacious political power. The recognition that in humanitarian work it is not only ‘impossible ... to distinguish altruism from narcissism’, as James Dawes has put it, but also potentially detrimental to do so has important repercussions for our appraisal of both the morality and the politics of humanitarianism.17 What need to be addressed are the affinities of the humanitarian endeavour with a configuration of political power in which, in the words of Foucault, ‘technologies of domination of individuals over one another have recourse to processes by which the individual acts upon himself and, conversely, ... [in which] techniques of the self are integrated into structures of coercion’.18 While the concern of critics of humanitarianism has focused largely on its alignment with sovereign biopolitics19 and with a discriminatory politics of life,20 there exists also a different kind of power game that renders this form of global benevolence politically problematic, albeit in a less deci- sive way. If the humanitarian administration of bare life is currently anchored in the ethi- cal cultivation of enlightened experts, if control over and surveillance of the unruly global peripheries is achieved not only through care for endangered populations but also through care for disconcerted selves, then there is a need to further complicate the picture drawn by the critical accounts of humanitarianism. This article makes a first step in this direction, using the study of the early years of MSF as a basis for a revised analytics of humanitarian power. Without presuming to argue that the case of MSF is representative of other humanitarian organisations, a claim that would require a far broader investiga- tion of the humanitarian field, I wish to show that the ethics of this prominent and influ- ential humanitarian actor shed light on the discrepancies within the contemporary apparatus of humanitarian governance and point to the need to revisit our conceptions of its mechanisms. Moving beyond the topos of bare life and its emphasis on the clinical and depoliticised framing of the suffering body in humanitarian practice, this article shows that the affinity between humanitarianism, medicine and politics draws, to a no lesser extent, on the ‘pursuit of enlightened subjectivity’ for which medicine has become ‘a privileged site’.21

#### Their “polititcs of the body” is a strategy that reinforces a duality elevating the white mind. It justifies further oppression, turning case

Alley-Young 8 (July 2008, Gordon Alley-Young, Assistant Professor in the Department of Communications and Performing Arts at Kingsborough Community College-City University of New York, “Articulating Identity: Refining Postcolonial and Whiteness Perspectives on Race within Communication Studies,” The Review of Communication Vol. 8, No. 3, July 2008)

Descartes’ (1968) mind-body dichotomy holds that the body is divisible into its constitutive parts but that the mind is not. Postcolonial writers adapt Descartes’ (1968) dichotomy to explain how the colonial relationship situated whites and natives. In the postcolonial dichotomy white represents the mind and logic, perceiving natives as physical and illogical bodies requiring domination and control. Mohanram (1999, p. 15) cites claims of a ‘‘European universal subject’’ in colonial discourse. Such claims position white colonials as mobile, transportable, and logical as compared to the native person who is fixed to physical place and illogical. Such thinking allowed imperial nations to justify colonization as imposing logic and order on what they perceived to be illogical and underdeveloped people.¶ The postcolonial mind body dichotomy leaves the dimensions of the white body undeveloped. Dyer (1997, p. 6) describes experiencing his white body as ‘‘tightness, with self-control, self-consciousness, mind over body’’ when dancing among black bodies. Dyer’s (1997) comments suggest an experience of the white body that is informed by Cartesian thought. However, Dyer (1997) also seems to suggest that this white􏰀black physical difference is a reality, even if a socially constructed reality, while postcolonialism is suspect of such distinctions. Postcolonial writer Fanon (1967, p. 129) cites a frustrated friend who states, ‘‘When the whites feel that they have become too mechanized, they turn to the man of colour . . . for a little human sustenance.’’¶ In conflating whiteness with the mind this dichotomy suggests a rational, logical, and absent white body. The colonial perspective views the mind’s control over the white body as preferable to the body acting on its own physical impulses. The colonial perspective seeks to restrain, regulate, and/or educate the native body. The problem, Mohanram (1999) notes, is that the dichotomy reifies white colonialists’ belief that the white mind can develop but the black body cannot. This dichotomy negates native subjectivity by making natives physical bodies and thus objects that can be owned by the colonizer. Banton (2002) notes that, despite all the differences inherent in the colonial relationship, it was ‘‘complexion that came above all to serve as the sign of where a person belonged in the new social order’’ (p. 25). The black body became an object owned by this new social order. The dichotomy is a hierarchy but also a separation of subject from object.¶ One consequence of communicating about the native/black body as a physical object is that natives become hyper-sexualized (Mohanram, 1999) in the white imagination as sexually endowed (Dyer, 1997) and/or sexually violent (Fanon, 1967). Such myths reinforced colonizers’ resolve to control and restrict native bodies. This consequence surfaces in white, female colonists’ preoccupation with saving the native woman (Gandhi, 1998; Mohanram, 1999; Trinh, 1986/1987a, 1986/1987b). Colonial women perceived native men to be violent, oppressive tyrants and the native woman to be ignorant of their own oppression, thus requiring the help of enlightened, white, western women. This paternalistic thinking ignores native women’s strong cultural allegiances and views native culture as physically oppressive and needing western intervention.

#### The narrative paradigm is uniquely bad in the context of policy debate—precludes the possibility of meaningful comparison of political strategies.

McDonald and Jarman 95 (Director of Forensics at Western Washington University, and Jarman, Director of Debate at Wichita State, Kelly and Jeffrey W “GETTING THE STORY RIGHT: THE ROLE OF NARRATIVE IN ACADEMIC DEBATE,”)

A narrative perspective would be important for shaping the experience of individual debaters for future leadership as well as forcing them to make MORE compelling Gass (1988) represents the strongest critique of the Application of a narrative paradigm in academic debate. Rejecting any paradigmatic solution to the problems within debate practice through narrative, Gass advances the expert model for argument construction and evaluation. He makes three basic arguments against the narrative paradigm. First, Gass says the narrative paradigm lacks the precision needed for academic debate. Grounding his argument in the differences between “pure” and “applied” theories, Gass contends that “pure theories” do not require precision because they attempt to “explain, understand, or interpret phenomena.” In contrast , “applied” theories re- quire precision because they function to regulate, instead of explain phenomenon. Academic debate, because its theories act to regulate behavior, rather than explain it, requires precision. Gass argues that the narrative paradigm does not bring the necessary precision the activity requires. For instance, it provides no guidelines concerning how to resolve issues such as conditionality, counterplans, permutations, stock issues and fiat power. Without explaining how narrative rationality would resolve competing theoretical questions, Gass believes that the theory fails to provide the necessary precision required by academic debate.

#### Narratives support hegemonic structures- they link personal experience to universal unquestionable truth

Ewick and Silbey 95 (Patricia Susan S. Law & Society Review, 00239216, 19, Vol. 29, Issue 2)

