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### Queerness

#### They have made the political choice to discuss black motherhood rather than black womanhood. The intuitive jsutification for this is clear – in some sense black women are mothers to all. However, framing valuable black feminitiy in terms of reproductive telos does have insidious consequences. We can affirm the role of the mother without affirming black women as mother.

#### The image of the Children holds us all hostage. Life is ceded and freedom is sacrificed. Anything that rejects this cycle of reproduction must be destroyed in the name of heteronormativity

**Edelman 4** (Lee, professor and chair of the English Department at Tufts University, No Future: Queer Theory and Death Drive. 2004, p. 19-22, MH)

The Child, in the historical epoch of our current epistemological regime, is the figure for this compulsory investment in the misrecognition of figure. It takes its place on the social stage like every adorable Annie gathering her limitless funds of pluck to "stick out [her] chin/ And grin/ And say: 'Tomorrow!/ Tomorrow!/1 love ya/ Tomorrow/ You're always/ A day/ Away.' " 2 0 And lo and behold, as viewed through the prism of the tears that it always calls forth, the figure of this Child seems to shimmer with the iridescent promise of Noah's rainbow, serving like the rainbow as the pledge of a covenant that shields us against the persistent threat of apocalypse now—or later. Recall, for example, the end of Jonathan Demme's Philadelphia (1993), his filmic act of contrition for the homophobia some attributed to The Silence of the lambs (1991}. After Andrew Beckett (a man for all seasons, as portrayed by the saintly Tom Hanks), last seen on his deathbed in an oxygen mask that seems to allude to, or trope on, Hannibal Lecter's more memorable muzzle (see figures 1 and 2), has shuffled off this mortal coil to stand, as we are led to suppose, before a higher law, we find ourselves in, if not at, his wake surveying a room in his family home, now crowded with children and pregnant women whose reassuringly bulging bellies (see figure 3) displace the bulging basket (unseen) of the Hiv-positive gay man (unseen) from whom, the filmic text suggests, in a cinema {unlike the one in which we sit watching Philadelphia) not phobic about graphic representations of male-male sexual acts, Saint Thomas, a.k.a. Beckett, contracted the virus that cosegerous "lifestyles" on the Internet; the Child who might choose a provocative book from the shelves of the public library; the Child, in short, who might find an enjoyment that would nullify the figural value, itself imposed by adult desire, of the Child as unmarked by the adult's adulterating implication in desire itself; the Child, that is, made to image, for the satisfaction of adults, an Imaginary fullness that's considered to want, and therefore to want for, nothing. As Lauren Berlant argues forcefully at the outset of The Queen of America Goes to Washington City, "a nation made for adult citizens has been replaced by one imagined for fetuses and children."2 2 On every side, our enjoyment of liberty is eclipsed by the lengthening shadow of a Child whose freedom to develop undisturbed by encounters, or even by the threat of potential encounters, with an "otherness" of which its parents, its church, or the state do not approve, uncompromised by any possible access to what is painted as alien desire, terroristically holds us all in check and determines that political discourse conform to the logic of a narrative wherein history unfolds as the future envisioned for a Child who must never grow up. Not for nothing, after all, does the historical construction of the homosexual as distinctive social type overlap with the appearance of such literary creations as Tiny Tim, David Balfour, and Peter Pan, who enact, in an imperative most evident today in the uncannily intimate connection between Harry Potter and Lord Voldemort, a Symbolic resistance to the unmarried men (Scrooge, Uncle Ebenezer, Captain Hook) who embody, as Voldemort's name makes clear, a wish, a will, or a drive toward death that entails the destruction of the Child. That Child, immured in an innocence seen as continuously under seige, condenses a fantasy of vulnerability to the queerness of queer sexualities precisely insofar as that Child enshrines, in its form as sublimation, the very value for which queerness regularly finds itself condemned: an insistence on sameness that intends to restore an Imaginary past. The Child, that is, marks the fetishistic fixation of heteronormativity: an erotically charged investment in the rigid sameness of identity that is central to the compulsory narrative of reproductive futurism. And so, as the radical right maintains, the battle against queers is a life-and-death struggle for the future of a Child whose ruin is pursued by feminists, queers, and those who support the legal availability of abortion. Indeed, as the Army of God made clear in the bombmaking guide it produced for the assistance of its militantly "pro-life" members, its purpose was wholly congruent with the logic of reproductive futurism: to "disrupt and ultimately destroy Satan's power to kill our children, God's children.

#### Reproductive Futurism coerces us to construct new threats to reproduction. Those who could endanger the future of the Child are sent to wholesale slaughter

**Edelman 4** (Lee, professor and chair of the English Department at Tufts University, No Future: Queer Theory and Death Drive. 2004, p. 115-7, MH)

On October 12, 1998—the evening of the death of Matthew Shepard, a twenty-one-year-old gay man then enrolled at the University of Wyoming who was lured from a bar by two straight men and taken in the dark to a deserted spot where he was savagely beaten, pistol-whipped, and then tied to a wooden fence and abandoned to the brutal cold of the night (from which he would not be rescued until some eighteen hours later, when he was discovered, already comatose, by a bicyclist who thought the limp, bloody body lashed to a post was a scarecrow)—on that evening of Matthew Shepard's death a hospital spokesman, "voice choked with emotion," made the following statement to the national press: "Matthew's mother said to me, 'Please tell everybody who's listening to go home and give your kids a hug and don't let a day go by without telling them you love them.'" These words of a grieving mother, widely reported on the news, produced a mimetic outpouring of grief from people across the country, just as they had from the spokesman whose own voice choked as he pronounced them. But these words, which even on the occasion of a gay man's murder defined the proper mourners as those who had children to go home to and hug, specified the mourning it encouraged as mourning for a threatened familial futurity—a threat that might, for many, take the form of Matthew Shepard's death, but a threat that must also, for others, take the opposite form: of Shepard's life.5 Thus, even as mourners gathered to pray at the bier of a mother's slain child, others arrived at his funeral to condemn a "lifestyle" that made Matthew Shepard, for them, a dangerous bird of prey. An article printed in the New York Times speculated that the symbolic significance, for the killers, of leaving his body strung up on a fence might be traced to "the Old West practice of nailing a dead coyote to a ranch fence as a warning to future intruders."6 The bicyclist who mistook him for a scarecrow, then, would not have been far from the mark; for his killers, by posing Shepard's body this way, could be understood to be crowing about the lengths to which they would go to scare away other birds of his feather: birds that may seem to be more or less tame—flighty, to be sure, and prone to a narcissistic preening of their plumage; amusing enough when confined to the space of a popular film like The Birdcage (1996) or when, outside the movies, caged in the ghettos that make them available for ethnographic display or the closets that enact a pervasive desire to make them all disappear— but birds that the cognoscenti perceive as never harmless at all.7 For whatever apparent difference in species may dupe the untrained eye, inveterate bird-watchers always discern the tell-tale mark that brands each one a chicken-hawk first and last. In an atmosphere all atwitter with the cries that echo between those who merely watch and those who hunt such birds, what matter who killed Cock Robin? The logic of sinthomosexuality justifies that violent fate in advance by insisting that what such a cock had been robbing was always, in some sense, a cradle. And that cradle must endlessly rock, we've been told, even if the rhythm it rocks to beats out, with every blow of the beating delivered to Matthew Shepard's skull, a counterpoint to the melody's sacred hymn to the meaning of life. That meaning, continuously affirmed as it is both in and as cultural narrative, nonetheless never can rest secure and, in consequence, never can rest. The compulsive need for its repetition, for the drumbeat by which it pounds into our heads (and not always, though not infrequently, by pounding in a Matthew Shepard's) that the cradle bears always the meaning of futurity and the futurity of meaning, testifies to something exceeding the meaning it means thereby to assure: to a death drive that carries, on full-fledged wings, into the inner sanctum of meaning, into the reproductive mandate inherent in the logic of futurism itself, the burden of the radically negative force that sinthomosexuality names.

#### The alternative is to vote negative to queer black motherhood. Any attempt to establish a dichotomy between their conception of black feminity and our queerness does violence and eliminates trans subjectivitiess.

E. Manning 09 - BA, BSW, MSW (Cand.) University of Victoria, Canada (“Queerly Disrupting Methodology” http://www.kvinfo.su.se/femmet09/papers/pdf/Manning.pdf)

Dichotomous thinking infuses numerous research methodologies, limiting what is allowed to exist. These ways of thinking and being negate queer existences because those who identify as queer live beyond the binaries of sex, gender and sexuality. Thus, queer methodologies are vital for exposing hegemonic linear ways of being and thinking that analyze, categorize and psychiatrize those outside of such polarized identities. My goal is not to delimit what a queer methodology is, but rather to add to the discussion regarding ontology and epistemology and how this may shift our gaze in a queer research inquiry. I argue queer methodologies provide space for the multiplicity of strangeness to exist as their disruption of normalcy and Otherness (Kumashiro 1999) is explicitly political. Queer methodologies deconstruct truth claims, question dualistic ontology and queer straight lines.

