**Being able to talk about your personal issues is the privilege—who is here to speak about their experience at Guantanamo?—their kritik mirrors acts of distancing that say we should only focus on what’s in our purview—indefinite detention has maintained its legitimacy precisely because we view it as out there and not affecting us—we must bring the voices of those who can’t speak for themselves here**

**Park 10**

[2010, James Park, “EFFECTUATING PRINCIPLES OF JUSTICE IN ENDING INDEFINITE DETENTION: HISTORICAL REPETITION AND THE CASE OF THE UYGHURS”, 31 Whittier L. Rev. 785]

George **Orwell once wrote** in The Road to Wigan Pier regarding empire and the complicity of a nation that enjoys its fruits: For in the last resort, **the only important question is, Do you want the British Empire to hold together or do you want it to disintegrate**?... For, apart from any other consideration, **the high standard of life we enjoy in England depends upon our keeping a tight hold on the Empire, particularly the tropical portions of it such as India and Africa**. Under the capitalist system, **in order that England may live in comparative comfort, a hundred million Indians must live on the verge of starvation**. 128 **How the** old British **Empire relates to the detention of Haitians and Uyghurs at Guantanamo Bay involves the very question of conscious awareness and the difficulties in piercing the veil of physical and metaphysical detachment**. 129 **Descriptions of events transcribed through the filter of media form a buffer to action due to its intangible nature**-**there is an unreality to the medium of televisio**n where elements of reality that play across the screen can take on the discursive properties of the imaginary. 130 As a result, **there can be quiet and passive acquiescence when terms, such as, "exceptional," "unprecedented," and "the normal rules do not apply" are heard and used to form the exigencies and justifications for "intensive interrogation methods" and indefinite detention without charge.** 131 Spatial separation and isolation also create impediments to rectifying injustice. In the case of the Haitian refugees, service organizations had to go through the judiciary and spend years in litigation to gain access to the refugees at Guantanamo Bay. 13 In the case of Guantanamo Bay detainees caught up in the "War on Terror," there were explicated policies against denying access. 133 For instance, "[a] confidential 2003 manual for operating the Guantanamo detention center shows that military officials had a policy of denying detainees access to independent monitors" from the Red Cross. 134 In other words, those who had done no wrong were denied access and, as a result, justice. **The indefinite detention of the Haitians and Uyghurs and the years they have spent and are spending in extra-territorial detention can**, similarly, **be examined through the prism of "punishment" as there have been alterations to the order and methodology of punishment and incarceration over time**. 135 **Punishment has changed from something that was acutely visible to something that has become cloaked and secreted away**. 136 At one time, **the public spectacle of punishment took center stage** as a gory spectacle of physical pain. 137 These dramatic displays of "justice" provided all concerned with a specific role: The criminal to be punished acted as the star, the innocent public witnesses supplied the captivated audience, and the government authority directed this macabre melodrama. 138 These displays **were** therefore **meant to educate both the individual criminals living** (or in some cases dying), **as well as the watching public as to the concepts of justice and punishment.** 139 **These theatrics later gave way to a less sensational mode of education which focused less on physical torment** in pursuit of justice **and sought to internalize a sense of a moral code** in all individuals. 140 Thus, **what was once a passive group of mere voyeurs has been disbanded to become a cluster of individual productions**-**each person now internalizes and imagines the process of punishment through the censored lens of courtroom dramas and the scripted cinema of the prison yard in popular culture**, **rather than bear witness to the realities of society's retribution. This more sanitary, internal approach to punishment is particularly pronounced when examined in the context of the "War on Terror."** In this instance, **the institutions of punishment are not only removed from the public eye, but from the very soil of our nation**. 141 In point of fact, **Guantanamo Bay is based in a country where United States citizens cannot visit without obtaining a license through the United States government** due to a long-existing trade embargo which has only recently been revisited. 142 **Guantanamo Bay has been argued to be territory that is outside the bounds of United States' sovereignty**, thereby, **prohibiting detainees from invoking habeas corpus to challenge their detention.** 143 Proponents of this argument used the United States Supreme Court decision in Johnson v. Eisentrager, decided in 1950, which held that those detained in territories beyond the borders of United States sovereignty are unable to invoke the writ of habeas corpus. 144 Thus, Guantanamo Bay was argued to be the sovereign territory of the nation of Cuba as a convenient fiction despite the years of isolation between the two nations. 145 **This argument was shattered when the United States Supreme Court held that habeas corpus for "War on Terror" detainees was due in Boumediene v. Bus**h, decided in 2008. 146 Even **further tucked away from the public eye are the secret prisons-socalled "black sites"-instituted by the Bush Administration**, operating extra-judicially and containing the faceless "ghost detainee," subject to "intensive interrogation methods."' 147 **As the form of punishment and detention shifts further afield, it takes on a profound dimension of separation**. George **Orwell**, in the excerpt above, **was alluding to the natural tendency to accept the conditions with which people are presented.** **The automatic supposition that what may be taking placing is unjust and perhaps beyond the constitutional limits can be seemingly driven from conscious awareness by the public's separation from events and the lack of information**. As a consequence, **justice has proceeded at a slow, aggravated plod in rectifying wrong where**, oftentimes, **individuals are simply "released" quietly after years of imprisonment without the subject of their innocence ever being addressed.**