In the previous section, we discussed how narratives, like the lives and experiences they recount, are cultural productions. Narratives are generated interactively through normatively structured performances and interactions. Even the most personal of narratives rely on and invoke collective narratives — symbols, linguistic formulations, structures, and vocabularies of motive — without which the personal would remain unintelligible and uninterpretable. Because of the conventionalized character of narrative, then, our stories are likely to express ideological effects and hegemonic assumptions.[ [10](http://web.ebscohost.com.proxy.library.emory.edu/ehost/detail?vid=4&hid=106&sid=c00733b3-4acd-4926-b4f9-94f849d6e9f1%40sessionmgr109#bib10)] We are as likely to be shackled by the stories we tell (or that are culturally available for our telling) as we are by the form of oppression they might seek to reveal. In short, the structure, the content, and the performance of stories as they are defined and regulated within social settings often articulate and reproduce existing ideologies and hegemonic relations of power and inequality. It is important to emphasize that narratives do more than simply reflect or express existing ideologies. Through their telling, our stories come to constitute the hegemony that in turn shapes social lives and conduct "The hegemonic is not simply a static body of ideas to which members of a culture are obliged to conform" (Silberstein 1988:127). Rather, Silberstein writes, hegemony has "a protean nature in which dominant relations are preserved while their manifestations remain highly flexible. The hegemonic must continually evolve so as to recuperate alternative hegemonies." In other words, the hegemonic gets produced and evolves within individual, seemingly unique, discrete personal narratives. Indeed, the resilience of ideologies and hegemony may derive from their articulation within personal stories. Finding expression and being refashioned within the stories of countless individuals may lead to a polyvocality that inoculates and protects the master narrative from critique. The hegemonic strength of a master narrative derives, Brinkley Messick (1988:657) writes, from "its textual, and lived heteroglossia … [, s]ubverting and dissimulating itself at every … turn"; thus ideologies that are encoded in particular stories are "effectively protected from sustained critique" by the fact that they are constituted through variety and contradiction. Research in a variety of social settings has demonstrated the hegemonic potential of narrative by illustrating how narratives can contribute to the reproduction of existing structures of meaning and power. First, narratives can function specifically as mechanisms of social control (Mumby 1993). At various levels of social organization — ranging from families to nation-states — storytelling instructs us about what is expected and warns us of the consequences of nonconformity. Oft-told family tales about lost fortunes or spoiled reputations enforce traditional definitions and values of family life (Langellier & Peterson 1993). Similarly, bureaucratic organizations exact compliance from members through the articulation of managerial prerogatives and expectations and the consequences of violation or challenge (Witten 1993). Through our narratives of courtship, lost accounts, and failed careers, cultures are constructed; we "do" family, we "do" organization, through the stories we tell (Langellier & Peterson 1993). Second, the hegemonic potential of narrative is further enhanced by narratives' ability to colonize consciousness. Well-plotted stories cohere by relating various (selectively appropriated) events and details into a temporally organized whole (see part I above). The coherent whole, that is, the configuration of events and characters arranged in believable plots, preempts alternative stories. The events seem to speak for themselves; the tale appears to tell itself. Ehrenhaus (1993) provides a poignant example of a cultural meta-narrative that operates to stifle alternatives. He describes the currently dominant cultural narrative regarding the United States's involvement in the Vietnam War as one that relies on themes of dysfunction and rehabilitation. The story, as Ehrenhaus summarizes it, is structured as a social drama which characterizes both the nation and individual Vietnam veterans as having experienced a breakdown in normal functioning only recently resolved through a process of healing. This narrative is persuasive because it reiterates and elaborates already existing and dominant metaphors and interpretive frameworks in American culture concerning what Philip Rieff (1968) called the "triumph of the therapeutic" (see also Crews 1994). Significantly, the therapeutic motif underwriting this narrative depicts veterans as emotionally and psychologically fragile and, thus, disqualifies them as creditable witnesses. The connection between what they saw and experienced while in Vietnam and what the nation did in Vietnam is severed. In other words, what could have developed as a powerful critique of warfare as national policy is contained through the image of illness and rehabilitation, an image in which "'healing' is privileged over 'purpose' [and] the rhetoric of recovery and reintegration subverts the emergence of rhetoric that seeks to examine the reasons that recovery is even necessary" (Ehrenhaus 1993:83). Constituent and distinctive features of narratives make them particularly potent forms of social control and ideological penetration and homogenization. In part, their potency derives from the fact that narratives put "forth powerful and persuasive truth claims — claims about appropriate behavior and values — that are shielded from testing or debate" (Witten 1993:105). Performative features of narrative such as repetition, vivid concrete details, particularity of characters, and coherence of plot silence epistemological challenges and often generate emotional identification and commitment. Because narratives make implicit rather than explicit claims regarding causality and truth as they are dramatized in particular events regarding specific characters, stories elude challenges, testing, or debate. Van Dijk (1993) has reported, for instance, that stories containing negative images and stereotypes of nonwhite persons are less subject to the charge of racism when they recount personal experiences and particular events. Whereas a general claim that a certain group is inferior or dangerous might be contested on empirical grounds, an individual story about being mugged, a story which includes an incidental reference to the nonwhite race of the assailant, communicates a similar message but under the protected guise of simply stating the "facts." The causal significance or relevance of the assailant's race is, in such a tale, strongly implied but not subject to challenge or efalsifiability. Thus representations, true and/or false, made implicitly without either validation or contest, are routinely exchanged in social interactions and thereby occupy social space. Third, narratives contribute to hegemony to the extent that they conceal the social organization of their production and plausibility. Narratives embody general understandings of the world that by their deployment and repetition come to constitute and sustain the life-world. Yet because narratives depict specific persons existing in particular social, physical, and historical locations, those general understandings often remain unacknowledged. By failing to make these manifest, narratives draw on unexamined assumptions and causal claims without displaying these assumptions and claims or laying them open to challenge or testing. Thus, as narratives depict understandings of particular persons and events, they reproduce, without exposing, the connections of the specific story and persons to the structure of relations and institutions that made the story plausible. To the extent that the hegemonic is "that order of signs and practices, relations and distinctions, images and epistemologies … that come to be taken-for-granted as the natural and received shape of the world and everything that inhabits it" (Comaroff & Comaroff 1991), the unarticulated and unexamined plausibility is the story's contribution to hegemony. The following two examples drawn from recent sociolegal research illustrate the ways in which legally organized narrativity helps produce the taken-for-granted and naturalized world by effacing the connections between the particular and the general. Sara Cobb (1992) examines the processes through which women's stories of violence are "domesticated" (tamed and normalized) within mediation sessions. Cobb reports that the domestication of women's stories of violence are a consequence of the organization of the setting in which they are told: within mediation, the storyteller and her audience are situated within a normative organization that recognizes the values of narrative participation over any substantive moral or epistemological code or standard. Being denied access to any external standards, the stories the women tell cannot therefore be adjudged true or compelling. The stories are interpreted as one version of a situation in which "multiple perspectives are possible." Cobb demonstrates how this particular context of elicitation specifically buries and silences stories of violence, effectively reproducing women's relative powerlessness within their families. With women deprived of the possibility of corroboration by the norms of the mediation session, their stories of violence are minimized and "disappeared." As a consequence, the individual woman can get little relief from the situation that brought her to mediation: she is denied an individual legal remedy (by being sent from court to mediation) and at the same time denied access to and connections with any collective understanding of or response to the sorts of violence acknowledged by the law (through the organization of the mediation process). Through this process, "violence, as a disruption of the moral order in a community, is made familiar (of the family) and natural — the extraordinary is tamed, drawn into the place where we eat, sleep and [is] made ordinary" (ibid., p. 19). Whereas mediation protects narratives from an interrogation of their truth claims, other, formal legal processes are deliberately organized to adjudicate truth claims. Yet even in these settings, certain types of truth claims are disqualified and thus shielded from examination and scrutiny. The strong preference of courts for individual narratives operates to impede the expression (and validation) of truth claims that are not easily represented through a particular story. Consider, for example, the Supreme Court's decision in the McClesky case (1986). The defendant, a black man who had been convicted of the murder of a police officer, was sentenced to death. His Supreme Court appeal of the death sentence was based on his claim that the law had been applied in a racially discriminatory way, thus denying him equal protection under the law. As part of McClesky's appeal, David Baldus, a social scientist, submitted an amicus brief in which he reported the results of his analysis of 2,000 homicide cases in that state (Baldus 1990). The statistical data revealed that black defendants convicted of killing white citizens were significantly more likely to receive the death sentence than white defendants convicted of killing a black victim. Despite this evidence of racial discrimination, the Court did not overturn McClesky's death sentence. The majority decision, in an opinion written by Justice Powell, stated that the kind of statistical evidence submitted by Baldus was simply not sufficient to establish that any racial discrimination occurred in this particular case. The court declared, instead, that to demonstrate racial discrimination, it would be necessary to establish that the jury, or the prosecutor, acted with discriminatory purpose in sentencing McClesky.[ [11](http://web.ebscohost.com.proxy.library.emory.edu/ehost/detail?vid=4&hid=106&sid=c00733b3-4acd-4926-b4f9-94f849d6e9f1%40sessionmgr109#bib11)] Here, then, an unambiguous pattern of racial inequity was sustained through the very invocation of and demand for subjectivity (the jury's or prosecutor's state of mind) and particularity (the refusal to interpret this case as part of a larger category of cases) that are often embodied in narratives. In this instance, relative powerlessness and injustice (if one is to believe Baldus's data) were preserved, rather than challenged, by the demand for a particular narrative about specific concrete individuals whose interactions were bounded in time and space. In other words, the Court held that the legally cognizable explanation of the defendant's conviction could not be a product of inferential or deductive comprehension (Mink 1970; Bruner 1986). Despite its best efforts, the defense was denied discursive access to the generalizing, and authoritative, language of social logico-deductive science and with it the type of "truths" it is capable of representing. The court insists on a narrative that effaces the relationship between the particular and the general, between this case and other capital trials in Georgia. Further, the McClesky decision illustrates not only how the demand for narrative particularity may reinscribe relative powerlessness by obscuring the connection between the individual case and larger patterns of institutional behavior; it also reveals how conventionalized legal procedures impede the demonstration of that connection.[ [12](http://web.ebscohost.com.proxy.library.emory.edu/ehost/detail?vid=4&hid=106&sid=c00733b3-4acd-4926-b4f9-94f849d6e9f1%40sessionmgr109#bib12)] The court simultaneously demanded evidence of the jurors' states of mind and excluded such evidence. Because jury deliberations are protected from routine scrutiny and evaluation, the majority demanded a kind of proof that is institutionally unavailable. Thus, in the McClesky decision, by insisting on a narrative of explicit articulated discrimination, the court calls for a kind of narrative truth that court procedures institutionally impede. As these examples suggest, a reliance on or demand for narrativity is neither unusual nor subversive within legal settings. In fact, given the ideological commitment to individualized justice and case-by-case processing that characterizes our legal system, narrative, relying as it often does on the language of the particular and subjective, may more often operate to sustain, rather than subvert, inequality and injustice. The law's insistent demand for personal narratives achieves a kind of radical individuation that disempowers the teller by effacing the connections among persons and the social organization of their experiences. This argument is borne out if we consider that being relieved of the necessity, and costs, of telling a story can be seen as liberatory and collectively empowering. Insofar as particular and subjective narratives reinforce a view of the world made up of autonomous individuals interacting only in immediate and local ways, they may hobble collective claims and solutions to social inequities (Silbey 1984). In fact, the progressive achievements of workers' compensation, no-fault divorce, no-fault auto insurance, strict liability, and some consumer protection regimes derive directly from the provision of legal remedies without the requirement to produce an individually crafted narrative of right and liability.