 Though my approach is from a queer theory and poststructural perspective, I note Namaste (2003) critiques these theories for their lack of contextuality and demands researchers to be reflexive. But if I discuss my own identity within this paper, will I be reproducing my own oppression in taking up reverse discourses, which reconstitute dominant discourses about the Other from a subjugated position? If I declare myself genderless and sexless, and thus immune to these categorizations, I ignore how sexism, transphobia, heterosexism and misogyny have forever changed my life and my body. If I locate myself solely within theoretical frameworks of poststructural feminism and queer and gender theory, will this simply reflect only my thinking and not my physical being? As methods are to methodology, so is my body connected to my subjectivity.

 Would it suffice to say I am genderqueer? Likely not. What is not read in this declaration is my race, class, age, ability (or are they read as dominant in each of these categories?), nor is my sex or sexuality intact. I have experienced life as a female bodied, white, middle class, queer femme from English-speaking Canada. These identities written upon me shape how I experience and understand the world: “we embody the discourses that exist in our culture, our very being is constituted by them, they are a part of us, and thus we cannot simply throw them off” (Sullivan 2003: 41). What is not so clear is how I transgress heterosexual gender norms and that I have also experienced the physical consequences of patriarchy, heterosexism and homonormativity through incest, surviving a late diagnosis of cervical dysplasia and domestic violence. There are few spaces I exist in where I can definitively mark which category I fit. Binary systems within sex, gender and sexuality are problematic for me not only personally, but also politically and ideologically. Although I have been an activist for more of my life than not, critical race, queer and gender theories have given me language and ideas to examine the ways in which I am in the world in my inconsistent, ever shifting and multiple ways.

Queering

In this paper, I use the term “queer” in a multitude of ways. As a noun, I use it to reference people who identify as queer – typically people who challenge and/or exist beyond dualistic and constructed categories such as transgender, bisexual, two-spirit, transsexual, transvestite, intersex and questioning people (Manning, forthcoming). To use queer as an identity can run counter to the work queer does to circumvent and undermine identity politics. Here, however, I use it to highlight how it has been taken up as a liminal identity in ways that problematize orientation. By this I mean that sex, gender and sexuality are relational and queer positions itself against normative spaces made visible by dominant discourses.

 Additionally, I use queer as a verb. To queer something is to question normalcy by problematize its apparent neutrality and objectivity. Britzman (1998: 82) locates what queer theory can do as a practice: “Queer theory is not an affirmation, but an implication. Its bothersome and unapologetic imperatives are explicitly transgressive, perverse, and political”. Queer resists definition, uniformity and cohesion. It examines how normal is made specifically with regards to sexuality.

 Heteronormativity took root in queer theory as it made explicit how heterosexuality positions itself as neutral, normative and dominant. Similarly, the “new homonormativity” is a set of “politics that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them” (Duggan 2003: 50). Duggan explains how these neo-liberal views get taken up by gay men and lesbians as a way to normalize their existences. I argue drawing these lines of normalcy is done at the expense of queer, trans and intersex people and reconstitutes us as invisible and deviant. In response, I take up queer in multiple ways to expand on its relationality, disruptions to normativity and intrinsic deviance.

 Although the violation of compulsory sex/gender relations is one of the topics most

frequently addressed within queer theory, this body of knowledge rarely considers the

implications of an enforced sex/gender system for people who have defied it, who live

outside it, or who have been killed because of it. (Namaste 2003: 9)

 Transgenderists, feminists, and some queer theorists (Fausto-Sterling 1997; Stryker 2006;

Wilchins 2004), push queer theory beyond simply examining the discursive production of sexuality. Where queer theory primarily disrupts the seemingly stable categories of homosexual and heterosexual, gender and transgender theories take this disruption further by problematizing how sex and gender are socially constructed and required. Gender and transgender theories also tease out neo-liberal agendas embedded in the hegemonic lesbian, gay, bisexual and transgender (LGBT) movement. These theories offer ways to not only make visible and centre intersex, transsexual, transgender, two-spirit, pansexual and queer people within discourses where we have often been objects, but critique the “natural” construction of sex much touted by science.

Disturbing Ontology Modernist ontology permeates multiple research methodologies. “An ontology is a theory about what the world is like – what the world consists of, and why” (italics added, Strega 2005: 201). Modernist ontology inscribes binary constructs in a way that maintains sexual and gender dominance. When researchers fail to question the dualistic nature inherent in certain methodologies, these social, physical and political hierarchies are perpetuated. Methodologies located in positivist paradigms are marked by dichotomous ways of being and thinking, yet some interpretative and emancipatory methodologies are also influenced by this ontology. Conversely, 3 ontologies that embrace complexity, multiplicity and inconsistency are more likely to be useful in producing queer methodologies. Queer methodologies need a “continuous questioning and deconstruction of all knowledge,” particularly knowledges claiming objectivity and truth (Hammers & Brown 2004: 88).

 During the ‘Age of Reason,’ modernist practice produced and classified knowledge (Hall & Gieben 1992: 8). “Deeply embedded in these [modernist] constructs are systems of classification and representation, which lend themselves easily to binary oppositions, dualisms, and hierarchical orderings of the world” (Tuhiwai Smith 1999: 55). **These binary constructs are not limited to sex and sexuality, but also significantly frame constructions of race, ability, etc**. Somerville (2000) describes how race and sexuality were classified and enmeshed to construct deviant, knowable and subordinate objects. Wittig (1980: 210) points out, “this necessity of the different/other is an ontological one for the whole conglomerate of sciences and disciplines” she calls the “straight mind”.

 Positivist scientists view these classifications as objective, neutral and true suggesting they are removed from all social, cultural and political influences. Numerous theorists (Fausto-Sterling 1997 & 2000; Foucault 1990; Hammers & Brown 2004; Tuhiwai Smith 1999) critique science for its claims of objectivity, which produce “patriarchal knowledge and work against knowledge of the realities of gender relations” (Ramazanoglu & Holland 2002: 49). Adrienne Rich (1987, cited in Hammers & Brown 2004: 85) argues, “objectivity is a term given to men’s subjectivity”. To work against objectivity and to position subjectivity in research is necessary in queer methodologies. Although I do not want to position subjectivity as the opposing binary mate to objectivity (as this would be contradictory to my claims of rejecting binaries), I propose to problematize subjectivity by exposing the complexity and contradictions within one’s own subjectivity.

 In interpretative and emancipatory research paradigms, a researcher can reproduce dominant modernist representations **by restricting their own complexity to a binary identification as an insider or outsider**. Several feminist theorists complicate the insider/outsider quandary by blurring or queering the line between these dichotomies. Fine (1998: 135) ‘works the hyphen’ between Self and Other and suggests “researchers probe how we are in relation with the contexts we study and with our informants, understanding that we are all multiple in those relations”. Tang (2006: 14) explores occupying insider and outsider roles by “oscillating” between each role, “signifying both being hesitant or embracing of the roles participants might have allocated for me…[having] the agency to switch in between roles if necessary or to remain straddling in ambiguity”. Lal (1996: 196) questions the politics of self in proposing, “with each threshold of an insider boundary that one crosses, there would seem to be another border zone available for one’s definition as outsider”. In these ways, subjectivity can and should become murky, unstable and contradictory by resisting a clear and contained identification within the insider/outsider polarity.

 Hammers & Brown (2004: 87) point out, “ ‘situating’ of oneself…would not only re-organize the researcher(subject) - researched(object) relationship to be one that is non-hierarchical, equitable, and respectful, but make as central direct, material experience and reality”. Although identifying one’s subjectivity does not entirely level the power dynamics within research, I agree it is necessary to resist claims of objectivity while helping to identify power relations at work within a research project. Subjectivity also allows for multiplicity and complexity to be within the research – something that objectivity would clearly reject. Subjectivity and reflexivity within research is well grounded in feminist and emancipatory research approaches. What I hope to promote is a kind of subjectivity that complicates, questions and deconstructs power relations, discourses and working assumptions within queer methodologies.