**Perm: it is possible to center praxis around Islamaphobia and challenge the racism that the negative identifies. The murder of Erica’s grandfather is significant and should not be totalized, but it’s also not a reason why the aff is bad. The affirmative’s challenge to islamophobic indefinite detention policies creates an ideal intersectional space to build coalitions against racial violence—general claims to racial injustice are insufficient—we must coalesce around particular projects where there is a commonality of interest LIKE THE ADVOCACY**

**Wing 3, Bessie Dutton Murray Distinguished Professor of Law**

[Spring 2003, Adrien Katherine Wing is a Bessie Dutton Murray Distinguished Professor of Law at the University of Iowa College of Law. A.B. Princeton, 1978; M.A. UCLA, 1979; J.D. Stanford, 1982. This paper was presented at the Civil Rights symposium of the Louisiana State“Civil Rights in the Post 911 World: Critical Race Praxis, Coalition Building, and the War on Terrorism”, <http://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=5987&context=lalrev&sei-redir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fq%3Dguantanamo%2B%2522critical%2Brace%2Btheory%2522%26btnG%3D%26hl%3Den%26as_sdt%3D0%252C5%26as_vis%3D1#search=%22guantanamo%20critical%20race%20theory%22>, 63 La. L. Rev. (2003)]

**Because of the** various **problems with coalition building, several scholars do not endorse it**. For example, **Delgado advocates laboring within your own group** for the social justice goals you support. "For some projects, justice turns out to be a solitary though heroic quest, and the road to justice is one that must be traveled alone, or with our deepest, most trusted companions."' 4 **Haunani-Kay Trask states that real organizing of native Hawaiians takes place outside of coalitions.**205 She supports Malcolm X's claims that **whites need to tackle racism within their own communities, rather than in coalition**." "Work in conjunction with us-each working among our own kind."207 **Despite the frictions and problems between various traditional and nontraditional groups, coalition building can be a useful tool of critical race praxis in the current period.** **African Americans have been used to being the dominant minority** in the United States, **able to keep their concerns at the center of the civil rights movement**. **Latinos are** now **surpassing Blacks numerically**,208 and are the majority in California already.2 They will be 25% of the U.S. population by 2050.210 **Blacks will have to learn to work in coalition with Latinos to ensure that Black concerns are not lost in a new dispensation of "favored minority**." While the **Latinos are** becoming the majority minority, they are **not as politically organized as the Blacks yet, with many being recent immigrants or noncitizens, who may not speak English.**21 ' Thus in some instances, **Latinos will need to learn from African Americans, and** with them, **to achieve various goals. Coalition is good for Asians because** although they score higher on standardized tests and have a higher income level than the other minority groups, **history has already shown that they remain regarded as perpetual foreigners**,1 2 once **subject to internment**. 3 **Native Americans constitute only two million people," 4 and can benefit from linking with the larger groups**, some of whom may resent those tribes, who now profit from gambling casino wealth." 5 **Arabs and Muslims need to join in coalition with the other groups because they are too small and too recent as immigrants in comparison to the other groups to go it alone**. **As the current personification of evil of the moment, they need to draw upon the resources of other groups for support. Coalition building** does not happen in a vacuum. It **must coalesce around particular projects where there is commonality of interest**. For instance, Frank Valdes has noted that Latinos and Asians share a common interest in legal issues that involve "immigration, family, citizenship, nationhood, language, expression, culture, and global economic restructuring."216 **Racial profiling is a potential issue for cooperation as it affects all the major minority groups**. I will use it for illustrative purposes in the remainder of this section, even though it is only one of various issues that could be the basis for coalition building. Asian scholars have noted how both the recent mistreatment of Chinese American scientist Dr. Wen Ho Lee 2 17 and **the interning of 120,000 Japanese and Japanese Americans** in World War II **could both be regarded as cases of racial profiling**.218 **Kevin Johnson has called for Asians and Latinos to form political coalitions to challenge arbitrary INS conduct** . 21 **He** also **wants Blacks and Latinos to form coalitions to work on issues of racial profiling**, as well.22° **In the war against terrorism, racial profiling is particularly affecting Blacks, Latinos and South Asians who look Arab, creating an ideal intersectional issue for coalition building**.22 **' Coalescing around profiling in these times will not be easy**. In his timely book, Justice at War: Civil Liberties and Civil Rights in a Time of Crisis, Richard Delgado, a founder of CRT, queries, "**Will the establishment insist on Americanism** and toeing the line in the war on terrorism, **and demand that minorities demonstrate loyalty, in return for a symbolic concession or two**?.. .**Will it choose one minority group for favored treatment, in hope of keeping the others in line**."2'22 There are several foreseeable scenarios in this regard. For example, **the Bush administration could reconfigure rather than terminate various federal affirmative action programs** after an expected hostile Supreme Court decision in the upcoming Michigan cases,223 **to attempt to ensure Black support for the war efforts.** The administration's rejection of the pro-affirmative action position of the University of Michigan may have attracted some Asian support.224 **The perpetuation of the forty year old blockade against Cuba** despite U.S. business opposition **ensures Cuban American loyalty**,225 **and the rumored appointment of a Hispanic for the next U.S. Supreme Court vacancy may attract other Latinos.**22 ' **Delgado wonders whether people of color will "be able to work together toward mutual goals--or [will] the current factionalism and distrust continue into the future, with various minority groups competing for crumbs while majoritarian rule continue[s] unabated?**