#### Epistemology doesn’t determine reality – we can have a flawed epistemology but still prescribe good actions.

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[Colin, “Inside the epistemological cave all bets are off” <http://www.ciaonet.org/olj/jird/jird_200703_v10n1_d.pdf>, p.43-46, accessed 10-22-11, TAP]

In some respects, this might seem to place me close to the position that Kratochwil suggests is absurd. For is not my position a form of ‘anything goes’? Well, again agreeing with Kratochwil that we should reject traditional logic and its associated yes or no answers, I will reply both yes and no. 10 Yes, it is an ‘anything goes’ position insofar as I reject outright that we need to commit ourselves to any particular epistemological position in advance of making or judging particular knowledge claims. I can see no good reason for giving any specific epistemological standpoint a position of a priori privilege. But I can also answer no because this position does not mean that we are unable to make informed judgements on the basis of the evidence for the claim. The fact that philosophers have been unable to provide secure foundations for one or other epistemological stance does not alter the fact that we continue to use these positions to get along in the world. In this respect, I agree completely with Kratochwil’s claim (2007: 11) that both absolute certainty and absolute doubt are impossible positions to hold, and that we ‘go on’in a situation located somewhere in between. It may be philosophically naıve of me to claim that if I wish to know how many cars are parked in my drive, then the easiest way is to probably go and look. But I can do this without needing philosophy to prove empiricism infallible. Equally, in certain circumstances I might be able to ascertain how many cars are in my drive without looking; if, for example, I know that at time T1 that there were three cars and that one went away at time T2, then, if asked at time T3 (assuming these events are sequential), I have a legitimate case to say ‘two’. Of course, in either case, I could still be wrong but the point is that the claim about the existence of a certain number of cars can justifiably be supported on various epistemological grounds and we do not know in advance which will be the most appropriate. Hence the context in which the claim emerges is also an important aspect of its validity. In both cases, there is no doubt that observation or the process of rational deduction is theoretically laden, but to say that our concepts help carve up the world in certain ways is not to accept that they either determine the physicality of what exists or can, in all cases, stop an object from existing. 11 Again, in some respects, my position might appear to be quite close to Kratochwil’s pragmatist alternative. After all, pragmatists generally argue that we should do what works. There are certainly aspects of Kratochwil’s position that do suggest some affinities with my notion of epistemological opportunism. Thus, for example, he argues that ‘each science provides its own court and judges the appropriateness of its own methods and practices’(Kratochwil 2007: 12). This is, indeed, the position scientific realists adopt in relation to epistemological and methodological matters, although Kratochwil seems to reject that scientific realism out of hand. 12 But it is not clear why each science would need to judge the appropriateness of its own methods and practices unless there are some fundamental ontological differences that distinguish the object of study; which is exactly why scientific realists insist that ontology forms the starting point of all enquiry, not the a priori commitment to a set of scientific methods. According to the positivist view of science, there is a general set of rules, procedures and axioms which, when taken together, constitute the ‘scientific method’. Although the various strands of positivism disagree over the exact form of these axioms, the need to define them is common to all versions (Halfpenny 1982). For scientific realists, on the other hand, there can be no ‘scientific method’because differing phenomena will require differing modes of investigation and perhaps different models of explanation. This argument is embedded in the differing ontological domains that concern the individual sciences. Hence there can be no scientific method as such, since differing object domains will require methods appropriate to their study and a range of epistemological supports. Kratochwil’s position is very different. He accepts that we have to ‘search for viable criteria of assessment of our theories’(Kratochwil 2007: 1), but exactly which criteria does he suggest? First, he explicitly rejects the notion that the world itself will play any role, arguing that ‘if we recognize the constitutive nature of our concepts then we have to accept that we never ‘‘test’’ against the ‘‘real world’’ but only against other more or less-articulated theories’ (Kratochwil 2007: 3). The use of ‘never’is a very strong statement and seems to rule out any role for empirical research. 13 Of course, Kratochwil may argue that by ‘real world’he does not mean the world of experience but some Platonic realm beyond experience. But, in so doing, he would be aligning himself with the positivists who also denied the possibility of accessing reality beyond that which can be experienced. Equally, of course, the empirical is part of the real world even if it does not exhaust it. Ultimately I think Kratochwil, like the positivists, does treat the world as the ‘world of experience’. This means that he has a very philosophically idealist notion of the real world, which also means that rather than transcending the materialist/idealist dichotomy, he is clearly on one side of it. 14 There is, however, some confusion regarding this issue. For example, despite claiming that the objects of experience are the result of our constructions and interests, he also argues that no one really contests the claim that there is a common substratum to these objects (Kratochwil 2007: 6). Equally in previous work he has claimed that no one seriously doubts the existence of an independent world (Kratochwil 2000: 91). Given these claims, it seems that the point he is trying to make is the relatively uncontested idea that we describe the world in certain ways and that those descriptions play a role, perhaps even determine, in how we interact with the world. I know of no one who would object to this, but this is a long way from the claim that we construct objects in a physical sense, by describing them in particular ways, or that the world plays no role in terms of the assessment of our claims. To illustrate this issue he uses the example of a table, which he claims is something entirely different to a ‘physicist, the chemist, the cabinet maker, the user, or the art historian’(Kratochwil 2007: 6). Now, of course, how we use a table, or how we describe it is almost exclusively a matter of our discourses and interests. No one doubts this. Nor does anyone doubt that objects can be described in a number of differing ways. Yet the fact still remains that in order for any object to function as a table it needs to have a set of properties such that it can fulfill that role. Hence, we construct tables out of materials, such as wood, that have the properties of being able to support objects placed on them. No matter how creative we are within our community of rule-following scientists, we are not yet able to construct tables out of water. 15 Thus, the world itself simply cannot be discarded in the manner Kratochwil suggests. One can think of many such examples where the world does in a very real and important sense talk to us: penalizing any attempt to put out fires using petrol rather than water for example; attempting to run our cars by packing them with environmental waste; or attempting to feed the starving of the world on fresh air as opposed to substances that provide nutritional value. 16 If Kratochwil’s idealist metaphysics were correct, all of these should be possible as long as we have an interest in achieving them, and providing enough of a given community followed the rules governing this process. The nature of matter itself, however, seems to block this move, which, because we continuously interact with the material world, cannot be simply described, as Kratochwil does, as ‘irrelevant’(Kratochwil 2007: 6). In a very meaningful and practical sense the world does communicate with us, accepting or rejecting our attempts to fashion it in ways to suit our interests on the basis of its specific modes of being (Pickering 1995). Likewise, when physicists or chemists interact with a table they generally do so in terms of it being a table, to place computers on, etc. 17 Similarly, art historians also relate to tables as tables and only treat particular tables with additional properties as ‘art objects’. And it is not just any table that can function as a work of art, but only a table that does indeed possess certain properties that match it to the rules that determine what constitutes an ‘art object’. Without this, just about any table would do and the notion of forgery in art would be redundant. Of course, these issues are infinitely more complicated in the social world where existence is dependent upon language and concepts. 18 Nonetheless, even in this realm existential claims made by theorists in academia are not a necessary, or sufficient, element to bring social objects into being, and nor do academic claims to the contrary stop particular social objects from existing. Social objects existed long before institutionally located social scientists attempted to describe them. Equally, in order to transcend the materialism/idealism dichotomy, we should be wary of embracing too sharp a distinction between natural and social processes. Accordingly, it is the case that human patterns of behaviour are impacting on global environmental processes in ways we have yet to fully understand and these processes will continue irrespective of whether we reach an intersubjective agreement on what they mean. And, of course, these same human-influenced processes will react back on social life in unforeseen ways, again often irrespective of our descriptions of them. 19

#### Prioritizing epistemology reifies, rewards extremism and causes self-serving scholarship.

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[David, “Why ‘‘isms’’ Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress”, International Studies Quarterly, 2011, 55, 465-480, RSR]

The question of epistemology in international studies suffers from the same pathologies for theories outlined earlier, and which I need not repeat here. We reify each approach, reward extremism, fail to specify research designs completely, apply epistemologies selectively where they are most likely to work, and then claim universality. Through these pathologies, we not only create academic religions of different theories but also become committed to academic sects with different epistemologies. Like our theories, these epistemologies have become increasingly politicized and used as criteria and even weapons in power struggles within the discipline. Gatekeepers increasingly use one’s adherence to this or that epistemological religion to determine who gets hired where, who gets access to resources, and who is accepted in various professional networks. We increasingly talk and interact only with others of our same epistemological persuasion. Yet, although it may disappoint partisans, I can think of no objective reason to prefer one epistemology over another. Rather, the choice of epistemology by scholars appears to be largely subjective. We appear to be drawn to one or the other approach by intuition: one form of explanation simply feels right. Some are satisfied only when an event is placed in its full historical perspective with all the conjunctures and counterfactuals accounted for. Others are satisfied only when events accord with an appropriately derived hypothesis that has passed many demanding experimental tests. For myself, I read a lot in history—far more than I read in political science—and benefit from and enjoy these mostly narrative accounts immensely. But at the same time, I am usually not persuaded by causal claims that lack well-specified theories and experimental tests. In turn, while most of my own research has focused on the history of US foreign policy, the cases are treated within a nomological approach (see Lake 1988, 1999). One can move across the divide without finding the causal claims on the other side especially satisfying.