**I see value in claiming space for queer subjectivities so those objectified by science can tell our own stories and lay claim to knowledges previously made deviant and invisible**. However, my specific interest is to expose the techniques/technologies of making normal. I am particularly interested in queer methodologies that examine how those who study non-normative sexes, genders and sexualities discursively produce us. My unapologetic and purposeful mission is to poke holes in, deconstruct and destabilize the hegemonic understandings that have classified, ignored, persecuted and killed us. For me, my politics of resistance is deeply rooted in my subjectivity. My subjectivity positions my ontological perspective to incorporate queer, two-spirit, trans, intersex and non-normative sexed, gendered and sexual people within the world.

Because of its multiplicity, complications and contradictions, a queer ontology challenges modernist ideas of binary, stable categories. As ontology shapes what existences are made possible and visible, a queer methodology reveals and makes possible queer and trans lives, experiences and encounters. A queer methodology therefore has a distinct ontology and epistemology. Although queer remains elusive, contextual and unstable and should continue to resist solidification, a queer methodology is most incongruent with research paradigms rooted in a dichotomous way of thinking and being, epitomized in classical sciences such as biology, psychiatry and medicine.

#### Racism and heteronorativity have congruent origins so understanding one is crucial to conceptualizing the other. Attempts to understand queerness through racial lense miss the boat and reify dichotomous understandings of queer subjectivity. We should use a queer phenomenology to understand politics.

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My own view of the critique of science is significantly informed by feminist, anti-racist (feminist), anti-colonial and poststructural analyses and their well established critiques of the effects of science’s discursive productions and material tyranny. “Feminists have struggled to expose scientific knowledge produced by particular male selves in particular social locations” (Ramazanoglu & Holland 2002: 37). Terry (1995: 155) suggests, “biological arguments about race had long been seen as the handmaidens of racism, just as those about gender were identified to be a central part of the architecture of sexism”. How well oppression works is based largely on the interlocking configurations of oppressions. Somerville (2000: 17) examines how contingent the making of race and homosexuality are:

My aim is not to replace a focus on gender with that of race but rather to understand how discourses of race and gender buttressed one another, often competing, often overlapping, in shaping emerging models of homosexuality, I suggest that **the structures and methodologies that drove dominant ideologies of race also fueled the pursuit of knowledge about the homosexual body: both sympathetic and hostile accounts of homosexuality were steeped in assumptions that had driven previous scientific studies of race**.

Foucault traced the discursive production of sexuality through science in the History of Sexuality, Vol. I and argued the “domain of sexuality has been increasingly constructed in terms ofscientific knowledge, which he terms ‘scientia sexualis.’ Sexual science has been concerned with classifying, analyzing and examining sex in minute detail… [and] constitutes sex as a problem of truth” (O’Brien 1999: 131). Although science has been highly critiqued, newer or rather reconstituted, forms of positivist thought are also being questioned as to their utility for disruptive queer agendas.

Touted as a non-ideological, pragmatic tool, evidence-based research could arguably be considered reverse discourse in its updated, sleek and highly consumable model. Grundy & Smith (2007: 297) examine how “ ‘evidence’ generated from select academic and policy research, statistics, evaluations and pilot projects” are tools of “advanced liberal governmentality”. Halperin (1995: 18) suggests:

**modern forms of governmentality actually require citizens to be free, so that citizens can assume from the state the burden of some of its former regulatory functions and impose on themselves** – of their own afford – **rules of conduct and mechanisms of control**….liberal power…normalizes, “responsibilizes,” and disciplines.

Within a Foucauldian framework, LGBT research conducted as part of advanced liberal governmentality can be seen as a tool of self-regulation and reverse discourse. Grundy & Smith (2007) emphasize how social science research raises the “thorny issue of ‘ontological politics’” (300) and caution these tools’ usefulness as “LGBT social science makes some queer realities real at the expense of others” (299). They point to the Canadian 2006 census for making visible those in same-sex relationships and making invisible transgender, intersex, transsexual people as well as LGBT and queer people not in same-sex relationships.

We have not arrived as individuals, but as relationships. It is not gay men and lesbians who have arrived, but same-sex couples…. It is part of the way in which our membership as sexual minorities in the Canadian nation is mediated through the lens of respectable relationships. (Cossman as cited in Grundy & Smith 2007: 303)

The undercurrent of Grundy & Smith’s argument is useful in highlighting another characteristic of queer methodologies – that is, rejecting attempts to legitimize and solidify shifting, mobile existences. One feature of this act centres on how respectability gets taken up and who gets constructed as reputable within the heteronormative frameworks. This feature of respectability is one I associate with a homonormative agenda as it advocates for rights and benefits for the “normal” ones at the expense of ones who are constructed as deviant. Some important questions to ask to guard against reconstituting this normative agenda in methodology are related to the research’s ontology and epistemology: Who is getting measured and who is not getting counted? Can you quantify something fluid and shifting?

Philosophically speaking, Ahmed (2006) proposes a queer phenomenology. Phenomenology looks to describe the lived experience or the essence of a phenomenon. The idea of intentionality of consciousness is also significant in a phenomenological study as:

this idea is that consciousness always is directed *towards* an object. Reality of an object, then, is inextricably *related to one’s consciousness* of it. Thus, reality, according to

Husserl, is not divided into subjects and objects, thus shifting the Cartesian duality to the

meaning of an object that appears in consciousness. (italics added, Creswell 1998: 53)

 What links phenomenology as a research methodology and Ahmed’s ideas of queer phenomenology are the attention to orientation and ontology. Ahmed (2006: 68) suggests “**a queer phenomenology might offer an approach to sexual orientation [and racialization] by rethinking how the bodily direction “toward” objects shapes the surfaces of bodily and social space**”. She continues to expand on how this approach “would function as a disorientation device; it would not overcome the ‘disalignments’ of the horizontal and vertical axes, allowing the oblique to open up another angle on the world” (Ahmed 2006: 172). For a research methodology, queering the orientation of the researcher or calling into being a queer ontological perspective would support phenomenology as a queer methodology. Crucially, however, though existences are only able to be if we are conscious of them, Ahmed (2006: 179) warns:

**queer is not available as a line that we follow**, and if we took such a line we would

perform a certain injustice to those queers whose lives are lived for different points. For

me, the question is not so much finding a queer line but rather asking what our

orientation toward queer moments of deviation will be.

 Her question can also speak to cautions of queer methodologies: to not solidify or essentialize our orientation within a research paradigm, but to examine the moments of Otherness, the strange, the deviant, the disorientation.

 (Re)shaping Methodology

Several researchers, theorists and academics have taken up queer methodologies (Halberstam 1998; Holliday 2000). My goal is to articulate what is unique about a queer methodology. I propose queer methodologies are shifting, changing and becoming. I argue queer methodologies have a particular interest in a way of being that centres a particular kind of politics – a queer ontology. Conceptualizing ways of being beyond the binary systems of positivism means that certain existences come into view. The goal of my queer methodology, at this particular time, is to do several things: first, to challenge invisibility, normalcy and stability which are produced by dichotomous understandings; second, to resist neo-liberal, assimilation and reverse discourses; and last, to expose and deconstruct respectability, heteronormativity and homonormativity. For my own work, discourse analysis is of particular interest as I examine HIV research findings. A queer methodology enables me to ask questions rooted in a poststructural feminist perspective in a way other methodologies prohibit. My political agenda embedded within my methodology directly impacts on practices of sexual health care and research.

 Practicing a Queer Methodology

As an area of great significance to those who practice non-normative sex, sexual health reveals hetero- and homonormative understandings. A queer analysis unearths these undercurrents which remain obscured by a normative approach and partially invisible even through a LGBT lens. I expand on how a queer methodology can expose and disrupt these deadly agendas. The history of the modern gay liberation movement is deeply impacted by the effects of HIV/AIDS. For decades, sexual deviants have challenged dominant, heteronormative understandings of sexuality and found “ways of breaking down monopolies of professional expertise, ways of democratizing knowledge, and ways of credentializing the disempowered so that they can intervene in the medical and governmental administration of the epidemic” (Halperin 1995: 28). HIV/AIDS is a site of contestation of politics, specifically in terms of how identity politics impact the visibility of various sexual identities.

