### Case

**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 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?**

### A2: Phobia args

#### Breaking Islamophobia down into Islam and phobia is a counterproductive semantic move which reifies Ableism

Sayyid 8 (Reader in Postcolonial and Racism Studies at the University of Leeds, and Director of the Centre of Ethnicity and Racism Studies. THINKING THRU’ ISLAMOPHOBIA Symposium Papers, ARE UNICORNS MUSLIM? Centre for Ethnicity & Racism Studies, May 2008, p.1-2)

Those who see Islamophobia not as a polemical but as an analytical term are confronted with the paucity of its current formulation. Neither consitently defined, deployed, or understood, Islamophobia comes off as a nebulous and perpetually contested category. This has allowed it to circulate widely, but ineffectively: useful, for some, to vent grievances; used, by others, to pontificate; conveniently toothless platitudes and sound bites for canvassing politicians and opinion makers unable or unwilling to see its value as a tool for justice. Questions about what Islamophobia is, often (and not unreasonably in the practical domain of public policy and everyday life) slip into questions about who exactly is and is not Islamophobic. This type of question in turn slides into others that inquire whether Islamophobia actually exists, which in turn impinges upon what, if any, relationship is there between Islamophobia and racism, or Islamophobia and Orientalism. What, in short, do we gain, and lose, by talking about Islamophobia rather than racism or Orientalism? Confronted with the whirlpool of polemics and emotions around the concept, there is a strong temptation to clear the decks, mistaking essential contestion for semantic ambiguity and thus to offer rigorous and nuanced definition by way of solution. The most common such approach, which further mistakes the etymology of the concept for conceptual definition, is to try and understand Islamophobia by breaking it down into its constituent parts: we know what Islam is, and we know what phobia means, thus we can understand Islamophobia as fear of Islam (and its cognates). While not devoid of heuristic value this approach does not help us to account for the range of phenomena marshalled by and mobilisations around references to Islamophobia

### Ableism

#### The use of “ableism” obscures the discussion of the marginalized social categories seen as disabled or unproductive and reinforces the oppression of these groups

Chapman 10, Professor of Social Work at York University

(Christopher S., Crippling narratives and disabling shame: disability as a metaphor, affective dividing practices, and an ethics that might make a difference, still.my.revolution.tao.ca/node/68)

I used to use the term "ableism" to describe oppression against people who are labeled as disabled and/or the idea that disabled people are not as good as to non-disabled people. Within the past year or so, however, I have begun using the word "disablism" instead. There are a lot of reasons for this, but the primary one is the fact that ableism implies that this oppression is somehow related to ability – which it is not. Disability is a social category and its label is imposed on certain groups of people because of their perceived characteristics as un(der)productive. Internationally, disablism is the more commonly used term and, it is my understanding, ableism is really used only in North America and Australlia. The reason for this, I believe, is the way the disability rights movement emerged in each country. In the U.K., the emphasis was on the construction of disability and how people were disabled by social barriers. In the U.S. the focus was rights. There are, however, some folks in the United States who do use disablism exclusively or who use them both. When I began writing and speaking about disability, I used the term ableism; that is what I had been exposed to living in Canada. I didn't question the term and when, years later, I began to learn about the (British) social model I just thought it was one of those word differences that we have across the pond, like tampon and fanny pack or cigarette and fag. I only began to appreciate the intentional usage of “disablism” in the past few years. Then, one day, a non-disabled friend of mine was chatting about how someone at her work was being (dis/)ableist. But, she didn't say that, what she said was "what about ability?" That was when I realized that using ableism makes it really easy for people to equate ablesim with discrimination based on ability. This is a very problematic association. That is why I started using disablism rather than ableism to describe disabled people's oppression. Lisa, author of Lizy Babe's Blog, writes: "If 'racism' is discrimination on the grounds of race, surely it is logical that the word for discrimination on the grounds of disability would be 'disablism'?" She goes on to argue that "'ableism' is derived from the medical model of disability - the idea that a disability is something we have, that we are disabled by a lack of ability." I also think it is easier for those who use the term ableism to talk about able-bodied people, but this too is very problematic. The opposite of disabled is not able-bodied for a number of reasons. Firstly, "able-bodied" describes a physical state. Many people can be disabled and able-bodied at the same time as there are a number of different aspects of disability, not solely physical disability. What then, within this linguistic logic would you call people who are not psychiatized and don't have intellectual disabilities? Able-brained? Able-minded? I am offended by my invention of these words and can't imagine them being used. Also in the realm of the physical is the fact that able-bodied is adopted from a medical model, as I have already said, disability is not about "the body" of an individual, it is about the social categorization of certain kinds of people. Lastly, the idea that there are people who are able-bodied and not able-bodied is very troubling. Everyone has an "able body." Our bodies are what keep us alive, what sustain us – disabled or not. Words like "paralysis" and "disabled" are often used in disablist ways to talk about full stops but this is far from the way disabled people live our lives. If someone becomes disabled, their life continues and their body, while different (and possibly even painful or frustrating) is what allows their life to continue. Chris Chapman writes: In fact, we could imagine a less ableist account of literal paralysis – perhaps – as being more in line with what Kris describes: if I was to literally lose mobility in my legs today, my life won’t stop, but I’ll be fundamentally changed in enormous ways that I could never anticipate beforehand. It’s only ableism (sic) that situates paralysis as signifying only immobility in every aspect of life.\* We all have able bodies. If we don't have able bodies we are dead – otherwise our bodies are working, they are able. The opposite of disabled is not able-bodied, it is non-disabled. Of course, the use of the term dis/Abled also contributes to the idea that disability is about ability. This particular term is used by some very well meaning disabled people and supporters. It is written this way to encourage people to focus on our abilities. However, the problem for disabled people is not a branding issue, it is oppression. The fact that women have proven that they are as smart and capable as men hasn't changed the reality that women still make roughly 70% of what men make (something that has changed little in several decades). And, to show what women are equally as competent as men, they don't feel the need to call themselves wo/Men. While dis/Abled often comes from a well intentioned place, it is individualistic and it falsely connects disability with ability which actually works to reinforce our oppression, not the other way around.