#### Their narratives of suffering produce flawed knowledge about the other and exclude those whose narratives aren’t about suffering, turning case

Brown 96 (Wendy is Professor of Women's Studies and Legal Studies, and is Co-Director of the Center for Cultural Studies at the University of California, Santa Cruz. The University of Chicago Law School Roundtable)

If, taken together, the two passages from Foucault we have been consider- ing call feminists to account in our compulsion to put everything about women into discourse, they do not yet exhaust the phenomenon of being ensnared 'in the folds of our own discourses.' For if the problem I have been discussing is easy enough to see--indeed, largely familiar to those who track techniques of co-optation--at the level of legal and bureaucratic discourse, it is altogether more disquieting when it takes the form of regulatory discourse in our own sub- and counter-cultures of resistance . . . when confessing injury becomes that which attaches us to the injury, paralyzes us within it, and prevents us from seeking or even desiring a status other than injured. In an age of social identification through attributes marked as culturally significant--gender, race, sexuality, and so forth--confessional discourse, with its truth-bearing status in a post-epistemological universe, not only regulates the confessor in the name of freeing her as Foucault described that logic, but extends beyond the confess- ing individual to constitute a regulatory truth about the identity group. Confessed truths are assembled and deployed as "knowledge" about the group. This phenomenon would seem to undergird a range of recurring troubles in feminism, from the "real woman" rejoinder to post-structuralist deconstructions of her, to totalizing descriptions of women's experience that are the inadvertent effects of various kinds of survivor stories. Thus, for example, the porn star who feels miserably exploited, violated and humiliated in her work invariably monopolizes the truth about sex work; as the girl with math anxieties constitutes the truth about women and math; as eating disor- ders have become the truth about women and food; as sexual abuse and viola- tion occupy the knowledge terrain of women and sexuality. In other words, even as feminism aims to affirm diversity among women and women's ex- periences, confession as the site of production of truth and its convergence with feminist suspicion and deauthorization of truth from other sources tends to reinstate a unified discourse in which the story of greatest suffering becomes the true story of woman. (I think this constitutes part of the rhetorical power of MacKinnon's work; analytically, the epistemological superiority of confes- sion substitutes for the older, largely discredited charge of false consciousness). Thus, the adult who does not suffer from her or his childhood sexual experi- ence, the lesbian who does not feel shame, the woman of color who does not primarily or "correctly" identify with her marking as such--these figures are excluded as bonafide members of the categories which also claim them. Their status within these discourses is that of being "in denial," "passing" or being a "race traitor." This is the norm-making process in feminist traditions of "breaking silence" which, ironically, silence and exclude the very women these traditions mean to empower. (Is it surprising, when we think in this vein, that there is so little feminist writing on heterosexual pleasure?) But if these practices tacitly silence those whose experiences do not parallel those whose suffering is most marked (or whom the discourse produces as suffering markedly), they also condemn those whose sufferings they record to a permanent identification with that suffering. Here, we experience a temporal ensnaring in 'the folds of our own discourses' insofar as we identify ourselves in speech in a manner that condemns us to live in a present dominated by the past**.** But what if speech and silence aren't really opposites? Indeed, what if to speak incessantly of one's suffering is to silence the possibilities of overcoming it, of living beyond it, of identifying as something other than it? What if this incessant speech not only overwhelms the experiences of others, but alternative (unutterable? traumatized? fragmentary? inassimilable?) zones of one's own experience? Conversely, what if a certain modality of silence about one's suffering--and I am suggesting that we must consider modalities of silence as varied as modalities of speech and discourse--is to articulate a variety of possibilities not otherwise available to the sufferer?

#### Continual bombardment with testimonies causes collective indifference

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(Fuyuki, The Work of Global Justice: Human Rights as Practices, p. 42, OG)

Despite various predictions about the benevolent effects of planetary communication flows on rapprochement between the world’s peoples, indifference remains a feature of the global village in the epoch of transnational media. In fact, it may well be that the proliferation of testimonial practices carried by such media produces ‘compassion fatigue’ (Moeller 1999) among Western readers and viewers, who are bombarded with narratives and scenes of suffering from the four corners of the globe on a regular basis. Oversaturation and overexposure can transform even the most concerned of citizens into morally and emotionally blase´ or numbed spectators, who develop a disturbing tolerance to the daily regime of atrocities and structural violence served up in morning newspapers and on evening newscasts. The routinization of representations of extreme suffering means that their threshold of toleration climbs ever higher, whereas a sense of helplessness in the face of seemingly inevitable or intractable global injustices (‘they will always occur’ or ‘the issues are too complicated’) makes the general public turn away from testimonial pleas.29

## 2NC

#### Dialetical materialism is key to achieving class consciousness and thus stopping capitalism

Lukacs 1919 (George, Hungarian philosopher, He was the founder of Western Marxism, “What is Orthodox Marxism” http://www.marxists.org/archive/lukacs/works/history/orthodox.htm)

If the question were really to be formulated in terms of such a crude antithesis it would deserve at best a pitying smile. But in fact it is not (and never has been) quite so straightforward. Let us assume for the sake of argument that recent research had disproved once and for all every one of Marx’s individual theses. Even if this were to be proved, every serious ‘orthodox’ Marxist would still be able to accept all such modern findings without reservation and hence dismiss all of Marx’s theses in toto – without having to renounce his orthodoxy for a single moment. Orthodox Marxism, therefore, does not imply the uncritical acceptance of the results of Marx’s investigations. It is not the ‘belief’ in this or that thesis, nor the exegesis of a ‘sacred’ book. On the contrary, orthodoxy refers exclusively to method. It is the scientific conviction that dialectical materialism is the road to truth and that its methods can be developed, expanded and deepened only along the lines laid down by its founders. It is the conviction, moreover, that all attempts to surpass or ‘improve’ it have led and must lead to over-simplification, triviality and eclecticism. 1 Materialist dialectic is a revolutionary dialectic. This definition is so important and altogether so crucial for an understanding of its nature that if the problem is to be approached in the right way this must be fully grasped before we venture upon a discussion of the dialectical method itself. The issue turns on the question of theory and practice. And this not merely in the sense given it by Marx when he says in his first critique of Hegel that “theory becomes a material force when it grips the masses.” [[1]](http://www.marxists.org/archive/lukacs/works/history/orthodox.htm#1) Even more to the point is the need to discover those features and definitions both of the theory and the ways of gripping the masses which convert the theory, the dialectical method, into a vehicle of revolution. We must extract the practical essence of the theory from the method and its relation to its object. If this is not done that ‘gripping the masses’ could well turn out to be a will o’ the wisp. It might turn out that the masses were in the grip of quite different forces, that they were in pursuit of quite different ends. In that event, there would be no necessary connection between the theory and their activity, it would be a form that enables the masses to become conscious of their socially necessary or fortuitous actions, without ensuring a genuine and necessary bond between consciousness and action. In the same essay [[2]](http://www.marxists.org/archive/lukacs/works/history/orthodox.htm#2) Marx clearly defined the conditions in which a relation between theory and practice becomes possible. “It is not enough that thought should seek to realise itself; reality must also strive towards thought.” Or, as he expresses it in an earlier work: [[3]](http://www.marxists.org/archive/lukacs/works/history/orthodox.htm#3) “It will then be realised that the world has long since possessed something in the form of a dream which it need only take possession of consciously, in order to possess it in reality.” Only when consciousness stands in such a relation to reality can theory and practice be united. But for this to happen the emergence of consciousness must become the decisive step which the historical process must take

towards its proper end (an end constituted by the wills of men, but neither dependent on human whim, nor the product of human invention). The historical function of theory is to make this step a practical possibility. Only when a historical situation has arisen in which a class must understand society if it is to assert itself; only when the fact that a class understands itself means that it understands society as a whole and when, in consequence, the class becomes both the subject and the object of knowledge; in short, only when these conditions are all satisfied will the unity of theory and practice, the precondition of the revolutionary function of the theory, become possible. Such a situation has in fact arisen with the entry of the proletariat into history. “When the proletariat proclaims the dissolution of the existing social order,” Marx declares, “it does no more than disclose the secret of its own existence, for it is the effective dissolution of that order.” [[4]](http://www.marxists.org/archive/lukacs/works/history/orthodox.htm#4) The links between the theory that affirms this and the revolution are not just arbitrary, nor are they particularly tortuous or open to misunderstanding. On the contrary, the theory is essentially the intellectual expression of the revolutionary process itself. In it every stage of the process becomes fixed so that it may be generalised, communicated, utilised and developed. Because the theory does nothing but arrest and make conscious each necessary step, it becomes at the same time the necessary premise of the following one.

#### You cannot permute a method – it strips out all of the conceptual theory that allows us both understand the world and to create a praxis to end oppression

Tumino 1 [Stephen, Prof English at Pitt, ““What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online]

Orthodox Marxism has become a test-case of the "radical" today. Yet, what passes for orthodoxy on the left—whether like Smith and Zizek they claim to support it, or, like Butler and Rorty they want to "achieve our country" by excluding it from "U.S. Intellectual life" ("On Left Conservatism"), is a parody of orthodoxy which hybridizes its central concepts and renders them into flexodox simulations. Yet, even in its very textuality, however, the orthodox is a resistance to the flexodox. Contrary to the common-sensical view of "orthodox" as "traditional" or "conformist" "opinions," is its other meaning: ortho-doxy not as flexodox "hybridity," but as "original" "ideas." "Original," not in the sense of epistemic "event," "authorial" originality and so forth, but, as in chemistry, in its opposition to "para," "meta," "post" and other ludic hybridities: thus "ortho" as resistance to the annotations that mystify the original ideas of Marxism and hybridize it for the "special interests" of various groups. The "original" ideas of Marxism are inseparable from their effect as "demystification" of ideology—for example the deployment of "class" that allows a demystification of daily life from the haze of consumption. Class is thus an "original idea" of Marxism in the sense that it cuts through the hype of cultural agency under capitalism and reveals how culture and consumption are tied to labor, the everyday determined by the workday: how the amount of time workers spend engaging in surplus-labor determines the amount of time they get for reproducing and cultivating their needs. Without changing this division of labor social change is impossible. Orthodoxy is a rejection of the ideological annotations: hence, on the one hand, the resistance to orthodoxy as "rigid" and "dogmatic" "determinism," and, on the other, its hybridization by the flexodox as the result of which it has become almost impossible today to read the original ideas of Marxism, such as "exploitation"; "surplus-value"; "class"; "class antagonism"; "class struggle"; "revolution"; "science" (i.e., objective knowledge); "ideology" (as "false consciousness"). Yet, it is these ideas alone that clarify the elemental truths through which theory ceases to be a gray activism of tropes, desire and affect, and becomes, instead, a red, revolutionary guide to praxis for a new society freed from exploitation and injustice. Marx's original scientific discovery was his labor theory of value. Marx's labor theory of value is an elemental truth of Orthodox Marxism that is rejected by the flexodox left as the central dogmatism of a "totalitarian" Marxism. It is only Marx's labor theory of value, however, that exposes the mystification of the wages system that disguises exploitation as a "fair exchange" between capital and labor and reveals the truth about this relation as one of exploitation. Only Orthodox Marxism explains how what the workers sell to the capitalist is not labor, a commodity like any other whose price is determined by fluctuations in supply and demand, but their labor-power—their ability to labor in a system which has systematically "freed" them from the means of production so they are forced to work or starve—whose value is determined by the amount of time socially necessary to reproduce it daily. The value of labor-power is equivalent to the value of wages workers consume daily in the form of commodities that keep them alive to be exploited tomorrow. Given the technical composition of production today this amount of time is a slight fraction of the workday the majority of which workers spend producing surplus-value over and above their needs. The surplus-value is what is pocketed by the capitalists in the form of profit when the commodities are sold. Class is the antagonistic division thus established between the exploited and their exploiters. Without Marx's labor theory of value one could only contest the after effects of this outright theft of social labor-power rather than its cause lying in the private ownership of production. The flexodox rejection of the labor theory of value as the "dogmatic" core of a totalitarian Marxism therefore is a not so subtle rejection of the principled defense of the (scientific) knowledge workers need for their emancipation from exploitation because only the labor theory of value exposes the opportunism of knowledges (ideology) that occult this exploitation. Without the labor theory of value socialism would only be a moral dogma that appeals to the sentiments of "fairness" and "equality" for a "just" distribution of the social wealth that does the work of capital by naturalizing the exploitation of labor under capitalism giving it an acceptable "human face."