**When gay men and lesbians (or any sexual minorities, for that matter) are viewed under an “ethnic identity model,” it “promotes a view of sexuality as an essentially private matter** that produces some discord when individuals are prevented from accessing legal or civil rights enjoyed by the mainstream” (Hick 2008: 68). Relating back to ontological politics, **it also essentializes gay men and lesbians as a knowable, stable category.** This is relevant to research methodologies in that:

Reliance upon an ethnic identity model also discourages reflexivity about the ways in which sexuality is theorized. So a ‘lesbian and gay affirmative practice’ simply reinforces the sexual identity model, and even suggests, ‘there is no need to develop a new model or theory of social work practice with lesbians, gays, and bisexuals.’ (Hicks 2008: 68-69)

Some gay men and lesbians, primarily those who deem themselves “respectable,” promote certain sexualities and thus take up a homonormative agenda. This does two things: first, it makes trans, intersex, pansexual and other queer people invisible and deviant; and second, it reconstitutes reverse discourses working against gay liberation by not calling into question what is normal. **By making gay and lesbian identities circumscribable** (regardless of who is doing this) **through an ethnic identity model, we all become quantifiable and fixed**. **The danger of this is that once we have been sufficiently studied (by the omnipresent, hetero/homonormative dominant), the hetero-norm is reaffirmed “because heterosexuality is the standard from which others are seen to differ” and reifies homosexual as an object of study** (Hicks 2008: 68).

A queer methodology intentionally does not attempt to reify mobile, unstable “disorientations.” Instead, it exposes hetero- and homonormativity. A queer methodology reveals the complex plurality of sex, gender and sexuality. In analyzing the Gay and Lesbian Medical Association’s (2006) Guidelines For Care Of Lesbian, Gay, Bisexual And Transgender Patients and the Public Health Agency of Canada’s (2006) Canadian Guidelines On Sexually Transmitted Infections with a queer methodology, what is made clear is how sex and gender categories are stabilized within the binary systems of male/female and man/woman (Manning, forthcoming). In an attempt to minimize the essentializing of sexuality, the terms “men who have sex with men” (MSM) and “women who have sex with women” are employed. This conflation of sex and gender not only obscures these social constructions, but makes invisible intersex, trans and queer people. “Within a binary heterosexual/homosexual paradigm, what is a transgendered person’s gender opposite? Or better yet, why must we define our sexuality in relation to gender object choices rather than in relation to sexual acts themselves?” (Thaemlitz 2006: 182). Although the term MSM was initially used to trouble the seemingly distinct categories of homosexual and heterosexual, it is problematic as it is firmly entrenched within the bin ary construct of sex.

### Disidentification

Their role of the ballot argument claims that we need to produce “free space” in order to criticize war on women.

#### Trying to create debate “free” of institutional complicity with the topic, the USFG, and violence is a dangerous illusion. The purpose of their project is to avoid complicity in ethically compromised institutions, the position of their project is within such an institution.

#### This means that change never happens, just a constant process of espousing a lack of complicity with the stage on which one stands.

#### We should affirm spaces to discuss the connections b/t our bodies and the logic of domination. While recognizing that it cannot produce a completely “free space.” No space in which any of us speaks will be totally free, because debates spaces speak and create us. Any debate subject is co-productive with the unfreedom that comes with speech.

#### Their desire for “freedom” within problematic institutions can’t possibly accomplish its end. Instead, it cultivates a “self-congratulatory, self-absorbed narcicism that is nothing if not *thrilling*.”

#### Vote neg to reject the thrill ride. Reject the idea that the ballot can EVER be free of complicity systems of power. Aknowledge the limits of the activity, and the fact that we are already complicit in unethical systems of power by our very presence and participation here.