**Debate should be a space of political contestation in which arguments about who we are and what we ought to do are to be examined and debated without trump cards—the content of our arguments should be evaluated not without identity, but without identity as a trump card over its merits**

**Brown 95 – prof @ Berkeley**

(Wendy, States of Injury, p. 47-51)

**The** postmodern **exposure of the** imposed and **created rather than discovered character of all knowledges**—of the power-structured, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—**simultaneously exposes the groundlessness of** discovered **norms** or visions. **It** also **reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in** Nancy **Hartsock’s account of women’s experience** or women s desires, **African American women who do not identify with** Patricia Hill **Collins’ account of black women**’s ways of knowing, **are** once again **excluded from the Party of Humanism**—this time **in its feminist variant.** ¶**Our alternative** to reliance upon such normative claims **would** seem to **be engagement in political struggles in which there are no trump cards such as “morality” or “truth." Our alternative**, in other words, **is to struggle within an amoral political habitat for** temporally bound and **fully contestable visions of who we are and how we ought to live.** Put still another way, **postmodernity unnerves feminist theory not** merely **because it deprives us of** uncomplicated **subject standing**, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. **Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and normativity coproduce in modernity. When contemporary feminist** political **theorists** or analysts **complain about the** antipolitical or **unpolitical nature of postmodern thought**—thought that apprehends and responds to this erosion—**they are protesting**, inter' aha, **a Nietzschean analysis of truth** and morality **as fully implicated in** and by **power, and thereby delegitimated** qua Truth and Morality Politics, **including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject**, without Truth, and without scientifically derived norms—**one only need reread** Machiavelli, **Gramsci**, or Emma Goldman **to see** such a **politics flourish without these things. The question is whether** feminist politics can prosper without a moral apparatus, whether feminist **theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination**, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, **to fight for a world rather than conduct process on the existing one?** Nietzsche insisted that extraordinary strengths of character and mind would be necessary to operate in the domain of epistemological and religious nakedness he heralded. But in this he excessively individualized a challenge that more importantly requires the deliberate development of post-moral and anti-relativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely **because of its** incessant **revelation of** settled **practices and identities as contingent**, its acceleration of the tendency to melt all that is solid into air, what is called **postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.”** **Our capacity to exploit this opportunity positively will** be hinged to our success in developing new modes and criteria for political judgment. It will also **depend upon our willingness to break** certain **modernist radical attachments**, particularly **to** Marxism’s promise (however failed) of meticulously articulated **connections between a comprehensive critique of the present and norms for a transformed future**—a science of revolution rather than a politics of one. Resistance, the practice most widely associated with postmodern political discourse, responds to without fully meeting the normativity challenge of postmodernity. A vital tactic in much political work as well as for mere survival, **resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts** to enact either. **Contemporary affection for the politics of resistance issues from** postmodern criticism’s perennial authority problem: our heightened consciousness of the will to power in all political “positions” and **our wariness about totalizing analyses and visions.** Insofar as it eschews rather than revises these problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. **In this respect, like identity politics**, and indeed **sharing** with identity politics **an excessively local viewpoint** and tendency toward positioning without mapping, **the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it.** **Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision**; as Foucault makes clear, **resistance is an effect of and reaction to power, not an arrogation of it.**¶**What** postmodernity disperses and **postmodern** feminist **politics requires are cultivated political spaces for posing and questioning** feminist **political norms, for discussing the nature of “the good”** for women. Democratic political space is quite undertheorized in contemporary feminist thinking, as it is everywhere in late-twentieth-century political theory, primarily because it is so little in evidence. Dissipated by the increasing technologizing of would-be political conversations and processes, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, **political spaces are scarcer and thinner today** than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely **because of postmodernity’s disarming tendencies toward political disorientation**, fragmentation, **and technologizing, the creation of spaces where political analyses and norms can be** proffered and **contested is supremely important.**¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Republic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. And given contemporary spin in Jurgen Habermas's theories of ideal speech situations and communicative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist political spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, **these spaces cannot be pristine**, ratified, **and policed at their boundaries but are necessarily cluttered**, attuned to earthly concerns and visions, **incessantly disrupted, invaded, and reconfigured.** Unlike Habermas, **we can harbor no dreams of non-distorted communication unsullied by power, or even of a ‘common language,’\* but we recognize as a permanent political condition partiality of understanding and expression,** cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 **Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded**, disembodied, **or permanent:** to engage postmodern modes of power and honor specifically feminist knowledges, **they must be heterogeneous, roving**, relatively non-institutionalized, and democratic to the point of exhaustion.¶**Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justice . . . when one no longer relies on ontology or epistemology.”**43 **Postmodemity’s dismantling of metaphysical foundations** for justice **renders us** quite **vulnerable to domination by technical reason** ¶51¶**unless we seize the opportunity this erosion also creates to develop democratic processes for formulating post-epistemological and post-ontological judgments. Such judgments require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from** explicitly postulated norms and **potential common values rather than false essentialism or** unreconstructed **private interest.**44 Paradoxically, **such public** and comparatively impersonal **arguments carry potential for greater accountability than arguments from identity** or interest. **While the former may be interrogated to the ground by others, the latter are insulated from** such **inquiry with the mantle of truth worn by identity-based speech.** Moreover, post-identity political positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble. Post-identity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that **political conversation oriented toward diversity and the** common, **toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.**¶**Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”** that is produced through multiple sites of power and subordination. **But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.”** **We may need to learn public speaking and** the pleasures of **public argument not to overcome our situatedness,** **but in order to** assume responsibility for our situations and to **mobilize a collective discourse** that will expand them. **For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to** subjectivity, **identity**, and morality **and** to **redress our underdeveloped taste for political argument.**