#### Ethics DA – We have ethical obligation to repudiate capitalism – this means any risk a link is a reason to reject the permutation

Marsh 95 (James, Professor of Philosophy at Fordham University, “Critique, Action, Liberation” p. 334-335)

An example from the sphere of personal morality should make the difference clear. When a friend, relative, teacher, or minister counsels an alcoholic to confront her habit, she is not making a prediction. Indeed it may seem unlikely, given this particular person’s past history, that she will lick her habit. Nonetheless, the moral obligation to get over her habit remains. Similarly, an obligation exists to get over **our** capitalism as a social equivalent of drunkenness. If the argument of this chapter is correct, we cannot renounce such an attempt at transcendence without giving up on the ethical project or curtailing that project by confining it to the sphere of intimate, interpersonal relations**.** I am a good father or husband or lover in my private life, but i remain exploitative, cruel, and inhumane in my public, capitalistic life. Such ethical renunciation or curtailment is the death or mutilation of the human; denial of utopia is a living death. Ideologies of scientific elitism, therefore, as they function in capitalist society are correct if there is no such thing as ethical, constitutive reason operating in community**.** If such constitutive reason is possible and actual in human beings as human in community, then scientific elitism is false. Men and women acting democratically and participatively do have a capacity to understand themselves and their lives in a way that is cogent and in touch with reality. Indeed, many of the popular movements in Europe, England, and the United States in the last twenty years such as feminism, environmentalism, civil rights, and antiwar movements, often acting against the advice or opinion of experts have shown themselves to be right and effective. In the Vietnam War, for example, millions of people in the united states taking to the streets in protest proved the “best and the brightest” in the white house, pentagon, and state department wrong. The “best and the brightest” according to the standards of scientific elitism proved to be deluded. The presence of an ethical, political rationality in all of us as human invalidates scientific elitism at its core. As I am arguing it here, a fundamental link exists among dialectical phenomenology, ethical, constitutive rationality, and democracy. Philosophy and ethics, properly understood, are antielitist. To think in a utopian manner, then, about community and socialism is to free ourselves from the excessive hold that science and technology exert over our minds and imaginations. We begin to see that science and technology and expertise, even though they are legitimate within their proper domains, do not exhaust or monopolize the definition of reason and other forms of reason and knowledge that are more informative, profound, and fundamental, indeed, compared to certain expressions of art or ethics or philosophy or religion, science and technology are relatively superficial**.** What revelatory power does a scientific equation have compared to Hamlet’s “to be or not to be” speech? What does an empirical of human populations show me about human life compared to the insight of Marx’s capital? What can a factual study of war show about its horrors compared to Picasso’s Guernica? To the extend, therefore, that science and technology dominate in the twentieth century as not only the highest forms of reason by the only forms of reason, they shove other, more profound, more reflective, more fundamental forms of reason to the side and twentieth-century industrial society emerges as an inverted, topsy-turvy, absurd world. What seems normal, factural, rational, and sane in such a world is in fact abnormal, apparent, irrational, and absurd. We begin to suspect and see that science and technology appear as the highest and only forms of reason because capitalism has appropriated science and technology for its own ends as productive force and ideology. In science and technology capitalism has found the forms of rationality most appropriate for itself, perfectly manifesting it, mirroring it, and justifying it. In such an absurd, inverted topsy-turvy world, fidelity to the life of reason demands critique, resistance, and revolutionary transcendence. One has to pierce the veil of such a world, see through it as absurd rather than accepting it as normal and sane. The prevailing rationality is profoundly irrational.

## 1NR

#### VtL argument turns the aff – denies us of the freedom to make any change possible.

Dietz, Professor of Political Science and Gender Studies Program at Northwestern University, ‘94

[Mary, “’THE SLOW BORING OF HARD BOARDS’: METHODICAL THINKING AND THE WORK OF POLITICS”, American Political Science Review, Vol. 88, No. 4 December 1994, http://www.jstor.org/stable/pdfplus/2082713.pdf]

Earlier, in considering the means-end category in politics, I suggested that everything hinges upon the action context within which this mode of thinking takes place. I now want to suggest that there is a richer conceptual context-beyond utilitarian objectification, rational capitalist accumulation, and/or Leninism-within which to think about the category of means and ends. Weil offers this alternative in her account of methodical thinking as (1) problem- oriented, (2) directed toward enacting a plan or method (solutions) in response to problems identified, (3) attuned to intelligent mastery (not domination), and (4) purposeful but not driven by a single end or success. Although Weil did not even come close to doing this herself, we might derive from her account of methodical thinking an action concept of politics. Methodical politics is equally opposed to the ideological politics Hannah Arendt deplores, but it is also distinct in important respects from the theatrical politics she defends. Identifying a problem-or what the philosopher David Wiggins calls "the search for the **best specification** of what would honor or answer to relevant concerns" (1978, 145)-is where methodical politics begins.26 It continues (to extrapolate from Weil's image of the methodical builders) in the determination of a means-end sequel, or method, directed toward a political aim. It reaches its full realization in the actual undertaking of the plan of action, or method, itself. To read any of these action aspects as falling under technical rules or blueprints (as Arendt tends to do when dealing with means and ends) is to confuse problem solving with object making and something methodical with something ideological. By designating a problem orientation to political activity, methodical politics assigns value to the activity of constantly deploying "knowing and doing" on new situations or on new understandings of old ones. This is neither an ideological exercise in repetition nor the insistent redeployment of the same pattern onto shifting circumstances and events. The problem orientation that defines methodical politics rests upon a recognition of the political domain as a matrix of obstacles where it is impossible to secure an ideological fix or a single focus. In general, then, methodical politics is best under- stood from the perspective of "the fisherman battling 880 American Political Science Review Vol. 88, No. 4 against wind and waves in his little boat" (Weil 1973, 101) or perhaps as Michael Oakeshott puts it: "In political activity . . . men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting-place nor ap- pointed destination" (1962, 127).27 Neither Weil's nor Oakeshott's is the perspective of the Platonist, who values chiefly the modeller who constructs his ship after pre-existing Forms or the pilot-philosopher who steers his craft to port by the light of immutable Forms fixed in a starry night. In both of the Platonic images (where the polis is either an artifact for use or a conveyance to safe harbor), a single and predictable end is already to hand. Neither Weil's nor Oakeshott's images admit any equivalent finality. The same is true of methodical politics, where political phenomena present to citizens-as the high sea presents to the sailor-challenges to be identified, demands to be met, and a context of circumstances to be engaged (without blueprints). Neither the assurance of finality nor the security of certainty attends this worldly activity. In his adamantly instrumental reading of politics in the ancient world, M.I. Finley makes a similar point and distinguishes between a problem orientation and patterned predictability by remarking upon the "iron compulsion" the Greeks and Romans were under "to be continuously inventive, as new and often unantic- ipated problems or difficulties arose that had to be resolved without the aid of precedents or models" (1983, 53). With this in mind, we might appreciate methodical politics as a mode of action oriented toward problems and solutions within a context of adventure and unfamiliarity. In this sense, it is compatible with Arendt's emancipatory concept of natality (or "new beginnings") and her appreciation of openness and unpredictability in the realm of human affairs. There are other neighborly affinities between methodical and theatrical politics as well. Both share a view of political actors as finite and fragile creatures who face an infinite range of possibilities, with only limited powers of control and imagination over the situations in which they are called upon to act. From both a methodical and a theatrical vantage point, this perpetual struggle that is politics, whatever its indeterminacy and flux, acquires meaning only when "knowing what to do and doing it" are united in the same performance (Arendt, 1958a, 223). Freedom, in other words, is realized when Plato's brilliant and devious conceptual maneuver is outwitted by a politics that opposes "the escape from action into rule" and reasserts human self-realization as the unification of thought-action in the world (pp. 223-25). In theatrical politics, however, the actual action content of citizen "knowing and doing" is **upstaged** by the spectacular appearance of personal identities courageously revealed in the public realm. Thus Plato's maneuver is outwitted in a bounded space where knowing what to do and doing it are disclosed in speech acts and deeds of self-revelation in the company of one's-fellow citizens. In contrast, methodical politics doggedly reminds us that **purposes themselves are what matter** in the end, and that citizen action is as much about obstinately pursuing them as it is about the courage to speak in performance. So, in methodical politics, the Platonic split between knowing and doing is overcome in a kind of boundless navigation that is realized in purposeful acts of collective self-determination. Spaces of appearances are indispensable in this context, but these spaces are not exactly akin to "islands in a sea or as oases in a desert" (Arendt 1970, 279). The parameters of methodical politics are more fluid than this, set less by identifiable boundaries than by the very activity through which citizens "let realities work upon" them with "inner concentration and calmness" (Weber 1946, 115). In this respect, methodical politics is not a context wherein courage takes eloquent respite from the face of life, danger (the sea, the desert), or death: it is a daily confrontation wherein obstacles or dangers (including the ultimate danger of death) are transformed into prob- lems, problems are rendered amenable to possible action, and action is undertaken with an aim toward solution. Indeed, in these very activities, or what Arendt sometimes pejoratively calls the in order to, we might find the perpetuation of what she praises as the for the sake of which, or the perpetuation of politics itself (1958a, 154). To appreciate the **emancipatory dimension** of this action concept of politics as methodical, we might now briefly return to the problem that Arendt and Weil think most vexes the modern world-the deformation of human beings and human affairs by forces of automatism. This is the complex manipulation of modern life that Havel describes as the situation in which everything "must be cossetted together as firmly as possible, **predetermined, regulated and controlled**" and "every aberration from the prescribed course of life is **treated as error, license and anarchy**" (1985, 83). Constructed against this symbolic animal laborans, Arendt's space of appearances is the agonistic opposite of the distorted counterfeit reality of automatism. The space of appearances is where individuality and personal identity are **snatched from the jaws of automatic processes** and recuperated in "the merciless glare" of the public realm (Arendt 1969, 86). Refigured in this fashion, Arendtian citizens counter reductive technological complexes in acts of individual speech revelation that powerfully proclaim, in collective effect, "This is who we are!" A politics in this key does indeed dramatically defy the objectifying processes of modern life-and perhaps even narratively transcends them by delivering up what is necessary for the reification of human remembrance in the "storybook of mankind" (Arendt 1958a, 95). But these are also its limits. For whatever else it involves, Arendtian politics cannot entail the practical confrontation of the situation that threatens the human condition most. Within the space of appearances, Arendt's citizens can neither search for the best specification of the problem before them nor, it seems, pursue solutions to the problem once it is identified, for such activities involve "the pursuit of a definite aim which can be set by practical considerations," and that is homo faber's prerogative and so in the province of "fabrication," well outside the space of appearances where means and ends are left behind (pp. 170-71). Consequently, automatism can be conceptualized as a "danger sign" in Arendt's theory, but it cannot be designated as a problem in Arendt's politics, a problem that citizens could cognitively counter and purposefully attempt to resolve or transform (p. 322). From the perspective of methodical politics, which begins with a **problem orientation, automatism can be specified and encountered within the particular spaces** or circumstances (schools, universities, hospitals, factories, corporations, prisons, laboratories, houses of finance, the home, public arenas, public agencies) upon which its technological processes intrude. Surely something like this is what Weil has in mind when she calls for "a sequence of mental efforts" in the drawing up of "an inventory of modern civilization" that begins by "**refusing** **to subordinate one's own destiny to the course of history**" (1973, 123-24). Freedom is immanent in such moments of cognitive inventory, in the **collective citizen-work** of "taking stock"-identifying problems and originating methods-and in the shared pursuit of purposes and objectives. This is simply what it means to think and act methodically in spaces of appearances. Nothing less, as Wiggins puts it, "can rescue and preserve civilization from the mounting irrationality of the public province, . . . from Oppression exercised in the name of Management (to borrow Simone Weil's prescient phrase)" (1978, 146).