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Mappings of every kind, of course, tend to flatten the terrain over which they hover, requiring for actual travel a more proximate rendering of the territory one inhabits, encounters, or hopes to flee. But proximity in U.S. American Studies has long been the key problem that the field has sought to correct, not a situation that it desires, let alone a political goal. To be in the interior, on the ground, at home, or in any of its nationalizing time zones has been and continues to be the affectively loaded scene of contamination and abjection; indeed, it is a primary source of shame for the New Americanist traveler, as I have been discussing. Hence, the New Americanism works hard to exchange the imaginary of the wilderness that enabled a mythological outside to the trauma of colonial extermination for the knowledge orientations provided by recovering the scene of violence, a scene of violence unassimilable to the national mythos. It does this from the complex psychic and epistemological spaces of exteriority, where anger, guilt, disidentification, and mourning coalesce into an investment, to repeat Pease's terms, to "change the hegemonic self-representation of the United States' culture" (32.). This investment is no minor political desire, even if it might be taken, as it has, as a self-aggrandizing grasp for power or as the mirror inversion, through the syntax of dissent, of the kind of provincializing nationalism of that which it sought to displace. Both of these critiques rehearse, in gesture as well as plot, the mood and manner of New Americanist disaffiliations from the Cold War field imaginary that it has come repeatedly, I want to say compulsively, to cite. This compulsion is an important feature of New Americanism-indeed I take it to be constitutive, which means that as much as it narrates its own historical supersession, the New Americanism cannot live a day without the figure of the Cold War consensus to define that which it is not. This is no surprise, of course, because in a certain sense, New Americanism invented it: invented the very monolithic power of the Cold War apparatus it now foundationally rejects. Invented it by consolidating all of its contradictions into a narrative of complicitous identification with the state. And now, in much the same motion, internationalization promises to pay New Americanism the same honor, refusing identification with it as a means of constructing its own generative authority, one in which the promise of exteriority can free the field once and for all from the complicity of"America and its studies," as Kadir put it. These are impossible desires**,** of course, which is the very reason we cannot afford to dismiss them. Indeed, I take seriously the work that refused identification performs, even if I find its relentless commitment to consciousness and the ethical utility of its own critical agency exhausting. After all, transformations of any field, including American Studies, are effected by much more than critical or political intention. They arise from historical forces, institutional impulses, and political ir/rationalities quite separate from the subjects who come to identify with and against them. And yet the critical exercises through which identity fields of study have come to be narrated have their own familiar cast of characters, with omniscient narration, totalizing evil, and heroic resolution-or in even more familiar terms, prescient critics, corrupting state power, and a sophisticated theoretical agenda armed for radical change**.** The temporal structure of these exercises typically splits the past from the present and the dead from the living (or the nearly retired from the more recently employed), such that the future is always owned by the present; indeed it is what the present lives for. If the language I use here relies on the technologies of fiction, not the determining social realities sought by documentary history, it is not that narratives of field formation jettison claims to material authority. In fact, what is striking is how often they present themselves as historical description against the animating failure of the field's past complicitous projections.49 Hence, the double relation that authorizes New American Studies organizes the field into two time zones: a past that can never not be unconsciously aligned with the imperial state, and a present and future that thrive on their conscious and conscientious escape from such complicity.50 That this psychic temporality is oedipal is certain-the New Americanism is mobilized by a critique of founding fathers, and its rebellion is routinely emplotted as the refusal to be domesticated by ideological fictions and state managements of various kinds, which is why, in the logic of its "newness," it is forever young**.** But when taken up by proponents who call for a wholly new internationalized field, New Americanism is stopped dead in its tracks, its animating self-propulsion returned, in temporal retrogression, to prototypical national time where it shares kinship with its Cold War predecessor. 51 The refusal that internationalization generates here is double edged. It takes the New Americanist revolt as a failure of critical self-recognition, resituating it within a continuous history of American Americanist identificatory attachments; in doing so, it consolidates the New Americanism as symptom and agent of the imperial ambitions of the state, refusing the former as a means of generating dissent from the latter. I take Kadir's founding presidential address to the IASA conference in 2003, "Defending America Against Its Devotees," as a signal moment in establishing internationalization as the historical impetus and critical force of a field-transforming turn, one that shares the familiar emplotment from proximity to externality, from complicitous past to hopeful future. In it, he situates the war in Iraq as the watershed event that has "paradigm-altering" implications for American Studies, as large as those of the Vietnam War, but "with the difference that the global scope of American Studies as an international field today will resist the re-absorption of these changes into a national and nationalist proj ect of US Americanism."52 His manifesto begins, to trope Pease, in the rhetorical gesture of turning America outside itself.53 Once an "object of devotion," "a generator of epistemic paradigms for its own assessment," "a continentally defined geopolitical territoriality," "an unquestionable ideological imaginary," and a nationalist "sponsor of American Studies," America today, he writes, has been fundamentally resituated "as an international object" and "subject of investigation" ("Defending," 136). He thus calls forth the "common endeavors" of the IASA to foreground the study of America from "criteria and scholarly principles that do not originate in America itself," which means placing at the forefront the perspectives of "non-Americanized Americanists"-those who "have known all along" that the United States was not the center of the world ("Defending," 136, 143, 146). To be sure, Kadir acknowledges that American Studies in the United States ceased "some time ago" to approach its object of study as "a univocal, celebratory occasion"; nonetheless, he repeatedly positions the New Americanism as part of a recuperated exceptionalism that is deaf to its own insularity, such that the turn it inaugurated remains nationalist, in part because it never traveled into the global arena but stayed, as he characterizes it, within the domain of"inequities in America's racial, ethnic, economic, and gender history" ("Defendin g," 139, 148). The full force ofKadir's critique ofNew Americanism emerges later in 2003 in an essay I have already referenced, which serves as the introduction to a special issue of PMLA on hemispheric American Studies called "America and Its Studies." In this essay, which names the names that his public address at the IASA conference did not, Kadir refers to Janice Radway's presidential address to the U.S. American Studies Association in 1998, "What's in a Name?" as a "national soliloquy" of "nation-centered and nationalist discourse," and chastises the New Americanism for its work as yet "another tactical turn in the predictable pattern of chronic selfreconsolidation through self-disruption" that characterizes "American discourse."54 The focus of his strongest identificatory refusal is Pease, whom Kadir positions, with no self-irony, as an agent of self-canonization, the self-promoted leader of the New Americanist guild. For Kadir, the externality that Pease ascribes for New Americanists, as wrought by the political imaginary of social movements and captured by the concept of postnationality, "emerges as a more capacious nationalism that reinscribes the nationalist project, whose cultural dominant proves nothing less than a more variously differentiated nationalism ... a ruse in the perennial nationalist project of self-affirmation through self-differentiation, broadened in its scope, base, and illusionary political unconscious to the identity formations of' minorities' or' disenfranchised groups'" ("America," I9 ). In this, Kadir continues, there is "no space between these variegated American identities and the identification of American American studies taken in as naturally and as inexorably American. All fissures have been sealed, the circumscription completed, the wagons impenetrably circled, and America, once again, is securely interred within itself" ("America," 20). The sweep ofKadir's historical condemnation pivots on an ironic juxtaposition of the baptism, as he calls Crews's I988 essay, of New Americanism with George H. W. Bush's postsocialist declarations of the New World Order following the official end of the Cold War. Indeed, for Kadir, this is more than juxtaposition; it is an "uncanny simultaneity" that begets an unconscious affiliation, a way for American Americanists to banish all recognition of the United States as one nation among many to forward instead the self-narrating and self-fulfilling image of itself, automythic and still innocent everywhere it goes. By this logic, he writes, in his essay's most astounding rhetorical moment, "To do American studies as a nonAmerican ... is to engage in un-American activities, or-as Bush II would have it in his historic congressional address on terrorism, counterterrorism, and their regimes of truth- if you are not with us, you are one of them" ("America," I9). As is no doubt clear, Kadir's masterful reduction of New Americanism to a repetitious discourse of self-confirming national narcissism simultaneously tropes, even as it refuses, the critical idioms and historicizing logics of New Americanism in its own gestures of Cold War disavowal. But more than this, the goal that he seeks-of "an exogenous assessment of America" -echoes the very externality claimed by Pease even as he excoriates Pease, in the tenor of Pease's earlier excoriation of Crews, for being retrogressively invested in nationalizing mythologies and in orders of knowledge that make no identificatory break with "America" ("America," n). Thus, when Kadir insists that Americanists must "resist interpellation into the ideology of state apparatuses" and "pursue, consciously and assiduously, a comparative and relational refocusing of America in the larger world context," he hears no echo of his project in New Americanism, in part because the psychic temporality of past and future has been split and the roles of complicity and its negation consigned ("America," n). Internationalization no agency of state power, no discourse of recuperative potential, no product of national imaginaries-stands now on the other side of the new great divide between what was and what is not yet: an American Studies that, in Kadir's words, will "cease to be American and an instrument of official state policy and become, instead, an independent, international field of inquiry and teaching" ("America," rr). But what is an independent international field? And on what terms can we ascribe things deemed American to an unquestioned conjunction with the official operations of the state? After all, if the New American Studies is formulated in various ways by the impact and idiom of internationalization, and if its focus on identity and difference can be read as transnational and transcultural, not simply as insular and internal, as it surely can, then how do we arrive at this new Manichean framing of Americanist knowledges? Or more to the point, what position or analytic or epistemological perspective enables the transcendent recoding that inspires it, and precisely how will critics know when the study of "America" has been banished from complicity with the object once and for all? These questions are impossible to answer without undermining the internationalizing impulse altogether, which is why I stated at the outset that its most important contribution was the aspiration it named, not the various arguments put forward to materialize it. And there is nothing in Kadir's argument that leads me to second his call for an "independent international field" - certainly not one that seeks to account for relationality on a global scale by generating a critical calculus that knows in advance how to measure the relationship between national subjects and their political complicity. This is why I say that the discourse of internationalization is most interesting as a performance of the critical complexity of everything that it so urgently seeks to correct. But let me not turn toward the end of this chapter by simply reciting the critical tendency to habitual reinscription, as that would risk leaving my readers with the idea that the main problem to be addressed is Kadir's reliance on refused identification, which places him within the imaginary of the field he seeks to reject. When it comes to the conundrum of internationalization, there's more going on than this. After all, if Kadir's refusal of identification with New Americanism is at home within it, then New Americanism bears the capacity to incorporate even those critiques that most pointedly seek to challenge it, putting the project of getting outside American American Studies right in the middle of it. Such incorporative power has long been understood to belong to hegemonic operations of all kinds; indeed, as Kadir discusses, the appropriation of dissent has been central to America's exceptionalizing idiom, as it absorbs critiques of the history of imperial violence and structural discrimination by converting them into projected ideals, to be forwarded around the world as uniquely America's own.55 All this could quite powerfully suggest that New American Studies departs in identification from its object of study only long enough to restore it, albeit on less offensive grounds. And yet it is also clear that internationalization is no less burdened by the difficulty of fulfilling its aspirations than is New Americanism, which is why we can read its attempt to escape the hegemonic force of America as the very vehicle that extends and renews it as an internationalized object of concern. In the face of these mutual failures to outrun complicity, we have to say yes, as I indicated at the outset. Yes to reading the refused identification of New Americanism as a tactical investment in the object of study, one produced by demonstrating the history of U.S. democratic failure as the means to undermine the exceptionalist alibi routinely used in America's imperial pursuits. Yes too to the failure of internationalization to remain unimplicated in the project of globalization that accompanies the U.S. university's increasingly triumphant interests in transnational and post-national critical frameworks. But also no. No to the assumption they both share that takes critical practice as a privileged domain-indeed the privileged domain for simultaneously discerning and doing battle with "America" itself. Not One It is no doubt strange for me to ascribe so much seeming agency to a critical operation, as though internationalization actually is something. But in what sense is this not true? Left critique in the United States has long been convinced that ideas have material effects///

 (think ideology) or that, in fact, they are material (think race). But there is no agreed-upon understanding of precisely how ideas take on a life of their own, which is why at this late date the publishing industry still shows a healthy interest in work that pits the utility of theoretical abstraction against the empirically real. 1he more salient point for my purposes is that conceptual entities such as internationalization may lack ontological or material definition, but they nevertheless do something, and that something is often more immediately tangible in the realm of affect and critical investment than in everyday life as a disaggregated whole. This is why I began my discussion by suggesting that the primary value of internationalization is its aspiration and by situating my reading of it less in terms of the effectivity of its claims than the force of the desires that compel it-not, then, as a matter of its ability to revolutionize the ways in which Americanist knowledge is produced and practiced around the world but in the affective domain where the passages of shame, anger, and resistance begin to register the subject forming stakes of doing so. Affect, not conscious formulations**.** Relationality, not refusal. Implication, not noncomplicity. Differentiation, not opposition. At the same time, this chapter has made two distinct observations about the internationalizing project. First, I have argued that through its generative impulse to refuse identification with American American Studies, internationalization confirms its commitment to the field imaginary of the entity whose power it hopes to undo by reiterating the field-forming syntax in which refusal, exteriority, and political consciousness are fused. In thus seeking a means to overcome critical complicity not only with "America" as an imperial and globalizing historical entity but with its nation-based institutional study, the discourse of internationalization does not break with the disciplinary demands of New American Studies but defines and defends itself from within them. My second point proceeds from the first but casts its gaze in the opposite direction in order to demonstrate how the disciplinary apparatus of New American Studies is fortified, not threatened, by the challenge that internationalization brings to it. This is the case not only because New Americanism shares the same aspirations that internationalization names, as evidenced by the various scholarly trajectories developed in the past two decades-diaspora, border studies, the postnational, etc.-that have similarly sought to overcome the limits of a nation-based conceptual framework. Even more important is the way that the disciplinary apparatus of New American Studies is generated by the pursuit of critical complicities, such that the exposure of error and failure has a strategic function in sustaining the promise of resolution that stokes the b of the field. Paradoxically, then, the discourse of internationalization is internal to the operations of New American Studies precisely because of the exteriority it claims, which means that in the very act of critiquing New Americanist complicities, internationalization helps to extend the foundational promise that inaugurates the field. In forwarding these observations, my chapter has not sought to find a way to effect the transformations that internationalization desires, no matter the fact that I wholly endorse the urgency of the concerns it raises for American Studies as a disciplinary formation and academic practice in universities around the world. Nor have I promoted the possibility that other conceptual frameworks - the global or transnational for instancemight fulfill its aspirations by better addressing the problems that currently undermine its critical efforts. Instead, I have gestured toward the idea that American Studies cannot be organized into an internationalized field precisely because "the field" it invokes is not a singular formation. This suggestion, let me emphasize, is not offered as the inaugurating supposition of a new paradigm nor does it carry with it a defining critical agenda for remaking the field. It means to summarize instead the very condition of Americanist knowledge production in order to attend to the disciplinary apparatus in which the commensurability between critical practice and the agency of the object of study is congealed. The difficult issue my discussion raises then is not about ascribing false agency to internationalization. It has to do instead with what lurks beneath internationalization's aspiration to craft a set of critical practices and priorities that relieve American Studies from being implicated in the global power of its object of study. This is not simply the belief, as I have suggested above, that the relationship between the practitioner and her object of study is both an index and inscription of the social relations of U.S. global hegemony, but that practitioners can attend to the one as a means of attending to the other. In the end, such an investment in critical practice as a political agency is enabled less by the specific determinations of the field imaginary in which Americanist knowledge is produced, internationalist or not, than by the imaginary of the field through which the pursuit of noncomplicity takes hold. This imaginary confers political agency on every gesture of field transformation, not only in American Studies bur in other fields of study, as Object Lessons explores. It is the practitioner's first and most enduring disciplinary romance. It is this imaginary that promises to carry internationalization from the complicities that variously incite it to the fantastic wish for an uncontaminated future that it stands for.