**Claiming that only the victims of oppression can understand it dooms identity politics and reproduces exclusion**

**Bhambra 10—U Warwick**

AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

**It is inexcusable to build analyses of historical experience around exclusions**, exclusions **that** stipulate, **for instance,** that **only women can understand feminine experience, only Jews can understand**¶ **Jewish suffering, only formerly colonial subjects can understand colonial experience (Said 1993**: 35).¶ The idea of a politics underpinned by solidarities based on “sameness” has a long history in the critical tradition. Marx’s initial conceptualisation of the standpoint of the proletariat (albeit, significantly different from those of subsequent developments of standpoint epistemology) has been used by feminist theorists as well as those arguing for a post-colonial perspective in terms of the subaltern, and, more recently, for a dalit standpoint (Hart- sock 1984, Guha 1983, Rege 1998, 2000). However, while **using identity as the basis of political action has** been seen to be powerful (and effective), it has also increasingly **become seen as problematic. The exclusionary politics of movements such as black power,** much **radical** and **lesbian feminism, and** latterly, **movements for ethnic purity** and/or religious integrity, for example, **have yielded a deep concern** with the programme **of separation and isolationism** that such movements are often seen to be based upon. For many critics, more **troubling** still **has been the** usually **accompanying claim that only women can be feminists, or only black people can work against racism**, or only dalits against caste oppression, **and so on.**¶ **A position which states that only those who have experienced an injustice can understand and thus act** effectively **upon it seems to rest upon an essentialist theory of identity which assumes that the possibility of knowledge** about particular situations **is restricted to one’s possession of the relevant (seemingly) irreducible traits (being female, black**, dalit, **and so forth).** Arguably, one consequence of **these separatist tendencies is that they perpetuate the individualist fallacy that oppressive social relationships can be reformed by particular subjects without the broader agreement of others who**, together, **constitute the social relations within which the injustices are embedded**. But even where the limitations of a purely exclusionary form of identity politics are recognised, many theorists continue, nevertheless, to argue for a form of “strategic essentialism” (Fuss 1989, Spivak 2003) suggesting that where structures of inequality overlap with categories of identity, then a politics based on those identities is both liberatory and necessary (Bramen 2002).