#### Debating the law teaches us how to make it better – rejection is worse.

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[Todd, Sept 2012, Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory, Constellations Volume 19, Issue 3, pages 382–400]

¶ Habermas’ alleged abandonment of immanent critique, however, is belied by the role that the democratic legal system comes to play in his theory. While in some sense just one system among others, it has a special capacity to shape the environments of other systems by regulating their interaction. Of course, the legal system is not the only one capable of affecting the environments of other systems, but law is uniquely open to inputs from ordinary language and thus potentially more pliant and responsive to democratic will formation: “Normatively substantive messages can circulate throughout society only in the language of law … . Law thus functions as the ‘transformer’ that guarantees that the socially integrating network of communication stretched across society as a whole holds together.”55 This allows for the possibility of consensual social regulation of domains ranging from the economy to the family, where actors are presumed to be motivated by their private interests instead of respect for the law, while allowing persons directed toward such interests to be cognizant that their privately oriented behavior is compatible with respect for generally valid laws. While we should be cautious about automatically viewing the constitution as the fulcrum of the legal order, its status as basic law is significant in this respect. For, recalling Hegel's broader conception of constitutionalism, political constitutions not only define the structure of government and “the relationship between citizens and the state” (as in Hegel's narrower “political” constitution); they also “implicitly prefigure a comprehensive legal order,” that is, “the totality comprised of an administrative state, capitalist economy, and civil society.”56 So, while these social spheres can be conceived of as autonomous functional subsystems, their boundaries are legally defined in a way that affects the manner and degree of their interaction: “The political constitution is geared to shaping each of these systems by means of the medium of law and to harmonizing them so that they can fulfill their functions as measured by a presumed ‘common good’.”57 Thus, constitutional discourses should be seen less as interpretations of a positive legal text, and more as attempts to articulate legal norms that could shift the balance between these spheres in a manner more reflective of generalizable interests, occurring amidst class stratification and cultural pluralism.¶ A constitution's status as positive law is also of importance for fundamentally Hegelian reasons relating to his narrower sense of political constitutionalism: its norms must be public and concrete, such that differently positioned citizens have at least an initial sense of what the shared hermeneutic starting points for constitutional discourse might be. But these concrete formulations must also be understood to embody principles in the interest of all citizens, so that constitutional discourse can be the site of effective democratic will formation concerning the basic norms that mediate between particular individuals and the general interests of free and equal citizens. This recalls Hegel's point that constitutions fulfill their mediational function by being sufficiently positive so as to be publicly recognizable, yet are not exhausted by this positivity – the content of the constitution is instead filled in over time through ongoing legislation. In order to avoid Hegel's foreshortened conception of public participation in this process and his consequent authoritarian tendencies, Habermas and, later, Benhabib highlight the importance of being able to conceive of basic constitutional norms as themselves being the products of public contestation and discourse. In order to articulate this idea, they draw on legal theorists like Robert Cover and Frank Michelman who characterize this process of legal rearticulation as “jurisgenesis”58: a community's production of legal meaning by way of continuous rearticulation, through reflection and contestation, of its constitutional project.¶ Habermas explicitly conceives of the democratic legal order in this way when, in the context of considering the question of how a constitution that confers legitimacy on ordinary legislation could itself be thought to be democratically legitimate, he writes:¶ I propose that we understand the regress itself as the understandable expression of the future-oriented character, or openness, of the democratic constitution: in my view, a constitution that is democratic – not just in its content but also according to its source of legitimation – is a tradition-building project with a clearly marked beginning in time. All the later generations have the task of actualizing the still-untapped normative substance of the system of rights.59¶ A constitutional order and its interpretive history represent a community's attempt to render the terms under which they can give themselves the law that shapes their society's basic structure and secure the law's integrity through assigning basic liberties. Although philosophical reflection can give us some grasp of the presuppositions of a practice of legitimate lawmaking, this framework of presuppositions (“the system of rights”) is “unsaturated.”60 In Hegelian fashion, it must, to be meaningful, be concretized through discourse, and not in an one-off way during a founding moment that fixes the terms of political association once and for all, but continuously, as new persons enter the community and as new circumstances, problems, and perspectives emerge.¶ The stakes involved in sustaining a broad and inclusive constitutional discourse turn out to be significant. Habermas has recently invoked the concept of dignity in this regard, linking it to the process through which society politically constitutes itself as a reciprocal order of free and equal citizens. As a status rather than an inherent property, “dignity that accrues to all persons equally preserves the connotation of a self-respect that depends on social recognition.”61 Rather than being understood as a quality possessed by some persons by virtue of their proximity to something like the divine, the modern universalistic conception of dignity is a social status dependent upon ongoing practices of mutual recognition. Such practices, Habermas posits, are most fully instantiated in the role of citizens as legislators of the order to which they are subject.¶ [Dignity] can be established only within the framework of a constitutional state, something that never emerges of its own accord. Rather, this framework must be created by the citizens themselves using the means of positive law and must be protected and developed under historically changing conditions. As a modern legal concept, human dignity is associated with the status that citizens assume in the self-created political order.62¶ Although the implications of invoking dignity (as opposed to, say, autonomy) as the normative core of democratic constitutionalism are unclear,63 plainly Habermas remains committed to strongly intersubjective conceptions of democratic constitutionalism, to an intersubjectivity that continues to be legally and politically mediated (a dimension largely absent from Honneth's successor theory of intersubectivity).¶ What all of this suggests is a constitutional politics in which citizens are empowered to take part and meaningfully impact the terms of their cultural, economic, and political relations to each other. Such politics would need to be considerably less legalistic and precedent bound, less focused on the democracy-constraining aspects of constitutionalism emphasized in most liberal rule of law models. The sense of incompleteness and revisability that marks this critical theory approach to constitutionalism represents a point where critical theories of democracy may claim to be more radical and revisionary than most liberal and deliberative counterparts. It implies a sharp critique of more familiar models of bourgeois constitutionalism: whether they conceive of constitutional order as having a foundation in moral rights or natural law, or in an originary founding moment, such models a) tend to be backward-looking in their justifications, seeing the legal order as founded on some exogenously determined vision of moral order; b) tend to represent the law as an already-determined container within which legitimate ordinary politics takes place; and c) find the content of law to be ascertainable through the specialized reasoning of legal professionals. On the critical theory conception of constitutionalism, this presumption of completeness and technicity amounts to the reification of a constitutional project, where a dynamic social relation is misperceived as something fixed and objective.64 We can see why this would be immensely problematic for someone like Habermas, for whom constitutional norms are supposed to concern the generalizable interests of free and equal citizens. If it is overall the case for him that generalizable interests are at least partially constituted through discourse and are therefore not given in any pre-political, pre-discursive sense,65 this is especially so in a society like ours with an unreconciled class structure sustained by pseudo-compromises. Therefore, discursive rearticulation of basic norms is necessary for the very emergence of generalizable interests.¶ Despite offering an admirably systematic synthesis of radical democracy and the constitutional rule of law, Habermas’ theory is hobbled by the hesitant way he embraces these ideas. Given his strong commitment to proceduralism, the view that actual discourses among those affected must take place during the production of legitimate law if constitutionalism is to perform its mediational function, as well as his opposition to foundational or backward-looking models of political justification, we might expect Habermas to advocate the continuous circulation in civil society of constitutional discourses that consistently have appreciable impact on the way constitutional projects develop through ongoing legislation such that citizens can see the links between their political constitution (narrowly construed), the effects that democratic discourse has on the shape that it takes, and the role of the political constitution in regulating and transforming the broader institutional backbone of society in accordance with the common good. And indeed, at least in the abstract, this is what the “two track” conception of democracy in Between Facts and Norms, with its model of discourses circulating between the informal public sphere and more formal legislative institutions, seeks to capture.66 As such, Habermas’ version of constitutionalism seems a natural ally of theories of “popular constitutionalism”67 emerging from the American legal academy or of those who, like Jeremy Waldron,68 are skeptical of the merits of legalistic constitutionalism and press for democratic participation in the ongoing rearticulation of constitutional norms. Indeed, I would submit that the preceding pages demonstrate that the Left Hegelian social theoretic backdrop of Habermas’ theory supplies a deeper normative justification for more democratic conceptions of constitutionalism than have heretofore been supplied by their proponents (who are, to be fair, primarily legal theorists seeking to uncover the basic commitments of American constitutionalism, a project more interpretive than normative.69) Given that such theories have very revisionary views on the appropriate method and scope of judicial review and the role of the constitution in public life, it is surprising that Habermas evinces at most a mild critique of the constitutional practices and institutions of actually existing democracies, never really confronting the possibility that institutions of constitutional review administered by legal elites could be paternalistic or extinguish the public impetus for discourse he so prizes.70 In fact, institutional questions concerning where constitutional discourse ought to take place and how the power to make authoritative determinations of constitutional meaning should be shared among civil society, legislative, and judiciary are mostly abstracted away in Habermas’ post-Between Facts and Norms writings, while that work is mostly content with the professional of administration of constitutional issues as it exists in the United States and Germany.