#### Use of the term ableism blocks effective resistance to discrimination

Egan 08

(Lisa, Disablism Vs. Ableism, lisybabe.blogspot.com/2008/05/disablism-vs-ableism.html)

Those of you who don't know, "ableism" is the American/Australian word for "disablism". And I think it's ludicrous. For one thing it reminds me of those ridiculously over-PC words like "handicapable" or "differently abled", which are only used by people who are trying to pretend that disability doesn't exist. Secondly, it's unclear what it actually means. If "disablism" is discriminating against people for being disabled, surely "ableism" is discriminating against people for being able? In season three, episode 18 of My Name Is Earl, Earl and Randy go into a "wheelchair bar". In this bar there are no chairs, so it's obviously discriminating against people who are able to walk thus haven't brought their own seat with them. That's what I would call "ableism". In reality, in the UK it is illegal to discriminate against someone for being disabled, but it is legal to discriminate against someone for not being disabled. So for example, it is legal to advertise a job as being for disabled applicants only. This I would also call "ableism" (though I don't think this is wrong). Someone on an Internet message board I use started a discussion on ableism. She was Australian, and angered that she had tried to introduce a non-disabled person to the concept of ableism. The non-disabled person laughed at such a ludicrous term. Obviously I did too, because it's a silly word. But this person laughed, because she didn't believe that such a thing existed. I wonder if she would have still laughed if Australians used the more accurately descriptive word "disablism". On that thread several people mentioned that they struggle to get non-disabled people to understand concepts of ableism. I never have any trouble getting people to understand disablism; could this be because of the language I use? I believe that calling disablism "ableism" is akin to calling racism "whiteism". I've heard some people disagree, and argue that grammatically "ableism" is more correct. I fail to see their point. If "racism" is discrimination on the grounds of race, surely it is logical that the word for discrimination on the grounds of disability would be "disablism"? I shall await the barrage of comments from people who have studied the English language in greater depth than me pointing out why I'm an idiot. So my appeal for this Blogging Against Disablism Day is for us all to call disablism what it really is. If we are using a word like "ableism" which tries to pretend that disability doesn't exist, how can we fight against discrimination on the basis of disability? If we're trying to pretend that disability doesn't exist, then how can discrimination on the basis of it exist? "Sexism", "racism" and "homophobia" are used by English speakers the whole world over. How are we supposed to expect non-disableds to fully understand concepts of disablism if we can't even come up with a unified word for it? Say it with me people: Diss-A-Buh-Lism. Then go and read what my cat had to say for BADD. Edit May 8th: Thanks for all the comments on this post. I was especially interested by the thoughtful comment by maudite entendante in which she said: Highly Obvious to me that the "abl-" in "ableism" is just the prefix form of "ability" (because, really, "abilityism" just isn't a possible English word), and it means "discrimination based on [amount or type or category of] ability" Looking at the term "ableism" in that context makes it clear that "ableism" is derived from the medical model of disability - the idea that a disability is something we have, that we are disabled by a lack of ability. I'm a believer in the social model of disability, the idea that we are disabled by barriers which prevent us from living as full and equal citizens. The term "disablism" doesn't have such obvious medical model roots. Another reason why I think this term is superior.