### T

#### NEXT OFF IS TOPICALITY—

#### Our interpretation is that debate is a game which should revolve around the topic. Our interpretation is that the affirmative should defend some type of statutory or judicial restrictions on the war powers authority of the President of the U.S. in one or more of the following areas: targeted killing, indefinite detention, offensive cyber operations, or introduction of armed forces into hostilities.

#### “USFG should” means the debate is about a topical action established by governmental means

Jon M. ERICSON, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., 3 [*The Debater’s Guide*, Third Edition, p. 4]

The Proposition of Policy: Urging Future Action

In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### They don’t meet—they don’t do one of the 5.

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt a specific rule;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Judicial means the court

WEST’S LAW 08 [West's Encyclopedia of American Law, edition 2. http://legal-dictionary.thefreedictionary.com/judicial]

Relating to the courts or belonging to the office of a judge; a term pertaining to the administration of justice, the courts, or a judge, as in judicial power.

A judicial act involves an exercise of discretion or an unbiased decision by a court or judge, as opposed to a ministerial, clerical, or routine procedure. A judicial act affects the rights of the parties or property brought before the court. It is the interpretation and application of the law to a particular set of facts contested by litigants in a court of law, resulting from discretion and based upon an evaluation of the evidence presented at a hearing.

Judicial connotes the power to punish, sentence, and resolve conflicts.

#### Our interpretation is best—

#### 1. Predictability—ignoring the resolution opens up an infinite number of topics—this undermines our ability to have in-depth research on their arguments destroying the value of debate.

#### Modest predictability of the resolution is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Toni M. MASSARO, Professor of Law, University of Florida, 89 [August, 1989, “Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?” *Michigan Law Review*, 87 Mich. L. Rev. 2099, Lexis]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations.

My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**.

Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55

As a practical matter, therefore, our rules often are ambiguous and fluid standards that offersubstantial room for varying interpretations. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal.

Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings.

A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. We value some procedural regularity - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create expectations, and their consistent application fulfills the expectations. The modest predictability that this sort of "formalism" provides actually **may encourage human relationships**.60

#### 2. Ground—the resolution exists to create fair division of aff and neg ground—any alternative framework allows the aff to pick a moral high ground that destroys neg offense.

#### We should endorse procedures that ensure exposure of our positions to the best range of evidence and reasoning.

Cheryl **MISAK** Philosophy @ Toronto **‘8** “A Culture of Justification: The Pragmatist's Epistemic Argument for Democracy” *Episteme* 5 (1) p. 95-97

I have argued in Truth, Politics, Morality (2000) that when C. S. Peirce, the founder of pragmatism, unpacks the idea of the scientific method, the epistemic notions of truth and justification are strenuously linked to the political ideal of democracy and the values associated with it – the values of freedom of association, freedom of speech, listening to the views of others, expanding public spaces in which open debate can flourish, etc. The epistemic argument for democracy which is implicit in Peirce’s thought is, in a nutshell, as follows. One of Peirce’s many lasting contributions to philosophy was the pragmatist account of truth, on which a true belief is one that would **stand up to inquiry**. A true belief is one that is indefeasible – it would not be improved upon; it would forever meet the challenges of reasons, arguments, and evidence. Peirce argues that the best method for achieving our aspirations to truth is what he calls the method of science. He has a minimalist conception of this method – it is just the method that pays attention to experience. Then here is the connection between truth and the method of science. A true belief is one that best fits with experience and argument, so one is committed, as an inquirer or truth-seeker, to taking experience seriously. Hence, one is committed to the method of science and to trying to ensure that the experiences of all are taken into consideration. If a domain of inquiry is to aspire to truth, it must be open – it must encourage the free exchange of results, experiences, arguments, and ideas. Scientific inquiry can thus be seen as a democratic kind of inquiry. The contemporary pragmatist Hilary Putnam puts it this way: “Democracy is a requirement for experimental inquiry. . . . To reject democracy is to reject the idea of being experimental” (Putnam 1994, 64; see also his 1992, 180). Here is another way of putting the argument. We should put our beliefs through the tests of inquiry in order to make them the best they can be. We should expose our beliefs to **reasons**, **arguments**, and **evidence**. If we want to arrive at beliefs that will withstand criticism and accommodate all the evidence, then it is best to throw criticism and evidence at our beliefs so we know whether they might withstand it. Information, arguments, and evidence must be freely exchanged, so that we can ensure that our beliefs are responsive to them. Freedom of association, freedom of speech, etc. are necessary aspects of a deliberation that is suited to getting us the right answers to our questions. On the Peircean view of truth, truth is a product of human inquiry. This holds for all domains of inquiry, but it is especially clear in political inquiry. Inquirers take human interests and contexts seriously in the messy business of political deliberation (how could they not?). They are fallible and they need to seek out potentially conflicting experience if their beliefs are going to be properly aimed at truth. They never know that they have the truth in hand, but only that they are following a method that is conducive to finding the truth. 3 . DEWEY, INQUIRY, AND DEMOCRACY Dewey was the most explicit of the classical pragmatists about linking democracy and inquiry. But just as Peirce’s view needs elucidation, so does Dewey’s. Putnam is one contemporary pragmatist who offers him a hand. His Dewey argues that there are two kinds of justification of something. You can aim your justification at the skeptic or you can aim it at those who are already a part of a community in that they presuppose certain things together. This is a thought at the very heart of pragmatism: Peirce, for instance, argued that the doubts of the skeptic are “tin” or “paper” doubts, not effective against living belief. Throughout the process of inquiry or deliberation, we are aiming at revising our beliefs when prompted by real doubt. Presaging Neurath’s metaphor about building our boat of knowledge while still at sea, Peirce says that inquiry is not standing upon the bedrock of fact. It is walking upon a bog, and can only say, this ground seems to hold for the present. Here I will stay till it begins to give way. (CP 5.589, 18982) Peirce, James, and Dewey speak with one voice when they suggest that we are always immersed in a context of inquiry, where the decision to be made is a decision about what to believe from here, not what to believe were we able to start from scratch – from certain infallible foundations. Putnam (1992, 188) argues that Dewey starts with this basic pragmatist idea that we have to begin with our capacities and current practices and turns his interest to our capacities to intelligently initiate action, to talk, and to experiment. Democracy, he suggests, is a precondition of these practices. The method that we use to solve problems, from physics to politics, is to experiment, reflect, and discuss. The scientific method requires the unimpeded flow of information and the freedom to offer and to criticize hypotheses. Elizabeth Anderson (2006) describes Dewey’s account of inquiry this way. We propose solutions to the problems which press upon us, try to predict the consequences of the solutions’ implementations, and ask whether our reactions to those consequences would be positive or negative. We then test the solution that has withstood the challenge of testing in thought experiment or experiment in the imagination. That is, we see what the results actually are. Dewey thought, with Peirce, that if a belief were to always withstand challenges, if it were to always stand up to experience and argument, there is nothing higher or better we could ask of it. He too, that is, sees the pragmatist account of truth as a central feature of the pragmatist’s epistemic argument for democracy. In order to flesh out that argument, we need to address some concerns about mixing truth and politics.