¶ This is evident in Habermas’ embrace of figures from liberal constitutional theory. He does not present an independent theory of judicial decision-making, but warmly receives Dworkin's well-known model of “law as integrity.” To a certain extent, this allegiance makes sense, given Dworkin's sensitivity to the hermeneutic dimension of interpretation and the fact that his concept of integrity mirrors discourse theory in holding that legal decisions must be justifiable to those affected in terms of publicly recognizable principles. Habermas does, however, follow Michelman in criticizing the “monological” form of reasoning that Dworkin's exemplary Judge Hercules employs,71 replacing it with the interpretive activities of a specialized legal public sphere, presumably more responsive to the public than Hercules. But this substitution does nothing to alleviate other aspects of Dworkin's theory that make a match between him and Habermas quite awkward: Dworkin's standard of integrity compels judges to regard the law as a complete, coherent whole that rests on a foundation of moral rights.72 Because Dworkin regards deontic rights in a strongly realistic manner and as an unwritten part of the law, there is a finished, retrospective, “already there” quality to his picture of it. Thinking of moral rights as existing independently of their social articulation is what moves Dworkin to conceive of them as, at least in principle, accessible to the right reason of individual moral subjects.73 Legal correctness can be achieved when lawyers and judges combine their specialized knowledge of precedent with their potentially objective insights into deontic rights. Fashioning the law in accordance with the demands of integrity thereby becomes the province of legal elites, rendering public discourse and the construction of generalizable interests in principle unnecessary. This helps explain Dworkin's highly un-participatory conception of democracy and his comfort with placing vast decision-making powers in the hands of the judiciary.7¶ There is more than a little here that should make Habermas uncomfortable. Firstly, on his account, legitimate law is the product of actual discourses, which include the full spate of discourse types (pragmatic, ethical-political, and moral). If the task of judicial decision-making is to reconstruct the types of discourse that went into the production of law, Dworkin's vision of filling in the gaps between legal rules exclusively with considerations of individual moral rights (other considerations are collected under the heading of “policy”75) makes little sense.76 While Habermas distances himself from Dworkin's moral realism, calling it “hard to defend,”77 he appears not to appreciate the extent to which Dworkin links his account of legal correctness to this very possibility of individual insight into the objective moral order. If Habermas wishes to maintain his long held position that constitutional projects involve the ongoing construction of generalizable interests through the democratic process – which in my view is really the heart of his program – he needs an account of legal correctness that puts some distance between this vision and Dworkin's picture of legal elites discovering the content of law through technical interpretation and rational intuition into a fixed moral order.¶ Also puzzling is the degree of influence exercised by civil society in the development of constitutional projects that Habermas appears willing to countenance. While we might expect professional adjudicative institutions to play a sort of yeoman's role vis-à-vis the public, Habermas actually puts forth something akin to Bruce Ackerman's picture of infrequent constitutional revolutions, where the basic meaning of a constitutional project is transformed during swelling periods of national ferment, only to resettle for decades at a time, during which it is administered by legal professionals.78 According to this position, American civil society has not generated new understandings of constitutional order that overcome group divisions since the New Deal, or possibly the Civil Rights era. Now, this may actually be the case, and perhaps Habermas’ apparent acquiescence to this view of once-every-few-generations national conversations is a nod to realism, i.e., a realistic conception of how much broad based, ongoing constitutional discourse it is reasonable to expect the public to conduct. But while a theory with a Left Hegelian pedigree should avoid “the impotence of the ought” and utopian speculation, and therefore ought not develop critical conceptions of legal practice utterly divorced from present ones, such concessions to realism are unnecessary. After all, critical theory conceptions of constitutionalism will aim to be appreciably different from the more authoritarian ones currently in circulation, which more often than not fail to stimulate and sustain public discourse on the basic constitution of society. Instead, their point would be to suggest how a more dynamic, expansive, and mediational conception of constitutionalism could unlock greater democratic freedom and rationally integrated social identities.¶ Given these problems in Habermas’ theory, the innovations that Benhabib makes to his conception of constitutionalism are most welcome. While operating within a discourse theoretic framework, her recent work more unabashedly recalls Hegel's broader conception of the constitution as the basic norms through which a community understands and relates to itself (of which a founding legal document is but a part): a constitution is a way of life through which individuals seek to connect themselves to each other, and in which the very identity and membership of a community is constantly at stake.79 Benhabib's concept of “democratic iterations,” which draws on meaning-as-use theories, emphasizes how meaning is inevitably transformed through repetition:¶ In the process of repeating a term or a concept, we never simply produce a replica of the original usage and its intended meaning: rather, very repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there is really no ‘originary’ source of meaning, or an ‘original’ to which all subsequent forms must conform … . Every iteration involves making sense of an authoritative original in a new and different context … . Iteration is the reappropriation of the ‘origin’; it is at the same time its dissolution as the original and its preservation through its continuous deployment.80¶ Recalling the reciprocal relationship that Hegel hints at between the narrow “political” constitution and the broader constitution of society's backbone of interrelated institutions, Benhabib here seems to envision a circular process whereby groups take up the conceptions of social relations instantiated in the legal order and transform them in their more everyday attempts to live with others in accordance with these norms. Like Cover and Michelman, she stresses that the transformation of legal meaning takes place primarily in informal settings, where different groups try (and sometimes fail) to live together and to understand themselves in their relation to others according to the terms they inherit from the constitutional tradition they find themselves subject to.81 Her main example of such democratic iteration is the challenge Muslim girls in France raised against the head scarf prohibition in public schools (“L’Affaire du Foulard”), which, while undoubtedly antagonistic, she contends has the potential to felicitously transform the meaning of secularity and inclusion in the French state and to create new forms of togetherness and understanding. But although Benhabib illustrates the concept of democratic iterations through an exemplary episode, this iterative process is a constant and pervasive one, which is punctuated by events and has the tendency to have a destabilizing effect on authority.82¶ It is telling, however, that Benhabib's examples of democratic iterations are exclusively centered on what Habermas would call ethical-political discourses.83 While otherwise not guilty of the charge,84 Benhabib, in her constitutional theory, runs afoul of Nancy Fraser's critical diagnosis of the trend in current political philosophy to subordinate class and distributional conflicts to struggles for cultural inclusion and recognition.85 Perhaps this is due to the fact that “hot” constitutional issues are so often ones with cultural dimensions in the foreground, rarely touching visibly on distributional conflicts between groups. This nonetheless is problematic since much court business clearly affects – often subtly and invisibly – the outcomes of these conflicts, frequently with bad results.86 For another reason why centering constitutional discourse on inclusion and cultural issues is problematic, it is useful to remind ourselves of Habermas’ critique of civic republicanism, according to which the main deficit in republican models of democracy is its “ethical overburdening” of the political process.87 To some extent, republicanism's emphasis on ethical discourse is understandable: given the level of cooperativeness and public spirit that republicans view as the font of legitimate law, political discourses need to engage the motivations and identities of citizens. Arguably, issues of ethical self-understanding do this better than more abstract or arid forms of politics. But it is not clear that this is intrinsically so, and it can have distorting effects on politics. In the American media, for example, this amplification of the cultural facets of issues is very common; conflicts over everything from guns to taxes are often reduced to conflicts over who is a good, real American and who is not. It is hard to say that this proves edifying; substantive issues of rights and social justice are elided, politics becomes more fraudulent and conflictual. None of this is to deny a legitimate place for ethical-political discourse. However, we do see something of a two-steps-forward-one-step-back movement in Benhabib's advancement of Habermas’ discourse theory of law: although her concept of democratic iterations takes center stage, she develops the notion solely along an ethical-political track. Going forward, critical theorists developing conceptions of constitutional discourse should work to see it as a way of integrating questions of distributional justice with questions of moral rights and collective identities without subordinating or conflating them.¶ 4. Conclusion¶ Some readers may find the general notion of reinvigorating a politics of constitutionalism quixotic. Certainly, it has not been not my intention to overstate the importance or positive contributions of constitutions in actually existing democracies, where they can serve to entrench political systems experiencing paralysis in the face of long term fiscal and environmental problems, and where public appeals to them more often than not invoke visions of society that are more nostalgic, ethno-nationalistic, authoritarian, and reactionary than what Habermas and Benhabib presumably have in mind. Instead, I take the basic Hegelian point I started this paper with to be this: modern persons ought to be able to comprehend their social order as the work of reason; the spine of institutions through which their relations to differently abled and positioned others are mediated ought to be responsive to their interests as fully-rounded persons; and comprehending this system of mediation ought to be able to reconcile them to the partiality of their roles within the universal state. Though modern life is differentiated, it can be understood, when seen through the lens of the constitutional order, as a result of citizens’ jointly exercised rationality as long as certain conditions are met. These conditions are, however, more stringent than Hegel realized. In light of this point, that so many issues deeply impacting citizens’ social and economic relations to one another are rendered marginal – and even invisible – in terms of the airing they receive in the public sphere, that they are treated as mostly settled or non-questions in the legal system consitutues a strikingly deficient aspect of modern politics. Examples include the intrusion of market logic and technology into everyday life, the commodification of public goods, the legal standing of consumers and residents, the role of shareholders and public interests in corporate governance, and the status of collective bargaining arrangements. Surely a contributing factor here is the absence of a shared sense of possibility that the basic terms of our social union could be responsive to the force that discursive reason can exert. Such a sense is what I am contending jurisgenerative theories ought to aim at recapturing while critiquing more legalistic and authoritarian models of law.¶ This is not to deny the possibility that democratic iterations themselves may be regressive or authoritarian, populist in the pejorative sense. But the denial of their legitimacy or possibility moves us in the direction of authoritarian conceptions of law and political power and the isolation of individuals and social groups wrought by a political order of machine-like administration that Horkheimer and Adorno describe as a main feature of modern political domination. Recapturing some sense of how human activity makes reason actual in the ongoing organization of society need not amount to the claim that reason culminates in some centralized form, as in the Hegelian state, or in some end state, as in Marx. It can, however, move us to envision the possibility of an ongoing practice of communication, lawmaking, and revision that seeks to reconcile and overcome positivity and division, without the triumphalist pretension of ever being able to fully do so.