#### Our argument is a *deliberative* strategy to reach consensus about the best way to debate. Our argument is not that “the aff has violated a rule and are not allowed to debate this way”—instead we say “we think the model of debate you are proposing is not productive and a model that privileges predictable advocacies would create superior debate.” We then engage in a process of debate in order to decide whether the affirmative’s or negative’s version of debate would be better.

#### Any criticism of topical action due to connection to the government crushes anti-racist, anti-patriarchy, supremacy politics.

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Questioning the Transformative View: Some Doubts About Trashing

The Critics' product is of limited utility to Blacks in its present form. The implications for Blacks of trashing liberal legal ideology are troubling, even though it may be proper to assail belief structures that obscure liberating possibilities. Trashing legal ideology seems to tell us repeatedly what has already been established -- that legal discourse is unstable and relatively indeterminate. Furthermore, trashing offers no idea of how to avoid the negative consequences of engaging in reformist discourse or how to work around such consequences. Even if we imagine the wrong world when we think in terms of legal discourse, we must nevertheless exist in a present world where legal protection has at times been a blessing -- albeit a mixed one. The fundamental problem is that, although Critics criticize law because it functions to legitimate existing institutional arrangements, it is precisely this legitimating function that has made law receptive to certain demands in this area. The Critical emphasis on deconstruction as the vehicle for liberation leads to the conclusion that engaging in legal discourse should be avoided because it reinforces not only the discourse itself but also the society and the world that it embodies. Yet Critics offer little beyond this observation. Their focus on delegitimating rights rhetoric seems to suggest that, once rights rhetoric has been discarded, there exists a more productive strategy for change, one which does not reinforce existing patterns of domination. Unfortunately, no such strategy has yet been articulated, and it is difficult to imagine that racial minorities will ever be able to discover one. As Frances Fox Piven and Richard Cloward point out in their [\*1367] excellent account of the civil rights movement, popular struggles are a reflection of institutionally determined logic and a challenge to that logic. 137 People can only demand change in ways that reflect the logic of the institutions that they are challenging. 138 Demands for change that do not reflect the institutional logic -- that is, demands that do not engage and subsequently reinforce the dominant ideology -- will probably be ineffective. 139 The possibility for ideological change is created through the very process of legitimation, which is triggered by crisis. Powerless people can sometimes trigger such a crisis by challenging an institution internally, that is, by using its own logic against it. 140 Such crisis occurs when powerless people force open and politicize a contradiction between the dominant ideology and their reality. The political consequences [\*1368] of maintaining the contradictions may sometimes force an adjustment -- an attempt to close the gap or to make things appear fair. 141 Yet, because the adjustment is triggered by the political consequences of the contradiction, circumstances will be adjusted only to the extent necessary to close the apparent contradiction.

This approach to understanding legitimation and change is applicable to the civil rights movement. Because Blacks were challenging their exclusion from political society, the only claims that were likely to achieve recognition were those that reflected American society's institutional logic: legal rights ideology. Articulating their formal demands through legal rights ideology, civil rights protestors exposed a series of contradictions -- the most important being the promised privileges of American citizenship and the practice of absolute racial subordination. Rather than using the contradictions to suggest that American citizenship was itself illegitimate or false, civil rights protestors proceeded as if American citizenship were real, and demanded to exercise the “rights” that citizenship entailed. By seeking to restructure reality to reflect American mythology, Blacks relied upon and ultimately benefited from politically inspired efforts to resolve the contradictions by granting formal rights. Although it is the need to maintain legitimacy that presents powerless groups with the opportunity to wrest concessions from the dominant order, it is the very accomplishment of legitimacy that forecloses greater possibilities. In sum, the potential for change is both created and limited by legitimation.

#### The argument that being topical is structurally unfair for them is a self-serving assertion used to sidestep clash—critiquing any part of the resolution, like the FG, to legitimize avoiding topical action gets co-opted by the right for the opposite purpose.

TALISSE 5— Robert, philosophy professor at Vanderbilt [“Deliberativist responses to activist challenges,” *Philosophy & Social Criticism*, 31.4]

\*\*\*gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

My call for a more detailed articulation of the second activist challenge may be met with the radical claim that I have begged the question. It may be said that my analysis of the activist’s challenge and my request for a more rigorous argument presume what the activist denies, namely, that arguments and reasons operate independently of ideology. Here the activist might begin to think that he made a mistake in agreeing to engage in a discussion with a deliberativist—his position throughout the debate being that one should decline to engage in argument with one’s opponents! He may say that of course activism seems lacking to a deliberativist, for the deliberativist measures the strength of a view according to her own standards. But the activist rejects those standards, claiming that they are appropriate only for seminar rooms and faculty meetings, not for real-world politics. Consequently the activist may say that by agreeing to enter into a discussion with the deliberativist, he had unwittingly abandoned a crucial element of his position. He may conclude that the consistent activist avoids arguing altogether, and communicates only with his comrades. Here the discussion ends.

However, the deliberativist has a further consideration to raise as his discursive partner departs for the next rally or street demonstration. The foregoing debate had presumed that there is but one kind of activist and but one set of policy objectives that activists may endorse. Yet Young’s activist is opposed not only by deliberative democrats, but also by persons who also call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by this one activist. Once these opponents are introduced into the mix, the stance of Young’s activist becomes more evidently problematic, even by his own standards.

To explain: although Young’s discussion associates the activist always with politically progressive causes, such as the abolition of the World Trade Organization (109), the expansion of healthcare and welfare programs (113), and certain forms of environmentalism (117), not all activists are progressive in this sense. Activists on the extreme and racist Right claim also to be fighting for justice, fairness, and liberation. They contend that existing processes and institutions are ideologically hegemonic and distorting. Accordingly, they reject the deliberative ideal on the same grounds as Young’s activist. They advocate a program of political action that operates outside of prevailing structures, disrupting their operations and challenging their legitimacy. They claim that such action aims to enlighten, inform, provoke, and excite persons they see as complacent///

, naïve, excluded, and ignorant. Of course, these activists vehemently oppose the policies endorsed by Young’s activist; they argue that justice requires activism that promotes objectives such as national purity, the disenfranchisement of Jews, racial segregation, and white supremacy. More importantly, they see Young’s activist’s vocabulary of ‘inclusion’, ‘structural inequality’, ‘institutionalized power’, as fully in line with what they claim is a hegemonic ideology that currently dominates and systematically distorts our political discourses.21

The point here is not to imply that Young’s activist is no better than the racist activist. The point rather is that Young’s activist’s arguments are, in fact, adopted by activists of different stripes and put in the service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.22 In light of this, there is a question the activist must confront. How should he deal with those who share his views about the proper means for bringing about a more just society, but promote a set of ends that he opposes?

It seems that Young’s activist has no way to deal with opposing activist programs except to fight them or, if fighting is strategically unsound or otherwise problematic, to accept a Hobbesian truce. This might not seem an unacceptable response in the case of racists; however, the question can be raised in the case of any less extreme but nonetheless opposed activist program, including different styles of politically progressive activism. Hence the deliberativist raises her earlier suspicions that, in practice, activism entails a politics based upon interestbased power struggles amongst adversarial factions.

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### Queerness Counter-method

#### Racism and heteronorativity have congruent origins so understanding one is crucial to conceptualizing the other. Attempts to understand queerness through racial lense miss the boat and reify dichotomous understandings of queer subjectivity. We should use a queer phenomenology to understand politics.

E. Manning 09 - BA, BSW, MSW (Cand.) University of Victoria, Canada (“Queerly Disrupting Methodology” http://www.kvinfo.su.se/femmet09/papers/pdf/Manning.pdf)

My own view of the critique of science is significantly informed by feminist, anti-racist (feminist), anti-colonial and poststructural analyses and their well established critiques of the effects of science’s discursive productions and material tyranny. “Feminists have struggled to expose scientific knowledge produced by particular male selves in particular social locations” (Ramazanoglu & Holland 2002: 37). Terry (1995: 155) suggests, “biological arguments about race had long been seen as the handmaidens of racism, just as those about gender were identified to be a central part of the architecture of sexism”. How well oppression works is based largely on the interlocking configurations of oppressions. Somerville (2000: 17) examines how contingent the making of race and homosexuality are:

My aim is not to replace a focus on gender with that of race but rather to understand how discourses of race and gender buttressed one another, often competing, often overlapping, in shaping emerging models of homosexuality, I suggest that **the structures and methodologies that drove dominant ideologies of race also fueled the pursuit of knowledge about the homosexual body: both sympathetic and hostile accounts of homosexuality were steeped in assumptions that had driven previous scientific studies of race**.

Foucault traced the discursive production of sexuality through science in the History of Sexuality, Vol. I and argued the “domain of sexuality has been increasingly constructed in terms ofscientific knowledge, which he terms ‘scientia sexualis.’ Sexual science has been concerned with classifying, analyzing and examining sex in minute detail… [and] constitutes sex as a problem of truth” (O’Brien 1999: 131). Although science has been highly critiqued, newer or rather reconstituted, forms of positivist thought are also being questioned as to their utility for disruptive queer agendas.

Touted as a non-ideological, pragmatic tool, evidence-based research could arguably be considered reverse discourse in its updated, sleek and highly consumable model. Grundy & Smith (2007: 297) examine how “ ‘evidence’ generated from select academic and policy research, statistics, evaluations and pilot projects” are tools of “advanced liberal governmentality”. Halperin (1995: 18) suggests:

**modern forms of governmentality actually require citizens to be free, so that citizens can assume from the state the burden of some of its former regulatory functions and impose on themselves** – of their own afford – **rules of conduct and mechanisms of control**….liberal power…normalizes, “responsibilizes,” and disciplines.

Within a Foucauldian framework, LGBT research conducted as part of advanced liberal governmentality can be seen as a tool of self-regulation and reverse discourse. Grundy & Smith (2007) emphasize how social science research raises the “thorny issue of ‘ontological politics’” (300) and caution these tools’ usefulness as “LGBT social science makes some queer realities real at the expense of others” (299). They point to the Canadian 2006 census for making visible those in same-sex relationships and making invisible transgender, intersex, transsexual people as well as LGBT and queer people not in same-sex relationships.

We have not arrived as individuals, but as relationships. It is not gay men and lesbians who have arrived, but same-sex couples…. It is part of the way in which our membership as sexual minorities in the Canadian nation is mediated through the lens of respectable relationships. (Cossman as cited in Grundy & Smith 2007: 303)

The undercurrent of Grundy & Smith’s argument is useful in highlighting another characteristic of queer methodologies – that is, rejecting attempts to legitimize and solidify shifting, mobile existences. One feature of this act centres on how respectability gets taken up and who gets constructed as reputable within the heteronormative frameworks. This feature of respectability is one I associate with a homonormative agenda as it advocates for rights and benefits for the “normal” ones at the expense of ones who are constructed as deviant. Some important questions to ask to guard against reconstituting this normative agenda in methodology are related to the research’s ontology and epistemology: Who is getting measured and who is not getting counted? Can you quantify something fluid and shifting?

Philosophically speaking, Ahmed (2006) proposes a queer phenomenology. Phenomenology looks to describe the lived experience or the essence of a phenomenon. The idea of intentionality of consciousness is also significant in a phenomenological study as:

this idea is that consciousness always is directed *towards* an object. Reality of an object, then, is inextricably *related to one’s consciousness* of it. Thus, reality, according to

Husserl, is not divided into subjects and objects, thus shifting the Cartesian duality to the

meaning of an object that appears in consciousness. (italics added, Creswell 1998: 53)

 What links phenomenology as a research methodology and Ahmed’s ideas of queer phenomenology are the attention to orientation and ontology. Ahmed (2006: 68) suggests “**a queer phenomenology might offer an approach to sexual orientation [and racialization] by rethinking how the bodily direction “toward” objects shapes the surfaces of bodily and social space**”. She continues to expand on how this approach “would function as a disorientation device; it would not overcome the ‘disalignments’ of the horizontal and vertical axes, allowing the oblique to open up another angle on the world” (Ahmed 2006: 172). For a research methodology, queering the orientation of the researcher or calling into being a queer ontological perspective would support phenomenology as a queer methodology. Crucially, however, though existences are only able to be if we are conscious of them, Ahmed (2006: 179) warns:

**queer is not available as a line that we follow**, and if we took such a line we would

perform a certain injustice to those queers whose lives are lived for different points. For

me, the question is not so much finding a queer line but rather asking what our

orientation toward queer moments of deviation will be.

 Her question can also speak to cautions of queer methodologies: to not solidify or essentialize our orientation within a research paradigm, but to examine the moments of Otherness, the strange, the deviant, the disorientation.

 (Re)shaping Methodology

Several researchers, theorists and academics have taken up queer methodologies (Halberstam 1998; Holliday 2000). My goal is to articulate what is unique about a queer methodology. I propose queer methodologies are shifting, changing and becoming. I argue queer methodologies have a particular interest in a way of being that centres a particular kind of politics – a queer ontology. Conceptualizing ways of being beyond the binary systems of positivism means that certain existences come into view. The goal of my queer methodology, at this particular time, is to do several things: first, to challenge invisibility, normalcy and stability which are produced by dichotomous understandings; second, to resist neo-liberal, assimilation and reverse discourses; and last, to expose and deconstruct respectability, heteronormativity and homonormativity. For my own work, discourse analysis is of particular interest as I examine HIV research findings. A queer methodology enables me to ask questions rooted in a poststructural feminist perspective in a way other methodologies prohibit. My political agenda embedded within my methodology directly impacts on practices of sexual health care and research.

 Practicing a Queer Methodology

As an area of great significance to those who practice non-normative sex, sexual health reveals hetero- and homonormative understandings. A queer analysis unearths these undercurrents which remain obscured by a normative approach and partially invisible even through a LGBT lens. I expand on how a queer methodology can expose and disrupt these deadly agendas. The history of the modern gay liberation movement is deeply impacted by the effects of HIV/AIDS. For decades, sexual deviants have challenged dominant, heteronormative understandings of sexuality and found “ways of breaking down monopolies of professional expertise, ways of democratizing knowledge, and ways of credentializing the disempowered so that they can intervene in the medical and governmental administration of the epidemic” (Halperin 1995: 28). HIV/AIDS is a site of contestation of politics, specifically in terms of how identity politics impact the visibility of various sexual identities.

**When gay men and lesbians (or any sexual minorities, for that matter) are viewed under an “ethnic identity model,” it “promotes a view of sexuality as an essentially private matter** that produces some discord when individuals are prevented from accessing legal or civil rights enjoyed by the mainstream” (Hick 2008: 68). Relating back to ontological politics, **it also essentializes gay men and lesbians as a knowable, stable category.** This is relevant to research methodologies in that:

Reliance upon an ethnic identity model also discourages reflexivity about the ways in which sexuality is theorized. So a ‘lesbian and gay affirmative practice’ simply reinforces the sexual identity model, and even suggests, ‘there is no need to develop a new model or theory of social work practice with lesbians, gays, and bisexuals.’ (Hicks 2008: 68-69)

Some gay men and lesbians, primarily those who deem themselves “respectable,” promote certain sexualities and thus take up a homonormative agenda. This does two things: first, it makes trans, intersex, pansexual and other queer people invisible and deviant; and second, it reconstitutes reverse discourses working against gay liberation by not calling into question what is normal. **By making gay and lesbian identities circumscribable** (regardless of who is doing this) **through an ethnic identity model, we all become quantifiable and fixed**. **The danger of this is that once we have been sufficiently studied (by the omnipresent, hetero/homonormative dominant), the hetero-norm is reaffirmed “because heterosexuality is the standard from which others are seen to differ” and reifies homosexual as an object of study** (Hicks 2008: 68).

A queer methodology intentionally does not attempt to reify mobile, unstable “disorientations.” Instead, it exposes hetero- and homonormativity. A queer methodology reveals the complex plurality of sex, gender and sexuality. In analyzing the Gay and Lesbian Medical Association’s (2006) Guidelines For Care Of Lesbian, Gay, Bisexual And Transgender Patients and the Public Health Agency of Canada’s (2006) Canadian Guidelines On Sexually Transmitted Infections with a queer methodology, what is made clear is how sex and gender categories are stabilized within the binary systems of male/female and man/woman (Manning, forthcoming). In an attempt to minimize the essentializing of sexuality, the terms “men who have sex with men” (MSM) and “women who have sex with women” are employed. This conflation of sex and gender not only obscures these social constructions, but makes invisible intersex, trans and queer people. “Within a binary heterosexual/homosexual paradigm, what is a transgendered person’s gender opposite? Or better yet, why must we define our sexuality in relation to gender object choices rather than in relation to sexual acts themselves?” (Thaemlitz 2006: 182). Although the term MSM was initially used to trouble the seemingly distinct categories of homosexual and heterosexual, it is problematic as it is firmly entrenched within the bin ary construct of sex.