#### Our argument is comparative --- reformism is empirically more successful than revolutionary withdrawal.

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[Michael, Has the US Left Made a Difference, Dissent Spring p. 52-54]

But when political radicals made a big difference, they generally did so as decidedly junior partners in a coalition driven by establishment reformers. Abolitionists did not achieve their goal until midway through the Civil War, when Abraham Lincoln and his fellow Republicans realized that the promise of emancipation could speed victory for the North. Militant unionists were not able to gain a measure of power in mines, factories, and on the waterfront until Franklin Roosevelt needed labor votes during the New Deal. Only when Lyndon Johnson and other liberal Democrats conquered their fears of disorder and gave up on the white South could the black freedom movement celebrate passage of the civil rights and voting rights acts. For a political movement to gain any major goal, it needs to win over a section of the governing elite (it doesn’t hurt to gain support from some wealthy philanthropists as well). Only on a handful of occasions has the Left achieved such a victory, and never under its own name. The divergence between political marginality and cultural influence stems, in part, from the kinds of people who have been the mainstays of the American Left. During just one period of about four decades—from the late 1870s to the end of the First World War— could radicals authentically claim to represent more than a tiny number of Americans who belonged to what was, and remains, the majority of the population: white Christians from the working and lower-middle class. At the time, this group included Americans from various trades and regions who condemned growing corporations for controlling the marketplace, corrupting politicians, and degrading civic morality. But this period ended after the First World War—due partly to the epochal split in the international socialist movement. Radicals lost most of the constituency they had gained among ordinary white Christians and have never been able to regain it. Thus, the wageearning masses who voted for Socialist, Communist, and Labor parties elsewhere in the industrial world were almost entirely lost to the American Left—and deeply skeptical about the vision of solidarity that inspired the great welfare states of Europe. Both before and after this period, the public face and voice of the Left emanated from an uneasy alliance: between men and women from elite backgrounds and those from such groups as Jewish immigrant workers and plebeian blacks whom most Americans viewed as dangerous outsiders. This was true in the abolitionist movement—when such New England brahmins as Wendell Phillips and Maria Weston Chapman fought alongside Frederick Douglass and Sojourner Truth. And it was also the case in the New Left of the 1960s, an unsustainable alliance of white students from elite colleges and black people like Fannie Lou Hamer and Huey Newton from the ranks of the working poor. It has always been difficult for these top and- bottom insurgencies to present themselves as plausible alternatives to the major parties, to convince more than a small minority of voters to embrace their program for sweeping change. Radicals did help to catalyze mass movements. But furious internal conflicts, a penchant for dogmatism, and hostility toward both nationalism and organized religion helped make the political Left a taste few Americans cared to acquire. However, some of the same qualities that alienated leftists from the electorate made them pioneers in generating an alluringly rebellious culture. Talented orators, writers, artists, and academics associated with the Left put forth new ideas and lifestyles that stirred the imagination of many Americans, particularly young ones, who felt stifled by orthodox values and social hierarchies. These ideological pioneers also influenced forces around the world that adapted the culture of the U.S. Left to their own purposes—from the early sprouts of socialism and feminism in the1830s to the subcultures of black power, radical feminism, and gay liberation in the 1960s and 1970s. Radical ideas about race, gender, sexuality, and social justice did not need to win votes to become popular. They just required an audience. And leftists who were able to articulate or represent their views in creative ways often found one. Arts created to serve political ends are always vulnerable to criticism. Indeed, some radicals deliberately gave up their search for the sublime to concentrate on the merely persuasive. But as George Orwell, no aesthetic slouch, observed, “the opinion that art should have nothing to do with politics is itself a political attitude.” In a sense, the radicals who made the most difference in U.S. history were not that radical at all. What most demanded, in essence, was the fulfillment of two ideals their fellow Americans already cherished: individual freedom and communal responsibility. In 1875, Robert Schilling, a German immigrant who was an official in the coopers, or caskmakers, union, reflected on why socialists were making so little headway among the hard-working citizenry: ….everything that smacks in the least of a curtailment of personal or individual liberty is most obnoxious to [Americans]. They believe that every individual should be permitted to do what and how it pleases, as long as the rights and liberties of others are not injured or infringed upon. [But] this personal liberty must be surrendered and placed under the control of the State, under a government such as proposed by the social Democracy. Most American radicals grasped this simple truth. They demanded that the promise of individual rights be realized in everyday life and encouraged suspicion of the words and power of all manner of authorities—political, economic, and religious. Abolitionists, feminists, savvy Marxists all quoted the words of the Declaration of Independence, the most popular document in the national canon. Of course, leftists did not champion self-reliance, the notion that an individual is entirely responsible for his or her own fortunes. But they did uphold the modernist vision that Americans should be free to pursue happiness unfettered by inherited hierarchies and identities. At the same time, the U.S. Left—like its counterparts around the world—struggled to establish a new order animated by a desire for social fraternity. The labor motto “An injury to one is an injury to all” rippled far beyond picket lines and marches of the unemployed. But American leftists who articulated this credo successfully did so in a patriotic and often religious key, rather than by preaching the grim inevitability of class struggle. Such radical social gospelers as Harriet Beecher Stowe, Edward Bellamy, and Martin Luther King, Jr., gained more influence than did those organizers who espoused secular, Marxian views. Particularly during times of economic hardship and war, radicals promoted collectivist ends by appealing to the wisdom of “the people” at large. To gain a sympathetic hearing, the Left always had to demand that the national faith apply equally to everyone and oppose those who wanted to reserve its use for privileged groups and undemocratic causes. But it was not always possible to wrap a movement’s destiny in the flag. “America is a trap,” writes the critic Greil Marcus, “its promises and dreams…are too much to live up to and too much to escape.”

#### The law changes attitudes in society.

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[Martha, “LAW AND SOCIAL CHANGE”, UMKC Law Review, Vol. 62, No. 1, RSR]

Some people believe that law's biggest impact on society comes in the form of symbols that affect consciousness, human hopes and perhaps ultimately, conduct.7 From this vantage point, the adoption of no-fault divorce is most important for its gradual effect on the meaning of marriage; more people may enter marriages believing they will be temporary, and American culture more generally replaces moral language with images of inevitability to describe the demise of marriages, be these their own or those of others. The legal language of "irretrievable break- down," used in some no-fault divorce statutes, seems to treat the broken marriage like a lemon of an automobile; gone is the language of personal failure or responsibility for the end of the relationship.8 The role of law, for some, is most significantly a cultural medium that influences people's modes of expression and everyday hopes and fears.